

*Town of Southborough, MA  
Monday, June 14, 2021*

## Chapter 63. Demolition Delay

### § 63-1. Intent and purpose.

- A. This bylaw is enacted for the purpose of protecting and preserving significant buildings and structures within the Town of Southborough which constitute or reflect distinctive features of the architectural or historical resources of the Town, and to encourage owners of such buildings and structures to seek out alternative options to preserve, rehabilitate or restore such buildings rather than to demolish them, thereby promoting the public welfare and preserving the cultural heritage of the Town.
- B. To achieve these purposes, the Southborough Historical Commission is authorized to advise the Building Inspector with respect to the issuance of permits for the demolition of significant buildings. The issuance of demolition permits for significant buildings is regulated as provided by this bylaw.

### § 63-2. Definitions.

#### **BUILDING INSPECTOR**

The person occupying the office of Building Inspector or otherwise authorized to issue demolition permits.

#### **BUILDINGS AND STRUCTURES**

Any combination of materials forming a shelter for persons, animals, or property that constitute the historic built environment of the Town.

#### **COMMISSION**

The Southborough Historical Commission.

#### **DEMOLITION**

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

#### **DEMOLITION BY NEGLECT**

A process of ongoing damage to the features, viability and/or functionality of an unoccupied building leading towards and/or causing its eventual demolition due to decay and/or structural failure and/or severe degradation over a period of time as a result of a general lack of maintenance, and/or failure to secure the building from pests or vandals, and/or failure to take reasonable measures to prevent the ingress of water, snow, ice, and wind through the roof, walls, or apertures.

#### **DEMOLITION PERMIT**

The permit issued by the Building Inspector for a demolition, substantial demolition or removal of a building, excluding a demolition permit issued solely for the demolition of the interior of a building.

**HISTORICALLY OR ARCHITECTURALLY SIGNIFICANT BUILDING**

Any building, in whole or in part, which was constructed prior to 1925 and is included in the Southborough Massachusetts Historic Properties Survey prepared by the Commission in 2000 (with revisions and updates in 2015) on file with the Town Clerk's office.

**PREFERENTIALLY PRESERVED**

Any historically or architecturally significant building which the Commission determines is in the public interest to be preserved or rehabilitated rather than to be demolished.

**§ 63-3. Procedure.**

- A. No permit for the demolition of a historically or architecturally significant building shall be issued other than in conformity with the provisions of this bylaw, as well as in conformity with the provisions of other laws applicable to the demolition of buildings and the issuance of permits generally.
- B. Application contents: Every application for a demolition permit for a historically or architecturally significant building shall be filed with the Building Inspector and shall contain the following information: (i) the address of the building to be demolished; (ii) the owner's name, address and telephone number; (iii) a brief description of the type of building and the condition requiring issuance of the permit; (iv) date of building as established by the Board of Assessors, deed or documentation verifying year of construction; and (v) a brief description of the proposed reuse, reconstruction or replacement on the premises upon which the building is located.
- C. Within seven business days from receipt of an application for a demolition permit of a historically or architecturally significant building, the Building Inspector shall forward a copy to the Commission. No demolition permit shall be issued during this time.
- D. Within 10 business days after receipt of the application for demolition permit by the Commission, the Commission shall make a determination of architectural and/or historical significance based upon the federal Secretary of the Interior's standards for historic buildings. Upon determination by the Commission that the building is not architecturally and/or historically significant, the Commission shall so notify the Building Inspector in writing. Upon receipt of such notification, or after the expiration of 15 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 permit.
- E. Upon determination by the Commission that the building is historically and/or architecturally significant, the Building Inspector and applicant shall be so notified in writing, and a demolition permit shall not be issued. The Commission shall hold a public hearing within 45 business days of the determination of significance to determine whether the building should be preferentially preserved. Public notice of the time, place and purpose of the hearing shall be published by the Building Department at the expense of the applicant in a newspaper of general circulation in the Town not less than seven 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 days before the day of said hearing.  
[Amended 3-23-2019 ATM by Art. 26]
- F. If after a public hearing the Commission determines that the significant building should not be preferentially preserved, the Commission shall notify the Building Inspector, in writing, within five business days of the hearing, and the Building Inspector may issue a demolition permit upon receipt of the written decision.
- G. If after a public hearing the Commission determines that the significant buildings should be preferentially preserved, the Commission shall so notify the Building Inspector in writing within

five business days of the hearing, and no demolition permit may be issued until nine months after the date of the determination by the Commission.

- H. Notwithstanding anything contained in Subsection G, the Building Inspector may issue a demolition permit for a preferably preserved building at any time after receipt of written advice from the Commission to the effect that either:
- (1) The Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building; or
  - (2) The Commission is satisfied that for at least nine months the owner has made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate or restore the subject building, and that such efforts have been unsuccessful.

### § 63-4. Responsibility of owners.

It shall be the responsibility of the owner of record or his designee to assist in the facilitation of the above process by providing information, allowing access to the property and securing the premises; for participating in the investigation of preservation options; and for actively cooperating in seeking alternatives with the Commission and any interested parties.

### § 63-5. Emergency demolition.

Nothing in this bylaw shall prohibit the Building Inspector from immediately ordering the demolition of any building in the event of imminent danger to the safety of the public pursuant to the applicable standards under the State Building Code.

### § 63-6. Demolition by neglect.

- A. If the Building Inspector has reason to believe, through visual inspection or other means, that a significant building may be undergoing demolition by neglect, then the Building Inspector shall notify the Commission and the owner, and the Commission and the Building Inspector shall jointly hold a public hearing to i) confirm whether or not the building is a significant building, and ii) determine whether or not it is undergoing demolition by neglect, which shall require the concurrence of the Commission. In furtherance of determining its condition, the Commission may, at any time, request an inspection of the building by the Building Inspector.
- B. If the Commission and the Building Inspector agree that the building is undergoing demolition by neglect, the Commission and the Building Inspector shall attempt to negotiate a voluntary agreement with the owner for appropriate and timely repairs sufficient to structurally stabilize the building and/or prevent further deterioration. The Building Inspector will report the result to the Commission.
- C. In the event that the Building Inspector determines that he is not able to negotiate such an agreement with the owner, for any reason, or that the owner has agreed to undertake but has failed to satisfactorily complete such repairs in a timely manner, then the Building Inspector may take such action as is permitted, including seeking a court order that specific repairs be undertaken to secure the building against the elements, vandals and vermin, to halt further deterioration, and to stabilize it structurally. The Building Inspector may forbear from commencing an action in court for any reason and will preferentially consider any claim of undue economic hardship by the owner.

- D. Upon completion of all repairs that have been agreed upon between the owner and the Building Inspector or that have been ordered by the Building Inspector, or that have been ordered by the court, and upon certification by the Building Inspector that said repairs have been completed, the Building Inspector shall certify that the building is no longer undergoing demolition by neglect.

## **§ 63-7. Enforcement and remedies.**

The Building Inspector is specifically authorized to institute any and all actions and proceedings, in law or equity, as he or she may deem necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent a threatened violation thereof. No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished in violation of this bylaw for a period of two years after the date of the completion of such demolition. As used herein, "premises" refers to the parcel of land upon which the demolished significant building was located and all adjoining parcels of land under common ownership or control.

## **§ 63-8. Historic Districts Act.**

Nothing in this bylaw shall be deemed to conflict with the provisions of the Historic Districts Act, MGL c. 40C. If any of the provisions of this bylaw do so conflict, that Act shall prevail.

## **§ 63-9. Additional rules and regulations.**

The Historical Commission is authorized to promulgate from time to time rules and regulations it deems necessary to administer the bylaw that are not inconsistent with applicable state law.





# SOUTHBOROUGH HISTORICAL COMMISSION

Before planning to demolish a structure in the Town of Southborough, in whole or in part, here are some important things to keep in keep in mind.

Southborough in 2016 enacted a Demolition Delay Bylaw that may place a demolition delay on “Any building, in whole or in part, which was constructed prior to 1925 and is included in the Southborough Massachusetts Historic Properties Survey prepared by the Commission in 2000 (with revisions and updates in 2015) on file with the Town Clerk’s office.”

**It is the homeowner’s responsibility to ascertain whether or not their property is subject to the bylaw. You may check online [HERE](#), or inquire directly with the Southborough Historical Commission at [historical@southboroughma.com](mailto:historical@southboroughma.com). Substantial penalties may be incurred through failure to comply with the bylaw. The text of the law may be found [HERE](#).**

For the purposes of the ByLaw, the Commission has determined that “total or substantial exterior destruction” is defined as any change that will permanently alter any façade of an historically significant structure viewable from any public way by more than XX%.

The purview of the Historical Commission extends only to the exterior of the structure. Interior renovations are not subject to SHC review, but of course require appropriate permitting from the Building Commissioner and other Town departments.

**Some commonly asked questions:**

I have a property listed in the Massachusetts Historic Properties Survey: Do I need to Historical Commission permission to:	
Paint my house a different color?	NO
Replace my windows or doors?	NO (though we would suggest looking at historically appropriate styles)
Build an addition or add a garage?	NO
Alter the interior in any way?	NO
Remove a tower, porch or gable on the front of my house?	YES
Tear down a wing of my house viewable from a public way?	YES
Permanently alter any street façade by more than XX%?	YES
Demolish any listed structure entirely?	YES

Questions? We’re happy to help. Email us: [historical@southboroughma.com](mailto:historical@southboroughma.com)



# SOUTHBOROUGH HISTORICAL COMMISSION

## Fact Sheet for Owners Requesting Demolition of Listed Properties

### INTENT AND PURPOSE

The Demolition Delay Bylaw is enacted for the purpose of protecting and preserving significant buildings and structures within the Town of Southborough which constitute or reflect distinctive features of the architectural or historical resources of the Town, and to encourage owners of such buildings and structures to seek out alternative options to preserve, rehabilitate or restore such buildings rather than to demolish them, thereby promoting the public welfare and preserving the cultural heritage of the Town.

In accordance with the demolition delay Bylaw, property owners requesting a demolition permit on a listed property will be sent an action plan. This plan must be completed in full to ensure you have made "*continuing, bona fide, and reasonable efforts*" to conform to provisions of the bylaw. It is the obligation of the owner to submit a proactive plan to work with the Historical Commission either to preserve the property, in whole or in part, or find another buyer willing to do so. In order to guide you through the process and outline your responsibilities, the following action plan has been developed.

### ACTION PLAN SPECIFICS

The following documentation must be submitted as a PDF electronic packet to the Chair of the Southborough Historical Commission in order to consider your demolition request. Under normal circumstances, the Commission would expect the applicant to assemble and submit this information within 30 days of initiating a Demolition Permit Application with the Town. **Incomplete or partial submissions will not be considered and will extend the delay.**

#### 1. STATEMENT OF REASONS

Please list your main reasons for wishing to demolish the property. For each reason, please supply an estimate by a licensed contractor or engineer to remediate each issue: i.e sills and foundation are crumbling and will require \$XXK to repair; the house needs new windows-\$YYK; the house needs new heating/cooling systems \$ZZK etc.

#### 2. REDEVELOPMENT PLANS

Please provide all plans and documentation for future development that have been submitted to any board or commission in the Town of Southborough, or that you plan to submit over the next calendar year. Plans must include major elevations of the revised building detailing its width, height, depth and setbacks along with all improvements visible

from any public way (including but not limited to walkways, driveways, fences, swimming pools, etc.) to be completed for the site. The Commission requires that no demolition permit can be issued by the Building Inspector on a building/structure found by the Historical Commission to be historically or architecturally significant until all permits and approvals for use and development of the property have been obtained and issued from all other town boards. Any material change, as solely determined by the Historical Commission, in the development and/or preservation plan during the evaluation process or the delay period may require, at the sole discretion of the Historical Commission, the process to restart.

### **3. PROPERTY DOCUMENTATION**

The following must be provided in support of this Bylaw review for your property:

The most recent **TAX ASSESSMENT** of the property.

**A REAL ESTATE/MORTGAGE APPRAISAL** not more than three months old.

**A SET of PHOTOGRAPHS** of the property and surrounding areas and properties affected by the proposed demolition with a resolution of at least 300 DPI must be submitted. Each photograph must be captioned with the address of the property and the date the photograph was taken. All photographs must be keyed to a plot plan (see below) to provide a thorough location description. Slides and/or a PowerPoint presentation may be added (but not substituted for the required photographs) at the Commission hearing.

**A MAP** containing the location of the property affected by the proposed demolition must be submitted with this application. An 8-½"x11" portion of an assessor's street map showing the property will be sufficient.

**A PLOT PLAN** - A plot plan showing (1) the current building/structure footprint, (2) the structure or portion thereof sought to be demolished, (3) the dimensions of the building/structure, and (4) any requested changes to the footprint or building location.

**SIGNATURES and/or PROOF OF OWNERSHIP** - All applications for demolition delay review must be submitted and signed by the owner of record of the property as the applicant. Proof of ownership must also be submitted with the application evidenced by a copy of the current deed to the property showing the applicant's name and/or ownership interest. If the owner wishes a third party to represent him/her before the Commission, a notarized power of attorney must be submitted with the application.

Once the above materials have been gathered, the Commission will meet and review the materials. If upon such the Commission decides that the structure has fallen into such

decrepitude that cannot be restored, the Commission may vote to allow the demolition to proceed. If, however, there is a reasonable possibility for restoration, either by the applicant or other parties, the demolition delay process will continue.

#### **4. SHOULD THE APPLICANT BE UNWILLING TO CONSIDER RENOVATION**

Should the applicant be unwilling to restore the property, the applicant must prove that he or she has made *bona fide* efforts to find an alternative buyer before a demolition order will be granted. These must include the name and contact information of a licensed real estate broker, along with a letter to the broker from the owner of record instructing him or her to share all information with the Southborough Historical Commission regarding the sales efforts on the property, including, but not limited to: names and contact information for all people attending showings; details of the marketing/listing campaign for the property; and all offers made on the property. **The active sales effort for the property may under no circumstances be less than 120 days.**

NOTE: If the Commission finds that the applicant or his/her agents are not making good faith effort to find an alternative to demolition of the property, the process will halt and will not restart until the Historical Commission decides reasonable good faith efforts are being made, as determined by the facts and circumstances of each individual case.

#### **5. NOTICE OF DETERMINATION**

The Demolition Delay Bylaw calls for the Historical Commission to notify the Building Commissioner in writing of any determination within five business days of a hearing that reviews an affected property.

Questions? We're here to help. Please email: [historical@southboroughma.com](mailto:historical@southboroughma.com). (Note: due to Massachusetts Open Meeting Law requirements we are unable to answer questions via phone or text. All questions must be addressed in person at a Commission meeting or via email.



12/14/2020

Mail - Julieann Lamy - Outlook

**Fwd: 15 Main Street Demolition application closed, no permit to be granted**

Laurie Livoli &lt;llivoli@southboroughma.com&gt;

Fri 12/11/2020 2:27 PM

To: Julieann Lamy &lt;jlamy@southboroughma.com&gt;

Sent from my iPhone

Begin forwarded message:

**From:** Michael Weishan <mweishan@southboroughma.com>  
**Date:** December 11, 2020 at 2:05:55 PM EST  
**To:** Laurie Livoli <llivoli@southboroughma.com>  
**Cc:** Karen Connell <karen@connellcurley.com>, Dean Lamsa <dlamsa@verizon.net>, Jim Blaschke <jblaschke@southboroughma.com>, Rebecca Deans-Rowe <rdeans-rowe@southboroughma.com>, Kathleen Battles <kbattles@southboroughma.com>, Amanda Gleeson <agleeson@southboroughma.com>, Anne Pfaff <anne.pfaff@southboroughma.com>  
**Subject:** 15 Main Street Demolition application closed, no permit to be granted

Dear Laurie

At a meeting of the Southborough Historical Commission, last night 10 December 2020, the Commission voted 6-0 to close the demolition application for 15 Main Street. The owners, Kristen and Karen Connell, have indicated that they are unwilling to follow the requirements of the Demolition Delay Bylaw in offering the property for sale, and the Commission felt that the plans submitted constituted a re-creation of a new structure rather than the preservation of the street facades of the existing home. Thus no permit for demolition may be granted at this time.

The Commission did indicate however its willingness to consider a new application for partial demolition of the later additions to the rear which would preserve the street facades of the original portion of the home and the slightly smaller ell to the left of the original structure. This preservation would include maintaining the size and location of current windows, the height of the current rooftops and chimney stacks, and other features of the facades such as clapboard and trim, with the possible exception of the Victorian bay window to the right of the front door if the owner so chose to remove it.

Please confirm the receipt of this email at your earliest convenience.

Michael Weishan  
Chair, Southborough Historical Commission.

**FW: 15 Main Street Southborough**

Mark Purple <[mpurple@southboroughma.com](mailto:mpurple@southboroughma.com)>

Mon 5/17/2021 9:47 AM

To: Lisa Braccio <[lbraccio@southboroughma.com](mailto:lbraccio@southboroughma.com)>

My recent email trail with MW as requested. Thx.

**Mark J. Purple**  
**Town Administrator**  
**Town of Southborough**  
**P: 508-485-0710**  
**F: 508-480-1061**

---

**From:** Michael Weishan <[mweishan@southboroughma.com](mailto:mweishan@southboroughma.com)>

**Sent:** Thursday, May 13, 2021 6:03 PM

**To:** Mark Purple <[mpurple@southboroughma.com](mailto:mpurple@southboroughma.com)>

**Subject:** Re: 15 Main Street Southborough

Mark,

I respectfully suggest you review the bylaw and the subsequent rules and regulations we have published, which were all OK'd by Town Counsel. If the owner doesn't play by the rules, they start over. If Ms Connel wishes to put her house up for sale, and no one will buy it, then she can demolish it. If not, she can't. Amen.

Thanks, M.

On May 13, 2021, at 4:47 PM, Mark Purple <[mpurple@southboroughma.com](mailto:mpurple@southboroughma.com)> wrote:

Michael:

In my opinion, it is within your power to delay the permit, not to deny it. I'll wait to see if there is any more movement after your meeting this evening, but I am concerned that we may be holding something up that we no longer have a right to.

Mark  
**Mark J. Purple**  
**Town Administrator**  
**Town of Southborough**  
**P: 508-485-0710**  
**F: 508-480-1061**

---

**From:** Michael Weishan <[mweishan@southboroughma.com](mailto:mweishan@southboroughma.com)>

**Sent:** Thursday, May 13, 2021 4:38 PM

**To:** Mark Purple <[mpurple@southboroughma.com](mailto:mpurple@southboroughma.com)>

**Cc:** Laurie Livoli <[llivoli@southboroughma.com](mailto:llivoli@southboroughma.com)>

**Subject:** Re: 15 Main Street Southborough

No, you are totally mistaken there, and we need to be clear about this. We instructed Ms. Livoli to close the previous demolition permit as the owner was unwilling to make the "continuing, bona fide efforts" required by the bylaw, in this case, to offer the property to other buyers. As the owner didn't make these efforts, it's within our power to deny the permit, which we did. The previous permit should have been closed months ago.

We are now working with her on a new plan that would preserve the front facades and the general appearance of the house.

On May 13, 2021, at 4:24 PM, Mark Purple  
<[mpurple@southboroughma.com](mailto:mpurple@southboroughma.com)> wrote:

Michael:

I don't believe that Laurie closed the demolition permit; she simply cannot issue it earlier than nine months from the date of historical significance by the Commission, which was more than 10 months ago. The issue of selling the property, which I understand the homeowner has no intention of doing, only comes into play if the demolition permit is issued before the nine months have expired with the consent of the Commission.

I have copied Laurie on this email in case I'm missing something.

Mark  
**Mark J. Purple**  
**Town Administrator**  
**Town of Southborough**  
**P: 508-485-0710**  
**F: 508-480-1061**

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**From:** Michael Weishan <[mweishan@southboroughma.com](mailto:mweishan@southboroughma.com)>  
**Sent:** Thursday, May 13, 2021 4:13 PM  
**To:** Mark Purple <[mpurple@southboroughma.com](mailto:mpurple@southboroughma.com)>  
**Subject:** Re: 15 Main Street Southborough

The demolition permit was denied and closed because the owner refused to go through the Demolition Delay process, which would mandate offering the property for sale to other interested buyers before the structure could be demolished.

She is back with us tonight with some new plans, but unless she chooses to pull another permit, whatever we say is only advisory.

On May 13, 2021, at 4:05 PM, Mark Purple  
<[mpurple@southboroughma.com](mailto:mpurple@southboroughma.com)> wrote:

Michael:

Good afternoon.

I was going through some open issues, and came across this email. From what I have been able to gather, the demolition permit was filed in June 2020, and no permit of any kind has been issued to date. It would seem that even with a demolition delay, the permit should have been issued by now. Can you give me an update, as I see it is on your agenda for this evening.

Thanks.

Mark  
**Mark J. Purple**  
**Town Administrator**  
**Town of Southborough**  
**P: 508-485-0710**  
**F: 508-480-1061**

---

**From:** Karen Connell <[karen@connellcurley.com](mailto:karen@connellcurley.com)>  
**Sent:** Thursday, April 8, 2021 4:45 PM  
**To:** Laurie Livoli <[llivoli@southboroughma.com](mailto:llivoli@southboroughma.com)>; Mark Purple <[mpurple@southboroughma.com](mailto:mpurple@southboroughma.com)>  
**Cc:** Michael Weishan <[mweishan@southboroughma.com](mailto:mweishan@southboroughma.com)>; Mark Blomstrom <[Mark.Blomstrom@finodesigngroup.com](mailto:Mark.Blomstrom@finodesigngroup.com)>; Kristen Connell <[kristen@connellcurley.com](mailto:kristen@connellcurley.com)>; Daniel Bailey <[dbailey@PierceAtwood.com](mailto:dbailey@PierceAtwood.com)>  
**Subject:** 15 Main Street Southborough

[EXTERNAL]

Dear Mr. Purple and Ms. Livoli,

My architect, copied on this email, has made attempts to reach the Historic Commission in regards to renovations of my family home at 15 Main Street. Kindly advise when the next meeting will be and how we go about getting a time slot to discuss this property?

Best regards,  
KarenEVConnell  
15 Main Street  
Southborough MA 01772

Michael Weishan, Chair  
Southborough Historical Commission  
508.624.7640  
[mweishan@southboroughma.com](mailto:mweishan@southboroughma.com)

Michael Weishan, Chair



Southborough Historical Commission  
508.624.7640  
[mweishan@southboroughma.com](mailto:mweishan@southboroughma.com)

Michael Weishan, Chair  
Southborough Historical Commission  
508.624.7640  
[mweishan@southboroughma.com](mailto:mweishan@southboroughma.com)

On Jun 5, 2021, at 11:50 AM, Lisa Braccio <[lbraccio@southboroughma.com](mailto:lbraccio@southboroughma.com)> wrote:

Thank you for your note Michael. I am traveling out of State and unavailable for a call due to limited cell and internet. I will respond to your email first chance I get.

Lisa

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**From:** Michael Weishan <[mweishan@southboroughma.com](mailto:mweishan@southboroughma.com)>

**Sent:** Friday, June 4, 2021 2:37 PM

**To:** Lisa Braccio

**Cc:** Mark Purple

**Subject:** Fwd: Legal Opinion - Historical Commission

Hi Lisa

Please see the opinion below from Aldo which clearly states that the SHC is able to promulgate additional rules and regulations relating to the DDBL. Here are those rules and regulations as pulled from the Town website.

[https://www.southboroughtown.com/sites/g/files/vyhlf1231/f/uploads/revised\\_action\\_plan.pdf](https://www.southboroughtown.com/sites/g/files/vyhlf1231/f/uploads/revised_action_plan.pdf)

The relevant section is this: **4. SHOULD THE APPLICANT BE UNWILLING TO CONSIDER RENOVATION**

Should the applicant be unwilling to restore the property, the applicant must prove that he or she has made *bona fide* efforts to find an alternative buyer before a demolition order will be granted. These must include the name and contact information of a licensed real estate broker, along with a letter to the broker from the owner of record instructing him or her to share all information with the Southborough Historical Commission regarding the sales efforts on the property, including, but not limited to: names and contact information for all people attending showings; details of the marketing/listing campaign for the property; and all offers made on the property. The active sales effort for the property may under no circumstances be less than 120 days. NOTE: If the Commission finds that the applicant or his/her agents are not making good faith effort to find an alternative to demolition of the property, the process will halt and will not restart until the Historical Commission decides reasonable good faith efforts are being made, as determined by the facts and circumstances of each individual case

Unlike all the other property owners that have come before us, the owner of 15 Main Street was unwilling to go through this process. Therefore, the SHC notified the building commissioner that the 2020 permit was denied and no demolition permit could be granted per that permit. There should be no question about the finality of this decision, or that the original application is in anyway valid. We have continued to work with the homeowner and come up with a reasonable compromise that was on track to be completed before these issues were raised by Mr. Purple, who has repeatedly been informed that his opinions on the matter are not only erroneous but deleterious to the ongoing discussions.

Please call me at your earliest convenience to discuss.

M

Begin forwarded message:

**From:** ATTY ALDO CIPRIANO <[aldoc.esq@comcast.net](mailto:aldoc.esq@comcast.net)>  
**Subject:** Legal Opinion - Historical Commission  
**Date:** November 5, 2020 at 3:49:08 PM EST  
**To:** Michael Weishan <[mweishan@southboroughma.com](mailto:mweishan@southboroughma.com)>, Mark Purple <[mpurple@southboroughma.com](mailto:mpurple@southboroughma.com)>

[EXTERNAL]

Greetings Mr. Chairman,

Please see attached.

Best,  
Aldo Cipriano

Aldo A. Cipriano, Esq.  
277 Main Street  
Victoria Building  
Second Level \* Atrium Suite  
Marlborough, MA 01752  
Tel. (508)485-7245  
Fax (508)485-2304  
[AldoC.Esq@comcast.net](mailto:AldoC.Esq@comcast.net)

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**ALDO A. CIPRIANO**  
ATTORNEY AND COUNSELLOR AT LAW

277 MAIN STREET  
VICTORIA BUILDING  
SECOND LEVEL • ATRIUM SUITE  
MARLBOROUGH, MASSACHUSETTS 01752  
TEL. (508) 485-7245  
FAX (508) 485-2304  
E-MAIL: AldoC.ESQ@comcast.net

November 5, 2020

Michael Weishan, Chairman  
Southborough Historical Commission  
Town of Southborough  
25 Common Street  
Southborough, MA 01772

**Re: Legal Opinion – Demolition of Structure, Historical Commission Review  
TCO No. 20-3103**

Dear Mr. Chairman,

We have reviewed your approved opinion request, copy attached, received by this office on November 2, 2020.

In that regard, “substantial demolition” within the Southborough Demolition Delay Bylaw does need to be more specifically defined. As to your suggestion, it would be permissible to clarify a definition by quantum or percentage of the demolition, which could be at least at 25% or more, as calculated by some formula, based upon the square footage of the building and specifically, its exterior features.


Section 63-9 of the Bylaw entitled “*Additional Rules and Regulations*” grants the Commission significant authority to promulgate rules and regulations necessary to administer the Bylaw, so long as not inconsistent with applicable state law.

Accordingly, the Commission could amend its existing rules and regulations to include a clarification of the term “substantial demolition” via a specific percentage to be determined.

Eventually, however, that definition should find its way into a General Bylaw change.

Also, the form that you have furnished, which is informational to any owner/applicant, copy attached, is in acceptable legal form.

Very truly yours,

  
Aldo A. Cipriano, Esq.  
Town Counsel

AAC/fc

Cc: Mark Purple, Town Administrator



**Re: Legal opinions**

Michael Weishan <mweishan@southboroughma.com>

Wed 6/16/2021 2:12 PM

To: Mark Purple <mpurple@southboroughma.com>

Cc: Lisa Braccio <lbraccio@southboroughma.com>

Mark

Thank you for sending this.

Regarding the 15 Main the rules and regulations: regardless of the views of certain members of the BOS regarding the validity of our rules and regulations, which I will add, have been essentially the same for the last 3 years and predate me, it remains our unanimous opinion that the owner of 15 Main failed to fulfill section H (2) of the DDBL, which clearly states: ***The Commission is satisfied that for at least nine months the owner has made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate or restore the subject building, and that such efforts have been unsuccessful.***

The owner publicly declined to make such efforts, therefore, she is non-compliant and the demolition permit is refused. Any issuance of a demolition permit by the Building Commissioner without resubmitting a new demolition application is in fact illegal and would subject both the town and the owner to potential lawsuits.

Regarding the Old Burial Ground, I believe there has been misunderstanding. This is not a question of ownership, but rather of curatorial control. As the chief archaeological asset in the Town, the curation, care and restoration of the Old Burial Ground should be under the jurisdiction of the Historical Commission, and we are seeking to make that clear through a bylaw change at TM. Cemetery Commissions, for example, are common throughout Massachusetts and fulfill exactly these roles. We will be seeking further legal guidance on these issues.

Lisa, it might be helpful if you attended our meeting this Thursday at the museum at 6PM. It might save a lot of time and trouble if you heard this directly from us rather than the distortions of Mr. Healey.

Michael Weishan, Chair  
Southborough Historical Commission  
508.624.7640  
[mweishan@southboroughma.com](mailto:mweishan@southboroughma.com)

On Jun 16, 2021, at 1:19 PM, Mark Purple <[mpurple@southboroughma.com](mailto:mpurple@southboroughma.com)> wrote:

**RE: Legal Opinion - Historical Commission Undated Fact Sheet**

ATTY ALDO CIPRIANO &lt;aldoc.esq@comcast.net&gt;

Mon 6/14/2021 11:58 AM

To: Lisa Braccio &lt;lbraccio@southboroughma.com&gt;; Mark Purple &lt;mpurple@southboroughma.com&gt;

**[EXTERNAL]**

Greetings Lisa,

We will attempt to answer these follow up questions in short order, furnished to us this morning, soon after our submittal of the prior legal opinion prior to 9AM this date.

**Question 1: Can Historical Commission (HC) require a house to be put on the market for sale in a non-Historic District?**

**Answer 1:** There is no statutory historical district in the Town of Southborough. Section 63-8 of the Demolition Delay Bylaw referencing such historical districts, we presume, was inserted if, in fact, the Town did decide to designate one or more areas of the Town as Chapter 40C, Historic Districts. The Historical Commission cannot compel the sale of a qualifying historical structure, but, in conjunction with the Building Commission, can compel compliance with the detailed provisions of Chapter 63.

**Question 2: Does HC have the authority to deny a permit, or restart a process under the demolition delay bylaw?**

**Answer 2:** The authority to approve or deny building or demolition permits is vested in a Building Commissioner, under the State Building Code. However, the issuance of such permits can be delayed based upon the interactive authority of the Historical Commission, under Chapter 63.

For example, in Subsection 63-3G, no demolition permit may be issued until nine-months after the date of determination by the Historical Commission that a significant building should be preferentially preserved with the Historical Commission and so informing the Building Commissioner. Also, the only way to “restart a process” is legal non-compliance, based upon the responsibility of owners contained in Section 63-4 whereby record owner must assist in the facilitation of the review process by providing information, allowing access and participating in the investigation of preservation options and finally, for actively cooperating in seeking alternatives with the Commission and any interested parties.

By way of example, if the time clock started and the record owner failed to cooperate during the nine-month timeline, then judicial intervention could be sought, both to compel compliance or to determine a violation of the provisions of the Bylaw. Enforcement of these matters is vested, as with all regulatory matters of similar nature, with the Building Commissioner’s office.

**Question 3: Does HC have the authority to extend a demolition delay beyond nine months after determining historical significance?**

**Answer 3:** The Historical Commission in and of itself does not have that authority, but see Answer 2 above relative to potential judicial intervention.

**Question 4: If there are other examples of where the three-page HC Fact Sheet are not in compliance with allowable authority, please cite those.**

**Answer 4:** Per our above analysis, portions of Section 4 of the so-called Fact Sheet may not be in compliance with the intent and purpose of the bylaw. Again, this so-called Fact Sheet (which is supposed to be rules and regulations) needs significant restatement based upon the process we indicated earlier in the day, in our prior legal opinion furnished.

Restating our offer at the end of our June 14<sup>th</sup> opinion on this issue, the Board may consider directing this office to conduct another no-cost workshop or class whereby the Historical Commission members would attend in conjunction with the Building Commissioner's officials, and possibly even yourself, as Chairperson of the Board, so that the issues may be laid out in the workshop format, with me present, to address legal and administrative issues that may exist. This is the most cost effective and expedited approach which has always resulted in success in our experience.

We hope this helps. If you need to speak on any of these points further, please do not hesitate to contact me.

Aldo

Aldo A. Cipriano, Esq.  
277 Main Street  
Victoria Building  
Second Level \* Atrium Suite  
Marlborough, MA 01752  
Tel. (508)485-7245  
Fax (508)485-2304  
AldoC.Esq@comcast.net

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----- Original Message -----

From: Mark Purple <mpurple@southboroughma.com>  
To: ATTY ALDO CIPRIANO <aldoc.esq@comcast.net>, Lisa Braccio  
<lbraccio@southboroughma.com>  
Date: 06/14/2021 9:34 AM  
Subject: RE: Legal Opinion - Historical Commission Undated Fact Sheet

Aldo:

Thanks for the opinion. A few follow-up questions on behalf of Chairperson Braccio:

1. Can Historical Commission (HC) require a house to be put on the market for sale in a non-Historic District?
2. Does HC have the authority to deny a permit, or restart a process under the demolition delay bylaw?
3. Does HC have the authority to extend a demolition delay beyond nine months after determining historical significance?
4. If there are other examples of where the three-page HC Fact Sheet are not in compliance with allowable authority, please cite those.

Lisa is looking for a timeframe on a response, as she wants to discuss this tomorrow . Please reach out to her if need be.

Thanks.

Mark

**Mark J. Purple**

**Town Administrator**

**Town of Southborough**

**P: 508-485-0710**

**F: 508-480-1061**

---

**From:** ATTY ALDO CIPRIANO <aldoc.esq@comcast.net>

**Sent:** Monday, June 14, 2021 8:38 AM

**To:** Mark Purple <mpurple@southboroughma.com>; Lisa Braccio <lbraccio@southboroughma.com>

**Subject:** Legal Opinion - Historical Commission Undated Fact Sheet

[EXTERNAL]

Greetings Mark,



Please see attached.

Aldo A. Cipriano, Esq.

Town Counsel

Aldo A. Cipriano, Esq.  
277 Main Street  
Victoria Building  
Second Level \* Atrium Suite  
Marlborough, MA 01752  
Tel. (508)485-7245  
Fax (508)485-2304  
[AldoC.Esq@comcast.net](mailto:AldoC.Esq@comcast.net)

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Firefox

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**ALDO A. CIPRIANO**  
Attorney and Counsellor at Law

277 Main Street  
Victoria Building  
Atrium Suite – Second Floor  
Marlborough, Massachusetts 01752  
T: 508-485-7245, F: 508-485-7304  
E-mail: AldoC.ESQ@comcast.net

June 14, 2021

Lisa Braccio, Chairperson  
Board of Selectmen  
c/o Mark Purple, Town Administrator  
Town of Southborough  
Town House  
17 Common Street  
Southborough, MA 01772

**Re: Legal Opinion Request, “Fact Sheet for Owners Requesting Demolition of Listing Properties” (Undated) – Southborough Historical Commission**

Greetings Madam Chairperson and Board Members,

We have been asked to review a three-page document above-referenced together with our prior detailed comprehensive legal opinion to the Building Department as it related to a prior existing non-conforming structure at 45 Highland Street.

In that regard, we have evaluated and reviewed all prior opinions and proceedings with the Historical Commission subsequent to the enactment of the Demolition Delay Bylaw which we note, is a General Bylaw creating a form of moratorium for certain qualified historical properties relative to demolition.

In this regard, please be advised of the following.

We have no record of ever reviewing the three-page so-called undated Fact Sheet furnished. This document is not in the form of administrative rules and regulations, although it does include certain provisions that would be found in regulatory regulations (i.e., plan specifics, reasons for demolition, supportive other documentation).

To be valid rules and regulations of this nature, under the Historical Commission’s rule making authority, we had previously advised that the regulations be prepared, reviewed by our office and subsequently submitted for public review after some form of agenda publication, that is, that the regulations would be listed on an agenda to be reviewed in public. Although this would not be a public hearing, public input would be permissible in the discretion of the Commission.

By way of example, there are potential issues in this Fact Sheet which may go beyond the intended rule making authority. One example would be the need to submit a mortgage or real estate appraisal.

Also, we note that there is much of the application process already contained in the Bylaw. This normally would be part of rules and regulations, but is not needed as it is incorporated in the Bylaw.

Accordingly, as we have indicated, we have no record of reviewing this and it is not in the proper form of rules and regulations.

We have issued several detailed legal opinions to the Historical Commission to help guide them in carrying out the provisions of the Demolition Delay Bylaw and conducted a workshop several years ago, but for not only the Historical Commission, but with a former Building Commissioner, Mark Robidoux. There has been no such follow up with the current make-up of the Historical Commission and the current Building Commissioner.

At that particular workshop, we suggested some form of a guide to be part of the application process for informational purposes and we believe that the attached was a result of that recommendation.

Relative to the legal opinion issued on January 19, 2021 for 45 Highland Street, the comprehensive substance of that opinion related to the status of the structure under the provisions applicable for prior existing, but protected non-conforming structures. We note in that opinion that the structure at 45 Highland Street qualified under Chapter 63 and we suggested that, once any form of demolition is applied for on such a qualified historical structure, that as much detail as possible be obtained as to what, specifically, is to be demolished and supervision on site by the Building Department so as to ensure compliance with local bylaws.

We hope that this clarifies the current status of fact sheets, informational sheets and rules and regulations.

Overall, we continue to stress and recommend integration of Town agencies that are responsible to carry out local Bylaw provisions and suggest that a segregation of duties and responsibilities normally does not work.

Accordingly, we again recommend some form of meeting or workshop with the Building Department and Historical Commission members present to clarify and discuss issues, concerns and particularly, jurisdictional limitations of those involved. As we have said in the past, given the compelling nature of these workshops as educational forums, so as to mitigate legal challenges, we offer these at no cost to the Town.

If we may be of further assistance, please advise.

Respectfully submitted,



Aldo A. Cipriano, Esq.  
Town Counsel

AAC/fc

# TOWN OF SOUTHBOROUGH



## Historical Commission

HISTORICAL MUSEUM – 25 COMMON STREET - SOUTHBOROUGH,  
MASSACHUSETTS 01772-1662  
PHONE (508) 485 0710 - FAX (508) 480 0161 - EMAIL: [historical@southboroughma.com](mailto:historical@southboroughma.com)

August 19, 2020

To: Kristen and Karen Connell  
15 Main Street  
Southborough, MA 01772

Cc: Laurie Livoli, Building Commissioner

Dear Meses. Connell,

On August 18, 2020 the Southborough Historical Commission determined the home at 15 Main Street, Southborough, MA should be preferentially preserved.

Chapter 63 of Town Code refers to the Demolition Delay By-Law. Section 63-1 of Town Code is the intent and purpose of this by-law and reads as follows:

### **63-1 Intent and purpose.**

**A.** This bylaw is enacted for the purpose of protecting and preserving significant buildings and structures within the Town of Southborough which constitute or reflect distinctive features of the architectural or historical resources of the Town, and to encourage owners of such buildings and structures to seek out alternative options to preserve, rehabilitate or restore such buildings rather than to demolish them, thereby promoting the public welfare and preserving the cultural heritage of the Town.

In accordance with the demolition delay By-law, we are hereby issuing an action plan for your property that details your responsibilities in this regard. This plan must be completed in full to ensure you have made "*continuing, bona fide, and reasonable efforts*" to conform to provisions of the bylaw. It is the obligation of the owner to submit a proactive plan to work with the Historical Commission either to preserve the property, in whole or in part, or find another buyer willing to do so. In



order to guide you through the process and outline your responsibilities, the following action plan has been developed.

### **ACTION PLAN**

1. Please provide documentation of assessments of rehabilitation made by a licensed contractor or engineer.
2. Please provide all plans and documentation for future development that have been submitted to any board or commission in the Town of Southborough. The Commission requires that no demolition permit can be issued by the Building Inspector on a building/structure found by the Historical Commission to be historically or architecturally significant until all permits and approvals for use and development of the property have been obtained and issued from all other town boards. Any material change, as solely determined by the Historical Commission, in the development and/or preservation plan during the evaluation process or the delay period may require, at the sole discretion of the Historical Commission, the process to restart.
3. Please provide a copy of the most recent tax assessment of the property.
4. Please provide a copy of a recent real estate/mortgage appraisal not more than three months old.
5. Please provide details of any efforts you have made to find a buyer willing to purchase the property at the appraised value. If the commission determines that the applicant is not making good faith efforts, as determined by the Historical Commission, to find an alternative to demolition of the property, the process will halt and will not restart until the Historical Commission determines reasonable good faith efforts are being made, this will be determined by the facts and circumstances of each individual case.

**STATEMENT OF REASONS** - A detailed description and statement of reasons for the proposed demolition/removal. Major elevations of the building detailing the width, height, depth and setbacks as described in this application and any deterioration of the building/structure should be documented. The existing uses and proposed uses of the property must be documented along with all improvements (including but not limited to walkways, driveways, fences, swimming pools, etc.) to be completed by the proposed project for the site.

**PHOTOGRAPHS** – Seven sets of 3x5 or larger photographs of the property and surrounding areas and properties affected by the proposed demolition must be submitted. Each photograph must be labeled with the address of the property and the date the photograph was taken. All photographs must be keyed to a plot plan (see below) to provide a thorough location description. Slides and/or a PowerPoint

presentation may be added (but not substituted for the required photographs) at the Commission hearing.

**MAP** – A map containing the location of the property affected by the proposed demolition must be submitted with this application. An 8-½"x11" portion of an assessors street map showing the property may be sufficient.

**PLOT PLAN** – A plot plan showing (1) the building/structure footprint, (2) the structure or portion thereof sought to be demolished, and (3) the dimensions of the building/structure must be submitted with this application.

**SIGNATURES and/or PROOF OF OWNERSHIP** – All applications for demolition delay review must be submitted and signed by the owner of record of the property as the applicant. Proof of ownership must also be submitted with the application evidenced by a copy of the current deed to the property showing the applicant's name and/or ownership interest.

Sincerely,

A handwritten signature in black ink that reads "Rebecca Deans-Rowe". The signature is written in a cursive style with a large initial 'R'.

Rebecca Deans-Rowe  
Chair, Southborough Historical Commission



## SOUTHBOROUGH HISTORICAL COMMISSION

June 23, 2021  
VIA EMAIL

Ms. Lisa Braccio  
Mr. Andrew Dennington  
Mr. Martin Healey  
Ms. Chelsea Malinowski  
Mr. Sam Stivers

Board of Selectmen, Town of Southborough  
17 Common Street  
Southborough, MA 01772

**Subj: Disagreement between BOS and SHC Regarding Demolition Delay Bylaw  
Requirements and Applicability**

Honorable BOS Members:

We believe the events in the last few weeks, especially the unfavorable descriptors attached to the Historical Commission on June 15<sup>th</sup> 2021 in a public BOS session without SHC presence, are unwarranted.

We also believe that the BOS actions to override the SHC determinations regarding 15 Main Street may be contrary to the legal authority granted us within the Southborough Demolition Delay Bylaw (DDBL – see Southborough Town website <https://ecode360.com/30371651>). The Demolition Delay Bylaw states in Section 63.3 D through G that the Historical Commission is the body to determine whether a structure is to be Preferentially Preserved, and the sole body empowered to release a structure from this requirement (Section 63.3 H).

That said, there is an apparent disconnect between the intent of the DDBL (as evidenced by the DDBL Rules and Guidelines issued in 2016, attached) and its exact legal wording. In particular, the language in 63.3 (H) specifies that for nine months the owner must make “continuing, bona fide and reasonable efforts to locate a purchaser” to assure the Commission that no one else is willing to buy the property at market rates before demolition can be granted, but this appears to have been overlooked regarding 15 Main Street.

We wish to set aside the rhetoric on both sides and work with the BOS to affirm, and if necessary, to clarify the requirements of the Southborough Demolition Delay Bylaw. Thus, we as a unanimous body are reaching out to seek a consistent approach to managing demolition requests for this property and others that will come before the SHC.

SHC @ the Historical Museum • 25 Common Street • Southborough, Massachusetts • 01772-1662  
PHONE (508) 485-0710 - FAX (508) 480-0161 – EMAIL: [historical@southboroughma.com](mailto:historical@southboroughma.com)


To this end, we request a joint, public resolution session between the BOS and full SHC. To prepare and ensure this larger group time is efficiently spent, we are also formally requesting access (form attached) to the Town's legal Counsel prior to our meeting with the BOS to assist in the correct interpretation of the DDBL provisions, the degree to which the Rules and Guidelines are binding on homeowners, and identify any recommended changes for clarity. Following that session, we will be happy to meet collaboratively with the Selectmen and reach mutual accord regarding the process of ongoing review of Preferentially Preserved properties built before 1925 and thus subject to the DDBL.

Our straightforward goal is simply this: an improved spirit of cooperation and an agreement on a consistent, even-handed approach to historic properties so that we both can better serve our citizens and our history.


We should point out that the current discord and lack of cooperation between the BOS and the SHC has been distressing to all of us, bringing into question whether several members will wish to continue to serve in our volunteer SHC capacities. It should not be this way, and we would sincerely like to 'get on the same page' with you so that there is mutual understanding of the requirements and a consistent approach. We ask that you join with us in restoring mutually-respectful interactions.

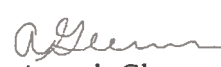
Approving the attached request for access to Town Counsel is the first step; a joint meeting to resolve any difference in opinion between BOS and SHC is the second. We therefore look forward to your affirmative response and to coordinating a joint meeting as soon as possible.

Sincerely,

  
Kathleen Battles  
SHC Member

  
James Blaschke  
SHC Member

  
Rebecca Deans-Rowe  
SHC Vice Chair

  
Amanda Gleeson  
SHC Member

  
Kevin Miller  
SHC Member

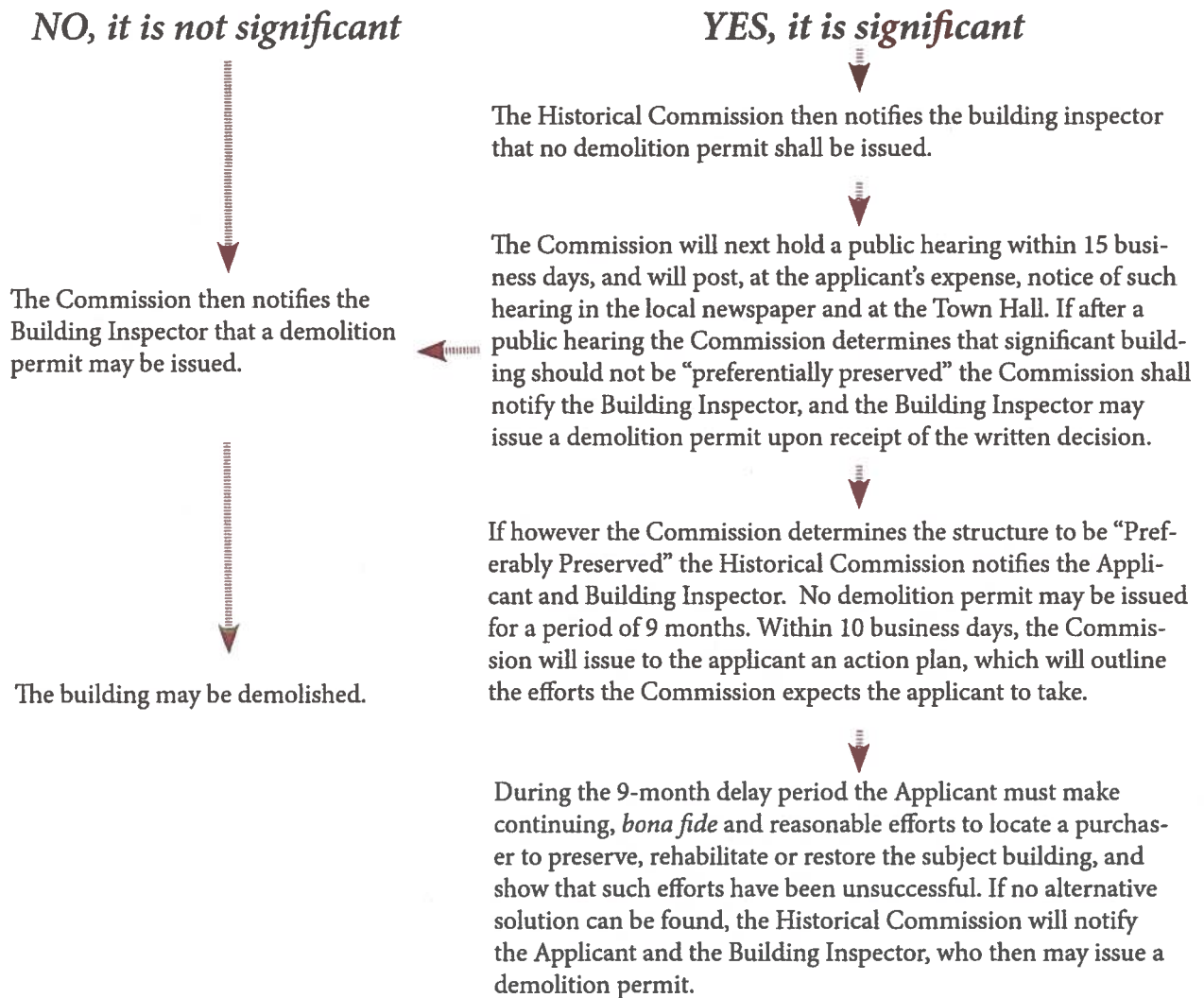
  
Annie Pfaff  
SHC Member

  
Michael Weishan  
SHC Chair

# Demolition Delay By-Law, Southborough Massachusetts

## *Rules and Guidelines*

- Step 1:** When a property owner decides to demolish a structure in Southborough, the property owner files an application for demolition with the Building Inspector. The person who files the application is known as the "Applicant."
- Step 2:** Within 7 business days of receiving the Application for Demolition, the Building Inspector forwards the application to the Historical Commission. The application must contain, in addition to the paperwork required by the Building Inspector, photos showing all sides of the building to be demolished, and a plot plan showing its location.
- Step 3:** Within 10 business days of receiving the Application, the Historical Commission must make an initial determination if the structure to be demolished is "significant."\* This will require members of the Commission to visit the property at a mutually agreed time with the building inspector to assess the property's condition. The Commission members then inform the chairman whether or not they feel the property is significant. If the majority decide:



\* A "significant structure" may meet one or more of the following criteria: built in or before 1925; on, or eligible for the National Register; important to the history of the town; of significant architectural importance



## Frequently Asked Questions

### ***What properties does this by-law affect?***

This by-law only affects properties that possess buildings or structures that were constructed prior to 1925 that are included in the Southborough Massachusetts Historical Properties Survey prepared by the Commission in 2000 (with revisions and updates in 2015). A copy of this report is on file at the Town Clerk's office and at the Southborough Public Library.

### ***What is the difference between demolition and demolition by neglect?***

Demolition is defined as "any act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial exterior destruction with the intent of completing the same." Demolition by neglect is defined as "a process of ongoing damage to the fabric, viability and/or functionality of an unoccupied building leading towards and/or causing its eventual demolition due to decay and/or structural failure and/or severe degradation over a period of time as a result of a general lack of maintenance, and/or failure to secure the building from pests or vandals, and/or failure to take reasonable measures to prevent the ingress of water, snow, ice, and wind through the roof, walls, or apertures." Demolition by neglect of potentially significant structures is signaled to the Commission by the Building Inspector, who will have first contacted the owner in an attempt to rectify the situation through mutually agreeable means. Should that fail, the Commission will hold a public meeting to determine whether the building is in fact both "significant" and "preferentially preferred." If that is determined to be the case, the Commission will then work with the Building Inspector to secure the structure.

### ***The by-law mandates access to the property by the Historical Commission. How is that arranged?***

Typically, the building inspector will contact the owner to set up a mutually agreeable time to visit the property. The owner does not need to be present; members of the Commission simply need full access to the property, inside and out. It is in the interest of the owner to make expeditious arrangements for this inspection, as no demolition permit will be granted until access to the structure is achieved.

### ***What happens if the structure is determined to be "preferentially preserved?" How do you define "continuing, bona fide, reasonable efforts" on the part of the applicant?***

When the Commission makes the judgment that a property is preferentially preserved, the Commission shall, within 10 business days, provide the applicant with an action plan, which shall vary from property to property but may include placing notices in local and regional publications, meeting with various interested parties engaged in restoration and/or exploring alternatives to demolition as well as allowing access to the property by various experts and consultants recommended by the Historical Commission to assess rehabilitation options.

### ***Who pays for the costs of these efforts?***

Like other permitting charges and fees, these costs are borne by the applicant.

### ***Does this process always take 9 months?***

Not necessarily. If at any time the Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building, and/or the Commission is satisfied that the owner has made continuing, *bona fide* and reasonable efforts to locate a purchaser to preserve, rehabilitate or restore the subject building, and that such efforts have been unsuccessful, the Commission can recommend that the Building Inspector grant the demolition permit.

### ***What happens if the applicant doesn't make these bona fide efforts?***

If the Commission determines that the applicant has not made continuing, *bona fide*, and reasonable efforts as outlined in the property action plan supplied to the applicant by the Commission, the Commission may recommend that the Building Inspector not grant a demolition permit, in which case the applicant may re-apply. The applicant should also be aware that demolishing a structure without the proper authorization may result in a substantial fine, legal action or the refusal of building permits on adjacent parcels, as outlined in section 63.7 of Southborough's demolition delay by-law.

2016  
The Southborough Historical Commission  
17 Common Street Southborough, MA 01772  
Email: [historical@southboroughma.com](mailto:historical@southboroughma.com)  
Web: [southboroughhistoricalcommission.weebly.com](http://southboroughhistoricalcommission.weebly.com)