



AMENDING WELLFLEET'S DEMOLITION DELAY BY-LAW

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BACKGROUND:

THE WELLFLEET HISTORICAL COMMISSION (WHC)



- Established by Town Meeting vote in 1986 to **preserve and protect historic structures and archeological assets** in the town of Wellfleet
- Reviews projects that **involve partial or full demolition** of **architecturally and historically significant** structures
- Hires Preservation Specialists to update **Historic Inventories** and the **Wellfleet Survey Street Index**



BACKGROUND:

WHY PRESERVATION MATTERS



- *Historic buildings:*
 - are a **nonrenewable resource**
 - **attract people** who shop, rent and buy houses in Wellfleet
 - have been **successfully renovated for new uses** throughout the Cape
- *Preservation:*
 - **reduces** construction waste
 - **is more sustainable** than using non-biodegradable manufactured products
 - **enhances the real estate values** of all houses in Wellfleet



BACKGROUND: PRESERVATION IN WELLFLEET IS CURRENTLY BY TWO STATUTES



- The Cape Cod Commission Act:
 - Demolition and substantial alteration of **NRHP** and **NRHD** properties require CCC review



- Wellfleet's Demolition Delay By-law (DDB):
 - Enables the Historical Commission to **declare a Demolition Delay of up to 18 months**
 - The length of the **delay is shortened** if the owner and the Commission **find a compromise**
 - If no compromise is reached, the owner is allowed to demolish the building



NRHP: National Register of Historic Places NRHD: National Register Historic District

BACKGROUND: LIMITS TO WHC PURVIEW



- The WHC has the **power to delay, but not prevent**, demolition of historic buildings
- The WHC has **no jurisdiction** over the interior of buildings
- **Normal maintenance and repair** such as exterior painting, roofing, and window replacement (to the extent there is no demolition) **are not within our jurisdiction**



WHY AMEND THE DEMOLITION DELAY BY-LAW



- Wellfleet's current DDB was adopted in 1996
- WHC is seeking to
 - **clarify** the threshold for referral
 - **clarify** the Review and Decision Procedure
 - **ensure** the WHC can require an independent evaluation of structural integrity
- Many Massachusetts towns have **updated their DDBs**, making use of the MHC Sample By-law
 - Truro updated their DDB in 2017, making changes similar to those we are proposing

MHC: Massachusetts Historical Commission

THE WHC HAS BEEN WORKING TO AMEND THIS BY-LAW SINCE SEPTEMBER 2022



- **Consulted with** the MHC and the CCC
- **Communicated with** Wellfleet's Building Commissioner, Assistant Town Administrator, Town Clerk, and Selectboard Members
- **Researched** the MHC Sample By-law and DDBs of several other Massachusetts towns
- **Held several Open Meetings** by Zoom in order to agree on our proposed amendments
- **Met with the Selectboard** twice about these amendments
- **Town Counsel has reviewed and edited** these amendments



FIRST: CLARIFY THE THRESHOLD FOR REFERRAL



Current By-Law:

- Building Department primarily **refers buildings over 75 years old**

Amended By-Law:

- Building Commissioner **refers buildings on Wellfleet Survey Street Index**
 - This ensures that significant buildings which reflect the historical, cultural, and architectural heritage of the town will be included



SECOND: CLARIFY THE REVIEW AND DECISION PROCEDURE

Current By-law:

- Building Department **decides** which buildings to refer to WHC
- Commission decides whether the building is preferably preserved
- Public Hearing is held to explore alternatives to demolition

Amended By-law:

- Building Department **refers** all buildings on Wellfleet Survey Street Index to WHC
- **Commission determines** whether the building is significant
- **Hearing is held** to determine whether the building is preferably preserved
- **Alternatives to demolition are explored** in the hearing & during the Demolition Delay period



THIRD: EVALUATE CLAIMS THAT A BUILDING IS STRUCTURALLY UNSOUND

Current By-law:

- **Does not provide any option for requiring** an independent evaluation of structural integrity

Amended By-law:

- New section **enables the Commission to require** that a Structural Engineer be hired to evaluate the structural integrity of a building



SUMMARY



- These By-Law amendments:
 - will **clarify definitions and procedures** to help the WHC and building Department work together more **efficiently and effectively**
 - reflect best practices based on MHC Sample By-Law
 - enhance our ability to **preserve and protect historic structures and archeological assets** in the town of Wellfleet



QUESTIONS?

- For more information, please check the Historical Commission's page on the Town of Wellfleet website
- Contact us at wellfleethistoricalcommission@gmail.com

