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DEMOLITION REVIEW BYLAW
Revision 1.3
07 October 2025

ARTICLE XX. To determine whether the Town will amend the General Bylaws so that the following will be adopted, or take any action relative thereto:

19. DEMOLITION REVIEW

19.1. Intent and Purpose

19.1.1. This Bylaw is enacted for the purpose of preserving and protecting significant buildings, streetscapes and neighborhoods within the Town which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the town and to limit the detrimental effect of demolition on the character of the town.

19.1.2. Through this Bylaw, owners of preferably preserved buildings are encouraged to seek out alternative solutions that will preserve, rehabilitate, restore, relocate, repurpose or document such buildings. Through this process, residents of the town are alerted to impending demolitions of significant buildings. By protecting significant buildings, streetscapes and neighborhoods, this bylaw promotes the public welfare by making the town a more attractive and desirable place in which to live and work. To achieve these purposes the Historical Commission is authorized to advise the Building Commissioner with respect to demolition permit applications. The issuance of demolition permits is regulated as provided by this by law.

19.2. Definition of Terms

19.2.1.1. APPLICANT: Any person or entity who files an application for a demolition permit. If the applicant is not the owner of the premises upon which the building is situated, the owner must indicate on or with the application his/her assent to the filing of the application.

19.2.1.2. APPLICATION: An application for the demolition of a building.

19.2.1.3. _____ BUILDING or STRUCTURE: Any combination of materials forming a shelter for persons, animals or property.

19.2.1.4. _____ BUILDING COMMISSIONER: The person occupying the office of Building Inspector or otherwise authorized to issue demolition permits.

19.2.1.5. _____ COMMISSION: The Carlisle Historic Commission or its designee

19.2.1.6. _____ DEMOLITION: Any act of pulling down, destroying, removing, dismantling or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.

19.2.1.7. _____ DEMOLITION PERMIT: The permit issued by the Building Commissioner for demolition of a building, excluding a demolition permit issued solely for the demolition of the interior of a building.

19.2.1.8. _____ PREFERABLY PRESERVED: Any significant building which the Commission determines, following a public hearing, that it is in the public interest to be preserved rather than demolished. A preferably preserved building is subject to the **twelve month** demolition review period of this bylaw.

19.2.1.9. _____ SIGNIFICANT BUILDING or STRUCTURE: Any building within the town which is in whole or in part **built before 1970** and which has been determined by the Commission or its designee to be significant based on any of the following criteria:

19.2.1.9.1. _____ A building or structure listed on, or is within an area listed on, the National Register of Historic Places or the State Register of Historic Places, or the subject of a pending application for listing on either of said Registers; or

19.2.1.9.2. _____ A building or structure included on the Massachusetts Cultural Resource Information System (MACRIS)

19.2.1.9.3. _____ As referenced in 36CFR60.4, the building is importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the Town or the Commonwealth; or

19.2.1.9.4. _____ As referenced in 36CFR60.4, the building is historically or architecturally important (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.

19.3. Procedure

19.3.1. No demolition permit for a building which is in whole or in part **built before 1970** shall be issued without following the provisions of this bylaw. If a building is of unknown age, it shall be assumed that the building was **built before 1970**, for the purposes of this bylaw.

19.3.2. An applicant proposing to demolish a building subject to this Bylaw shall file with the Building Commissioner an application containing the following information:

19.3.2.1. _____ The address of the building to be demolished;

19.3.2.2. _____ The owner's name, address and telephone number;

19.3.2.3. _____ A description of the building;

19.3.2.4. _____ The reason for requesting a demolition permit;

19.3.2.5. _____ A brief description of the proposed reuse, reconstruction or replacement;

19.3.2.6. _____ Photograph(s) of the building.

19.3.3. The Building Commissioner shall within **seven calendar days** forward a copy of the application to the Commission. The Commission shall within **thirty calendar days** after receipt of the application determine if the structure is historically significant.

19.3.4. Upon a determination by the Commission that the building is not historically significant, the Commission shall advise the Building Commissioner and Applicant in writing. The Building Commissioner may then issue the demolition permit.

19.3.5. Upon a determination by the Commission that the building is historically significant, the Commission shall notify the Building Commissioner and the Applicant in writing. No demolition permit may be issued at this time. If the Commission does not notify the Building Commissioner of such determination within **fourteen calendar days**, the Building Commissioner may proceed to issue the demolition permit.

19.3.6. If the Commission finds that the building is significant, it shall hold a public hearing within **thirty calendar days** of its written notification to the Building Commissioner. Public notice of the time, place and purpose of the hearing shall comply with the posting process as outlined in sections 3.2 and 3.3 of the Rules and Regulations of the Carlisle Historical Commission .

19.3.7. The Applicant, the owners of all adjoining property, the Building Commissioner and the Planning Board shall be sent a copy of the notice.

19.3.8. The Commission shall decide at the public hearing or within **fourteen calendar days** after the public hearing whether the building should be preferably preserved. If agreed to in writing by the Applicant, the determination of the Commission may be postponed.

19.3.9. If the Commission determines that the building is not preferably preserved, the Commission shall notify the Building Commissioner and Applicant in writing. The Building Commissioner may then issue the demolition permit.

19.3.10. If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Commissioner and Applicant in writing. No demolition permit may then be issued for a period of up to **twelve months** from the date of the determination unless otherwise agreed to by the Commission. If the Commission does not notify the Building Commissioner in writing within **twenty-one calendar days** of the public hearing, the Building Commissioner may issue the demolition permit.

19.3.11. Upon a determination by the Commission that a building is preferably preserved, no building permit for new construction or alterations to the subject building shall be issued for a period of up to **twelve months** from the date of the determination unless otherwise agreed to by the Commission and Applicant.

19.3.12. No permit for demolition of a building determined to be a preferably preserved building shall be granted until all plans for future use and development of the site have been filed with the Building Commissioner and have found to comply with all laws pertaining to the issuance of a building permit or if for a parking lot, a certificate of occupancy for that site. All approvals necessary for the issuance of such 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. This requirement shall not apply in the case of determinations made by the Commission where the Applicant proposes demolition only and does not propose to replace the existing building or construct anything else in its place. If there is no new structure proposed for the site, the Commission could agree to terms of an early demolition under Section 19.3.11.

19.3.13. The Building Commissioner may issue a demolition permit or a building permit for a preferably preserved building within the review period if the Commission notifies the Building Commissioner in writing that the Commission finds that the intent and purpose of this bylaw is served even with the issuance of the demolition permit or the building permit.

19.3.14. Following the review period, the Building Commissioner may issue the demolition permit.

19.4. Determination of Applicability

19.4.1. An owner of a building or structure built before 1970 may petition the Commission for a determination of applicability of the bylaw, at a public meeting. At the meeting or within 45 calendar days after, the Commission shall determine whether the building or structure is historically significant. The applicant for the permit shall be entitled to make a presentation to the Commission if they make a request in writing to the Commission at the time of submitting the application. The determination by the Commission of whether a building or structure, built before 1970, is historically significant shall be made in writing, signed by the Commission and shall be binding on the Commission for a period of 5 years from the date thereof.

19.5. Administration

19.5.1. The Commission may adopt such rules and regulations as are necessary to administer the terms of this bylaw.

19.5.2. The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this bylaw.

19.5.3. The Commission may delegate authority to make initial determinations of significance to one or more members of the Commission or to a municipal employee.

19.6. Emergency Demolition

19.6.1. If, pursuant to M.G.L. c. 143, §§6-10, the Building Commissioner finds that a building subject to this bylaw is found to pose an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building, then the Building Commissioner may issue an emergency demolition permit to the owner of the building. The Building Commissioner shall then prepare a report explaining the condition of the building and the basis for his decision which shall be forwarded to the Commission.

19.7. Enforcement and Remedies

19.7.1. The Commission and/or the Building Commissioner 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 bylaw or to prevent a threatened violation thereof.

19.7.2. Any owner of a building subject to this bylaw that demolished the building without first obtaining a demolition permit in accordance with the provisions of this bylaw shall be subject to a fine of not more than Three Hundred Dollars each

calendar day. Each calendar day the violation exists shall constitute a separate offense until a faithful recreation of the demolished building is completed or unless otherwise agreed to by the Commission.

19.7.3. If a building subject to this bylaw is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of two years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership and control unless the building permit is for the faithful recreation referred to above or unless otherwise agreed to by the Commission.

19.8. Historic District Act

19.8.1. Following a determination that the building is significant and preferably preserved, the Commission may recommend to town meeting that the building be protected through the provisions of Massachusetts General Law, Chapter 40C, the Historic Districts Act. The steps required under M.G.L. Chapter 40C shall be followed prior to the establishment of a local historic district.

19.8.2. Nothing in this bylaw shall be deemed to conflict with the provisions of the Historic District Act, Massachusetts General Laws Chapter 40C. If any of the provisions of this bylaw do so conflict, that act shall prevail. Buildings included within the boundaries of a local historic district established under M.G.L Chapter 40C shall not be subject to this bylaw so long as the proposed demolition is regulated by the local historic district bylaw.

19.9. Severability

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