

Article ____
Historic Preservation

Section 1. Purpose

This Bylaw is adopted for the purpose of protecting and preserving significant historic buildings within the Town and encouraging owners of such buildings to seek out alternative options to preserve, rehabilitate or restore such buildings rather than to demolish them or to alter them in a detrimental way, thereby promoting the public welfare and preserving the heritage of the Town. To achieve these purposes, the Stockbridge Planning Board and the Stockbridge Historic Preservation Commission are authorized as provided herein to advise the Building Inspector with respect to the issuance of permits for the demolition or alteration of significant buildings. The issuance of permits for demolition or alteration of historic significant building is regulated as provided by this Bylaw.

Section 2. Definitions

2.1 Building – Any structure having a roof intended for shelter, housing, or enclosure of any person, process, equipment, animals or goods.

2.2 Commission – The Town of Stockbridge Historic Preservation Commission.

2.3 Demolition – Any act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.

2.4 Demolition/Alteration Permit – The permit issued by the Building Inspector as required by the State Building Code for a demolition, substantial demolition, alteration, renovation or removal of a building.

2.5 Planning Board – The Town of Stockbridge Planning Board.

2.6 Significant Historic Building – Any Building that, in whole or in part, is at least fifty (50) years old and:

2.6.1 is listed on, or is a contributing Building within an area listed on the National Register of Historic Places, or is the subject of a pending application for such listing, or is eligible for such listing; or

2.6.2 has been determined by recommendation of the Commission and vote of the Planning Board to be a Building either:

(a) importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history or character of the Town, or the Commonwealth, or

(b) historically or architecturally significant (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.

If a Building is of unknown age, it shall be presumed to be at least fifty (50) years old.

2.7 Substantial Alteration – Any alteration of a Significant Historic Building that (a) requires a building permit, (b) alters 500 square feet or more of the Building exterior or increases the square footage of the Building by 500 square feet or more, and (c) materially compromises the historic or architectural significance of the Significant Historic Building, considering such factors as the extent to which the original architectural or historic features of the Building will be preserved or enhanced, the relation between those features and the design of any new construction, and the sensitivity to context, the compatibility and the scale of the proposed alteration.

2.8 Town of Stockbridge Historic Preservation Commission – The Commission shall consist of seven members, to be appointed by the Board of Selectmen, three members initially to be appointed for one year, two for two years, and two for three years, and each successive appointment to be made for three years. The Commission shall include, if possible, a member of the local historical commission; a realtor; an architect and a building contractor familiar with historic rehabilitation. Each member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed. Meetings of the Commission shall be held at the call of the Chairperson. Four members of the Commission shall constitute a quorum.

Section 3. Procedure

3.1 No Demolition/Alteration Permit for a Building that is, in whole or in part, at least fifty (50) years old shall be issued other than in conformity with the provisions of this Bylaw, as well as in conformity with the provision of other laws and Bylaws applicable to the demolition/alteration of buildings and the issuance of permits generally.

3.2 Application contents: Every application for a Demolition/Alteration Permit for a Building that is, in whole or in part, at least fifty (50) years old shall be filed with the Building Inspector and shall contain the following information: (a) the address of the Building to be demolished or altered; (b) the owner's name, address and telephone number; (c) a brief description of the type of Building and the condition requiring issuance of the permit; (d) the date of the Building, established by the Board of Assessors, deed or documentation verifying the year of construction; and (e) a brief description of the proposed reuse, reconstruction or replacement on the premises upon which the Building is located accompanied by any relevant floor plans, elevations or site plans.

3.3 Within seven (7) business days from receipt of an application for a Demolition/Alteration Permit of a Building that is, in whole or in part, at least fifty (50) years old and, if applicable, that

proposes an alteration of such Building that alters 500 square feet or more of the Building exterior or increases the square footage of the Building by 500 square feet or more, the Building Inspector shall forward a copy to the Commission. No Demolition/Alteration Permit shall be issued during this time.

3.4 Within thirty (30) business days after receipt by the Commission of the application for a Demolition/Alteration permit, the Commission shall make a written recommendation whether the Building is a Significant Historic Building. In the event of a proposed alteration of a Significant Historic Building, the Commission also shall make a written recommendation whether the proposed alteration is a Substantial Alteration. Upon a written recommendation by the Commission that the Building is not a Significant Historic Building, or that any proposed alteration is not a Substantial Alteration, the Commission shall so notify the Building Inspector in writing. Upon receipt of such notification, or after the expiration of thirty (30) business days from the date of submission to the Commission, if the Building Inspector has not received notification from the Commission, the Building Inspector may issue the Demolition/Alteration Permit.

3.5 Upon a recommendation by the Commission that the Building is a Significant Historic Building, and, in the event of a proposed alteration to a Significant Historic Building, that the proposed alteration is a Substantial Alteration, the Building Inspector and Applicant shall be so notified in writing, and a Demolition/Alteration Permit shall not be issued pending a public hearing before the Planning Board and a decision by such Board. The Planning Board shall hold a public hearing within 90 business days of the foregoing recommendation by the Commission to assist the Planning Board in making a final determination whether the Building is a Significant Historic Building, and, in the event of a proposed alteration to a Significant Historic Building, whether the proposed alteration is a Substantial Alteration. Public notice of the time, place and purpose of the hearing shall be published by the Planning Board at the expense of the applicant in a newspaper of general circulation in the Town not less than seven (7) days before the day of said hearing and shall be posted in a conspicuous place in the Town Hall for a period of not less than seven (7) days before the day of said hearing.

3.6 If, after a public hearing, the Planning Board makes a determination that the Building is not a Significant Historic Building, or that in the event of a proposed alteration that the proposed alteration is not a Substantial Alteration, the Planning Board shall notify the Building Inspector in writing within five (5) business days of the hearing and the Building Inspector may issue the Demolition/Alteration Permit upon receipt of the written decision.

3.7 If, after a public hearing, the Planning Board makes a determination that the Building is a Significant Historic Building, and in the event of a proposed alteration that the proposed alteration is a Substantial Alteration, the Planning Board shall so notify the Building Inspector in writing within five (5) business days of the hearing, and no Demolition/Alteration Permit may be issued, subject to Paragraph 3.8 hereof.

3.8 Notwithstanding anything contained in Paragraph 3.7, the Building Inspector may issue a Demolition/Alteration Permit for a Significant Historic Building at any time after receipt of written advice from the Planning Board to the effect that the Planning Board has determined after a public hearing that (a) there is no reasonable likelihood that any person or group is willing to purchase, preserve, rehabilitate or restore such Building, or (b) for at least twelve (12) months,

the owner has made continuing, *bona fide* and reasonable efforts to locate a purchaser willing to preserve, rehabilitate or restore the subject Building and that such efforts have been unsuccessful. “Continuing, *bona fide* and reasonable efforts to locate a purchaser” shall mean retaining a licensed broker to market the property in the usual manner over the 12-month period, obtaining an appraisal from a reputable appraiser and providing evidence of negotiations with potential buyers of the property. These efforts to sell the property shall be deemed unsuccessful only upon a finding that either there were no offers to purchase the property, or none of these offers were at least ninety (90) percent of the appraised value of the property.

In the event that the Planning Board denies an application for a favorable finding under this Paragraph, the owner may make a further application showing materially new circumstances, including material revisions to any proposed Substantial Alteration.

Section 4. Responsibility of Owners

If requested by the Planning Board or the Commission, it shall be the responsibility of the owner of record or any designee thereof to assist in the facilitation of the implementation of the requirements of this Bylaw by providing information and any architectural plans readily available to such owner or designee, allowing access to the property and securing the premises, by participating in the investigation of preservation options, and by actively cooperating in seeking alternatives with the Planning Board, the Commission and any persons designated by the Planning Board or the Commission.

Section 5. Emergency Demolition

Nothing in this Bylaw shall restrict the Building Inspector from ordering the immediate demolition of any Building in the event of imminent danger to the safety of the public.

Section 6. Enforcement and Remedies

In accordance with *M.G.L. c.40, §§21 and 21D*, the Commission, the Planning Board and the Building Inspector are each specifically authorized to impose any penalties, to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this Bylaw or to prevent a threatened violation thereof or to punish any actual violation thereof. No building permit shall be issued with respect to any premises upon which a Building has been voluntarily demolished or altered in violation of this Bylaw for a period of three years after the date of the completion of such demolition. As used herein, “premises” refers to the parcel of land upon which the Building was located and all adjoining parcels of land under common ownership or control.

Section 7. Severability

If any provision of this Bylaw shall be found invalid for any reason, such invalidity shall be construed as narrowly as possible and the balance of the Bylaw shall be deemed to be amended to the minimum extent necessary to provide the Town substantially the benefits set forth in this Bylaw.