

The Building-Permit Application Process under the Town of Washington's Delay-of-Demolition Ordinance

The citizens of the Town of Washington voted in May 2022 to allow the imposition of a waiting period of not more than 120 days before granting a demolition permit for certain structures of architectural, historical and/or cultural importance. The ordinance applies to structures seventy-five (75) years and older and greater than five hundred (500) square feet or more in area. The provisions of this ordinance are supplemental to Section 29 – 406 of the Connecticut General Statutes and the State Demolition Code. **It is important that the applicant review the definition of demolition below* as found in Sec. 11 of the ordinance as it includes significant renovation as well as complete demolition.**

The Town of Washington constituted a Delay-of-Demolition (“DoD”) Commission in September 2022 to monitor and evaluate applications for structure demolition as defined in the ordinance and whether those structures fall under its provisions. Details of the Commission, its members as well as various supporting documents can be found on its web site, <https://www.washingtonct.org/delay-of-demolition-committee>.

In order to provide guidance to all parties involved in the process, including property owners, contractors, architects, architectural design consultants, and real estate professionals, the following summarizes the steps required to be in compliance with the provisions of the ordinance. PLEASE REVIEW CAREFULLY THE PROVISIONS OF THE ORDINANCE TO ENSURE THAT THE PROCESS GOES SMOOTHLY.

- When an applicant applies for a building permit with the Town Building Department (“Department”) for a structure 75 years or older and has checked the box for demolition, the applicant will receive a form titled An Application to Demolish.
- The Department will send a copy of the Notice to Demolish to the DoD Commission.
- When the DoD Commission receives the Notice to Demolish, it then determines if the structure falls under the ordinance’s requirements. See evaluation criteria used to assess the application on the Commission’s web site.
- The Commission has fourteen (14) business days to evaluate the application and notify the Department in writing if the structure in question falls or does not fall under the requirements. The Commission will send to the Department a Written Determination Form of its findings, and the Department will in turn send by certified mail to the applicant the determination if the structure does or does not meet the ordinance’s requirements. If the Commission does not deem the structure meets the criteria, the applicant can continue with the application process for demolition with the Department.
- If the Commission concludes that the structure does meet the criteria to delay demolition, the preliminary findings of the Commission are sent by the Department to the applicant in writing by certified mail, as well as a package of forms to include the Public Statement of Intent to Demolish and the Verification Checklist that confirms that all required steps have been taken to comply with the requirements of the ordinance. The 120-day delay will begin the day the applicant receives the determination. The Department shall not issue a demolition permit until 120 days after the determination was made by the Commission. (Section 9.B.)

- Once the applicant receives the written determination from the Commission, the applicant has 14 business days to undertake the following (Sections 5 and 6 of the ordinance): 1) public notification; 2) notices posted in visible and conspicuous locations on property; and 3) a signed and notarized statement by the applicant on the “Verification of Notice” checklist form that all requirements of the ordinance have been complied with. The forms need to be sent to the Department within the 14-business-day time period.
- The applicant can object in writing with the Department to this decision during this 14-business-day period, and the Department will notify the Commission of the objection. The Commission then has thirty (30) business days to make a detailed, written finding of the structure’s historical, architectural and/or cultural significance to the applicant and the Department. The Department will send the findings to the applicant by certified mail.
- Once the objection is made, the Commission strongly recommends that the applicant meet with the Commission as soon as possible to discuss its findings and, in turn, for the applicant to provide reasons for its objections. The Commission believes that many property owners and their representatives may not be aware of the historical, architectural and/or cultural significance of the structure in question. It hopes that such a meeting will begin a process of evaluating project alternatives to the proposed demolition, including preservation, restoration, rehabilitation and/or detailed recordation of the affected structure. The Commission will actively work with the applicant and its representatives to evaluate the property, make site visits and use experts, if necessary, in various aspects of possible renovations/restorations of the structure to assess project alternatives. The Commission hopes that this process is positive and will be handled in a manner that is beneficial to the property owner.
- During the 120-day period, the applicant will secure and maintain the structure in a manner that minimizes the risk of water penetration, vandalism, fire or other damage. At the end of the 120-day waiting period, if written objections have been addressed or if the Commission deems that steps have been taken to accomplish the purpose of the ordinance, the Commission shall make a finding that no further delay is necessary.

***Sec. 11 – Definition of Demolition**

In addition to complete demolition of a building or structure, the following actions shall require a demolition permit under this chapter:

- A. Removal of a roof for the purpose of, for instance: raising the overall height of a roof; rebuilding the roof to a different pitch; or adding another story to a building.
- B. Removal of one or more exterior wall(s) or partition(s) of a building.
- C. Gutting of a building’s interior to the point where exterior features (windows, doors, etc.) are impacted.
- D. Removal of more than 25% of a structure’s overall gross square footage.
- E. The lifting and relocating of a building on its existing site or to another site.
- F. The delay or withholding of maintenance on a building or structure, in such a way as to cause or allow a significant loss of architectural integrity or structural stability as deemed by the Building Inspector.