March 15, 2001

Bylaw Governing the Demolition of Historically Significant Buildings:

Adopted April 24, 2000

Section 1. INTENT AND PURPOSE

This by-law is adopted for the purpose of protecting the historic and aesthetic qualities of the Town of Chilmark by preserving, rehabilitating or restoring whenever possible, buildings, and structures which constitute or reflect distinctive features of the architectural and/or historic resource of the Town, thereby promoting the public welfare and preserving the cultural heritage and character of the Town of Chilmark.

Section 2. DEFINITIONS

A. "Application"

An application for a permit for the demolition or razing of a structure

B. "Building Inspector"

The person occupying the office of Building Inspector or otherwise authorized to issue demolition permits.

C. "Commission"

The Chilmark Historical Commission

D. "Demolition"

The act of pulling down, destroying, removing or razing an entire building or commencing or carrying out the work of total or substantially total destruction of an entire building with the intent of completing the same.

E. "Historically Significant Building or Structure"

A structure which is:

1. listed on, or is within an area listed on, the National Register of Historic Places or is the subject of a pending application for listing on said National Register;

2. included in the Comprehensive Survey of Historic Structures prepared by the Commission including those buildings listed for which complete surveys may be pending;

3. is listed in the Chilmark Master Plan, Historic Resources Section:

4. has been determined by a vote of the Commission to be historically or architecturally significant in terms of period, style, method of building construction, or association with a famous architect or builder provided that, after a public hearing, the owner of such a building and the Building Inspector have been notified, in hand or by certified mail, of such vote.

F. "Premises"

The parcel of land on which an historically significant structure is located..

G. "Demolition Permit"

Any demolition permit issued by the Building Inspector under the State Building Code which authorizes the destruction, demolition, razing or removal of an entire building or substantially an entire building.

SECTION 3. PROCEDURE:

3.A) Upon receipt of an application for a demolition permit the Building Inspector shall within five (5) working days forward a copy to the chairman of the Historical Commission or his/her designee and the Executive Secretary. No demolition permit shall be issued at this time.

3.B) Within twenty (20) days from its receipt of a demolition permit application, the Commission shall determine whether the structure in question is an Historically Significant Structure. The applicant for said permit may within this time frame make a presentation to the Commission if he or she chooses to do so. If the Commission determines that the structure is not an Historically Significant Structure, the Commission shall so notify the Building Inspector and/or owner(s) of the structure(s) in writing within five(5) days of such determination and at this time a Demolition Permit may be issued.

3.C) If the Commission finds that the structure is an Historically Significant Structure, the Commission, in cooperation with the applicant, shall fix the date for a public hearing and shall give public notice thereof by publishing notice of the time, place and purpose of said hearing in a local newspaper, and also a the town hall at least 14 calendar days prior to said hearing. In addition to this, notice shall be mailed to the applicant(s) within seven (7) days of said hearing, and to the abutters of said premises in question within a radius of not more than one hundred (100) feet, as they appear on the most recent tax list. The hearing shall be held no later than forty (40) days from the determination under Section 3.B that a structure is an historically significant structure.

3.D) The Commission shall make a determination under Section 3.E of Section 3.F (below) no more than fourteen(14) days after completion of a public hearing under Section 3.C.

3.E) If, after such hearing, the Commission determines that the demolition of the Historically Significant Structure would not be detrimental to the historical and architectural heritage or resources of the town, the Commission shall so notify the Building Inspector within ten (10) calendar days of such determination. Upon receipt of such notification , or after fifteen (15) calendar days from the date of the conduct of the hearing, if the Building Inspector has not received notification from the Commission, he/she may, subject to the requirements of the State Building Code and any other applicable laws, by-laws, or rules and regulations, issue the demolition permit.

3.F) If the Commission determines that the demolition of the Historically Significant Structure would be detrimental to the historical or architectural heritage resources of the town, such structure shall be considered a "Preferable Preserved Structure." At this time the Commission shall give a written statement to the owner(s) of said structure and all concerned parties, as well as the Building Inspector and any other town offices that the Commission deems necessary to notify, outlining and defining the reason(s) for such determination. In order to allow the applicant(s) of a Preferably Preserved Structure the time to find alternative methods as opposed to demolition, no demolition permit shall be issued for the structure in question for a period of not more than six (6) months from the date of such determination by the Commission.

3.G) Notwithstanding the preceding sentence, the Building Inspector may issue a demolition permit for a Preferably Preserved Structure at any time after receipt written notice from the Commission to the effect that either:

1.The Commission is satisfied that there is no reasonable likelihood that either the owner(s) applicant(s) or some other person(s) or group is willing to purchase, preserve, rehabilitate, restore or remove such structure in question, or

2. The Commission is satisfied that the owner has made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate, restore or remove the subject structure, and that such efforts have been unsuccessful.

SECTION 4 RESPONSIBILITY OF OWNER

4.A) The owner(s) of a Preferably Preserved Structure shall be responsible for participating in the investigation of options and for facilitating the process by providing any necessary information, allowing access to the property, securing the premises, and being actively cooperative in seeking alternatives with the Commission and any interested parties.

SECTION 5 ENFORCEMENT AND REMEDIES

5.A)The Commission and the Building Inspector are each authorized to institute any and all proceedings in law or equity as they deem necessary and appropriate to obtain compliance with the requirements of this by-law or to prevent a violation thereof.

5.B) Anyone who demolishes a structure, in whole or in part, as defined within the definition section of this by-law without notifying or receiving prior consent from the Commission and Building Inspector, shall be subject to a fine of not more than Three Hundred Dollars ($300). If the Commission subsequently determines that the building that has been demolished was an Historically Significant Structure, building permit for said premises shall not be issued for a period of five (5) years from the date of such demolition.

SECTION 6. SEVERABILITY

6.A) If any section, paragraph or part of this by-law be for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect.

A true record. Attest:

Margaret T. Orlando
Town Clerk