



## MENDON HISTORICAL COMMISSION

Kathleen Schofield  
Janice Muldoon Moors  
Lynne Roberts Chairman

Tom Merolli  
Daniel Byer

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MEETING DATE	October 4, 2021
LOCATION	Virtual
STATUS	1/3/2022

PRESENT: Meeting Lynne Roberts, Dan Byer, Lawney Tinio, Janice Muldoon Moors, Kathy Schofield, Connie Beal, James Quirk and Tom Merolli

Meeting opened at 7:30pm

### 1. Accept Minutes from Previous Meetings

Tom moved to accept the meeting minutes from September 13, 2021. Lynne seconded the motion. All members voted to accept the minutes.

### 2. Cemeteries – approval for repair quotes

Lynne suggested we prepare a scope of work document prior to scheduling the BVT National Honor Society and community volunteers to attend a presentation with the Mencucci's. She will work on this and present it to the Commission for review. Janice put in the request to the NHS. She will talk to John Trainor and Dick Grady to see if they are interested in participating or giving some historical guidance.

Tree work is on hold until Alan Tetreault is finished with road work at the Town Beach. Kathy will suggest we tag the trees to help move the project forward. A request was submitted to Braza to put the Bicknell Cemetery wall repair on their schedule. Paul Braza mentioned it would be late November. Dan would like to be contacted when they are ready.

### 3. Demolition Requests

Dan received two demolition requests. One for 103 Uxbridge Road c. 1969. This site has been approved for a cannabis dispensary by the Planning Board. Based on its history this structure is not considered to be of historical significance. After a brief discussion Kathy made a motion to approve the demolition application. Tom seconded the motion. All members (except Janice who abstained) voted to approve the application.

The second demolition request for 23 Uxbridge Road c. 1900 was submitted (today) on October 4<sup>th</sup> by owner James Quirk. Mr. Quirk explained that he would like to demolish the structure for a future business. Based on the time it was received the commission asked if we could have some time to review the available information on the property and have a formal discussion in a few weeks. The commission agreed to meet in two weeks on October 18<sup>th</sup>.

### 4. Demolition Delay Bylaw / Scenic Roads Bylaw

The following items were discussed with Select Board Tinio with respect to the Demolition Delay Bylaw. Proposed changes resulting from the discussion are in the attached document and highlighted in blue.

- ⇒ -Friday's being counted as business days regardless of TH being open.
- ⇒ -Application submittal process. (ViewPoint) and electronically at the discretion of the Comm
- ⇒ -Sec4 v a – Wording of this item. It was being read the other way than what is intended.
- ⇒ -Sec5 A - We may need to add "At the approval of the owner" (Review with Legal)
- ⇒ -Sec7 – Daily fine may be calculated up to the point of applying for a demo permit. (Review with Legal)
- ⇒ -Sec10 – expirations seem to short
- ⇒ -Review the days to review, to hearing, to written report.

A final draft will be reviewed at the Commission meeting scheduled for October 18<sup>th</sup>. The proposed changes are attached to these minutes.

Mr. Tinio asked about the need to file a Demolition Permit for the old Police Station on the Town Hall Campus. A permit would need to be filed in accordance with the bylaw.

#### 5. Campus Improvements

Lynne will prepare a letter of request to establish a building committee for the Town Hall campus. She will share with the Local Historic District Committee and we will schedule a meeting to approve the letter and present it to the Select Board.

#### 6. Warrant Items

The Scenic Road Bylaw will be reviewed and presented at the May Annual Town Meeting. Additional work should be finished with the Planning Board prior to presenting a final draft. Mr. Tinio noted that the Demolition Delay Bylaw changes are on the warrant.

#### 7. Moving Weights and Measures to Town Hall / Hay Scale Tie Down and Plaque

Kathy reported that the restored thermometer has been taken out of storage and Dan from YYZ signs will do the install in a few weeks. A site was selected by Chief Kurczy and Kathy Schofield meeting the wishes of Dick Skinner who paid for the restoration. It will be located on the front (Main Street) facing brick section of the old fire station.

Kathy has reached out to Engineer Norm Perron to prepare an engineering plan for the Records Room. He will do a site visit and estimate for the engineering plans. CPA administrative funds can be used to pay for the plans in preparation of applying for an MPPF Grant in January 2022. In the meantime we will invite Jane and David Lowell and Town Counsel to discuss a land donation or easement to increase the size of the lot enough to accommodate a tight tank and to get permission to work on reinforcing the foundation.

Kathy found written confirmation that the original hay scale tie downs were set in a piece of granite and not the concrete slab where they are now set. She will confirm with Dan Fleury as to his recollection of the granite piece that was repurposed for the wayfinding sign on Founders Park. She will also need to visit with the Dudley family to see if the photo of the trolley and scale can be located to create an engraved plaque.

Lynne introduced Connie Beal who is interested in joining the Historic Commission. We are very excited to have her join the group. Lynne will write a letter of recommendation and Connie will submit a letter of interest to the Select Board for approval.

Meeting adjourned at 9:20pm

## Attachment – Modifications to Demolition Delay Bylaw

*\*Proposed Changes in Blue*

### CHAPTER ~~XXIVa-XXXI~~\* - Demolition Delay By-Law

*\*re-number chapter from 25a to 31 because there are 2 Ch 24's*

*Edits in red  
10/4 edits in blue*

#### Section 1. *Purpose.*

The purpose of this by-law is to protect and preserve buildings and structures within Mendon which reflect or constitute distinctive features of the architectural, cultural, economic, political or social history of the Town. The intent of the by-law is not to permanently prevent demolition but rather to provide an opportunity to develop preservation solutions for properties threatened with demolition.

To achieve these purposes, the issuance of demolition permits for buildings and structures is regulated as provided in Sections 3 through 7.

#### Section 2. *Definitions.*

Building or Structure	Any combination of building materials giving support or forming a permanent shelter for persons, animals, or property.
Business Day	A day, <b>Monday through Friday</b> , which is not a legal municipal holiday, Saturday, or Sunday.
Commission	The Mendon Historical Commission.
Demolition	The act of substantially or totally pulling down, destroying, removing, or razing a building or structure, or commencing the work of total or substantial destruction with the intent of completing the same.

**Demolition Delay Review** The process outlined in this Chapter involving the Historic Commission's review of the proposed demolition of a building or structure

**Demolition Delay Approval** The written report as outlined in Section 4, notifying the Building Department if the building or structure shall or shall not be preferably preserved. This

**Demolition Permit** The permit issued by the Building Department as required under the state building codes.

**Historically Significant Building or Structure** The Historical Commission will determine whether a building or structure is historically significant at an open meeting of the Commission. The Historical Commission shall consider the following criteria when deciding if a building is historically significant **and warrants further preservation:**

- 4.1. Any building or structure, or portion thereof, within the Town which is in whole or in part seventy-five (75) or more years old or is of unknown age;

and/or

- 4.2. The building or structure is associated with events or activities that have made a significant contribution to the history of Mendon, the Commonwealth of Massachusetts, or the United States; and/or
- 4.3. The building or structure is associated with the life or lives of persons significant in the history of Mendon, the Commonwealth of Massachusetts, or the United States; and/or
- 4.4. The building or structure embodies, either by itself or in context with a group of buildings or structures, distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values.

**Preferably Preserved**      The determination by the Historic Commission that a building or structure meets the standard as “Historically Significant” and warrants further preservation efforts.

### **Section 3. Application**

Applications for Demolition Delay Review will be submitted electronically in the Town’s online permitting system. In the case of a paper application, it shall be submitted to the Building Department, and they shall timestamp the receipt of the application and forward it to the Historical Commission within 5 business days of the filing of such application.

~~The Building Inspector shall forward a copy of each demolition permit application for a building or structure or part thereof to the Commission within five (5) business days of the filing of such application.~~

Within ~~twenty (20)~~ **forty-five (45)** business days from its receipt of a **complete** demolition permit application, the Commission shall determine whether the building or structure is historically significant. The applicant for the demolition permit shall be entitled to make a presentation to the Commission if he or she so chooses for the purposes of the Commission’s review of whether or not a building or structure is historically significant.

1. If the Commission determines that the building or structure **is not** historically significant the Commission shall so notify the Building Inspector in writing and the Building Inspector may issue a demolition permit.
2. If the Commission determines that the building or structure **is** historically significant, the Commission shall notify the Building Inspector in writing that a demolition plan review must be made prior to the issuance of any demolition permit.
3. If the Commission fails to notify the Building Inspector of its determination within ~~twenty (20)~~ **forty-five (45)** business days of its receipt of the application, then the building or structure shall be deemed not historically significant and the Building Inspector may issue a demolition permit.

### **Section 3.1 – Applicability and Exemptions**

The provisions of this Demolition Delay By-Law shall only apply to the following:

1. Any building or Structure that is fifty (50) or more years of age. (as listed in the Assessor’s property record database)
2. Any building or Structure, regardless of age, located within a local historic district (see Chapter XXX Historic District By-Law)
3. Any Building or Structure, regardless of age, listed on the Federal, State, or Local Historic Registers or Federal, State, or Local Cultural Resources Inventories.

Optionally if a property does not meet the above criteria, the owner may apply to the Commission for Demolition Delay Review.

#### **Section 4. Demolition Plan Review and Demolition Delay Hearing.**

No more than ~~twenty (20)~~ thirty (30) business days after the Commission's determination that a building or structure is historically significant, the applicant for the demolition permit shall submit to the Commission ~~five (5) copies of~~ a demolition plan which shall include the following information:

- (i) A map showing the location of the building or structure to be demolished on its property and with reference to neighboring properties;
- (ii) Photographs of all street façade elevations;
- (iii) A description of the building or structure, or part thereof, to be demolished;
- (iv) The reason for the proposed demolition and data supporting said reason. Data sufficient to establish any economic justification for demolition may be included;
- (v) A ~~brief~~ description of the proposed reuse of the property on which the building or structure to be demolished is located;
- (vi) A timeline for the completion of the proposed reuse project.

*This demolition plan may be submitted electronically at the discretion of the Commission's chairperson.*

The demolition plan must be signed by the current property owner and submitted by them or their agent.

Upon receipt of the plan referenced above the Commission shall, within ~~forty-five (45)~~ 22 business days, ~~or within such further time as the applicant may allow in writing,~~ schedule a public hearing on the application and shall give public notice thereof by publishing the time, place and purpose of the hearing in a local newspaper at least ~~ten (10)~~ fourteen (14) business days before said hearing and also, within ~~fourteen (14)~~ five (5) business days of said hearing, mail a copy of said notice to the applicant, the property owner (if the applicant is a non-owner), to owners of all adjoining property, and to other property owners deemed by the Commission to be materially affected thereby as they appear on the most recent real estate tax list of the Board of Assessors. ~~The expense of publishing the hearing notice and the mailing to all such persons shall be borne by the applicant.~~ The owner shall be given the opportunity to speak at this hearing.

If ownership of the property changes during the time period between the submission of the demolition plan and the public hearing, the Commission reserves the right to continue the hearing until an updated demolition plan is submitted.

At the conclusion of the hearing, a quorum of the Commission members present shall vote as to whether or not the building or structure shall be preferably preserved.

Within ten (10) business days from the date of the ~~conclusion of the demolition delay~~ hearing, the Commission shall file a written report with the Building Inspector on the demolition plan which shall include the following:

- ~~i. A description of the age, architectural style, historical associations and importance of the building or structure to be demolished;~~
- ii. A determination as to whether or not the building or structure, or part thereof, ~~is~~ shall be preferably preserved. Such a determination shall be made by a vote of the of the Commission

~~members present.~~

If the building or structure or part thereof is not determined to be preferably preserved or if the Commission fails to file its report with the Building Inspector within **ten (10) business days from the date of the conclusion of the hearing** ~~the time period set forth above~~, then the Building Inspector may issue a demolition permit. If the Commission determines that the building or structure is preferably preserved, it shall impose a demolition delay of **up to nine (9) months** from the date of such determination. Written notice of its determination and the period of delay imposed shall be mailed promptly to the applicant and property owner (if applicable), and a copy thereof shall be furnished to the Building Inspector who shall not issue a demolition permit during the period specified therein. However, such permit may be issued prior to the end of such period if the Commission notifies the Building Inspector **in writing** that the applicant and property owner (if applicable) (i) has/have made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who has agreed to preserve, rehabilitate, restore or relocate the same, or (ii) has/have agreed to alternatives to demolition or has agreed to accept a demolition permit on specified conditions approved by the Commission.

#### **Section 5. Responsibilities of the Owner and the Commission.**

Once a building or structure has been determined to be **a historically significant and/or a** preferably preserved building or structure, the owner shall be responsible for properly securing the building or structure, if vacant, to the satisfaction of the Building Inspector. **All windows and doors shall remain intact and the building or structure shall be secured to prevent entry of persons, animals, or water.** Should the owner fail to secure the building or structure, a subsequent destruction of the building or structure, or part thereof, at any time during the ~~six (6) month~~ demolition delay period, which destruction could have been prevented by the required security measures, shall be considered a violation of this by-law.

The Commission shall notify the Massachusetts Historical Commission, Town Administrator, Community Preservation Committee and any other interested parties in an effort to obtain assistance in preservation funding or in finding an adaptive use of the building or structure which will result in its preservation. The Commission shall invite the owner of record of the building or structure to participate in an investigation of alternatives to demolition including but not limited to incorporation of the building or structure into future development of the site, adaptive re-use of the building or structure, seeking a new owner willing to purchase and preserve, restore or rehabilitate the building or structure or part thereof, or moving the building or structure.

During the demolition delay period, the applicant shall make a good faith effort to find an alternative use for the building that will result in its preservation. Alternatives to demolition include, but are not limited to, incorporation of the building into the future development of the site; adaptive reuse of the building; utilization of financial incentives to rehabilitate the building; seeking a new owner willing to purchase and preserve, restore or rehabilitate the building; or moving or relocating the building.

#### **Section 5A**

The Commission reserves the right to request a photographic survey of the exterior of the building or structure (and interior with the consent of the property owner) as a condition of their determination. No demolition shall proceed until such condition has been satisfied. This survey shall be at the cost of the Commission.

#### **Section 6. Emergency Demolition.**

Notwithstanding the above provisions, the Building Inspector may issue a demolition permit at any time in the event of imminent and substantial danger to the health or safety of the public due to deteriorating

conditions. Prior to doing so, the Building Inspector and a member of the Commission shall inspect the building. The Building Inspector shall document, in writing, the findings and reasons requiring an emergency demolition, a copy of which shall be forwarded immediately to the Commission. Before allowing emergency demolition, the Building Inspector shall make every effort to inform the Chairperson of the Commission of ~~his~~<sup>their</sup> intention to allow demolition before ~~he~~<sup>they</sup> issue a permit for emergency demolition.

No provision of this by-law is intended to conflict with or abridge any obligations or rights conferred by Massachusetts General Laws, Chapter 143 regarding removal or demolition of dangerous or abandoned structures. In the event of a conflict, the applicable provisions of Chapter 143 shall control.

#### **Section 7. Non-Compliance.**

The Commission is authorized to carry out its duties and functions under this by-law.

The Commission and/or the Building Inspector are each specifically authorized 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 by-law or to prevent a threatened violation thereof.

Any owner of a building or structure or part thereof demolished without first obtaining a demolition permit in accordance with the provisions of this by-law shall be subject to a fine of \$300 per day. Each day the violation exists shall constitute a separate offense until the faithful restoration of the demolished building is completed to the satisfaction of the Commission. Such fines may be imposed in accordance with the non-criminal disposition procedures set forth in M.G.L. c. 40, § 21D. **In accordance with Chapter 19 of the Mendon Town By-Laws, no permit shall be issued until all fines are paid in full.**

No building permit shall be issued with respect to any premises upon which a historically significant building has been demolished in violation of this by-law for a period of two (2) years after the date of the completion of such demolition. As used herein, "premises" refers to the parcel of land upon which the demolished historically significant building or structure was located and all adjoining parcels of land under common ownership or control.

Notwithstanding the foregoing, whenever the Commission shall, on its own initiative, or on application of the landowner, determine that earlier reconstruction, restoration or other remediation of any demolition in violation of this by-law better serves the intent and purpose of this by-law, it may, prior to the expiration of said period of two (2) years, authorize issuance of a building permit, upon such conditions as the Commission deems necessary or appropriate to effectuate the purposes of this by-law, and may so notify the Building Inspector.

#### **Section 8. Issuance of Demolition Permits**

No permit for demolition of a building determined to be a preferably preserved shall be granted until plans for use or development of the site after demolition have been filed with the Building Department and found to comply with all laws pertaining to the issuance of a building permit. All approvals necessary for the issuance of such a building permit or certificate of occupancy including without limitation any necessary zoning variances or special permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.

#### **Section 9. Local Historic District.**

In accordance with the Local Historic Districts By-Law, Chapter 30 Section 6.2 of the General By-Laws, no demolition permit for demolition or removal of a building or structure within a local historic district shall be issued until a certificate as required under Chapter 30 is issued by the Local Historic District Commission. The Historic Commission may, at their discretion, continue a demolition delay hearing without finding until such certificate is issued by the Local Historic District Commission.

**Section 10. Expiration of Approvals and Permits**

- A. The Historical Significance Determination shall expire after a period of 3 years, regardless of any change in property ownership.
- B. Once a property has been determined to be Historically Significant, a Demolition Plan must be submitted within 3 years, otherwise the determination of Historical Significance shall expire (see A), the process shall restart, and the applicant must submit a new application for demolition delay review and determination of Historical Significance.
- C. Demolition Delay Review approvals shall expire after ~~one (1)~~ 3 years from the date of the approval if demolition has not occurred, ~~no Demolition Permit is issued by the Building Department~~ regardless of any changes in property ownership. After expiration, the entire process shall restart with a new application for Demolition Delay Review and new hearing if required.
- ~~D. The expiration of Demolition Permits, once issued, shall fall under the jurisdiction of the Building Department.~~

**Section 812. Fees.**

The Historical Commission shall have the authority to set reasonable fees for Demolition Delay Review Applications.

- 1. There will be no fee charged for the initial Demolition Delay Review and Determination of Historical Significance.
- 2. The fee for a Demolition Delay Hearing shall be set by the Commission. In no case shall the fee be more than 150% of the actual costs for publishing the hearing notice and the mailing of notices as outlined above.

**Section 813. Severability.**

In case any section, paragraph, or part of this by-law is for any reason declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph and part shall continue in full force and effect.