

Proposed Demolition Delay General Bylaw

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Demolition Delay General Bylaw - Project Summary

- To add a Demolition Delay Bylaw to help protect Fairhaven's Historic Character by preserving and protecting significant buildings and neighborhoods that exemplify the history of the town, encourage owners of historic buildings to seek alternatives that will preserve, rehabilitate or restore such buildings, create incentives to make it easier for homeowners to do so and alert residents to impending demolitions of significant buildings.
- The Massachusetts Historic Commission (MHC) recommends that the Demolition Delay bylaw should be passed as a General Bylaw, not a Zoning Bylaw.
- The MHC recommends that the Demolition Delay bylaw is for at least a (12) twelve-month delay period even though most demolition delay bylaws in Massachusetts are for six months.



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Why do we need a Demolition Delay Bylaw?

- The Town of Fairhaven has been bequeathed four historic and magnificent buildings that are listed on the National Register of Historic Places and several more structures that are eligible to be listed on the National Register;
- The Town of Fairhaven takes great pride in these buildings and makes efforts every year to maintain and utilize them and keep them active and vital to the identity of the Town;
- The image of one of these iconic structures is the logo for the Town of Fairhaven;



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Why

- The Town of Fairhaven has hundreds of individual homes constructed with pride and style and built to last that together add to the character and fabric of the community and Town;
- The Town recognizes that many hundreds of these historic structures are individual homes that are private property with inherent rights of use and enjoyment within the bounds of the General Laws of the Commonwealth and the Code Book of the Town.
- A number of these historic homes have been torn down, or are being threatened with demolition, without any notice or attempt at restoring, rehabilitating, salvaging parts or documenting;



Why

- The Town of Fairhaven 2040 Master Plan states: Historic resources serve many roles, including creating a tangible link to a Town's heritage, providing distinctive characteristics to a Town's many neighborhoods, and serving as an economic stimulus for local business owners. They inspire pride in a Town's history, provide solid building stock, and serve as a catalyst for economic development;
- The Town of Fairhaven 2040 Master Plan states that its first goal in the Historic and Cultural Resources Section of the Master Plan is to "Enact a Demolition Review Bylaw";
- The Town of Fairhaven, blessed with hundreds of historic structures currently has no protections for historical structures;



Therefore, the Planning Board *and* the Historical Commission of Fairhaven propose a Demolition Delay as a General Bylaw as a measure to help protect Fairhaven's Historic Character by preserving and protecting significant buildings and neighborhoods that exemplify the history of the town, encourage owners of historic buildings to seek alternatives that will preserve, rehabilitate and/or restore such buildings, create incentives to make it easier for homeowners to do so and alert residents to impending demolitions of significant buildings so that all measures to protect our history can be exerted.



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Proposed Fairhaven Demolition Delay General Bylaw

- *Any building proposed for demolition or significant alteration, in whole or in part, **built before 1921 or those built after this date which have otherwise been determined by the Historic Commission to be potentially historically or architecturally significant based on established criteria**, shall be referred to the Historic Commission for a public hearing to determine if they are “preferably preserved”. Any building which the Historic Commission determines to be preferably preserved shall not be demolished within **twelve (12) months** of such determination in order for the Historic Commission and the Town to seek alternatives to demolition in order to protect the historic character of the community.*

Intent and Purpose of the Demolition Delay By-Law

This By-Law is enacted for the purpose of preserving and protecting historic and architecturally significant buildings within the Town of Fairhaven that constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the town and to limit the detrimental effect of demolition on the character of the town.

This By-Law provides:

- An opportunity to develop preservation solutions for significant buildings threatened with demolition;
- An opportunity to inform residents of the town of impending demolitions of significant buildings;
- A reasonable time for public notice and discussion by interested parties to preserve such buildings;
- An opportunity to create an historical record, including photographs, of significant buildings prior to demolition.

Demolition Delay Process

- The applicant files for a Demolition Permit.
- Building Inspector finds the building is subject to the Demolition Delay bylaw.
- Building Inspector forwards to the Historical Commission & Planning Dept. because it was built before 1921 or has been identified as potentially significant.
- The Historical Commission holds a public hearing.
- The Hist. Comm. determines that the building is not “preferably preserved”.
 - Then the Demolition Permit can be issued.
- The Historical Commission determines that the building is “preferably preserved”.
 - Then the Twelve (12) month Demolition Delay takes effect.
 - Alternatives to demolition are investigated and considered.
 - The structure is documented.

PREFERABLY PRESERVED

- If a Building proposed for demolition was built before 1921 or is on a list approved by the Historical Commission believed to be potentially historically or architecturally significant; then
- The HC will hold a public hearing to determine if it is “preferably preserved”.
- If it is determined preferably preserved then the Delay begins.
- If not then a demolition permit may be issued.
- As noted determining whether a Building is preferably preserved may depend on whether it is associated with historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or the Commonwealth; or in terms of period, style, method of building construction or association with a recognized architect or builder, either by itself or in context. Other Factors may include whether the structure is unique, its physical condition, visibility and how it affects the surrounding area.

Criteria for what is Historic, Significant & Preferably Preserved

- MHC Definition of “**SIGNIFICANT BUILDING**” - Any building, in whole or in part, which has been determined by the Historic Commission to be significant based on any of the following criteria:
 - The Building is listed on, or is within an area listed on, the National (and/or State) Register of Historic Places; or
 - The Building has been found eligible for the National (and/or State) Register of Historic Places; or
 - The Building is importantly associated with:
 - one or more historic persons or events, or
 - with the broad architectural, cultural, political, economic or social history of the Town or the Commonwealth; or
 - The Building is historically or architecturally important (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

Possible Incentives to Consider

- Potentially significant historic buildings subject to the Demolition Delay Bylaw should derive some benefit from that status.
- Possibilities Include:
 - Buildings on the list become eligible for alternatives and exemptions to certain aspects of the Building Code so re-using them is not as expensive.
 - Buildings on the list become eligible for zoning relief. For example, if a Building is determined “Preferably Preserved”, they might be allowed to create new structures or units on the property that otherwise would not be allowed.
 - The Town, or others, could create an annual award for best preservation by individuals or groups who own and preserve significant private property.
 - The Town could create some tax relief for historic buildings.
 - Commercial Properties are eligible for Historic Tax Credits.
 - Other Possibilities: CPA; CDBG Housing Rehabilitation Program;













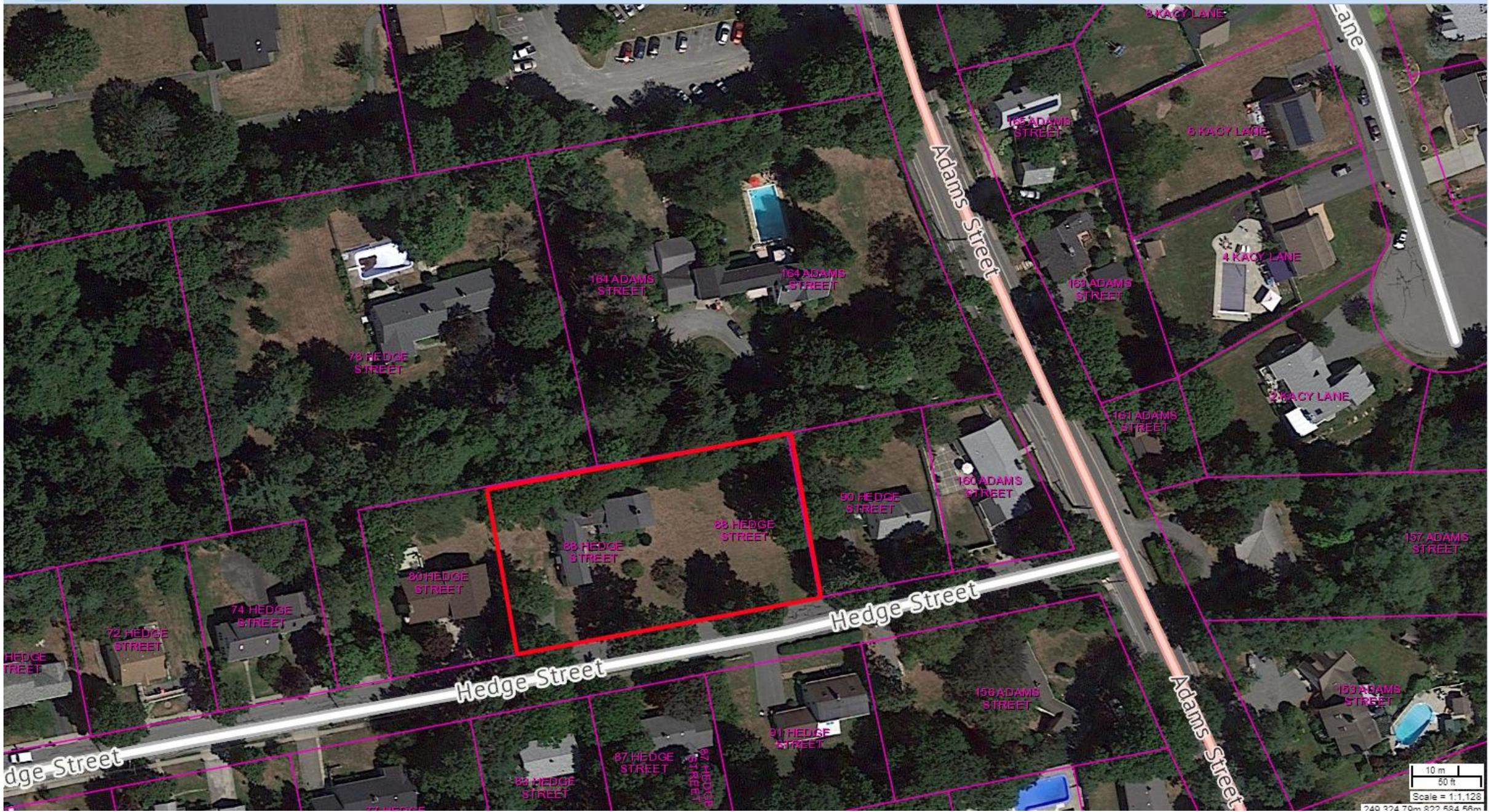






88 Hedge Street - After





Adams Street – Built 1830

Planning Dept. received inquiry – 1.6 acres

To see if this could be demolished to build a multi-family building.

