

SECTION 509 DEMOLITION REVIEW (Adopted 2009)

509.1 Purpose: The purpose of this section is to encourage the preservation of buildings and places of historic, architectural and community value.

509.2 Demolition: For the purposes of this section, the word “demolition” means the act of pulling down, destroying, removing or razing a building or part of a building or commencing the work of total or substantial destruction with the intent of completing the same. It does not include interior demolition which does not alter the appearance of the exterior of the building.

509.3 Demolition Subject to Review: Any demolition within the Town of Rye shall be subject to the requirements of this section where:

- A. The demolition is greater than five hundred (500) square feet of gross floor area; and
- B. The building was constructed more than sixty-five (65) years before the date of application for a demolition permit.

509.4 Demolition Review Committee: A Demolition Review Committee is hereby established consisting of three persons and two alternates.

- A. The Demolition Review Committee members shall be appointed by the Board of Selectmen to three year terms, with the initial terms staggered as one, two and three year terms, respectively. The initial terms of alternates shall be staggered as two and three year terms, respectively.
- B. One member of the Demolition Review Committee shall be a member of the Historic District Commission; one member shall be a member of the Planning Board; and one member shall be a representative of the Rye Historical Society.
- C. If the Town establishes a Heritage Commission pursuant to RSA’s 673:1, 673:4-a, the Demolition Review Committee shall be comprised of three (3) members of the Heritage Commission and two alternates appointed by the Chair of the Heritage Commission. If the Demolition Review Committee already exists pursuant to Paragraph B, above, such appointments shall be made as replacements for the existing Demolition Review Committee members as the terms of the existing members expire.

509.5 Demolition Review Procedure:

- A. When an application for a demolition permit, or a building permit involving demolition, or a site plan review involving demolition is made, or a formal written application is submitted to the Building Inspector for a determination under this article, the Building Inspector will determine if the building, or section of the building, meets the criteria of Section 509.3. If it does, the Building Inspector shall:

1. Notify the applicant in writing within five (5) business days of the filing that the demolition must be reviewed before proceeding and that the delay will not exceed forty-nine (49) days.
 2. Within five (5) business days forward the application to each member of the Demolition Review Committee.
- A. The Demolition Review Committee shall meet within five (5) business days of receipt of the application and make one of the following two determinations.
1. If the Demolition Review Committee determines that the building is not potentially significant, it shall, within three (3) business days of making that determination, notify the Building Inspector of the determination. In such case, a demolition permit may be issued by the Building Inspector provided all other requirements applicable to the demolition have been met.
 2. If the Demolition Review Committee determines that the building is potentially significant, it shall schedule a public hearing within twelve (12) business days of making that determination, and within three (3) days of making that determination notify the Building Inspector of it. 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.
- B. 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 identifying the building as proposed for demolition and the date, time, and place of the public hearing on the proposed demolition is ready for posting in a visible location on the building or site. Posting of the sign within five (5) business days of receiving notification from the Building Inspector shall be the responsibility of the applicant.
- C. The Demolition Review Committee shall hear all public testimony regarding demolition of the building. The owner or his representative shall be invited to attend the hearing.
- E. 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 if the Demolition Review Committee

determines the building is significant and its loss potentially detrimental to the community.

- D. The demolition review process shall not delay the issuance of a demolition permit by more than the 49 days provided by Section 509.5, A.1, except in the following circumstances.
1. An owner's (or his/her representative's) unwillingness or inability to meet with the Demolition Review Committee shall extend the period until such a meeting is held and for 20 days following the date of the meeting.
 2. An owner's delay in posting the sign required by Section 509.5, C shall extend the period by the number of days of delay in posting the sign.

509.6 Demolition:

A. If no alternatives to demolition have been identified and agreed to by the applicant, after the meeting provided for in Section 509.5, E.2, the applicant is free to proceed with demolition, provided all other requirements for demolition are met. Prior to demolition, and if the applicant is in agreement, the Demolition Review Committee shall photographically document the building. The Demolition Review Committee shall also encourage the applicant to salvage significant architectural features.

B. Nothing in this article shall be construed to prevent immediate demolition where public safety is at stake and the building has been determined by the Building Inspector to be a public hazard and demolition is the only viable recourse.

509.7 Criteria: In determining if a building is "potentially significant" or "significant" the Demolition Review Committee shall consider whether:

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.