

# Demolition Delay Bylaws and Ordinances in Massachusetts



**Providing a  
Window of  
Opportunity to  
Protect  
Significant  
Historic  
Resources**

# 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



RESPECT  
OUR  
HISTORY

REUSE  
DEMOLISH

WON'T HAVE  
ADAPTIVE  
REUSE

town's Historical Commission. "I didn't notice any big equipment at the time. Fifteen minutes later, I was coming down and the giant claw was through the portico. I jumped out of my car and started screaming, 'Stop, stop,' and started taking pictures."

Fino has the permits required to demolish the houses, Tinio said. "This is privately owned property, and we really don't have any leeway to stop them from doing what they did," Tinio said. "It was up to the discretion of the owner to make a decision as to when to act on the demolition permit."

Still, the fact the demolition was legal has not dissuaded Fino's opponents, some of whom formed an ad hoc preservation group last month and picketed yesterday across the street from the remains of the Dudley house.

"Mendon's been caught by surprise," said Gary Smith, who has lived in Mendon since 1962. "You couldn't get a CVS or a McDonald's or a bank to come into



Protesters (above) gathered across the street from the rubble of the historic homes in Mendon yesterday, upset that a CVS pharmacy might be built where the houses were. Although no plans have been filed yet, longtime resident Gary Smith (left) is worried such a store would tarnish the historic town's image.

town 10 years ago. There just wasn't enough population or traffic. Now there is, and it's a snowball effect. It's CVS tomorrow, and

then it's a Wal-Mart. It's sad."

Ryan Haggerty can be reached at rhaggerty@globe.com.

# Education and Advocacy

# Demolition Delay Bylaws and Ordinances

An effective tool to help protect significant historic resources in your community.

Established by town meeting or city council vote

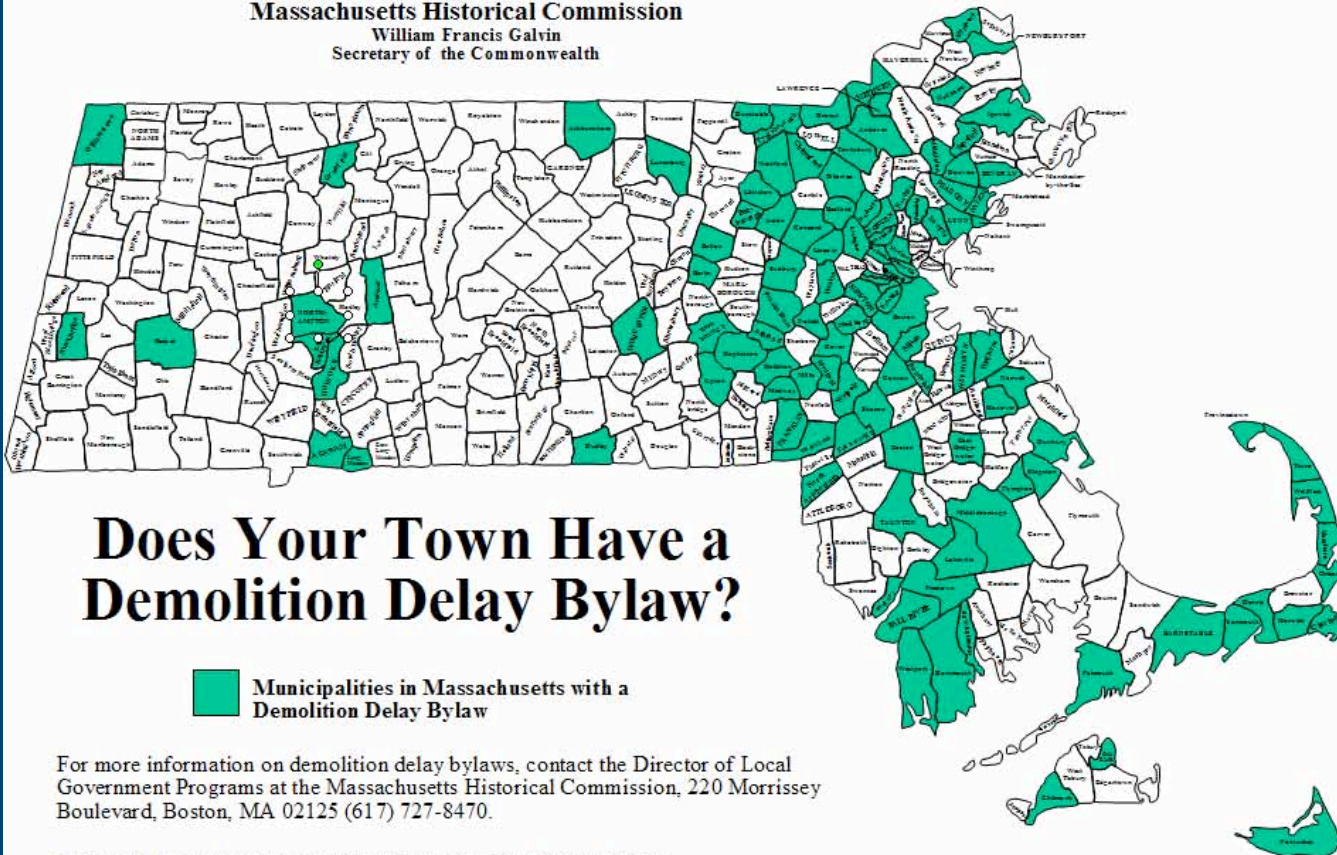
Requires approval of the Local Historical Commission before a building (demolition) permit is granted

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

Provides a window of opportunity for a positive outcome.

# Demolition Delay Bylaws Statewide Map

Massachusetts Historical Commission  
William Francis Galvin  
Secretary of the Commonwealth



# **Demolition Delay Bylaws in Massachusetts**

- 1. How Does a Demolition Delay Bylaw Work?**
- 2. Types of Demolition Delay Bylaws**
- 3. Success Stories with Demolition Delay**

# Demolition Delay Bylaws 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.





# 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.



# 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.

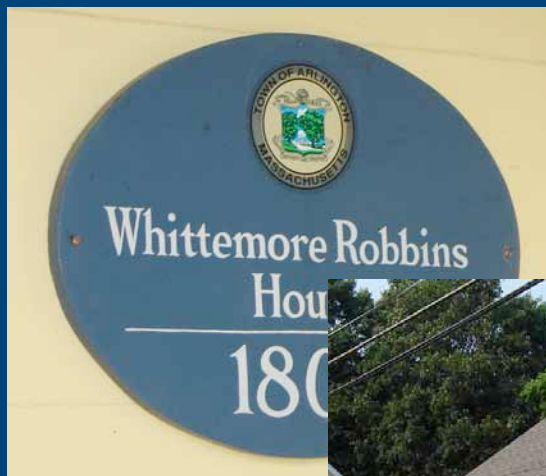
## 2. Types of Demolition Delay Bylaws in Massachusetts

- \_ Age
- \_ Categorical
- \_ List



# 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 those towns that have not yet comprehensively identified historic resources in their community.

# Demolition Delay Bylaws - Categorical

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

Categories might include inventory properties, properties on the State Register of Historic Places or properties pending for inclusion on the National Register of Historic Places.



# 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 inventory of historic resources in the community.



# 3. Demolition Delay Success Stories



# Demolition Delay Success Stories



Eastham, Massachusetts



# Demolition Delay Success Stories

Framingham, Massachusetts

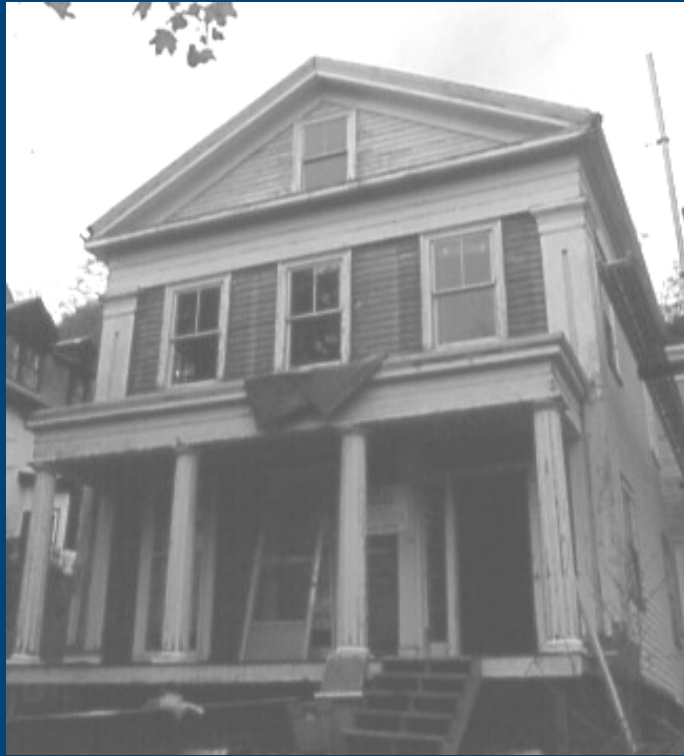


Residential building  
proposed for  
demolition due to a  
small subdivision.

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



# Demolition Delay Success Stories



**Arlington,  
Massachusetts**



# Demolition Delay Success Stories



Reading,  
Massachusetts

Foster-Emerson House  
Circa 1710

Listed on the  
National Register of  
Historic Places



# Demolition Delay Success Stories



Reading



Cambridge



Peabody



Andover

# Demolition Delay Success Stories



**Brookline  
Lustron House - 1949**



**Newton  
Kaplan House - 1946**

# Demolition Delay Success Stories

## Fowler-Clark Farm, located in Mattapan Circa 1800

One of just four farmhouses that date to  
between 1786 and 1806 identified in Boston.  
It may be the oldest of the four.





**1805 House  
Dudley, Massachusetts**

# Other Bylaws to Consider

**Local Historic Districts**

**Architectural  
Preservation Districts**

**Zoning Revisions**

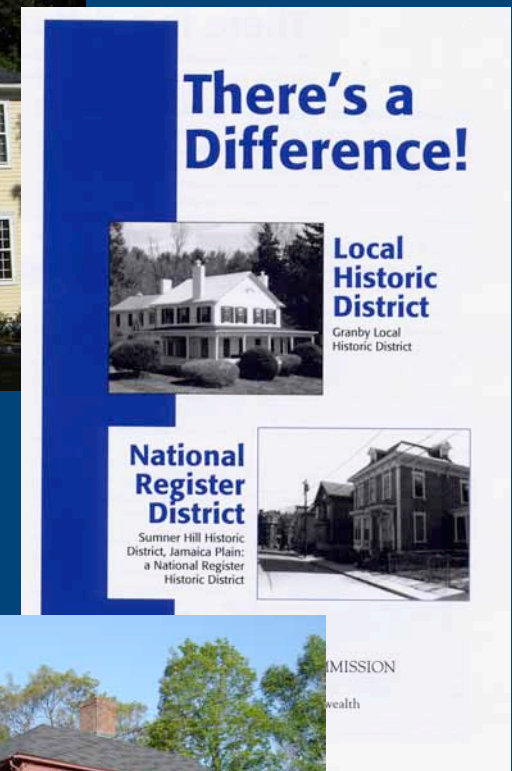
**Community  
Preservation Act**





# Local Historic Districts

- Can guide appropriate changes and prevent inappropriate changes to structures.
- Can permanently prevent the demolition of significant structures.
- Requires a 2/3 majority vote of town meeting or city council
- Regulated by a Local Historic District Commission



# Demolition Delay Success Stories



# Use the MHC Sample Demolition Delay Bylaw

## SAMPLE DEMOLITION DELAY BYLAW - AGE BASED

This bylaw can be emailed to you by contacting the Massachusetts Historical Commission. This bylaw should be passed as a General Bylaw, not a Zoning Bylaw. This bylaw is for a twelve month delay period as recommended by the Massachusetts Historical Commission. However, most demolition delay bylaws in Massachusetts are for six months. Consult with your municipal legal counsel regarding this sample bylaw. Consult with your municipal legal counsel regarding the use of non-criminal compliance as an enforcement provision for this bylaw. For more information on demolition delay bylaws including a map of municipalities with demolition delay, contact the Massachusetts Historical Commission at (617) 727-8470 or by email at Christopher.Skelly@state.ma.us.

### Table of Bylaw

The Preservation of Historically Significant Buildings

**Intent and Purpose**  
This by-law is enacted for the purpose of preserving and protecting significant buildings within the Town which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the town and to limit the detrimental effect of demolition on the character of the town. Through this bylaw, owners of preferably preserved buildings are encouraged to seek out alternative options that will preserve, rehabilitate or restore such buildings and residents of the town are alerted to impending demolitions of significant buildings. By preserving and protecting significant buildings, streetscapes and neighborhoods, this bylaw promotes the public welfare by making the town a more attractive and desirable place in which to live and work. To achieve these purposes the Historical Commission is authorized to advise the Building Inspector with respect to demolition permit applications. The issuance of demolition permits is regulated as provided by this by-law.

**Definitions**  
**APPLICANT** - Any person or entity who files an application for a demolition permit. If the applicant is not the owner of the premises upon which the building is situated, the owner must indicate on or with the application his/her assent to the filing of the application.  
**APPLICATION** - An application for the demolition of a building.  
**BUILDING** - Any combination of materials forming a shelter for persons, animals, or property.  
**BUILDING COMMISSIONER** - The person occupying the office of Building Commissioner or otherwise authorized to issue demolition permits.  
**COMMISSION** - The [name of town] Historical Commission or its designee.  
**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.  
**DEMOLITION PERMIT** - The building permit issued by the Building Inspector for a demolition of a building excluding a building permit issued solely for the demolition of the interior of a building.  
**PREFERABLY PRESERVED** - Any significant building which the Commission determines, following a public hearing, that it is in the public interest to be preserved rather than demolished. A preferably preserved building is subject to the twelve month demolition delay period of this bylaw.  
**SIGNIFICANT BUILDING** - Any building within the town (city) which is in whole or in part fifty years or more old and which has been determined by the Commission or its designee to be significant based on any of the following criteria:  
• The Building is listed on, or is within an area listed on, the National Register of Historic Places; or  
• The Building has been found eligible for the National Register of Historic Places; or  
• The Building is importantly associated with one or more historic persons or events; or with the broad architectural, cultural, political, economic or social history of the Town or the Commonwealth; or  
• The Building is historically or architecturally important (in terms of period, style, method of building)

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

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