Ashfield Historical Commission
Thursday, June 27, 2013
7:30 pm
MINUTES

Present:

Commission members Steve Gougeon, Mollie Babize, Nancy Garvin, Gerard McGovern
Christopher Skelly, Massachusetts Historical Commission
Public members: Duncan Colter, Nina Coler, Ron Coler, Betty Stewart, Amelia Maloney, all of Ashfield; Marguerite Willis (Charlemont)

Meeting called to order 7:08 pm

Minutes

Minutes from the May 23, 2013 meeting were amended and accepted.

Demolition Delay Bylaw

The meeting was held to provide an opportunity for Christopher Skelly from the MA Historical Commission to speak about Demolition Delay Bylaws. The role of MHC is to assist local commissions. The minutes below record the discussion held with Commission and public interjecting questions.

A Demolition Delay Bylaw provides a window of opportunity to protect significant historic resources. It doesn't necessarily save anything; it just provides time to explore another path. Listing on the National Register of Historic Places doesn't protect individual buildings; it is just an honorary designation. Ashfield currently has 169 properties listed on the register in 1991.

How a Demolition Delay Bylaw works: Applicant files an application to get a demolition permit; building inspector notes building is subject to Demolition Delay Bylaw and forwards the application to the local Historical Commission, who determines whether the building is significant or not. If the determination is negative, the building inspector issues the demolition permit.

If the Commission determines the building is historically significant, they hold a public hearing, through which they determine whether the building is to be preferably preserved. During the delay, alternatives are investigated and considered by the Historical Commission, with or without the owner's permission. If the property is state owned, may not be subject to demolition delay.

If there are no possible alternatives, then it can be demolished so long as all other permits needed are obtained. It is advisable to have language that specifies if the project needs Site Plan Review or a Special Permit from the Planning Board. Cannot require that the materials be recycled, but Skelly has seen that as part of a bylaw.

What if a proportion is demolished, but not the original building? Partial demolition could be pretty small. Might be good to have a policy setting a maximum percentage (e.g. 25% of building) at which point the bylaw kicks in; local home rule means you can establish your own language.

Of the 130 or so Demolition Delay Bylaws currently in MA, the majority are based on the age of the building. These might be date specific (50 or 75 years old). Assessors records are a starting point to determine age of a building, but not necessarily accurate.

Barns and outbuildings are usually also subject to demolition delay. (Amherst is currently having an issue with carriage houses.)

Another criterion might be categorical, such as those inventoried, or listed on the National Register. This is not recommended, since it would give listing with the National Register a regulatory component and that might make some people resist National Register designation. Similarly, including those inventoried on a Form B unnecessarily encumbers something that is meant simply to document resources. Chris Skelly recommends strongly against categorical designation.

Third method is to create a specific list based on street address. There would be no confusion about dates, but you must have good comprehensive list of historic resources. (Don't include it in the bylaw itself, since to add another address, one would have to go back to Town Meeting to amend list.)

What about demolition by neglect (minimum maintenance bylaw)? This would be a separate strategy, to include basic requirements that an owner close up holes in the roof, repair masonry, etc.

The significance of a building might include unique architectural details, or significant past uses (e.g. the midwife's home in Eastham).

Can one place a preservation restriction on old building when moved? In Reading, the town acquired and put a restriction on a 1720 home, which the new owner agreed to at its new location.

Other methods of protecting historic buildings include the adoption of a Local Historic District, which includes more stringent regulations that guide appropriate changes and can permanently prevent the demolition of significant features. This requires a 2/3 vote at Town Meeting, and would be regulated by a Local Historic District Commission. Architectural Preservation Districts allow binding regulatory reviews of additions and alterations; a little stronger than demolition delay, regulates changes to exterior architectural design.

The strongest argument against demolition delay is the impact on property owners, but Skelly says with a 200-year-old building, waiting six or twelve months isn't a long time. The impact might not be as big as one might think. Look at the number of demolition permits that have been filed over the past several years. Create a calendar of how the delay period will be managed, to show that the effort would not unduly prolong the permit. Be respectful of the property owners.

Next meeting

The next regular meeting will be Thursday, July 25, 2013.

Meeting adjourned at 8:51 pm

Respectfully submitted by Mollie Babize