

# Southborough's Proposed Demolition Delay By-Law

## *Frequently Asked Questions*

### ***Does this even affect me?***

This proposed by-law only affects you if you plan to demolish a building, in whole or in part, which was constructed prior to 1925 and is included in the Southborough Massachusetts Historical Properties Survey prepared by the Commission in 2000 (with revisions and updates in 2015) on file with the Town Clerk's office.

### ***Why is this By-law being proposed? Do other communities have this By-Law?***

Every surrounding town already has a demolition delay by-law in place. We see this by-law as a way to deter developers and others from mindlessly razing irreplaceable historic structures that are a part of Southborough's history and add greatly to the town's appeal as wonderful place to live, work, play, and visit.

### **HOW WE COMPARE:**

<b>Town</b>	<b>Southborough</b>	<b>Northborough</b>	<b>Westborough</b>	<b>Framingham</b>
<b>Buildings Affected</b>	Before 1925	100 yrs or older	Before 1950	50 Yrs or older
<b>Length of Delay</b>	9 months	12 months	6 months	6 months

### ***Why does almost every neighboring town have similar by-laws except us?***

Good question. It's true that our neighboring towns have long since passed demolition delay by-laws. They are standard in almost every community in Eastern Massachusetts. Previous attempts at protecting our shared Southborough heritage have been blocked by individuals who claimed this measure would limit homeowners' options, which isn't true. This by-law only delays — but does not prevent — demolition.

### ***Can I still paint my house whatever color I'd like? Or put on storm windows?***

Yes! This proposed by-law only affects you if you plan to demolish a structure. The proposed by-law does not affect cosmetic changes to your home at all. Paint it any color, change the shutters, replace windows.

### ***What can a Demolition Delay really do?***

The delay is designed to deter developers and others from tearing down irreplaceable historic structures. It also encourages homeowners to seek out preservation, rehabilitation, or relocation opportunities. The delay can also serve as an important window of time for the Historical Commission to extensively document the structure through photographs and drawings before it is lost forever.

### ***What happens after the 9-month delay period has passed?***

If no rehabilitative efforts were identified, the Building Inspector may issue a demolition permit. Remember, this by-law doesn't prevent demolitions. Once all permitting is in place, you as the owner may demolish the structure.

### ***Why 9 months? Why not 6 or 3?***

Nine months is the median term of communities with current demolition delay by-laws, which is most of the communities in Eastern Massachusetts. Realistically, the Town will require that amount of time to explore viable alternatives, as the arduous process of trying to save 84 Main Street has amply proved.

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)

### ***Why would I as a homeowner want a by-law like this?***

As a homeowner, you want this by-law because it protects your quality of life in Southborough. You presumably moved here to take pleasure in our open spaces and historic town center, to benefit from our superior school system, to live in our excellent housing, and to enjoy easy access to public and private transportation — all of which make Southborough a desirable place to live, and all of which are threatened by unsuitable development. Every time an historic single-family home comes down to be replaced by an office complex or multi-unit dwelling, your tax rate goes up, and there are more people making demands on town services. That negatively affects you, your family and your lifestyle.

### ***Doesn't this take away some of my rights to do what I want with my property?***

No it doesn't, *and arguments to the contrary are deliberately misleading.* The by-law merely forces a 9-month delay while the Historical Commission works with you to explore means other than demolition to achieve your goals. This might be a minor inconvenience to someone who buys a property merely for development, but it protects the rest of us from outsiders merely looking to turn a quick profit at the expense of our shared cultural history.

### ***What are the other benefits of this by-law?***

Simply put, it puts money in your pocket. Communities with strong records of historic preservation are consistently rated as more desirable places to live than those that lack protection for their historic structures. This creates demand in the real estate market, which in turn generates revenue for the town, improves the schools, and enriches the homeowner as real estate prices rise.

### ***What about hardship cases, especially with the Demolition by Neglect provision in this by-law? Let's take for example an elderly couple who can't afford to fix up their home. What would happen to them?***

If the building inspector reports a historic home in danger of demolition by neglect, he/she will report it to the Historical Commission, and the Commission will reach out to the homeowners with possible solutions, which would include seeking pro-bono services for the owners, helping find funds for stabilization, and a variety of other remedies. This by-law empowers the Historical Commission to help, not hinder, property owners of historic homes who find themselves in dire financial straits, and the by-law specifically states that the Commission is not forced to act negatively in these situations. The principal purpose of this clause is to prevent outsiders from buying historic property with the intent of deliberately letting it lapse into a state where it then needs to be demolished for safety reasons.

### ***Where can I find a copy of the proposed by-law. What if I have any questions?***

Hard copies of the proposed by-law are available at the Southborough Town House and Public Library. Electronic copies can be found at: [southboroughhistoricalcommission.weebly.com](http://southboroughhistoricalcommission.weebly.com) and [www.southboroughtown.com](http://www.southboroughtown.com) or write to Southborough Historical Commission. We are happy to answer any and all questions!

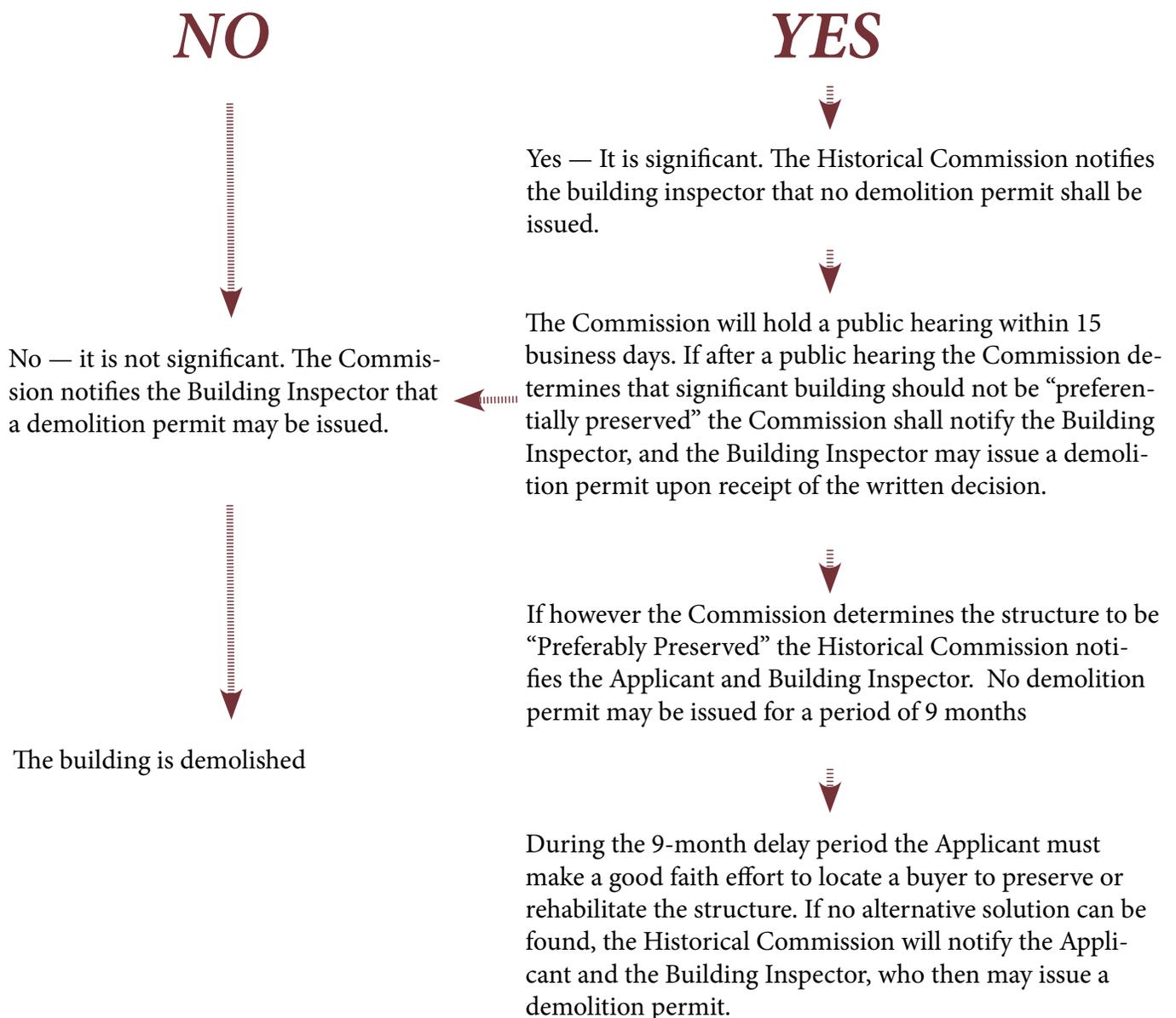
### ***What's the quick take-away here?***

The proposed Demolition By-law does not limit property owner rights, increases real estate values, protects the historic nature of the town, and improves the quality of life for everyone in Southborough.

# Southborough's Proposed Demolition Delay By-Law

## *A Walk Through the Process*

- Step 1:** A property owner decides that it's time to tear down the old house and build a new one..... 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.
- 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."\*



\* A “significant structure” is any building, in whole or in part, which was constructed prior to 1925 and is included in the Southborough Massachusetts Historical Properties Survey prepared by the Commission in 2000 (with revisions and updates in 2015) on file at the Town Clerk's office, available on-line and at the Town Library.