

**ANNUAL TOWN MEETING**  
**May 3-4, 2010**

The 191<sup>st</sup> Annual Town Meeting of the Town of Essex was called to order at 7:40 p.m. by Moderator Rolf P. Madsen. A quorum of over 100 voters was present at the time.

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Essex, qualified to vote as the laws direct, of the Annual Town Election to bring to ballot for the following officers:

Moderator for one year  
Selectman for three years  
Assessor for three years  
Board of Health Member for three years  
Two Constables for one year  
Regional School Committee Member for three years  
Trustee of Library Funds for three years  
Planning Board Member for five years

AND, to do this by vote on one ballot. The polls will be open on Monday, May 10, 2010 at 7:00 o'clock A.M. and will close at 8:00 o'clock P.M. at the Essex Fire and Police Headquarters.

AND, you are hereby directed to notify and warn the inhabitants of the Town of Essex, qualified to vote as the laws direct, to meet in said Essex at the Essex Elementary School on Monday, May 3, 2010 at 7:30 p.m. and there and then to act on the following Articles, viz:

**ARTICLE 1: SELECTION OF TOWN OFFICERS**

Motion by Jeffrey Jones, duly seconded, that the Town authorize the Board of Selectmen to appoint a Surveyor of Bark and Lumber.

Voted unanimously.

**ARTICLE 2: REPORT OF TOWN OFFICIALS**

Motion by A. Raymond Randall, Jr., duly seconded, that the Town receive the Reports of the Town Officials, Boards, and Committees contained in the Annual Town Report with the understanding that, due to transcription errors in the Minutes of the 2009 Annual Town Meeting and in the Minutes of the November 9, 2009 Special Town Meeting, a Supplement to the Annual Report will be printed and made available to the public.

Voted unanimously.

### ARTICLE 3: PERSONNEL BOARD REPORT

Motion by, Jeffrey Jones, duly seconded, that the Town approve the fiscal year 2011 Town Wage and Salary scale, including the referenced revision to the fiscal year 2010 Wage and Salary Scale for all Youth Department hourly wages, in accordance with the recommendations of the Personnel Board Report.

Voted unanimously.

### ARTICLE 4: COMPENSATION OF ELECTED OFFICIALS

Motion by Jeffrey Jones, duly seconded, that the Town fix the salary and compensation of each of the elected officers of the Town as required by Massachusetts General Law Chapter 41, Section 108, as amended, for fiscal year 2011 in accordance with the recommendations of the Personnel Board Report.

Voted Unanimously.

### ARTICLE 5: FINANCE COMMITTEE REPORT

Motion by Jeffrey Soulard, duly seconded, that the Town vote to appropriate the sum of \$5,484,130 and to a) raise by taxation the sum of \$920,895 for debt repayment, principal and interest; b) transfer from the Cemetery Sale of Lots Fund the sum of \$1,076.54 to the Cemetery Budget; c) transfer from the Cemetery Lot Care Fund the sum of \$12,990.33 to the Cemetery Budget; d) transfer from the Cemetery Perpetual Care Fund the sum of \$293.97 to the Cemetery Budget; e) transfer from the Wetlands Protection Fund the sum of \$3,445 to the Conservation Commission Budget; f) transfer from free cash the sum of \$353,365.16 to the Health Insurance Budget, g) transfer from the Ambulance Fund the sum of \$64,232 to the Ambulance Budget; h) to transfer from Article 30 of the May 7, 2007 Annual Town Meeting (GASB-45 Plan) the sum of \$3,900 to the Town Accountant's Budget; and i) to raise by taxation the sum of \$4,123,932 to be allocated between the salaries and expenses of the Town according to the remaining budget items as indicated in the Finance Committee Report.

Voted by majority.

### ARTICLE 6: SEWER ENTERPRISE FUND FREE CASH

Motion by Walter Rich, duly seconded, that the Town vote to transfer from Sewer Enterprise Fund Free Cash the sum of \$42,000 for the purpose of funding the Sewer Enterprise Fund for the remainder of fiscal year 2010; said sum to be distributed as follows: \$30,000 to be added to the "Contract – City of Gloucester" budget line and \$12,000 to be added to the "Health Insurance" budget line.

Voted unanimously.

### ARTICLE 7: SEWER ENTERPRISE FUND BUDGET

Motion by Trescott DeWitt, duly seconded, that the Town vote to appropriate the sum of \$2,035,448 for the Sewer Enterprise Fund Budget as follows: a) debt repayment, principal and interest – the sum of \$930,210 from sewer betterments and the sum of \$361,748 to be raised by taxation; and b) funds to be allocated between the salaries and expenses of the Wastewater

Department – \$618,490 from departmental receipts and the sum of \$125,000 from a surplus in the “Fund Balance Reserved for Debt Service”; all as indicated in the Finance Committee Report.

Voted unanimously.

#### ARTICLE 8: WATER ENTERPRISE FUND FREE CASH

Motion by Paul Rullo, duly seconded, that the Town vote to transfer from Water Enterprise Fund Free Cash the sum of \$8,000 for the purpose of funding the Water Enterprise Fund for the remainder of fiscal year 2010; said sum to be added to the “Other Maintenance” budget line.

Voted unanimously.

#### ARTICLE 9: WATER ENTERPRISE FUND

Motion by Paul Rullo, duly seconded, that the Town vote to appropriate the sum of \$712,090 for the Water Enterprise Fund Budget as follows: a) debt repayment, principal and interest – the sum of \$14,933 from water betterments and the sum of \$49,700 from departmental receipts; and b) funds to be allocated between the salaries and expenses of the Water Department – \$647,457 from departmental receipts; all as indicated in the Finance Committee Report.

Voted unanimously.

#### ARTICLE 10: YOUTH ENTERPRISE FUND

Motion by Mark Lynch, duly seconded, that the Town vote to appropriate the sum of \$122,171 for the Youth Enterprise Fund Budget salaries and expenses as follows: the sum of \$91,433 from departmental receipts and the sum of \$30,738 from Youth Enterprise Fund Free Cash; all as indicated in the Finance Committee Report.

Motion failed.

*[Note to reader: This article was revisited during this Town Meeting. Please read further for details.]*

#### ARTICLE 11: SCHOOL BUDGET

Motion by Susan Coviello, duly seconded, that the Town vote to raise and appropriate \$6,146,496 to fund the Town’s assessment from the Manchester Essex Regional School District - said sum to be calculated solely in accordance with the “Agreement Between the Towns of Essex and Manchester-by-the-Sea, Massachusetts with Respect to the Formation of a Regional School District”, as most recently amended, by invoking and approving the provision found in paragraph four of Massachusetts General Laws chapter 71, section 16B allowing District members “to reallocate the sum of their required local contributions to the district in accordance with the regional agreement”, for the fiscal year beginning July first, two thousand ten.

Voted unanimously.

#### ARTICLE 12: NORTH SHORE REGIONAL VOCATIONAL SCHOOL DISTRICT

Motion by George Harvey, duly seconded, that the Town vote to raise and appropriate \$171,312 to fund the Town’s assessment from the North Shore Regional Vocational School District.

Voted unanimously.

ARTICLE 13: TOWN BUILDING COMMITTEE

Motion by Lisa O'Donnell, duly seconded, to indefinitely postpone this article.  
Voted unanimously.

Moderator Rolf P. Madson turned over the podium to the Deputy Moderator, David J. Lane.

ARTICLE 14 – CONOMO POINT PLANNING COMMITTEE VACANCIES

Moderator opens the floor for nominations for two vacancies within the Conomo Point Planning Committee.

Motion by Bruce Fortier, duly seconded, that the Town vote that the present membership of the Conomo Point Planning Committee be terminated in its entirety and that no new members be appointed at this time. And, further, that the Town vote that it is the sense of the meeting that no new members should be appointed until the next Annual Town Meeting.

Moderator ruled that the motion was out the scope of the article.  
Moderator retracted ruling that the motion was out of the scope of the article.

Motion by Edward Neal, duly seconded, that Mr. Fortier's motion be amended by deleting it in its entirety and replacing it with the motion that the Town entertain nominations from the floor to fill two vacancies on the Committee per section 2-20 of the bylaws.

Motion was made and duly seconded to end the debate.  
Motion to amend is approved by the majority.  
Motion is approved and carried.

The floor opens for nominations for the two vacancies. Four parties were nominated and ballots were cast:

John Bediz	83
Lisa O'Donnell	77
Cliff Ageloff	55
Bruce Fortier	18
Blanks	13

Lisa O'Donnell and John Bediz were selected as the two new committee members.

Lane turned the gavel over to Moderator Madsen who presided for the rest of the meeting.

ARTICLE 15: SNOW AND ICE OVERTIME

Motion by Jeffrey Soulard, duly seconded, that Article 15 be indefinitely postponed.  
Voted unanimously.

**ARTICLE 16: COMMUNITY PRESERVATION FUND**

Motion by Virginia Boutchie, duly seconded, that the Town appropriate or reserve from Fiscal Year 2011 Community Preservation Fund estimated annual revenues, or other available funds, all as specified on the Community Preservation Act Town Meeting Handout, the amounts recommended by the Community Preservation Committee for Open Space Reserve, Historic Resources Reserve, Community Housing Reserve, Budgeted Reserve, administrative expenses, community preservation projects and other expenses in Fiscal Year 2011, with each item to be considered separately as indicated on the handout.

Voted unanimously.

**ARTICLE 10: YOUTH ENTERPRISE FUND - REVISITED**

Motion by Mark Lynch, duly seconded, that the Town vote to reconsider the vote taken under Article 10.

Motion by Annie Cameron, duly seconded, that the Town appropriate the sum of \$91,433 from departmental receipts to the Youth Enterprise fund budget for the Youth Summer Program.

Voted by declared 2/3 vote.

*[Note to readers: This article was previously discussed. Please see above.]*

**ARTICLE 17: ZONING BYLAW CHANGES**

Motion by Westley Burnham, duly seconded, that the Town vote to amend the Town of Essex Bylaws, Chapter VI, "Zoning", as currently in effect, by replacing the entire text of Chapter VI with the text shown in a document entitled "Town of Essex, Massachusetts, Chapter VI of By-Laws, Zoning, Proposed Re-Format 2010", dated March 7, 2010, a copy of which is on file with the Town Clerk and available at [www.essexma.org](http://www.essexma.org), solely for the purpose of re-organizing and re-arranging the zoning bylaws of the Town without changing current zoning requirements; and, further, to change the word "principle" to "principal" at each occurrence of the word within the bylaw; and, further, to remove the words "and paved surfaces" from note "f" in Section 6-3.2.2 Notes for Table of Dimensional Requirements - said note "f" to read as follows: f. Maximum lot coverage for buildings.

Voted unanimously.

**ARTICLE 18: ZONING "BUSINESS" DEFINITION**

Motion by Andrew St. John, duly seconded, that the Town vote to amend the Town of Essex Bylaws, Chapter VI, "Zoning", by inserting the following in the "Definitions" section (which is Section 6-3 of the current Bylaws, and is to be renumbered as Section 6-2.2 upon approval of the "Proposed Re-Format" referenced in Article 17):

**BUSINESS**

The transaction or carrying on of a trade or commercial enterprise, not manufacturing, operating for profit or for a livelihood, or as a non-profit entity.

Voted by declared 2/3's vote.

**ARTICLE 19: ZONING DWELLING DEFINITIONS**

Motion by Juergen Dietrichson, duly seconded, that the Town vote to amend the Town of Essex Bylaws, Chapter VI, "Zoning", by deleting the current definitions of "Dwelling, Multi-

Family,” “Dwelling, Single Family,” Dwelling, Two-Family,” “Dwelling Unit,” and “Family” that are contained in the “Definitions” section (which is Section 6-3 of the current Bylaws, and is to be renumbered as Section 6-2.2 upon approval of the “Proposed Re-Format” referenced in Article 17), and inserting the following definitions in place of the deleted provisions (except for the definition of “Family,” which is to be deleted and not replaced):

**DWELLING, MULTI-FAMILY**

A detached building containing three or more dwelling units, other than a trailer or mobile home.

**DWELLING, SINGLE FAMILY**

A single detached dwelling unit other than a trailer or mobile home.

**DWELLING, TWO-FAMILY**

A detached building containing two dwelling units, other than a trailer or mobile home.

**DWELLING UNIT**

A room or suite of rooms providing complete, independent living facilities for one or more persons including permanent provision for living, sleeping, eating, cooking, and sanitation.

Voted by declared 2/3’s vote.

**ARTICLE 20: USE DEFINITIONS**

Motion by Kim Drake, duly seconded, that the Town vote to amend the Town of Essex Bylaws, Chapter VI, “Zoning”, by inserting the following in the “Definitions” section (which is Section 6-3 of the current Bylaws, and is to be renumbered as Section 6-2.2 upon approval of the “Proposed Re-Format” referenced in Article 17):

**USE, CHANGE OF**

A change of use occurs when the change is from one principal use category to another, as listed in the section entitled **Land Use Regulations** of this bylaw.

**USE, MIXED**

Two or more principal uses occupying the same land or building, each of which is independent of and unrelated to the other.

**USE, PRINCIPAL**

The main or primary purpose for which land or buildings are arranged or intended, or for which it may be used, occupied, or maintained under this bylaw.

And, further, in the “Definitions” section, to re-title “**ACCESSORY USE**” as “**USE, ACCESSORY**” in order to conform with the titles of other use definitions.

Voted by declared 2/3’s vote.

ARTICLE 21: DEMOLITION DELAY/REVIEW

Motion by Kurt Wilhelm, duly seconded, that the Town vote to amend the Town of Essex Bylaws by adding a new section to Chapter IV to be known as "Section 4-15. DEMOLITION DELAY/REVIEW." as printed under Article 21 of the Annual Town Meeting Warrant, with the following changes: That Sections 4-15.3(14) and 4-15.3(15) be deleted in their entirety and that the first part of Section 4-15.3(16) be deleted so that said Section 4-15.3(16) reads "Following the six-month delay period, the Building Inspector may issue the Permit to Demolish."; said Section 4-15.3(16) to then be renumbered as Section 4-15.3(14).

Motion by Jack Gail to amend motion by changing "fifty years" to "one hundred years" in Sections 4-15.2(8) and 4-15.3(2).

Voted by declared 2/3's vote.

*[Note to reader. This motion was revisited during this Town Meeting. Please read further for details.]*

A motion to adjourn the meeting and to continue Tuesday, May 4<sup>th</sup> 2010 at 7:30pm was and duly seconded. The quorum voted unanimously.

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Continuation of the Annual Town Meeting, May 4, 2010, called to order at 7:35pm at the Essex Elementary School by Moderator Rolf P. Madsen. A quorum of over 70 voters was present.

ARTICLE 22: AMBULANCE FUND

Motion made by Daniel Doucette, duly seconded, that the Town vote to transfer from the Ambulance Fund the sum of \$185,000 for the purchase of a new, equipped ambulance; and further to authorize the Board of Selectmen to dispose of any equipment that might be replaced by the new equipment by trade or sale for such price as is deemed reasonable by the Board of Selectmen.

Voted unanimously.

ARTICLE 21: DEMOLITION DELAY/REVIEW- REVISITED

Motion made by Edward Neal, duly seconded, to reconsider the decision made on Article 21: Demolition Delay/Review.

Counted Vote:            Yes – 50  
                                      No – 24  
                                      Motion passed.

Motion made by Edward Neal, duly seconded, that Article 21 be indefinitely postponed.

Voted by the majority.

*[Note to reader: This article was previously discussed. Please see above for details.]*

ARTICLE 23: POCKET PARKS

Motion by Mark Lynch, duly seconded, that the Town transfer from free cash the sum of \$7,500 for a consultant to develop concept plans for "pocket parks" in the downtown "village" area of the

Town in the vicinity of the causeway on Main Street; said consultant to report to the Board of Selectmen.

Voted unanimously.

#### ARTICLE 24: AMENDMENTS TO TOWN BYLAWS RE: MOORING FEES

Motion made by Jeffery Jones, duly seconded, move that the Town vote to amend the Town of Essex Bylaws, Chapter IV, Section 4-4A.6, and that it shall read as follows:

4-4A.6 The fee for a mooring permit is \$6.00 per foot per vessel per year with a minimum total fee of \$90.00. For purposes of fee calculation, the vessel length will be rounded to the nearest whole foot. The fee for being maintained on the "waiting list" for a mooring permit is \$10.00 per year. The fee for a temporary mooring permit is \$10.00. The fee for a transient mooring permit is \$25.00 per day per vessel.

Article as amended - Voted by majority.

#### ARTICLE 25: TRANSFER STATION STICKER FEE

Motion made by Paul Rullo, duly seconded, that the Town vote to increase the transfer station sticker fee from \$100 to \$150 per year for residents under the age of 65 with a corresponding increase in the cost of a transfer station sticker for residents who are 65 years of age or older from \$50 to \$75 per year.

Voted by majority.

#### ARTICLE 26: PAST DUE BILLS

Motion made by Jeffrey Soulard, duly seconded, that the Town transfer from General Fund Free Cash the sum of \$4,330.56; from Water Enterprise Free Cash the sum of \$9,827.32; and from Sewer Enterprise Free Cash the sum of \$5,194.24; all to pay past due electric bills that were not provided to the Town in a timely fashion by the Town's electricity generator, Constellation New Energy.

Voted unanimously.

#### ARTICLE 27: MA WATER POLLUTION ABATEMENT TRUST

Motion made by Edward Lafferty, duly seconded, that the Town vote to transfer from the Town Septic Betterment Fund the sum of \$26,301 for the purpose of making necessary payments to the Massachusetts Water Pollution Abatement Trust during fiscal year 2010 in accordance with the terms of repayment for Community Septic Management Program loan funds.

Voted unanimously.

#### ARTICLE 28: STABILIZATION FUND TRANSFER

Motion made by Gordon Martin, duly seconded, that Article 28 be indefinitely postponed.

Voted unanimously.

#### ARTICLE 29: COMPENSATION OF DOG OFFICER

Motion made by A. Raymond Randall, Jr., duly seconded, that the Town vote pursuant to Massachusetts General Laws chapter 44, section 53E ½ to authorize a revolving fund for the

Dog Officer for the purpose of compensating the Dog Officer for the care of impounded dogs and for reimbursing the Dog Officer for all associated expenses. Payments from dog owners seeking to claim impounded dogs shall be credited to the fund and expenditures from the fund shall be authorized by the Board of Selectmen up to a maximum of \$10,000.

Voted unanimously.

**ARTICLE 30: REVOLVING FUND FOR BOARD OF HEALTH – EXERCISE PROGRAM**

Motion made by David Driscoll, duly seconded, that the Town vote pursuant to Massachusetts General Laws chapter 44, section 53E ½ to reauthorize a revolving fund for the Board of Health for the purpose of purchase of supplies and services as deemed necessary by the Board of Health for the purpose of the planning and execution of an annual youth triathlon or other exercise program. Donations, grants and fees collected for said purpose shall be credited to the fund and expenditures from the fund shall be authorized by the Board of Health up to a maximum of \$12,000.

Voted by the majority.

**ARTICLE 31: REVOLVING FUND FOR BOARD OF HEALTH-SUPPLIES AND SERVICES**

Motion made by David Driscoll, duly seconded, that the Town vote pursuant to Massachusetts General Laws chapter 44, section 53E ½ to reauthorize a revolving fund for the Board of Health for the purpose of purchase of supplies and services as deemed necessary by the Board of Health Department for the purpose of health, safety, and/or emergency planning, preparation and education. Donations, grants and fees collected for said purpose shall be credited to the fund and expenditures from the fund shall be authorized by the Board of Health up to a maximum of \$10,000.

Voted by the majority.

**ARTICLE 32: REVOLVING FUND FOR BOARD OF HEALTH-PUBLIC HEALTH NURSE**

Motion made by David Driscoll, duly seconded, that the Town vote pursuant to Massachusetts General Laws chapter 44, section 53E ½ to reauthorize a revolving fund for the Board of Health for the purpose of purchasing supplies and pharmaceuticals as needed by the Public Health Nurse and for the payment of Public Health Nurse wages. Medicare and other reimbursements relating to said programs and donations for the purpose of purchasing supplies and pharmaceuticals and for Public Health Nurse labor shall be credited to the fund and expenditures from the fund shall be authorized by the Board of Health up to a maximum of \$10,000.

Voted by the majority.

A true copy.

Attest:

\_\_\_\_\_  
Christina J. Wright  
Town Clerk

## EXHIBIT B: ARTICLE 21 - DEMOLITION DELAY/REVIEW

### 4-15. DEMOLITION DELAY/REVIEW.

#### **4-15.1 Intent and Purpose.**

The purpose of this bylaw is to encourage the preservation and protection of significant buildings and structures within the Town of Essex that constitute or reflect distinctive features of the Town's architectural, cultural, economic, political or social history and to limit the adverse effect that demolition may have on the character of the Town.

(Italics in the following sentences indicate terms defined in the next section). Under this bylaw, *applicants* for *permits to demolish* any *building* or *structure* deemed *preferably preserved* are encouraged to pursue alternatives to demolition that will preserve, rehabilitate or restore the building or structure, and to alert residents to impending demolition of buildings or structures that are deemed preferably preserved. To achieve this purpose, the *Commission* is empowered to advise the *Building Inspector* with respect to applications for *Permits to Demolish*. The issuance of Permits to Demolish is regulated as provided by this bylaw.

#### **4-15.2 Definitions.**

The terms that follow shall have the meanings set forth below unless context requires otherwise:

1. ***Applicant.*** Any person or entity that files an application for a Permit to Demolish. If the applicant is not the owner of the building or structure specified in the application, the owner's assent shall be filed with or attached to it.
2. ***Building.*** A combination of materials constructed to provide shelter to persons, animals or property.
3. ***Structure.*** A combination of materials assembled at a fixed location intended to provide support or access such as a bridge, trestle, tower, cribwork, retaining wall, streetscape or the like.
4. ***Building Inspector.*** The Building Inspector of the Town of Essex or any other person who may be authorized to issue a Permit to Demolish.
5. ***Commission.*** The Historical Commission of the Town of Essex or its designee.
6. ***Demolition.*** The act of pulling down, destroying, removing, dismantling or razing a building or structure or the commencement of work of total or partial demolition with intent of completing the same.
7. ***Permit to Demolish.*** The permit issued by the Building Inspector for the demolition of a building or structure.
8. ***Significant Building or Structure.*** Any building or structure within the Town of Essex that is in whole or in part at least fifty years old and has been determined by the Commission to be significant based upon any one or more of the following criteria:
  - The building or structure is listed on, or is within an area listed on, The National Register of Historic Places; or

- The building or structure has been deemed eligible for inclusion on The National Register of Historic Places; or
  - The building or structure is importantly associated with one or more historic events or persons or is associated with the architectural, cultural, political, economic or social history of the Town of Essex or the Commonwealth of Massachusetts; or
  - The building or structure is historically or architecturally important (in terms of period, style or method of its construction); or
  - The building or structure is associated with a recognized architect or builder either by itself or in the context of a group of buildings or structures.
9. ***Preferably Preserved.*** Any significant building or structure that, by the determination of the Commission and following a public hearing, is deemed best preserved rather than demolished. Demolition of a preferably preserved building or structure is subject to a six (6) month delay period under this bylaw.

#### **4-15.3 Procedure.**

1. All applications for a permit to demolish a building or structure in the Town of Essex (whatever its age) shall include the actual (or if not ascertainable, the estimated) date or dates of construction.
2. A Permit to Demolish for a building or structure that is in whole or in part at least fifty (50) years old shall be issued only in accordance with the provisions of this bylaw. If a building or structure is of unknown age, it shall be assumed to be at least fifty years old for the purposes of this bylaw.
3. An applicant proposing to demolish a building or structure in the Town of Essex any part of which is at least fifty years old shall file with the Building Inspector (in duplicate) an Application for a Permit to Demolish containing (at a minimum) the following:
  - The physical address of the building or structure to be demolished;
  - The owner's name, address and telephone number;
  - A written description of the building or structure;
  - The reason for requesting a Permit to Demolish;
  - The reason the applicant believes the building or structure is not significant or is not preferably preserved, if that is the applicant's position;
  - A written description of the reuse, reconstruction or replacement, if any;
  - Such plans and specifications as shall be required by the Building Inspector; and
  - Photographs of the building or structure to be demolished. These shall include at least one photograph of each building or structure elevation.
4. The Building Inspector shall within seven (7) days of receipt forward a copy of the application to the Commission.
5. The Commission shall within fifteen (15) days of its receipt of the application determine in writing whether or not the building or structure is significant.
6. Should the Commission determine that the building or structure is not significant, the Commission shall notify both the Building Inspector and applicant in writing. The Building Inspector may then issue a Permit to Demolish provided that all other applicable requirements have been met.

7. Should the Commission determine that the building or structure is significant, the Commission shall so notify the Building Inspector and applicant in writing, and a Permit to Demolish shall not be issued at that time. If the Commission does not notify the Building Inspector within fifteen (15) days of its receipt of the application, the Building Inspector may issue a Permit to Demolish provided that all other applicable requirements have been met.
8. If the Commission finds that the building or structure is significant, it shall hold a public hearing within thirty (30) days after its written notification to the Building Inspector.
9. Public notice of the time, place and purpose of the hearing shall be published in a newspaper of general circulation in the Town of Essex at the applicant's expense and posted in a conspicuous place in Town Hall at least seven (7) days before the hearing. The Commission shall also notify the Building Inspector and the applicant in writing of the time and place of the hearing.
10. The Commission shall decide at the hearing or within thirty days after completion of the hearing whether the building or structure is preferably preserved. To the extent agreed to by the applicant, the determination of the Commission may be postponed.
11. If the Commission determines that the building or structure is not preferably preserved, the Commission shall promptly give written notice of its determination to the Building Inspector and the applicant. The Building Inspector may then issue the Permit to Demolish provided that all other applicable requirements have been met.
12. If the Commission determines that the building is preferably preserved, the Commission shall promptly give written notice of its determination to the Building Inspector and the applicant. No Permit to Demolish may be issued for a period of six (6) months from the date of the Commission's determination unless agreed to by the Commission.
13. If the Commission does not, within thirty days after completion of its hearing, provide the Building Inspector written notice that it has determined that the building or structure is preferably preserved, the Building Inspector may issue the Permit to Demolish provided that all other applicable requirements have been met.
14. No Permit to Demolish a preferably preserved building or structure may be issued until all plans for future use and development have been filed with the Building Inspector and the Commission, and have been found to be in compliance with all laws pertaining to the issuance of a Building Permit. All approvals necessary for the issuance of a Building Permit including without limitation any zoning variances or special permits must be granted and all appeals to the granting of such approval must be concluded prior to the issuance of a Permit to Demolish.
15. Subject to the requirements of Section 14 and any other applicable requirements, the Building Inspector may issue a Permit to Demolish for a preferably preserved building within the six months if the Commission notifies the Building Inspector in writing that the Commission, after further review and receipt of updated plans, finds that the intent and purpose of this bylaw are served.

16. Subject to the requirements of Section 14 and any other applicable requirements, and following the six-month delay period, the Building Inspector may issue the Permit to Demolish.

#### **4-15.4 Administration.**

1. After appropriate notice and a public hearing, the Commission may adopt such rules and regulations it considers appropriate for the administration of this bylaw.
2. The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this bylaw.
3. The Commission may delegate authority to make initial determinations of significance to one or more of its members or to a municipal employee.
4. The Commission may adopt and from time to time amend a list of one or more buildings or structures or both that it has determined are significant.

#### **4-15.5 Emergency Demolition.**

If after an inspection, the Building Inspector finds that a building subject to this bylaw poses a threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building, the Building Inspector may issue an Emergency Permit to Demolish. The Building Inspector shall promptly submit a report to the Commission explaining the condition of the building and the basis for his decision.

#### **4-15.6 Enforcement and Remedies.**

The Commission and/or the Building Inspector are each specifically empowered to institute any and all actions and proceedings, in law or in equity, that they may deem necessary or appropriate to obtain compliance with the requirements of this bylaw or to prevent a threatened violation thereof.

Any person who has demolished or has authorized or agreed to the demolition of a significant building or structure without complying with the provisions of this bylaw shall be subject to a fine of three hundred dollars (\$300). Each day the violation exists shall constitute a separate offense until a faithful restoration of the building or structure is completed or unless agreed otherwise by the Commission. Such violations may be enforced by the noncriminal procedure authorized by M.G. L. c. 40, sec. 21D and included in Sec. 2-21 of the Town Bylaws.

If a significant building or structure is demolished and the owner or any other person responsible for the demolition has not complied with this bylaw, no Building Permit shall be issued for a period of two (2) years from the date of demolition on the parcel of land where the building or structure was located or any adjoining parcel of land under common ownership and control, unless the Building Permit is for faithful restoration as referred to above or unless agreed otherwise by the Commission.

#### **4-15.7 Severability.**

If any provision of this bylaw is ruled invalid by a court, this bylaw shall be deemed amended to the extent necessary to remove the invalidity and as so amended shall continue in full force and effect.

; or take any other action relating thereto.