

## DEMOLITION PERMIT REVIEW PROCEDURE *adopted March 2009; revised July 2012*

Under *Section 509 of the Rye Zoning Ordinance*, no building or section of building 500-sf or more that is 65-years or older can be demolished until either the Rye Building Inspector or the Rye Demolition Committee has conducted their review and granted permission. The process is as follows:

- Applicant submits a Demolition Permit application and any information they may have regarding the history and age of the structure to the Building Inspector.
- The Building Inspector will determine if the Demolition Permit can be issued or if Demolition Committee review is necessary.
- If Demolition Committee review is necessary, the Building Inspector shall notify the applicant in writing within five (5) business days of receiving a complete Demolition Permit application that the structure's history must be reviewed before proceeding, and that the delay will not exceed forty-nine (49) days.
- The Building Inspector will forward the application to each member of the Demolition Committee within five days of this determination.
- The Demolition Review Committee shall meet within five (5) business days of receipt of the application; notice of this meeting will be posted in two locations and on the Town website. At the meeting the Demolition Committee will make one of the following two determinations:
  1. The building is **NOT POTENTIALLY SIGNIFICANT**. The Building Inspector shall be notified by the Committee within three (3) business days of making that determination. The Demolition Permit at that time can be issued by the Building Inspector, provided all other requirements applicable to the demolition have been met (*see other requirements at the end of this document*).
  2. The building **IS POTENTIALLY SIGNIFICANT**. The Building Inspector shall be notified by the Committee within three (3) business days of making that determination and submitting in writing their findings. The Building Inspector will schedule a public hearing within twelve (12) business days of receiving that determination. Notice of the public hearing shall be posted in two public places and published at least five (5) days prior to the hearing, not including the day of the hearing or the day of posting.

### **POTENTIALLY SIGNIFICANT or SIGNIFICANT CRITERIA.**

- a. The building is of such interest or quality that it would meet national, state or local criteria for designation as an historic, cultural or architectural landmark.
- b. The building is of such unusual or uncommon design, texture or materials that it could not be reproduced or could be reproduced only with great difficulty and expense.

- c. The building is of such historic, architectural or community value that its removal would be to the detriment of the public interest.
- d. Retention of the building would help preserve and protect an historic place or area of historic interest.

### **PUBLIC HEARING**

Within five (5) business days of the Demolition Review Committee's decision to hold a public hearing, the Building Inspector shall notify the applicant that a sign, provided by the town, identifying the proposed building for demolition, indicating the date, time, and place of the public hearing, must be posted in a visible location on the building or site. It is the applicant's responsibility to post the sign within five (5) business days of receiving notification and the sign from the Building Inspector.

At the public hearing, the Demolition Review Committee shall hear all public testimony regarding the history and/or demolition of the building. The owner or his representative shall be invited to attend the hearing.

At the conclusion of the hearing, the Demolition Review Committee shall either:

1. Notify the Building Inspector in writing within three (3) business days of the decision if the building is found to be *NOT SIGNIFICANT*, in which case demolition may proceed, provided all other requirements applicable to the demolition have been met.
2. Hold a meeting between the Demolition Review Committee and the owner (or owner's representative) within ten (10) business days of the public hearing to discuss alternatives to demolition.

### **DISCUSSION OF ALTERNATIVES**

If no alternatives to demolition are identified and agreed to by the applicant, the applicant is free to proceed with demolition. Prior to demolition, and if the applicant is in agreement, the Demolition Review Committee shall photographically document the building. The photographs will be submitted to the Building Inspector for town public files, the Historic Commission and the Heritage Commission.

### **FEES**

If the Demolition Review Committee determines that a public hearing is required, a fee of \$50 shall be made payable to the Town of Rye to cover the costs of the sign and public hearing notice.

### **OTHER REQUIREMENTS FOR DEMO PERMIT:**

These requirements are listed on the application for demolition, but at the request of the building Inspector may also include submission of erosion control or site control plans. Site must be secure and safe at all times, and all demo material cleaned and disposed of properly in a timely fashion.

