# Town of Lexington
# Historical Commission

David Kelland, Chair
Marilyn Fenollosa
Wendall Kalsow
Frank Kern
Sally Zimmerman

1625 Massachusetts Avenue
Lexington, MA 02420
781-862-0500 Ext. 701

## Policy Establishing Expiration Times for Demolition Authorizations under the Demolition Delay Bylaw

The Lexington Historical Commission (LHC) finds that, in order to fulfill the purpose of preserving and protecting significant buildings under Chapter 19 of the Code of Lexington ("Buildings, Demolition of"), it is necessary to establish reasonable expiration dates on demolition permits authorized by LHC decision or by the lapse of 12 months under the bylaw. The LHC further finds that such expiration dates will (i) provide certainty to property owners, (ii) encourage timely action on such permits, (iii) facilitate coordination with the Lexington Building Division in that Department's application procedures, and (iv) prevent abuse of the demolition delay process. The LHC, therefore, hereby adopts the following regulations:

1. Where the LHC, pursuant to Chapter 19, Section 19.3(C) of the Code of Lexington, has determined that the demolition of a significant building *would not* be detrimental to the historical or architectural heritage or resources of the Town, or where 15 days have passed after the date of the LHC's public hearing on a demolition application without LHC notification of its determination to the Building Commissioner, thereby in either case *permitting* the Building Commissioner to issue a demolition permit in accordance with procedures in Chapter 19, any request to extend such demolition permit or a renewed permit application shall be reviewed *de novo* if the demolition previously authorized is not substantially concluded within one year of the issuance of the demolition permit, or, if no permit has been issued, within one year of the LHC's initial determination;

2. Where the LHC, pursuant to Chapter 19, Sections 19.3(D) and (E) of the Code of Lexington, has determined that the demolition of a significant building *would* be detrimental to the historical or architectural heritage or resources of the Town, thereby *preventing* the Building Commissioner from issuing a demolition permit in accordance with the procedures in Chapter 19 until one of the conditions set forth in Section 19-3(F) has been met, such determination shall be reviewed *de novo* if:

    a. Application for demolition authorized by the condition set forth in Section 19.3(F)(3) (twelve months having elapsed from the date of the LHC's determination) is

not submitted to the Building Commissioner within six months of the expiration of the twelve month delay period set forth in said Section 19.3(F)(3), or

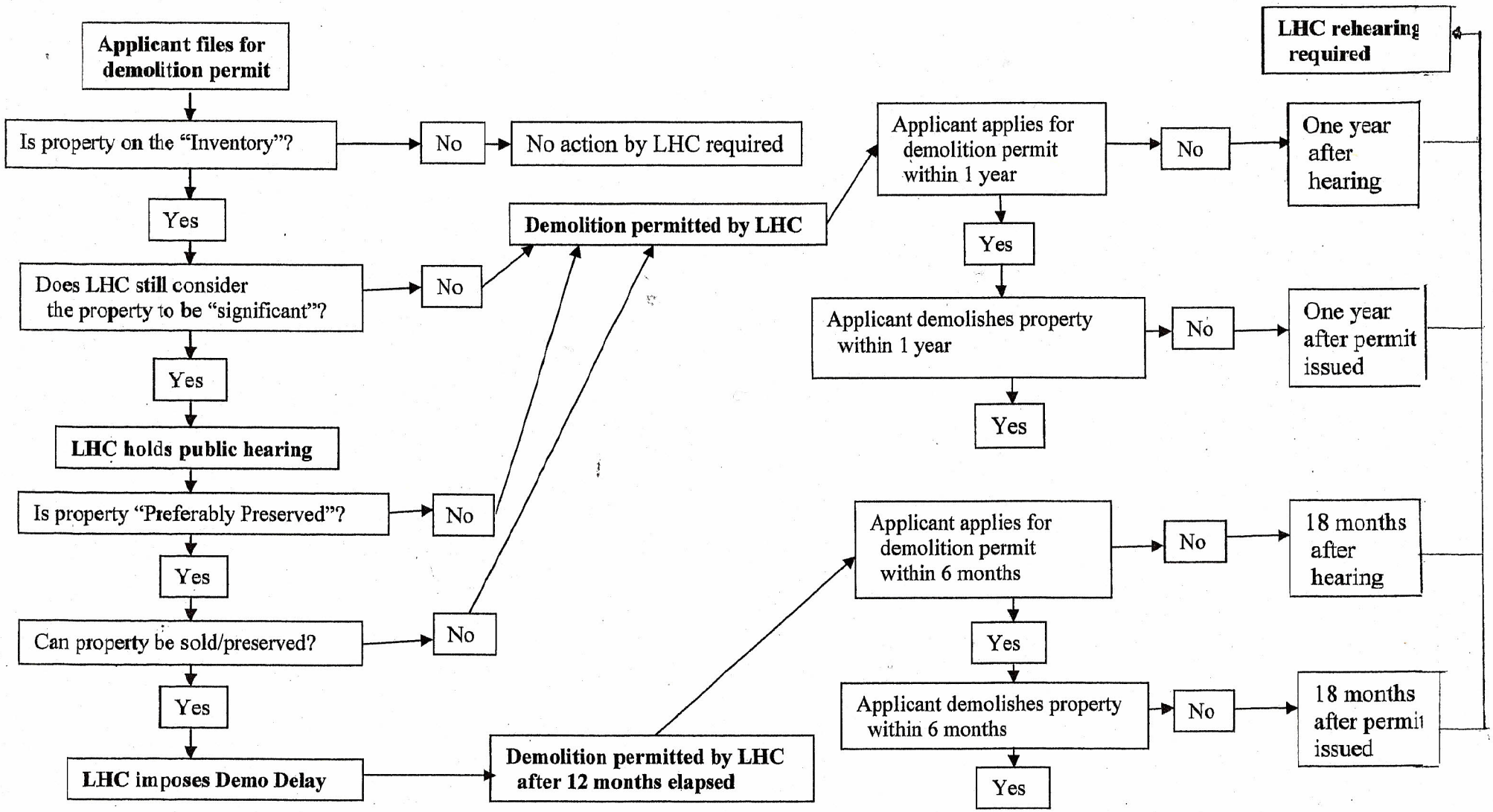
b. Application for demolition authorized by the condition set forth in Section 19.3(F)(3) (twelve months having elapsed from the date of the LHC's determination) is so made within six months of the expiration of the twelve month delay period, but actual demolition is not substantially concluded within six months of the issuance of the demolition permit.

In implementation of this policy, the LHC shall include the applicable expiration date for authorization of the demolition in any notification to the Building Commissioner under Section 19.3(C) or (E), as the case may be, with a copy to the demolition permit applicant, *provided* that the LHC Chair may, for cause, grant in writing one or more extensions of time of such authorizations for periods not exceeding six months each.

*This policy was adopted by unanimous decision of the LHC at their regularly convened meeting on December 13, 2012, following a public hearing on the subject matter held on October 11, 2012. This policy shall be incorporated into the LHC's permanent records and posted on its page on the Town of Lexington official website.*

David R. Kelland 12/13/2012

David R. Kelland (Date)
Chair

# LEXINGTON HISTORICAL COMMISSION

## Demolition Delay Process