

ARTICLE V, Historic Districts

§ 410-36 Powers and procedures.

A. Reviewable actions. The Historic District Commission shall review all plans for new construction on any existing lot or lots, including any construction, alteration, removal or demolition of a structure affecting the exterior appearance of any designated structure within an Historic District. The Historic District Commission shall have the power to review and approve such plans before a building or demolition permit is issued.

B. General procedures.

(1) Before a property owner may authorize or commence construction, alteration, repair, removal or demolition affecting the exterior appearance of a structure or its appurtenances within any designated Historic District, the owner must apply for and receive a Certificate of Appropriateness from the Commission.

(2) A Certificate of Appropriateness is necessary for all window replacements and all construction, alteration, repair, removal or demolition requiring a building permit. The Director may not issue a building permit until the Commission has issued a Certificate of Appropriateness. [Amended 8-25-2004 by Ch. No. 2739]

(3) In applying for a Certificate of Appropriateness, a property owner must comply with the application procedures as established by the Commission pursuant to Chapter 45-24.1 of the General Laws, as amended, and the provisions of this chapter.

C. Application for Certificate of Appropriateness.

(1) Applications for Certificates of Appropriateness shall be filed with the Commission at the Department of Planning and Redevelopment, whose staff shall determine if such application is complete and who shall forward complete applications, together with all maps, plans and other data to the Commission for review. Incomplete applications shall be returned to the applicant within seven working days of receipt of the Department of Planning and Redevelopment.

(2) The Commission shall require the owner to submit information which is reasonably necessary to evaluate the proposed construction, alteration, repair, removal or demolition, including but not limited to site plans, elevation drawings, photographs or other information deemed appropriate by the Commission as set forth in the Commission's rules and regulations.

D. Commission's review of applications.

(1) In reviewing applications and plans, the Commission shall give consideration to:

- (a) The historical and architectural significance of the structure and its appurtenances.
- (b) The way in which the structure and its appurtenances contribute to the historical and architectural significance of the district.
- (c) The appropriateness of the general design, arrangement, texture, material and siting proposed in the plans.

(2) The Commission shall pass only on exterior features of a structure and its appurtenances and shall not consider interior arrangements.

(3) The Commission shall use the standards contained in the publication Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings by the Secretary of the Interior as their primary guide.

(4) All decisions of the Commission shall be in writing. The Commission shall articulate and explain the reasons and basis of each decision on record and, in the case of a decision not to issue a certificate of appropriateness, the Commission shall include the basis for its conclusion that the proposed activity would be incongruous with those aspects of the structure, appurtenances or the district which the Commission has determined to be historically or architecturally significant. The Commission shall send a copy of the decision to the applicant.

§ 410-37 Demolition and removal of structures.

A. Demolition is defined in the ordinance as "the act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial destruction with the intent of completing the same." In addition to complete demolition of a building, the following actions may require a demolition permit,

- removal of a roof (for example, raising the overall height of a roof, rebuilding the roof to a different pitch, or adding another story to a building),
- removal of one side of a building,
- gutting of a building's interior to the point where exterior features (windows, etc.) are impacted, and
- removal of more than 25% of a structure.

~~A.B. In order to preserve the historic fabric of the City, demolition of historic properties shall be discouraged. When reviewing an application for a Certificate of Appropriateness to demolish an historic structure or appurtenance, the HDC shall consider the following criteria, in addition to the provisions of the adopted Standards and Guidelines. The following are special considerations regarding valuable historic resources and demolition:—~~

(1) A "significant historic building" is one that, is at least 50 years old and is listed on the National Register of Historic Places, or is eligible for listing on the National Register of Historic Places, or is a designated landmark, or is in the local historic district, or is determined by a majority of the Commission to be "importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the City or the State, or historically or architecturally significant (in terms of period, style, method of building construction or association with a famous architect or builder) either by itself or in the context of a group of buildings." A determination that a significant building is "preferably preserved" (relative to the proposed replacement structure) is made if a majority of the Commission finds that it is in the public interest that the building should be preserved.

~~(+2) In the case of an application for construction, repair or alteration, removal or demolition affecting the exterior appearance of a structure or its appurtenances, which the Commission deems so valuable to the City of Pawtucket, state or nation that the loss thereof will be a great loss to the City, state or nation, the Commission shall endeavor to work out with the owner an economically feasible plan for the preservation of such structure.~~

BC. When considering an application to demolish or remove a significant historic building, the Commission shall assist the owner in identifying and evaluating alternatives to demolition, including sale of the structure on its present site.

CD. In addition to any other criteria, the Commission also shall consider whether there is a reasonable likelihood that some person or group other than the current owner is willing to purchase, move and preserve such structure, and whether the owner has made continuing bona fide and reasonable efforts to sell the structure to any such purchaser willing to move and preserve such structure.

E. Procedure

(1) Within seven (7) days of receipt of a Certificate of Appropriateness application for demolition for a building or structure which is fifty (50) years or older, the Director shall forward a copy of this application to the Commission. No demolition permit should be issued at that time, and no demolition may occur.

(2) Application Requirements for Commission Review of proposed demolition:

A completed Certificate of Appropriateness Application and Demolition Permit Application shall be submitted to the Historic District Commission (HDC). Application forms can be obtained from the Zoning and Code Enforcement and Department of Planning offices. The application forms must be signed by the record owner and must be accompanied by a site plan that indicates the location of the structure and the extent of demolition. (Information about the contractor and disposal of debris need not be provided in order to initiate HDC review, though the information will be required by Zoning before a demolition permit will be issued). Upon receipt of a completed application, the HDC staff will make an initial determination of significance and, if necessary, schedule the case for the next available HDC meeting.

A. An application that requires review by the Historic District Commission, must be accompanied by 6 sets of the following supplemental materials:

- o Dimensioned engineered site plan of existing conditions and of the proposed replacement project. The site plan should indicate the relationship to the surrounding structures and properties.
- o Schematic elevation drawings of the existing building and the proposed replacement project (can be indicated on the same drawing). Dimensions and construction materials should be indicated. Elevations that demonstrate the relationship to neighboring structures are preferred. (This requirement may be waived at the discretion of the Director).
- o Any application for a project that also requires zoning relief (variance or special permit) must include the Zoning Board of Appeals application.

The following additional materials may be submitted with the application, but are not required to complete the application:

- o Engineer's report or other report on the condition of the structure.

Supplemental application materials should not exceed 11" x 17" in size. The Historic Commission does not charge an application fee, but we do require that six copies of the supplemental materials be submitted with the application

(3) Within thirty (30) days from the Commission's receipt of a complete demolition permit application, the Commission shall determine whether the structure is a significant historic structure. If the Commission determines the building or structure is not considered significant, the Commission shall so notify the Director in writing and the Building Commissioner may issue a demolition permit. If the building or structure is determined to be significant, the Commission shall so notify the owner and the Director in writing, and the Director shall not issue a demolition permit for a period of six (6) months from the date of the application, unless the Commission informs the Director prior to the expiration of said six (6) months that the applicant for the demolition has made a reasonable but unsuccessful effort to locate a purchaser for the building or structure, or one who is willing to preserve, rehabilitate or restore the building or structure, or has agreed to accept a demolition permit on specified conditions approved by the Commission. If the Commission does not determine that the building or structure is considered significant within 30 days of the Historic Commission's receipt of a complete demolition permit application, the Director may issue a demolition permit.

F. Emergency Demolition

(21) The Commission shall approve an application for demolition when in the opinion of the Director, Fire Chief or the Public Safety Director the building constitutes a hazard to public safety.

(3 G.) Unless the Commission votes to issue a certificate of appropriateness for such construction, alteration and repair, removal and demolition, the Commission shall file with the Director its rejection of such application.

(4 H.) In the absence of change in such structure arising from casualty, no new application for the same or similar work shall be filed within one year after such rejection.

(5 I.) In the case of any structure deemed to be valuable for the period of architecture it represents and important to the neighborhood within which it exists, the Commission may file with the Director its certificate of appropriateness for such application if any of the circumstances under which a certificate of appropriateness might have been given under Subsection A(4) H are in existence, or if:

(a1) Preservation of such structure is a deterrent to a major improvement program which will be of substantial benefit to the community.

(b2) Preservation of such structure would cause undue or unreasonable financial hardship to the owner, taking into account the financial resources available to the owner, including sale of the structure to any purchaser willing to preserve such structure.

(e3) The preservation of such structure would not be in the best interest of the majority of the community.

J. Photographic Documentation

Prior to the issuance of an demolition permit for any significant historic building, the applicant must provide photographic documentation. The requirements and guidelines for this documentation have been approved by the Commission are on file with the Department of Planning and Redevelopment.

§ 410-38 Failure of Commission to act.

The failure of the Commission to act within 45 days from the date of a completed application filed with it shall be deemed to constitute approval, unless an extension is agreed upon mutually by the applicant and the Commission. In the event, however, that the Commission shall make a finding of fact that the circumstances of a particular application require further time for additional study and information than can be obtained within the aforesaid period of 45 days, then and in said event the Commission shall have a period of up to 90 days within which to act upon such application.