

Town of Orleans
Demolition Delay Bylaw
Notice of Intent

106-3. Procedures

A). No permit for the demolition of a "significant" building as defined in Section 2.3 shall be issued other than in conformity with the provisions of this Bylaw and the provisions of all other laws applicable to the demolition of buildings and the issuance of permits generally.

- 1) Any person who intends to file an application for a permit to demolish a "significant" building shall first file a "Notice of Intent to Demolish a Significant Building" with the Building Commissioner. In addition, the applicant shall complete the review process set forth in this Section.
- 2) The Notice of Intent shall include the following:

Applicant:

Name _____
Address _____
Phone number _____
Interest in property _____

Owner (if different):

Name _____
Address _____
Phone number _____

Owner authorization: _____ date: _____
(Signature required)

____ Map showing the location of the building or structure to be demolished on the property and with reference to neighboring properties and a list of the immediate abutters from the most recent tax list. HDC 1/14/08

____ Description of the building or structure or part thereof to be demolished and indicate and or describe how the property will be used after the demolition.

____ Photographs of the building or structure or part thereof to be demolished

_____ A statement of the reason for the proposed demolition and data supporting said reason, including where applicable, data sufficient to establishing any economic justification for demolition.

B) The Commission shall hold a public hearing on each such Notice of Intent within 45 days after the date it is filed with the Building Commissioner. The Commission shall give public notice thereof by publishing twice a notice of the time, place and purpose of the hearing in a local newspaper with the first notice being published at least fourteen (14) days before said hearing. A copy of said notice shall be mailed to the applicant, to the owners of all abutting property as they appear on the most recent tax list, to the Building Commissioner, Planning Board and Conservation Commission. Commission meetings shall be posted and held in accordance with applicable state law, known as the "open meeting law".

C) If, after such hearing, the Commission determines that the demolition of the "significant" building would not be detrimental to the historical or architectural heritage or resources of the Town, the Commission shall so notify the applicant and the Building Commissioner within ten (10) days of such determination. Upon receipt of such notification, or upon failure by the Commission to hold a public hearing within forty-five (45) days of the day the "Notice of Intent" was filed with the Building Commissioner or to make a decision within ten (10) days following said hearing, the Building Commissioner may, subject to the requirements of the State Building Code and any other applicable laws, rules and regulations, issue the demolition permit.

D) If, after such a hearing, the Commission determines that the demolition of the "significant" building would be detrimental to the historical or architectural heritage or resources of the Town, such building shall be considered a "preferably-preserved significant building".

E) Upon determination by the Commission that the "significant" building which is the subject of the Notice of Intent to Demolish is a "preferably-preserved significant building", the Commission shall so advise the applicant and the Building Commissioner, and no demolition permit may be issued until 365 days after the date of the Commission's determination. Notwithstanding the preceding sentence, the Building Commissioner may issue a demolition permit for a "preferably-preserved significant building" at any time after receipt of written advice from the Commission to the effect that the Commission is satisfied that bona fide and reasonable efforts have been made to locate a purchaser willing to preserve, rehabilitate and restore the subject building, and that such efforts have been unsuccessful. [Amended 11-7-2005 STM, Art. 13]

106-6 Appeals to Board of Selectmen

Any person aggrieved by a decision of the Orleans Historical Commission acting under this bylaw, shall have a right to appeal to the Board of Selectmen filed within seven (7) days of the date any such decision. The Board of Selectmen shall hold a hearing within ten (10) days of receipt of any such appeal and shall have a right to issue any decision which the Orleans Historical Commission could have issued in the first instance.