



### Demolition Delay Bylaws and Ordinances in Massachusetts

Providing a Window of Opportunity to Protect Significant Historic Resources



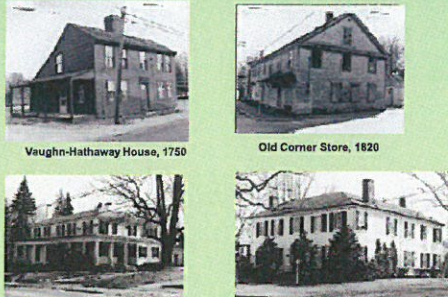
The Massachusetts Historical Commission  
March, 2016



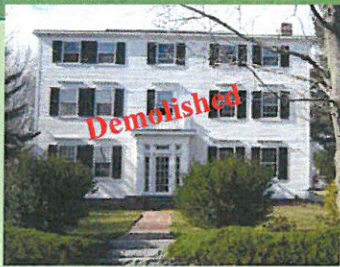
### Local Government Programs at the Massachusetts Historical Commission

Assisting all 351 Cities and Towns of Massachusetts in Community-Wide Historic Preservation Planning.  
Primarily, the Local Historical Commissions.

### What do all of these buildings have in common?



Vaughn-Hathaway House, 1750      Old Corner Store, 1820  
Nahum Stetson House, 1820      Abram Washburn House, 1825




Tappan House  
Newbury, MA

### Demolished in March, 2012


Newbury didn't have a demolition delay bylaw.

### Is this building protected from demolition?

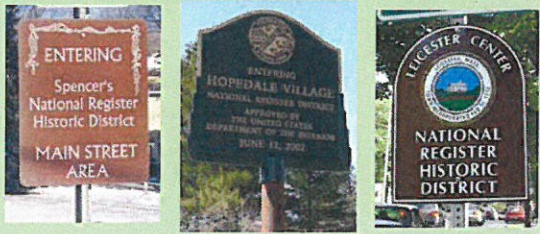


John Perkins House  
Wenham, MA  
Circa 1710

Listed on the National Register of Historic Places in 1990




### The National Register of Historic Places is primarily an honorary designation.

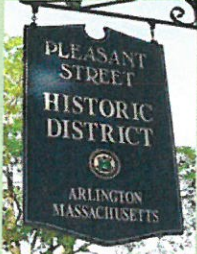


**There are two kinds of historic districts in Massachusetts.**

**National Register Districts**





**Local Historic Districts**



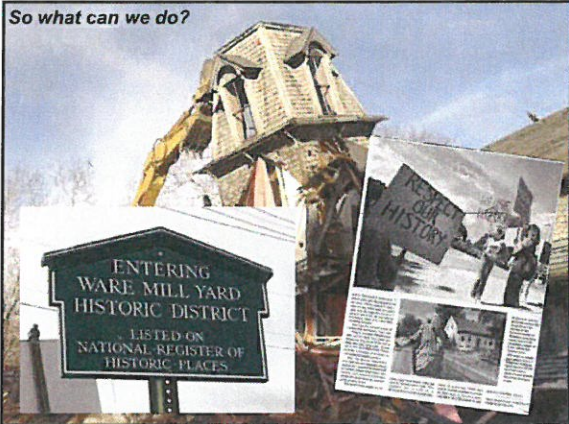
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**There is a big difference between a National Register District and a Local Historic District.**

<p><b>National Register Districts</b></p>  <p>Established by the National Park Service</p> <p><i>Primarily an honorary designation</i></p>	<p><b>Local Historic Districts</b></p>  <p>Established by the Town Meeting or City Council</p> <p><i>Very effective at protecting historic resources</i></p>
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**3. Protection of Historic Resources**


*So what can we do?*



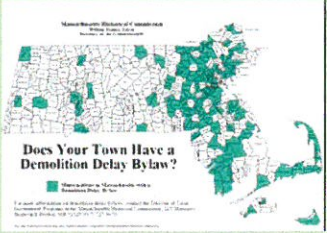
**Demolition Delay Bylaws and Ordinances**

Established by town meeting or city council vote.

Delays demolition for a period of usually 6, 12 or 18 months.



**Demolition Delay Bylaw and Ordinance Statewide Map**



**Does Your Town Have a Demolition Delay Bylaw?**

■ Municipalities with Demolition Delay Bylaw

**Demolition Delay Bylaws and Ordinances Provide a**

**“Window of Opportunity”**

**to Protect Significant Historic Resources**

**Demolition Delay  
Bylaws and Ordinances offer  
no guarantee that a significant  
building will be saved.**



## What we will cover today?

1. How Does a Demolition Delay Bylaw Work?
2. Types of Demolition Delay Bylaws
3. Success Stories with Demolition Delay
4. Proactive Tools

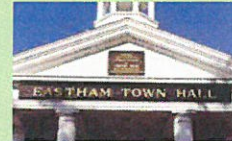
### Demolition Delay Bylaw and Ordinances

## 1. How do they work?



## Typical Steps in a Town with a Demolition Delay Bylaw.

1. The applicant goes to town hall to file the application to obtain the building (demolition) permit.
2. The building inspector notes that the building is subject to the demolition delay bylaw.
3. The building inspector forwards the application to the local historical commission.



1. How demolition delay bylaws and ordinances work.

## Typical Steps in a Town with a Demolition Delay Bylaw.

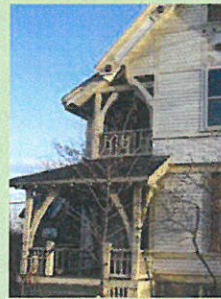
4. The Historical Commission determines that the building is significant.
5. The Historical Commission holds a public hearing.
6. The Historical Commission determines that the building is preferably preserved.



1. How demolition delay bylaws and ordinances work.

## Typical Steps in a Town with a Demolition Delay Bylaw.


7. The applicant cannot demolish the building during the delay period.
8. Alternatives to demolition are investigated and considered.
9. After the delay has expired, the building can be demolished so long as all other permits needed are obtained.



1. How demolition delay bylaws and ordinances work.

Demolition Delay Bylaw and Ordinances





## 2. Types of Demolition Delay Bylaws and Ordinances



Demolition Delay Bylaws and Ordinances

## Age Based

Properties meeting a certain age criteria are initially subject to review by the Local Historical Commission.

This type of bylaw/ordinance is best for most cities and towns.

2. Types of Demolition Delay Bylaws and Ordinances

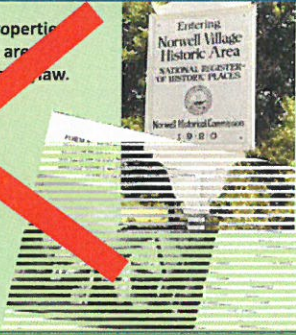
Demolition Delay Bylaws and Ordinances

## Categorical

With this type of bylaw, all properties included in certain categories are subject to a demolition delay bylaw.

Categories might include:

- properties inventoried on the Massachusetts Cultural Resources Information System
- or buildings listed on the National Register of Historic Places.



2. Types of Demolition Delay Bylaws and Ordinances

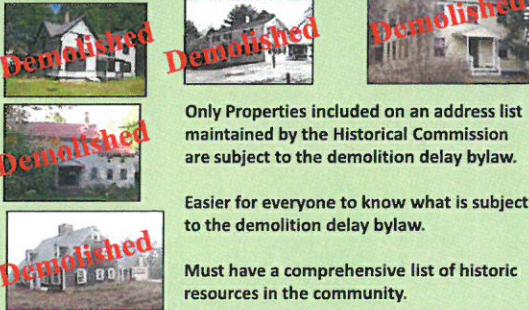
Demolition Delay Bylaws and Ordinances

## List

Only Properties included on an address list maintained by the Historical Commission are subject to the demolition delay bylaw.

Easier for everyone to know what is subject to the demolition delay bylaw.


Must have a comprehensive list of historic resources in the community.



2. Types of Demolition Delay Bylaws and Ordinances



Demolition Delay Bylaw and Ordinances

## 3. Demolition Delay Success Stories



Demolition Delay Bylaw and Ordinances

## Moving a Building Intact

Eastham, Massachusetts

3. Success Stories

### Moving a Building Intact

**Reading, Massachusetts**

3. Success Stories

### Working with other Local Boards

**Reading, Massachusetts**

3. Success Stories

### A Hidden Building

**Boston, Massachusetts**  
Fowler Clark Farm, circa 1786

3. Success Stories

### Establishing a Local Historic District During the Delay

**Reading, Massachusetts**

3. Success Stories



### Timeline to Establish a Local Historic District



#### Summer Ave Local Historic District, Reading, MA

- July 24, 2014** 6 month Demolition Delay Begins
- August 25, 2014** Study Report submitted to MHC
- October 8, 2014** MHC Presentation and Vote
- October 27, 2014** Public Hearing
- Nov 10, 2014** Passed at Special Town Meeting
- January 5, 2015** Approved by Attorney General
- January 9, 2015** Map Recorded at Registry of Deeds

Local Historic District is official. No demolition allowed.

3. Success Stories

### Community Preservation Act



Easton, Massachusetts



Ames Shovel Shops

3. Success Stories

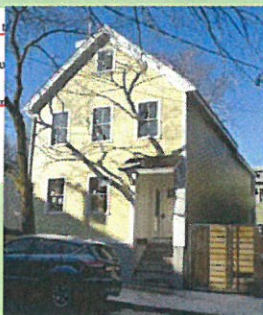
### Seeking Professional Opinions

Fourth, a large portion of the existing masonry at [redacted] and probably needs to be repaired.

This construction currently does not meet the requirements of the Building code.

If you have any questions, please feel free to call [redacted]

Sincerely yours,



Cambridge, Massachusetts

3. Success Stories

### Transfer of Ownership

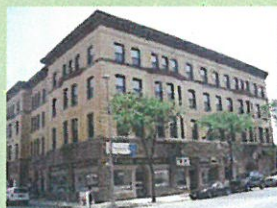


Brookline, Massachusetts  
Lustron House



3. Success Stories

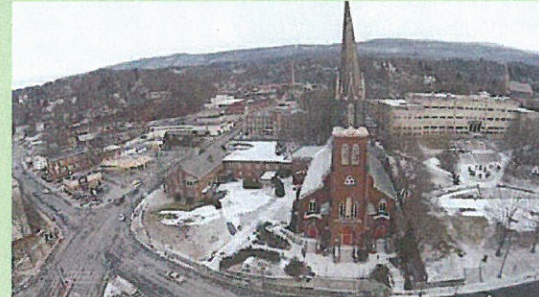
### Advocacy and Encouragement



Framingham, Massachusetts

3. Success Stories

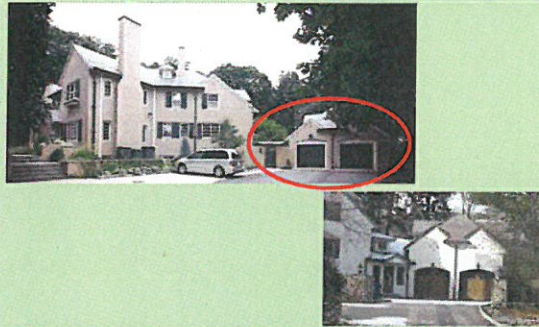
### Advocacy and Encouragement



North Adams, Massachusetts


3. Success Stories

**Negotiating Design Review/  
Waiver of the Delay**




**3. Success Stories**

**Lots of successes but...**



**1805 House  
Dudley, Massachusetts**


**Demolition Delay is a limited tool.**



*Captain Farris House,  
Natick*

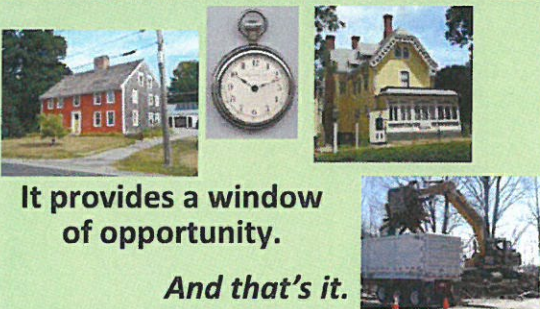
*Josiah Converse House,  
Woburn*

**Demolished December, 2014**



**Demolished April, 2015**

**Yet, demolition delay does what it  
is designed to do.**




**It provides a window  
of opportunity.**

***And that's it.***

**Demolition Delay Bylaw and Ordinances**

**4. Proactive Tools**



**4. Proactive Tools**

**Demolition Delay isn't a  
Planning Tool**

**It is a reaction tool.**

**Historic Preservation  
Planning is essential.**

**4. Proactive Tools**

### Master Plans and Historic Preservation Plans



4. Proactive Tools

### Historic Property Survey



4. Proactive Tools

### Public Education



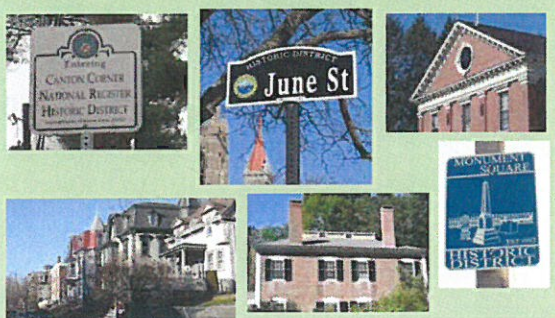
4. Proactive Tools

### Educating Realtors



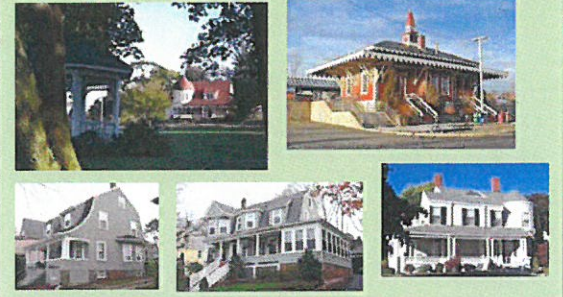
4. Proactive Tools

### National Register of Historic Places



4. Proactive Tools

### Local Historic Districts



Swampscott, Massachusetts

4. Proactive Tools



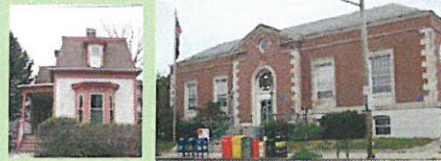
### Single Building Local Historic Districts



Northborough, Massachusetts

4. Proactive Tools

### Single Building Local Historic Districts



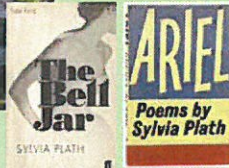
Somerville, Massachusetts

4. Proactive Tools

### Single Building Local Historic Districts



Wellesley, Massachusetts



4. Proactive Tools

### Architectural Preservation Districts



Cambridge, Massachusetts



4. Proactive Tools

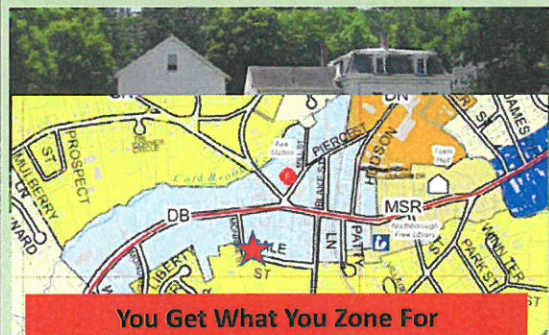
### Preservation Restrictions

Ipswich, Massachusetts




4. Proactive Tools

### Zoning



4. Proactive Tools

**MHC Sample Demolition Delay Bylaw/Ordinance**



This sample bylaw/ordinance is based on demolition delay bylaws/ordinances found throughout Massachusetts.

**Demolition Delay Bylaw and Ordinances**

# Questions

**It Has Been a Pleasure to be Here Today!**