



Administering Demolition Delay Bylaws and Ordinances

Providing a Window of Opportunity to Protect Significant Historic Resources



The Massachusetts Historical Commission
February, 2020

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Welcome

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Director of Local Government Programs
Massachusetts Historical Commission

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



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Introductions

Administering Demolition Delay Bylaws and Ordinances



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Thank you!



A great, big thank you to those of you serving on a local historical commission!

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Demolition Delay Bylaws and Ordinances Provide a **“Window of Opportunity”** to Protect Significant Historic Resources

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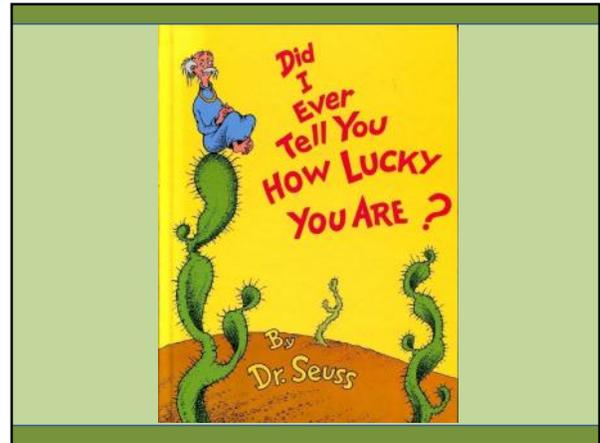
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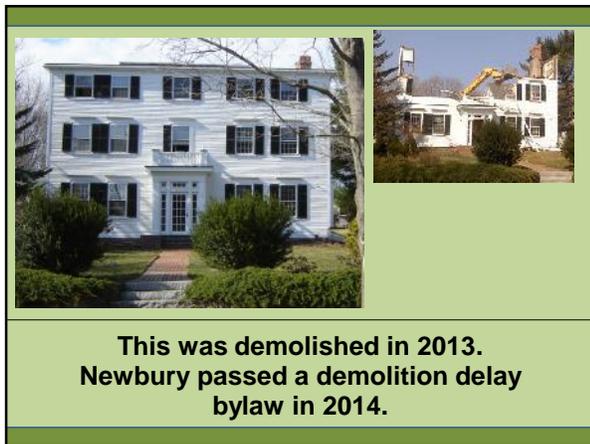
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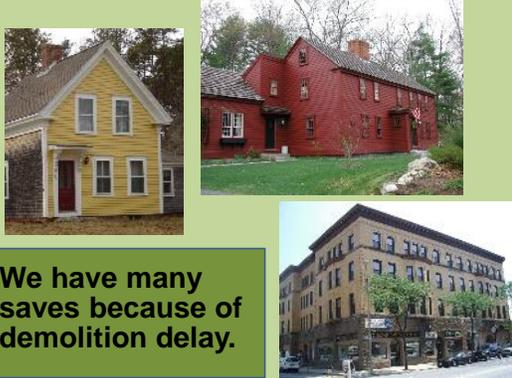
Wenham Town Meeting rejects demolition delay



Wenham Town Meeting April, 2016

All 21 articles passed with the exception of Article 20, the Historic Commission Demolition Delay Bylaw, where the town meeting approved “no action.”

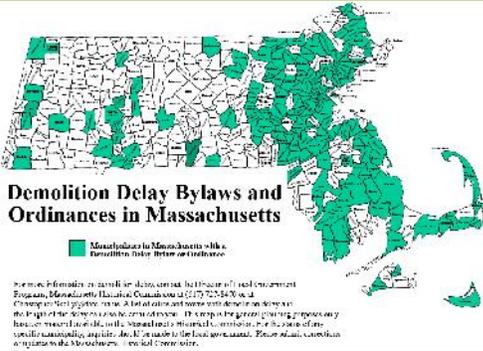
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We have many saves because of demolition delay.

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Demolition Delay Statewide Map



Demolition Delay Bylaws and Ordinances in Massachusetts

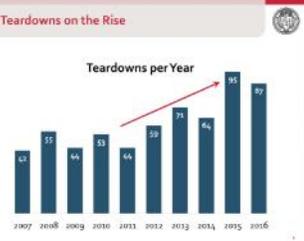
Massachusetts is Massachusetts with a demolition delay bylaw or ordinance.

For more information on demolition delay bylaws or ordinances, contact the Historic Preservation Program, Massachusetts Historical Commission at (617) 725-5470 or at preservation@mahc.state.ma.us. A list of cities and towns with demolition delay bylaws is available at www.mahc.state.ma.us/pressroom/pressroom.cfm. For more information on the Massachusetts Historical Commission, for the state of any specific municipality, or for a list of cities and towns with demolition delay bylaws, contact the Massachusetts Historical Commission.

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Town of Wellesley Demolitions

Teardowns on the Rise



Year	Teardowns
2007	63
2008	55
2009	66
2010	58
2011	64
2012	69
2013	71
2014	64
2015	85
2016	87





Every 4 Days

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Advocacy





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What we will cover today

1. Reviewing Your Bylaw or Ordinance
2. Process and Administration
3. Effectively Using Demolition Delay
4. Proactive Tools

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Administering Demolition Delay Bylaws

Section 1

Reviewing Your Bylaw or Ordinance

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MHC Sample Demolition Delay Bylaw/Ordinance

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

1. Reviewing Your Bylaw or Ordinance

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Types of Demolition Delay Bylaws in Massachusetts

Age Categorical List

1. Reviewing Your Bylaw or Ordinance

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Demolition Delay Bylaws - Age Based

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

This type of bylaw is best for most towns.

1. Reviewing Your Bylaw or Ordinance

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Demolition Delay Bylaws - Categorical

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

Categories might include:

- Properties on the Massachusetts Cultural Resources Information System
- Buildings listed on the National Register of Historic Places.

1. Reviewing Your Bylaw or Ordinance

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Demolition Delay Bylaws - List

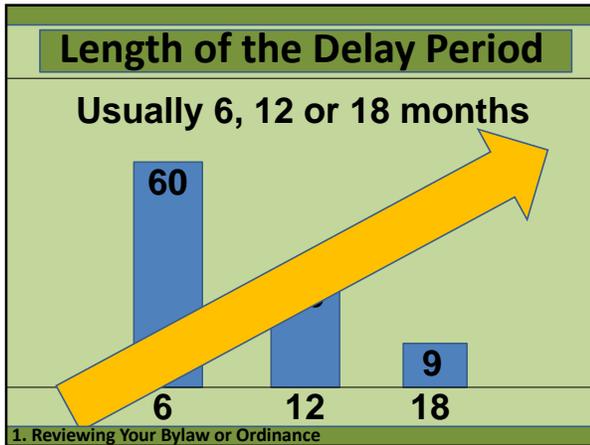
Only Properties included on an address list maintained by the Historical Commission are subject to the demolition delay bylaw.

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

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

1. Reviewing Your Bylaw or Ordinance

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Great, thank you. I wasn't planning to demolish for 6 months anyway. A 6 month delay works perfectly for my redevelopment plan."

Have you heard this after your vote to delay?

1. Reviewing Your Bylaw or Ordinance

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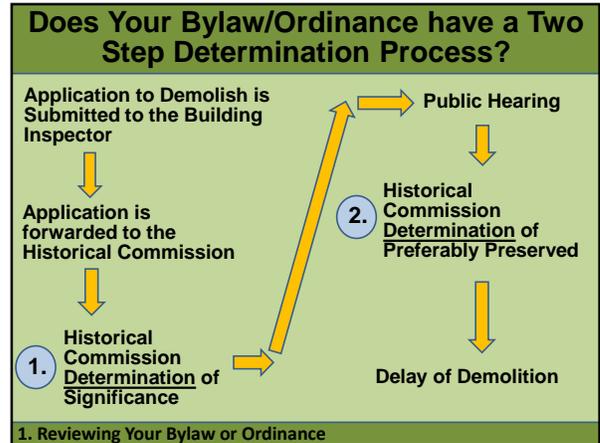
Milton passed a **24** month demolition delay in 2017 at town meeting.

Maybe your city or town can be next?

36 months anyone?

1. Reviewing Your Bylaw or Ordinance

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Transferability

The demolition delay bylaw in Brookline terminates the demolition delay process when ownership of a property changes hands.

1. Reviewing Your Bylaw or Ordinance

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How does your bylaw/ordinance define what exactly is a demolition?

DEMOLITION-Any act of pulling down, destroying, removing, dismantling or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.

1. Reviewing Your Bylaw or Ordinance

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Is this a demolition?



1. Reviewing Your Bylaw or Ordinance

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Is this a demolition?



1. Reviewing Your Bylaw or Ordinance

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Is this a demolition?



Removal of Windows

1. Reviewing Your Bylaw or Ordinance

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Is this a demolition?



Removal of architectural trim



Application of Vinyl Siding

1. Reviewing Your Bylaw or Ordinance

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Demolition

- Removal of a roof.
- Removal of one or more exterior walls.
- Removal of more than 25% of the square footage of the building.

What else according to your bylaw/ordinance, policy or practice?

1. Reviewing Your Bylaw or Ordinance

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Administering Demolition Delay Bylaws



Section 2

Process and Administration



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The Demolition Delay Application

2. Process and Administration

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How is your relationship with the building inspector?

Randolph, Stetson House

2. Process and Administration

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Determining the Significance of a Building

Use the National Register of Historic Places Criteria and the Language in your Bylaw/Ordinance for Evaluating Significance

2. Process and Administration

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Determining the Significance of a Building

National Register of Historic Places Criteria

- A** Association with events, activities, or patterns.
- B** Association with important persons.
- C** Distinctive physical characteristics of design, construction or form.
- D** Potential to yield important information.

2. Process and Administration

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Determining the Significance of a Building

Soon to be demolished Marshfield, MA

If needed, seek expert and independent advice regarding significance!

What do you think of this decision by the commission?
 "...this building has no historical significance to the Town and we would have no objection to the issuance of a demolition permit."
 Passed unanimously by the commission.

2. Process and Administration

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Determining if a Building is Preferably Preserved

What is in the public interest?

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Determining if a Building is Preferably Preserved

Seek Independent Advice!



The consultant report paid for by the owner said that smells could not be removed from the house. So, demolition was the only option.

Newell Homestead, Franklin

Demolished in April, 2015

2. Process and Administration

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Determining if a Building is Preferably Preserved



Staff Reports

2. Process and Administration

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Determining if a Building is Preferably Preserved

Brookline Preservation Commission
Demolition: Application Report

Staff Reports



2. Process and Administration

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Determining if a Building is Preferably Preserved

Hiring a Consultant for a Building Assessment



Jacobs House, Norwell

2. Process and Administration

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Determining if a Building is Preferably Preserved

From the Consultant Report, Jacobs House, Norwell

"In its present neglected condition, the building presents an intimidating appearance of decay; however, it remains in fundamentally sound condition.

I strongly recommend that the Jacobs House be considered as a building that contributes to the historic character of the Town of Norwell."

2. Process and Administration

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Determining if a Building is Preferably Preserved



2. Process and Administration

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The Public Hearing




2. Process and Administration

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After the hearing, Voting to Determine whether a Building is Preferably Preserved



2. Process and Administration

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What happens or (can happen) during the window of opportunity?

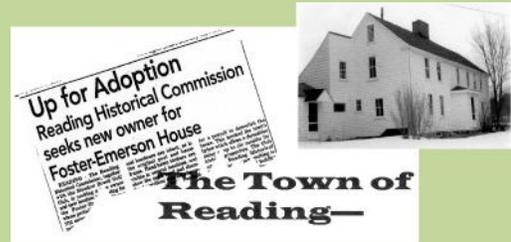
Perhaps, ABSOLUTELY NOTHING....



2. Process and Administration

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Historical Commission Responsibility – Get the Message Out



2. Process and Administration

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Is the property owner required to do anything during the delay period?




Basically, the answer is NO.

2. Process and Administration

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Violations of a Demolition Delay Bylaw

Two Year Moratorium
 “no building permit shall be issued for a period of two years.”
 “...unless the building permit is for a faithful recreation or unless otherwise agreed to by the Commission.”



2. Process and Administration

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Violations of a Demolition Delay Bylaw

\$300.00 Fine
 Each day the violation exists shall constitute a separate offense until a faithful recreation of the demolished building is completed or unless otherwise agreed to by the Commission.



\$300/day X 365

2. Process and Administration

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Violations of a Demolition Delay Bylaw



New Bedford, Massachusetts
 The partial demolition of this building was not approved.

2. Process and Administration

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What happens at the end of the delay period?

- Demolition (waiting out the delay)
- Rehabilitation
- Transfer of Ownership

Again perhaps...
ABSOLUTELY NOTHING



Josiah Converse House, Woburn
 Demolished April, 2015

2. Process and Administration

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Are other permits or approvals needed for the future use?

Such as:
Zoning Changes
Zoning Variances
Special Permits



2. Process and Administration

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Administering Demolition Delay Bylaws



Section 3

Effectively Using Demolition Delay



3. Effectively using Demolition Delay

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Effectively Using Demolition Delay: Publicity in the Media



Eastham, Massachusetts

3. Effectively using Demolition Delay

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**Effectively Using Demolition Delay:
Early Communication with Property Owners**

What statistics do you have on the success of demolition delay bylaws? In other words, how many buildings are saved each year statewide because of demolition delay?



Successes happen even when an application is never filed

3. Effectively using Demolition Delay

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**Effectively Using Demolition Delay:
Persuasion**



**Lustron House
Brookline**



3. Effectively using Demolition Delay

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**Effectively Using Demolition Delay:
Persuasion**

The Kendall Hotel was proposed for demolition to accommodate a chain drug store.



**Effectively Using Demolition Delay:
Seeking Compromise**

Residential building proposed for demolition due to a small subdivision.



3. Effectively using Demolition Delay

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**Effectively Using Demolition Delay:
Granting a Waiver of the Delay**



Newton, MA



3. Effectively using Demolition Delay

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**Effectively Using Demolition Delay:
Educating Realtors about the Bylaw**



Medford, MA

3. Effectively using Demolition Delay

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**Effectively Using Demolition Delay:
Working with Other Local Boards**



**Joseph Parker House
Reading,
Massachusetts**

3. Effectively using Demolition Delay

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**Effectively Using Demolition Delay:
Historical Commission Commitment and Drive**



Foster-Emerson House

Reading, Massachusetts

3. Effectively using Demolition Delay

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**Effectively Using Demolition Delay:
Vocal Constituents Contacting Local Politicians**

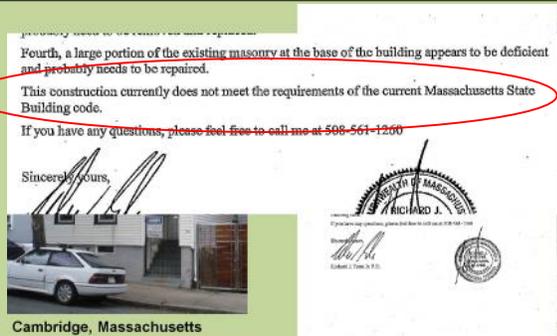


The future is determined by those who show up at town hall.

3. Effectively using Demolition Delay

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**Effectively Using Demolition Delay:
Seeking Other Professional Opinions**



Cambridge, Massachusetts

3. Effectively using Demolition Delay

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**Effectively Using Demolition Delay:
Protection and Partners**

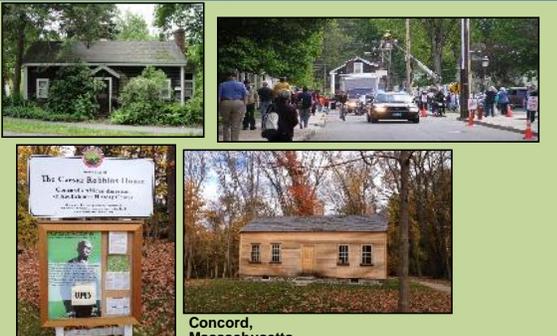


**Fowler-Clark-Epstein Farm, Boston
Circa 1800**

3. Effectively using Demolition Delay

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**Effectively Using Demolition Delay:
Creating a Community Event**



Concord, Massachusetts

3. Effectively using Demolition Delay

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**Effectively Using Demolition Delay:
Seeking out Win-Win Solutions**



Worcester, Massachusetts

3. Effectively using Demolition Delay

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Effectively Using Demolition Delay:
Preservation Restrictions and the Community Preservation Act



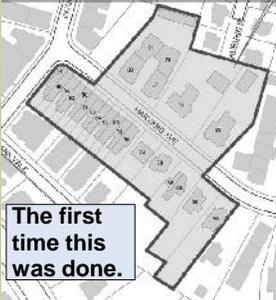
Weston, Massachusetts

3. Effectively using Demolition Delay

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Effectively Using Demolition Delay:
Establishing a Local Historic District During the Delay Period

Harvard Avenue Local Historic District
 Brookline, Massachusetts



A demolition can be **permanently** prevented in a local historic district.

The first time this was done.

3. Effectively using Demolition Delay

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Effectively Using Demolition Delay:
Establishing a Local Historic District During the Delay Period



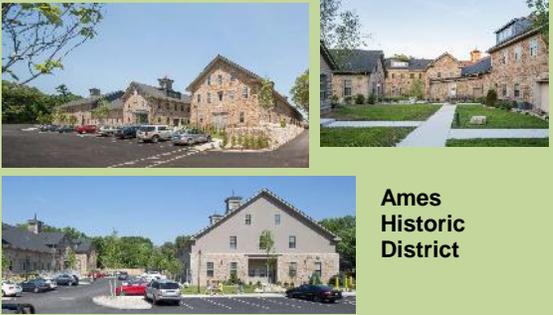
Easton, Massachusetts

Ames Shovel Shops

3. Effectively using Demolition Delay

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The Successful Rehabilitation of the Ames Shovel Shops



Ames Historic District

3. Effectively using Demolition Delay

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Effectively Using Demolition Delay:
Establishing a Local Historic District During the Delay Period



Only a 6 month demolition delay in Reading!!!

Reading, Massachusetts

3. Effectively using Demolition Delay

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Grassroots Constituency Building



Effectively Using Demolition Delay:
 Establishing a Local Historic District

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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.

- January 24, 2015** 6 month Demolition Delay Expiration

3. Effectively using Demolition Delay

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Effectively Using Demolition Delay:
Establishing a Single Building Local Historic District During the Delay Period




9 Month Demolition Delay

Springfield, Massachusetts

3. Effectively using Demolition Delay

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Effectively Using Demolition Delay:
Establishing a Single Building Local Historic District During the Delay Period



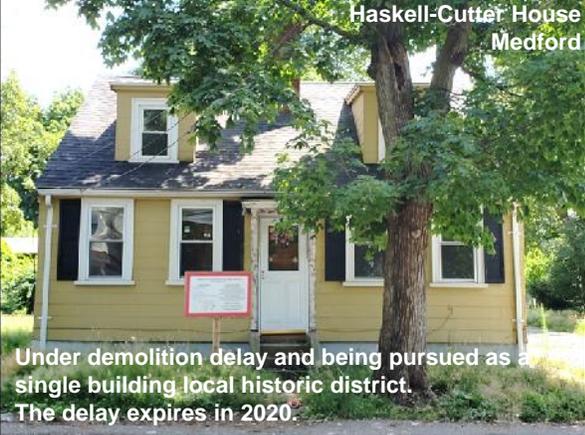
Established as a Single Building Local Historic District in 2019 during the **6 month** demolition delay

Hopkinton, Massachusetts

3. Effectively using Demolition Delay

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Haskell-Cutter House
Medford



Under demolition delay and being pursued as a single building local historic district. The delay expires in 2020.

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Sudbury Stone Tavern
Farmhouse



Currently under demolition delay

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Demolition Delay Success Stories

Boston

Peabody

Andover

Arlington

3. Effectively using Demolition Delay

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Administering Demolition Delay Bylaws

Section 4

Proactive Tools

4. Proactive Tools

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Demolition Delay isn't a Planning Tool.

It is a reaction tool.

Historic Preservation Planning is essential.

4. Proactive Tools

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Proactive Tools: Historic Property Survey

4. Proactive Tools

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Proactive Tools: Public Education

4. Proactive Tools

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Proactive Tools: National Register of Historic Places

4. Proactive Tools

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Proactive Tools:
Local Historic Districts



Swampscott, Massachusetts

4. Proactive Tools

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Proactive Tools:
Single Building Local Historic Districts



Woburn, Massachusetts

4. Proactive Tools

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Proactive Tools:
Single Building Local Historic Districts



Northborough, Massachusetts

4. Proactive Tools

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Proactive Tools:
Single Building Local Historic Districts



Wellesley, Massachusetts

4. Proactive Tools

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Proactive Tools:
Single Building Local Historic Districts

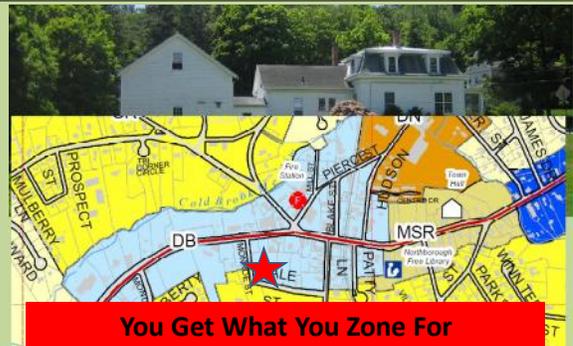


Somerville,
Massachusetts

4. Proactive Tools

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Proactive Tools:
Zoning



4. Proactive Tools

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Proactive Tools:
Non-Profit Advocacy Organizations



What if the way we've been doing things is all wrong?

Historic Preservation (Commissions)	Land Conservation (Land Trusts)
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4. Proactive Tools

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Local Preservation Non-Profit Advocacy Organizations

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Questions

Demolition Delay Bylaw and Ordinances

It Has Been a Pleasure to be Here Today!

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