

CHAPTER XVI

PROCEDURE FOR DELAYING THE DEMOLITION OF HISTORICALLY OR ARCHITECTURALLY SIGNIFICANT BUILDINGS

A. Intent and Purpose

The purpose of this section is the preserving and protecting of significant buildings within the Town which constitute or reflect distinctive features of the architectural, cultural, political, economic, and/or social history of the Town; to encourage owners of such buildings to seek out persons who might be willing to purchase, preserve, rehabilitate, or restore such buildings rather than demolish them; and by furthering these purposes, to promote the public welfare, to protect the resources of the Town, and to preserve the Town as an attractive and desirable place in which to live. To achieve these purposes, the Ipswich Historical Commission (the "Commission") is empowered to advise the Building Inspector with respect to the issuance of permits for demolition of significant buildings. The issuance of demolition permits for significant buildings is regulated as provided in this By-Law.

B. Definitions

1. Building - as defined in "SECTION III." of The Protective Zoning By-Law of the Town of Ipswich.
2. Demolition - any act of pulling down, destroying, removing, or razing a building, or any substantial exterior portion thereof, or commencing the work of total or substantial destruction, with the intent of completing the same.
3. Significant Building - any building or portion thereof which:
 - a. is in whole or in part seventy-five or more years old;
 - b. is listed on, or is within an area listed on, the National Register of Historical Places, or is the subject of a pending application for listing on said National Register;
 - c. is protected by a Preservation Agreement with the Commission or the Heritage Trust; or
 - d. is determined by a majority 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, or other historically significant person, event or process either by itself or in the context of a group of buildings. The Commission shall make such a determination within ten days of receiving a request, in hand or by certified mail, from the Building Inspector.
4. Preferably-Preserved Significant Building - any significant building which the Commission determines, as provided in Section C, is in the public interest to be preserved or rehabilitated, rather than to be demolished.

5. Commission - the Ipswich Historical Commission.

C. Procedure

1. Upon receipt of an application for a demolition permit, the Building Inspector shall date-stamp the application and forward a copy to the Chairman of the Commission within four days. No demolition permit shall be issued at that time.
2. The Commission shall within ten days of the date of receipt of an application determine whether the building is a significant building. If the building is determined not to be significant, the Commission shall notify the Building Inspector and the owner, in hand or by certified mail, within fourteen days of the date of application, that a demolition permit may be issued.
3. If the Commission determines that the building, for which a demolition permit has been applied, is a significant building, the Chairman of the Commission shall notify the Building Inspector and the owner of the building, in hand or by certified mail, within fourteen days of the date of the receipt of the application for a demolition permit. The demolition permit shall be denied at this time, and the Commission shall advise the owner of the building of the procedure to be followed to determine whether a permit to demolish a significant building may be issued.
4. Before approval or disapproval of the application for the demolition of a significant building, a public hearing shall be held by the Commission, within forty-five days of the submission of the application. Notice of the time and place of such hearing shall be given by the Board at the expense of the applicant by advertisement in a newspaper of general circulation in the Town of Ipswich, once in each of two successive weeks, the first publication being not less than fourteen days before the day of the hearing. A copy of said notice shall be mailed to the applicant and to all owners of land abutting upon and/or within 300 feet of the lot on which the significant building is located, as appearing in the most recent tax list.
5. 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 or is an imminent threat to public health and safety, the Commission shall so notify the Building Inspector and the owner, in hand or by certified mail, within twenty-one days after the public hearing. Upon receipt of such notification, or after the expiration of twenty-one days from the conduct of the hearing, if the Building Inspector and the owner have not received notification from the commission, the Building Inspector may, subject to the requirements of the state building code and other applicable laws, by-laws, rules and regulations, issue the demolition permit.
6. If 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. In making such a determination, the Commission may consider any hardships associated with the property.

7. Upon such determination by the Commission, the Commission shall so advise the applicant and the Building Inspector, in hand or by certified mail, within twenty-one days of the conduct of the hearing, and no demolition permit may be issued until six months after the date of such determination by the Commission, except under the conditions of paragraph 8 of this subsection.
8. Notwithstanding the preceding sentence, the Building Inspector may issue a demolition permit for a preferably-preserved significant building after receipt of written advice from the Commission to the effect that either:
 - (a) the Commission is satisfied at any time after the conduct of the hearing that there is no reasonable likelihood either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building; or
 - (b) the Commission is satisfied that, for at least six months, the owner has made continuing, bona fide, and reasonable efforts to locate a purchaser to preserve, rehabilitate, and restore the subject building, and that such efforts have been unsuccessful. These efforts would include listing the building with a realtor or realtors for the six months, advertising in local general circulation newspapers, and advertising in one Boston general circulation newspaper.

D. Enforcement and Remedies

1. The Commission and/or the Building Inspector are each authorized to institute any and all proceedings, in law or equity, as either deems necessary and/or appropriate to obtain compliance with the requirements of this By-Law, and/or to prevent any violation thereof.
2. No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished in violation of this By-Law for a period of two years after the date of the completion of such demolition as determined by the Building Inspector and documented in a letter to the Commission. As used herein, "premises" includes the parcel of land upon which the demolished significant building was located.
3. Upon a determination by the Commission that a building is a preferably-preserved significant building, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Building Inspector. Should the owner fail so to secure the building, and as a result, such building is lost through fire or other cause, this shall be considered voluntary demolition for the purposes of Section 2.

E. Ordinary Maintenance

Nothing in this By-Law shall be construed to prevent the demolition of those portions of significant buildings which are not in themselves significant. In such cases, the Historical Commission shall notify the Building Inspector within fourteen days of the date of application that a demolition permit may be issued.

F. Portions of Significant Buildings

Nothing in this By-Law shall be construed to prevent the demolition of those portions of significant buildings which are not in themselves significant. In such cases, the Historical Commission shall notify the Building Inspector within fourteen days of the date of application that a demolition permit may be issued.

G. Severability

If any section, paragraph, or part of this By-Law is for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

(Approved at the April 6, 1987, Annual Town Meeting; approved by Attorney General August 24, 1987)