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TOWN CLERK
TOWN OF WESTWOOD



**WESTWOOD HISTORICAL COMMISSION
TOWN OF WESTWOOD, MASSACHUSETTS**

**RULES AND REGULATIONS
FOR WESTWOOD GENERAL BYLAW CHAPTER 250A
HISTORIC STRUCTURE DEMOLITION**

ADOPTED February 7, 2017

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1.5 DEFINITION OF TERMS

All capitalized terms used in these Rules and Regulations which are not specifically defined herein shall be construed in accordance with Section 250A-2 [Definitions] of the Town of Westwood Demolition Bylaw.

The following terms and constructions shall apply unless a contrary meaning is required by the context or is specifically prescribed in the text of these Rules and regulations or in the Demolition Bylaw. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word "shall" is mandatory and "may" is permissive or discretionary. The word "and" includes "or" unless the contrary is evident from the text. The word "includes" or "including" shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances or items of like character or kind. The word "person" includes a firm, association, organization, partnership, company or corporation, as well as an individual. Terms and words not defined herein but defined in the Commonwealth of Massachusetts state building code shall have the meaning given therein unless a contrary intention is clearly evident in these Rules and regulations or in the Demolition Bylaw.

Applicant Any person who files an Application for Demolition Authorization pursuant to the Demolition Bylaw and these Rules and Regulation.

Application An application filed in the Office of the Westwood Town Clerk and with the Commission by the owner of record of the premises, or the holder of a bona fide purchase and sale agreement for such premises, pursuant to the Demolition Bylaw and these Rules and Regulations on an official Demolition Authorization Application Form, including all plans, photographs, exhibits, analyses and any other information and/or attachments associated with that filing.

Application Form An official application form produced and disseminated by the Commission for use in filing an Application for Demolition Authorization, which may be amended from time to time.

Building Commissioner The Building Commissioner of the Town of Westwood

Commission The Westwood Historical Commission.

Demolition Authorization A decision rendered by the Commission pursuant to the Demolition Bylaw and these Rules and Regulations and filed in the Office of the Westwood Town Clerk which includes the earliest possible date on which a building or structure regulated under the Demolition Bylaw and these Rules and Regulations may be demolished.

Demolition Bylaw The Demolition Bylaw codified as Section 250A of the Town of Westwood General Bylaws.

information contained in the application. The Application must be signed by both the applicant and (if different) the owner of record at the time of Application. If the Applicant is not the owner of the premises upon which the building is situated, the property owner must indicate on or with the Application his/her assent to the filing of the Application.

3.2 NUMBER OF COPIES

At the time of application, the Applicant shall file one (1) paper copy of the official Application Form and all plans, photographs, exhibits, analyses and any other information and/or attachments with the Office of the Town Clerk. The Applicant shall also file with the Commission one (1) electronic copy and six (6) paper copies of the official Application Form, and one (1) electronic copy, and six (6) paper copies of all plans, photographs, exhibits, analyses and any other information and/or attachments. For plans filed with the Commission, one (1) plan set shall be size 24" x 36" and five (5) plan sets shall be size 11" x 17". For plans filed with the Office of the Town Clerk, the plan set shall be size 11" x 17". All copies of the Application Form and all plans, photographs, exhibits, analyses and any other information and/or attachments shall be stamped by the Office of the Town Clerk before filing with the Commission.

3.3 REQUIRED SUBMITTAL ITEMS

Plans, elevations or photographs, and other exhibits showing existing and proposed conditions, sufficient to properly inform the Commission about the historic and/or architectural significance and integrity, or lack thereof, of each building or structure proposed for Demolition shall be submitted as part of the Demolition.

3.3.1 General Information Required on Plans. Where plans are submitted, Plan sheets shall contain the following general information, which shall appear on each individual plan sheet:

- 3.3.1.1** Title block containing the name of the project.
- 3.3.1.2** Name of Applicant and property owner of record.
- 3.3.1.3** Name, address and imprint of the professional registration stamp of the Registered Landscape Architect, Registered Professional Land Surveyor and/or Registered Professional Engineer responsible for the preparation of each sheet.
- 3.3.1.4** Title and number of each sheet (i.e. Sheet Number 1 of 6 sheets).
- 3.3.1.5** Date of plan and the date of any subsequent revision, with the revisions noted on each sheet.
- 3.3.1.6** Scale and arrow oriented to true north.
- 3.3.1.7** Legend denoting any signs or symbols not otherwise explained.

shall be treated as an Application for Pre-Determination pursuant to Section 250A-7 of the Demolition Bylaw.

3.3.5 Additional Information. The Applicant may submit photographs and/or exhibits, including whatever additional information the Applicant feels is relevant to properly inform the Commission about the historic and/or architectural significance and integrity, or lack thereof, of each building or structure proposed for Demolition, including but not limited to, legal opinions, deeds, historical data, studies and reports. The Commission is empowered to request information in addition to that submitted by the Applicant, if it finds that such information is necessary to properly act upon the application. The Applicant is not obligated to provide additional requested information, but if the Applicant refuses such request, the Commission shall base its decision on information and materials that are available at the hearing.

3.4 CERTIFIED ABUTTERS AND PARTIES IN INTEREST

A list of Certified Abutters and Parties in Interest shall be created and certified by the Westwood Board of Assessors. The Parties in Interest shall include:

- Applicant;
- Abutters;
- Owners of land directly opposite on any public or private street or way and abutters to the abutters within three hundred (300) feet of the property line of the subject property as they appear on the most recent applicable tax list (which includes any applicable abutters in abutting communities);
- Commission;
- Westwood Historical Society;
- Any authorities with potential jurisdiction pursuant to Section 250A-4C of the Demolition Bylaw.

3.5 OTHER APPROVALS

The Applicant shall provide a list and copies of all variances, permits, special permits, subdivision approvals, and/or orders of conditions previously issued by other Town boards and Commissions or State and Federal agencies applicable to the subject property, and a list of any variances, permits, special permits, subdivision approvals, and/or orders of conditions required to complete the proposed work. This list should include, but not be limited to, any approvals required by the Board of Health, Conservation Commission, Zoning Board of Appeals, Planning Board, MassDOT Highway Division, Massachusetts Department of Environmental Protection, U.S. Army Corp. of Engineers, and certificates issued by the Secretary of Energy and Environmental Affairs under the Massachusetts Environmental Policy Act.

3.6 REQUESTS FOR WAIVERS

Strict compliance with these Rules and Regulations may be waived if the Commission finds that the waiver is in the public interest or is not applicable to the project, and is consistent with the intent and purpose of these Rules and Regulations and the Westwood Demolition Bylaw. A request from an Applicant for a waiver of these Rules and Regulations must be

4.3.1 Notice of Public Hearing. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the Town of Westwood not less than five (5) days before the date of the public hearing, and by posting such notice in a conspicuous place in the Town Hall for a period of not less than five (5) days before the public hearing. Notice shall also be sent by mail, postage prepaid, to all Certified Abutters and Parties in Interest as defined in Section 3.4 of these Rules and Regulations. In all cases, notification of the public hearing shall be the responsibility of the Commission.

4.3.2 Rules of Procedure for Public Hearings. An Applicant may appear on his own behalf, or may be represented by an authorized agent or attorney. In the absence of an appearance on behalf of an Applicant, without cause, the Board may make a decision on the basis of available information otherwise received. The Commission Chair shall preside at all public hearings and meetings. The Vice Chair of the Commission shall preside as Acting Chair and perform the duties of the Chair in the Chair's absence. The Applicant or his duly authorized representative shall present evidence, testimony or other information in support of the application. Following the Applicant's presentation, the Commission may question the Applicant regarding the evidence, testimony or other information presented. Any persons in attendance will then be given the opportunity to speak or provide testimony. No person shall speak until recognized by the Chair, and all speakers shall then provide their names and addresses for the record. All written communication shall be submitted into the record if delivered at the public hearing or postmarked or delivered to the Commission at the Department of Community & Economic Development prior to the close of the public hearing. No further evidence, testimony or information shall be presented or entered into the record after the close of the public hearing.

4.4 WITHDRAWAL OF APPLICATION

An Applicant may withdraw an application without prejudice by written notice to the Commission at any time prior to the publication of the notice of the public hearing. After such public notice, withdrawal of an application without prejudice shall be permitted only by majority vote of the Commission.

4.5 DETERMINATIONS AND FINDINGS

The Commission shall review the Application in the course of a duly noticed public hearing, and shall determine whether or not the buildings or structures proposed for Demolition constitute or reflect distinctive features of the architectural, cultural, or historic resources of the Town. The Commission shall make the following determinations and findings:

4.5.1 Determination of Historical or Architectural Significance. The Commission shall first determine whether the building or structure is a Historic or Architecturally Significant Structure, as defined in the Demolition Bylaw.

4.5.4.1 Positive Finding. If the Commission makes a positive finding that any delay that may be caused by the employment of the Demolition Bylaw would cause significant hardship, financial, or otherwise, it shall issue a Demolition Authorization Decision in accordance with Section 4.7 of these Rules and Regulations, setting the earliest possible date for the Demolition of the building or structure no more than twenty-one (21) days after the filing of such decision in the Office of the Town Clerk.

4.5.4.2 Negative Finding. If the Commission makes a negative finding that any delay that may be caused by the employment of the Demolition Bylaw would not cause significant hardship, financial, or otherwise, it shall make additional findings pursuant to Section 4.5.5 of these Rules and Regulations.

4.5.5 Finding of Satisfaction of Purposes of Bylaw. The Commission shall next determine whether the purposes of the Bylaw have been properly addressed through satisfaction of each of the following requirements:

- (1) The structure has been fully documented to the satisfaction of the Commission; and
- (2) All salvageable and valuable artifacts and materials have been or will be removed and preserved to the satisfaction of the Commission; and
- (3) The Commission is satisfied that there is no reasonable likelihood that the applicant, owner, or some other reasonable person or group is willing to purchase, preserve, rehabilitate, restore, or relocate said building structure; and
- (4) The Commission is satisfied that the owner has for a period of at least six months, including periods of time prior to the date of submission of the Application, made continuing, bona fide, and reasonable efforts to locate a purchaser to preserve, rehabilitate, restore, or relocate said building or structure, and that such efforts have been unsuccessful; and
- (5) The Commission is satisfied that the proposed demolition may be conducted in a manner that is not detrimental to the historic or architectural resources of the Town.

4.5.5.1 Positive Finding. If the Commission makes a positive finding that all of the above requirements have been fully satisfied, it shall issue a Demolition Authorization Decision in accordance with Section 4.7 of these Rules and Regulations, setting the earliest possible date for the Demolition of the building or structure no more than twenty-one (21) days after the filing of such decision in the Office of the Town Clerk.

4.5.5.2 Negative Finding. If the Commission makes a negative finding that any one or more of the above requirements have not been fully satisfied, it shall issue a Demolition Authorization Decision in accordance with Section 4.7 of these Rules and Regulations, setting the earliest possible date for the Demolition of the building or structure no more than six (6) months after the date of filing the Application in the Office of the Town Clerk.

hearing pursuant to Section 4.3 of these Rules and Regulations, and all requirements of these Rules and Regulations shall apply in the same manner as for an original Application.

SECTION 5.0 CONSTRUCTIVE APPROVAL

Failure by the Commission to file a Demolition Authorization Decision with the Office of the Town Clerk within five (5) days following the close of the public hearing, or the extended time agreed upon by the Commission and Applicant, shall be deemed to be a constructive grant of the Demolition Authorization. An Applicant who seeks constructive approval by reason of the failure of the Commission to act within the required time period must provide written notification to the Office of the Town Clerk within five (5) days of the expiration of such time period. The Applicant must within five (5) days of the expiration of such time period notify all Parties in Interest by mail, postage prepaid, of the constructive grant. The notice shall specify that appeals, if any, must be made pursuant to M.G.L. Chapter 40A, Section 17 and filed within twenty (20) days after the date the Office of the Town Clerk received written notification from the Applicant that the Commission failed to act within the prescribed time period. In the event a Demolition Authorization is deemed granted as the result of the failure of the Commission to act within the prescribed time period, the Applicant shall follow the procedures outlined in Section 5.4 of these Rules and Regulations.

SECTION 6.0 APPEALS

Any person aggrieved by a decision of the Commission may appeal such decision to a court of competent jurisdiction within twenty (20) days after the date the Demolition Authorization Decision was filed with the Office of the Town Clerk.

SECTION 7.0 RESPONSIBILITY FOR SECURING PROPERTY

The property owner shall be responsible for securing any vacant building or structure regulated under the Demolition Bylaw and these Rules and Regulations, to the satisfaction of the Commission, until such time as a Demolition Permit is issued by the Building Commissioner. Failure to properly secure such building or structure, which results in the destruction of such building or structure through fire or other cause which could have been prevented by properly securing such building or structure shall be considered a voluntary demolition in violation of the Demolition Bylaw. In such case, no Building Permit shall be issued with respect to the premises upon which the building or structure had been voluntarily demolished for a period of two years after the date of the start or completion of such Demolition.

SECTION 8.0 PERMITS REQUIRED

8.1 DEMOLITION PERMIT REQUIRED

TOWN OF WESTWOOD HISTORICAL COMMISSION

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TOWN CLERK
TOWN OF WESTWOOD

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Date: February 7, 2017