



Watertown City Council

Committee on Economic Development and Planning Meeting

Wednesday, April 29, 2026 at 6:00 PM

Richard E. Mastrangelo Council Chamber - Second
Floor

Agenda

ACCESS INFORMATION:

- A. This meeting will be held on April 29, 2026 at 6:00 P.M. Location: Richard E. Mastrangelo Council Chamber - Second Floor
- B. The in-person meeting will also be televised through WCATV (Watertown Cable Access Television): <http://vodwcatv.org/CablecastPublicSite/watch-now?site=3>
- C. The Public may join the virtual meeting online: <https://watertown-ma.zoom.us/j/83549340015>
- D. Public may join the virtual meeting audio only by phone: (877) 853-5257 or (888) 475-4499 (Toll Free) and enter Webinar ID: 835 4934 0015
- E. Public may comment through email: lfeltner@watertown-ma.gov
- F. Please Visit the Committee on Economic Development and Planning Webpage here: https://watertownma.portal.civicclerk.com/?category_id=78

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1. Call to Order
 2. Discussion
 - A. Review of the City Manager's Proposed Changes to Current Demolition Delay Ordinance
 3. Adjournment

ELECTED OFFICIALS

John G. Gannon,
Chair

Vincent J. Piccirilli, Jr.,
Vice Chair

Lisa J. Feltner,
Secretary




George J. Proakis
City Manager

CITY OF
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Office of the City Manager

Administration Building
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Phone: 617-972-6465
www.watertown-ma.gov
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To: Honorable City Council

From: George J. Proakis, City Manager 

Date: November 11, 2025

RE: Proposed Changes to Current Demolition Delay Ordinance

At the January 26, 2025 City Council meeting, Council President Sideris requested that the Administration, through the Department of Community Development and Planning, conduct a review of the City's demolition delay ordinance.

In response, on April 8, 2025, the Administration submitted an eight-page memorandum with supporting documentation outlining 11 potential measures for consideration (see attached). Following discussion, the City Council voted to refer the matter to the Committee on Economic Development and Planning for further policy review and guidance.

The Committee met on May 7, 2025, and held a substantive discussion on the proposed measures. It was agreed that the Administration would return with draft language for amendments to several of the proposed items.

The attached document is the proposed amended ordinance. After working to add the relevant sections from the April 8, 2025 memo, staff determined that it would be best to reorganize and rewrite the ordinance. Therefore, this is a full rewrite, but much of the original language remains. The intent of this draft is to incorporate changes identified in the chart on the April 8th memo (items 5, 6, 7, 8, 9 and 11), while also making the entire ordinance more approachable and user friendly. The ordinance is being submitted with notes on the side to indicate changes and identify where the amendments from the April 8th memo are incorporated.

I will bring this up under Communications from the City Manager at the November 12, 2025 City Council Meeting and respectfully request the matter be referred to Committee for further review and consideration.



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To: George Proakis, City Manager

From: Department of Community Development and Planning

CC: Elise Loukas, Chair/Historical Commission; Steve Magoon, Assistant City Manager for Community Development & Planning; Gideon Schreiber, Director Planning and Zoning; Erika Jerram, Director of Community Design; Paul Johnson, Building Commissioner; Larry Field, Senior Planner

Date: April 8, 2025

Re: Review of Demolition Delay Ordinance

As requested by the City Council President at the Council's January 26, 2025 meeting, the Administration, through the Department of Community Development and Planning, has conducted a review of the demolition delay ordinance.

Summary

The new demolition delay ordinance has resolved a large percentage of cases without public hearing and a very small percentage of cases have ended with a demolition delay. Nevertheless, there are potential measures the City Council can consider to improve the way the City addresses historic preservation. A list of these potential measures is attached as "A."

Background

A. 2023 amendments

In August 2023, the City Council enacted a substantially amended demolition delay ordinance. The two major changes were to create a two-step process to eliminate hearings on buildings that were clearly not significant and to increase the maximum delay period from one to two years.¹ At the same time, the City Manager issued regulations defining when building permit applications that would remove a significant portion of the building's exterior constitute "substantial demolition" and must be reviewed by the Historical Commission ("Commission").

¹ The amendments also increased the delay automatically applied when an owner violates the demolition delay imposed by the Commission ("Voluntary Demolition"). The period increased from two to three years.

The demolition delay ordinance and regulations are attached to this memo as “B” and “C.” The ordinance is also available online: <https://ecode360.com/36825539>.

B. Demolition delay standards

The ordinance requires the Commission to decide if a building is “significant” and “preferably preserved.” It is important to understand that this decision is not limited to the building at issue; neighborhood context is an appropriate factor in these determinations. Our Commission, like others around the Commonwealth, considers the existence of a coherent neighborhood with buildings that share a common history.

If the Commission has determined that a building is preferably preserved, it must consider whether to impose a demolition delay and, if so, its duration. In addition to the same criteria used for the preferably preserved determination, the Commission may also consider whether the owner has already made “bona fide and reasonable efforts to preserve all or part of the building.” Once a delay has been imposed, it may be lifted if there is no reasonable likelihood that the owner or another party will preserve the building and/or the owner has made bona fide and reasonable efforts for at least six months to locate a buyer who will preserve the building.

While the 2023 amendments did not change any of these standards, it more clearly articulated the criteria to be considered.

C. Implementation of two-step process

Under the ordinance, the Chair and one Commission member conduct a “preliminary review” to determine if a public hearing is needed. These are:

- public meetings;
- conducted within 15 days of the permit application; and
- done without any further burden on the applicant (i.e., an applicant who has filed the documents necessary for the intake of a demolition or building permit is not required to provide anything further).

The Chair has established a monthly rotation of Commission members to join her in these reviews. If either the Chair or designee believe that there is a reasonable argument that a building is significant and preferably preserved, the case goes to the full Commission for a public hearing. Otherwise, the application is cleared for building department review.

D. Case statistics

Over 20 months, the Commission has imposed only two delays (4% of the 47 decisions). One of those delays was lifted after the applicant came back with a partial preservation plan. During the 20 months, 19 cases have been held for public hearing (36% of the 53 applications). A table with the full statistics is attached as “D.”

Issues

The statistics indicate that the Commission has been selective in holding cases for a public hearing and rarely imposed a demolition delay. Nevertheless, implementation of the ordinance has highlighted ways in which the process can be improved.

A. Absence of city-wide historic preservation plan and historical surveys

Each case requires the Commission to assess the historical significance of an individual building, the historical coherence/integrity of its surrounding neighborhood, and how the individual building contributes to the neighborhood's historic character. In most communities, those judgments are facilitated by professional and systematic research conducted over many years. In contrast, Watertown has no city-wide historic preservation plan, has not had a comprehensive historic survey since 1982, and has been largely relying on "volunteer" research for the last 25 years.²

In the absence of robust historical findings as background, each case leaves the Commission to decide all the historical significance questions by itself. This limitation is particularly notable when the issue is whether a particular building is part of a coherent historical neighborhood and the degree to which the building contributes to the neighborhood's historic character. Most recently this issue has arisen in assessing "Cape style" homes in the neighborhood bounded by Main/Waltham Streets and Rosedale/Edwards Road. Commissioners have disagreed as to whether these homes, built in the 1940's and 1950's, represent "worker's cottages" that are important in Watertown's history. There is scholarship recognizing the historical value of post-World War II developments where they meet certain criteria.³ On the other hand, these homes are not individually distinguished (typically, they were built inexpensively) and many such neighborhoods have been evolving away from their mid-century heritage for years. These post-World War II homes are also harder to enlarge without affecting their character. Arguments for and against preservation are reasonable and are fact-dependent. Unfortunately, no historical survey has been conducted in this geographic area.

B. Perceived tension between ordinance and achieving other community goals

Historic preservation is not an absolute. Preservation and change are each important. In particular, the present demolition delay ordinance should not prevent the city from achieving other community goals, such as transforming Watertown Square or providing modern and sustainable school buildings. In recent years, the Commission has been faced with two cases that involved this perceived tension (the new High School and the 104 Main Street mixed-use

² The Mount Auburn Street Historic District required a 1999 survey and the Commission obtained a matching grant from the Massachusetts Historical Commission to survey Southside (to be completed in June).

³ See, e.g., A Model for Identifying and Evaluating the Historic Significance of Post-World War II Housing (2012), NCHRP 723.

development). In both cases, the applicants explained their attention to the building history and consideration of preservation options, and no delay was imposed.

However, the existing demolition delay process does present a significant timing issue that should be resolved. Applicants proposing large projects that require demolition do not come before the Commission until their project has obtained zoning and, often, funding commitments. Typically this is many years after city staff and the applicants have started discussions about the site. This timing creates uncertainty. The risk of demolition delay at a late stage is particularly concerning when it involves public funding, such as a municipal project of any kind and/or an affordable housing development.

C. Maximizing preservation outcomes within practical constraints

There is an inherent limit in demolition delay as a historic preservation tool. Market forces and the feasibility of preservation make it hard to achieve the best outcome in many cases. Owners and prospective buyers often set their expectations before they even think about the formal demolition delay process. Preservation may not be feasible—or not feasible given expectations about profit or the amount of living space that can be added.

The strong demand for residential property in Watertown has led older properties, particularly smaller homes on large lots, to be marketed as “teardowns.” The asking price is set with the assumption that a much larger home—or a two-family—will replace the existing home. The potential buyers are often limited to those who plan a demolition; potential buyers who may want to live in the home “as is” or with modest exterior changes are effectively excluded by the market. When the sale is consummated and the demolition application filed, the buyer feels financially committed to a demolition. These dynamics are at odds with the demolition delay ordinance—which is designed to give time for preservation options to be explored.

The ordinance allows the Commission to consider “feasibility” as a factor when determining whether a building is preferably preserved. Applicants and Commission members, however, can view feasibility differently. Applicants may be willing to preserve all or part of a building if they can achieve substantially the same outcome without a significant increase in cost. If not, preservation is viewed as not feasible. Commission members may be willing to let a building be demolished if its structural integrity has been so compromised that restoration is impossible or prohibitively expensive.

These differing perspectives can limit the Commission’s options with a “preferably preserved” building. Setting a relatively short demolition-delay period means the applicant “waits out” the delay and has no interest in talking about preservation options. A delay period that is at/near the maximum can motivate the applicant to consider preservation, but the ordinance doesn’t necessarily provide a full range of options.

D. Voluntary Demolitions

As noted earlier, the Watertown ordinance contains a “Voluntary Demolition” provision. Like the state’s model ordinance/bylaw, our ordinance does not explicitly provide a process for

determining that a violation has occurred. This issue has arisen several times over the last ten years.

Options to consider

Below is a “menu” of measures to consider individually or in combination if the City Council wishes to address any of the issues previously discussed in this memo. As noted earlier, “A” is a chart listing each potential measure with implementing step(s).

A. City-wide Historic Preservation Plan

As recommended in the 2023 Comprehensive Plan, Watertown should have a city-wide historic preservation plan. Such a plan would provide a long-term roadmap for assessing and preserving the city’s historic assets. This would include a list of neighborhood historic surveys to be conducted, with their relative priority. The plan would identify worthy historic preservation projects for Community Preservation Act funding and help the Community Preservation Committee in evaluating applications.

A city-wide preservation plan would likely cost between \$20,000 and \$30,000. The City could apply to the Massachusetts Historical Commission for a matching grant in the 2025-26 funding round and, if it receives an award, complete the plan in FY27.⁴

B. Historic Properties Survey

The City should consider commissioning a historic properties survey in the area roughly bounded by Main/Waltham Streets and Rosedale/Edwards Road. The survey would, at a minimum, improve the discussion of whether a post-World War II worker’s housing neighborhood exists there and should be preserved in Watertown. To complete such a survey in FY26, the City would need to dedicate \$30,000 to \$40,000 in the FY26 budget.

C. On-call historic consultant for demolition applications

The City would benefit from retaining an “on-call” historic consultant to do research on important cases. If a neighborhood has not been surveyed, this would provide the Commission with valuable information about the building architecture and the neighborhood context. Each task order would be of defined scope and involve a modest fee (likely less than \$2,000). The City uses “on call” consultants in other contexts, typically signing a contract for three years with a \$50,000 cap for procurement purposes. The City would be under no obligation to provide the consultant with any task order during the three years. The consultant would be required to provide the agreed scope of work on an expedited basis.

⁴ As a practical matter, CPA funds are not available for the plan. The Act only allows the CPC to use its “administrative” funds for planning and the CPC has fully utilized these funds each year.

D. Clarify Commission's role in large projects

The City should provide ways for the Commission to participate at an early stage when large projects are being considered. One option is to bring projects to the Commission early for a formal determination; two other options involve more informal roles.

Under the state building code, a demolition permit is considered abandoned unless steps are taken within 180 days. For that reason, large project applicants and staff have assumed that demolition permit applications should wait until the applicant is ready to proceed with demolition. The city could, instead, encourage large projects⁵ to file early. If the Commission decides to impose a delay, the applicant can choose to modify its plans or to wait for the delay period to expire. If the Commission allows demolition to proceed, the project can continue the zoning process with the assurance that permit extensions would be granted every 90 days.

E. Exemptions

Municipal projects and affordable housing developments (as defined in the Watertown Square zoning language)⁶ differ markedly from proposed private developments. Because they are partly or entirely funded by the City, there is extensive community process at an early stage and, by necessity, a municipal decision that the project go forward. If demolition is proposed, it is because reuse options have been considered and rejected. In this context, the City Council could exempt such projects from the demolition delay ordinance.

F. Adding content to the Preferably Preserved test

The Preferably Preserved test now includes two factors: the “extent to which demolition...would be detrimental to the historical or architectural heritage or resources of the City” and the “feasibility of preserving all or part of the building.” The City Council could add a proposed development’s “benefit” to the city as a third factor. In the case of a large development, particularly if a municipal project or an affordable housing development, the benefit could be substantial and could be appropriately weighed in the decision. “Feasibility” could also be defined to give that factor more clarity. Such a definition could focus on whether an owner/buyer motivated to preserve the property would consider it reasonable to do so.

G. More flexible tools for Commission

Once a building is found preferably preserved, the Commission’s choices are limited to imposing a delay (and its duration) or not imposing any delay. The Commission could be authorized to add conditions to a determination that no delay will be imposed. The applicant could be required to document the building’s history (photographs, renderings, signage on the new building) or to salvage the building materials.

⁵ Large projects would likely be defined as projects over a certain square footage of proposed floor area.

⁶ To be an affordable housing development, 50% or more of the units must be deed-restricted for households earning 80% or less of area median income. Because of the high level of affordability, public subsidy is required. Although most of the public funding would need to come from federal and state affordable resources, a substantial municipal match is always required.

The Commission could also have a clearer procedure for negotiating a partial preservation plan during the demolition delay period. The Commission could be explicitly authorized to adopt a mutually agreeable plan for a more limited demolition.

H. Produce and distribute informational materials

The Commission/city staff should implement an informational effort already in the planning stage. This effort would include drafting and distributing informational materials for existing and potential owners, and real estate agents. These materials would summarize the two-step process and encourage consultation with staff concerning the preservation options. The earlier that owners and real estate agents are aware of the potential two-year delay and of the value of considering preservation, the more likely that historically significant homes can be preserved without Commission action.

I. Procedure for addressing alleged violations

The ordinance should outline a clear procedure for considering whether a Commission demolition delay order has been violated. The procedure should specify that the owner has an opportunity to be heard and that the determination can be appealed to court. The Commission should also be allowed to consider a lesser penalty if necessary for the penalty to be proportionate to the violation.

Attachment “A”

Potential measures to consider

Option No.	Measure	Page discussed	Implementing step(s)
1	City-wide historic preservation plan	5	Apply for MHC grant fall 2025 & commit FY27 funds for local match
2	Neighborhood survey	5	Issue RFP in summer 2025 using FY26 funds
3	On-Call historic consultant	5	Issue RFQ in FY26 for three-year contract
4	Early determination option for large projects	6	Amend regulations to outline option, including possibility to extend demolition permit
5	Exemption for municipal projects and/or affordable housing projects	6	Amend ordinance
6	Add “benefit” of proposed development to Preferably Preserved Test	6	Amend ordinance
7	Define “feasibility” for Preferably Preserved Test	6	Amend regulations
8	Authorize Commission to set enumerated conditions for demolition to proceed	6	Amend ordinance
9	Authorize Commission to lift delay for mutually agreeable plan	7	Amend ordinance
10	Information to real estate community	7	Commission/staff can implement now
11	Procedure for considering alleged violations	7	Amend ordinance



Watertown City Council

Administration Building
149 Main Street
Watertown, MA 02472
Phone: 617-972-6470

ORDINANCE # 54

2023 - 0 - 54

WHEREAS: The City of Watertown adopted a demolition delay ordinance on October 28, 1997 (Ordinance 97), and amended it on September 12, 2006 (Ordinance 57) for the purpose of preserving and protecting significant buildings outside designated local Historic Districts and to encourage owners of the buildings to seek out persons who might be willing to purchase, preserve, rehabilitate or restore the buildings rather than demolish them; and

WHEREAS: The purpose of preserving and protecting significant buildings is best served by replacing the existing demolition delay ordinance in its entirety; and

WHEREAS: On May 23, 2023, the City Council had a first reading on amendment of Title XV, Chapter 153 of the Watertown Code of Ordinances and

WHEREAS: On August 8, 2023 the City Council conducted a duly advertised Public Hearing with respect to the proposed Amendment.

NOW THEREFORE BE IT ORDAINED by the City Council of Watertown that Title XV, Chapter 153 of the Watertown Code of Ordinances, Demolition of Historic Buildings, is hereby amended, by deleting the existing chapter in its entirety and replacing it with the language below, as follows:

Chapter 153 Demolition of Historic Buildings

§ 153.01 PURPOSE

This chapter is enacted for the purpose of preserving and protecting significant buildings within the City of Watertown ("City") which are outside designated local Historic Districts and to encourage owners of the buildings to seek out persons who might be willing to purchase, preserve, rehabilitate, or restore the buildings rather than demolish them. To achieve these purposes, the Watertown Historical Commission (the "Commission") is empowered to make certain determinations related to the issuance of permits for demolition or substantial demolition of significant buildings. The issuance of said permits for significant buildings is regulated as provided in this chapter.

§ 153.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT- For the purposes of this chapter: any person or entity who files a permit application with the Building Commissioner (as defined herein).

BUILDING - Any combination of materials forming a shelter for persons, animals, or property.

BUILDING COMMISSIONER - The person occupying the office of Building Commissioner or a designee.

COMMISSION – The Watertown 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.

PERMIT APPLICATION - An application for the demolition of a building or for renovations or alterations that constitute a substantial demolition as defined herein. For purposes of this ordinance, a permit application seeking solely to demolish the interior of a building is not a permit application.

PERMIT - The Building and/or Demolition permit issued by the Building Commissioner or a designee approving a permit application as defined herein.

PREFERABLY PRESERVED - Any significant building which the Commission determines, following a public hearing, is better preserved than demolished. A preferably preserved building is subject to imposition of a demolition delay period as set forth in this chapter. Factors the Commission may consider in making this determination include the following:

- The extent to which demolition of the significant building would be detrimental to the historical or architectural heritage or resources of the City; and/or
- The feasibility of preserving all or part of the building.

SIGNIFICANT BUILDING – Any building or portion thereof not within an Historic District which is fifty years or more old and which has been determined by the Commission to be significant based on any of the following criteria:

- 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 City or the Commonwealth; or
- The building is historically or architecturally important (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

SUBSTANTIAL DEMOLITION - Proposed renovation, alteration or other work on a building that is tantamount to demolition because it involves the pulling down, destruction or removal of a substantial portion of the exterior of a building or structure or the removal of architectural elements which define or contribute to the historic character of the building(s).

ZONING ENFORCEMENT OFFICER-The person occupying the office of Zoning Enforcement Officer or otherwise authorized to make administrative determinations of zoning compliance.

§ 153.03 PERMIT APPLICATION

- (A) Applicability. No Building or Demolition permit for a building which is in whole or in part fifty (50) years or more years old shall be issued without following the provisions of this chapter. If a building is of unknown age, it shall be assumed that the building is over fifty (50) years old for the purposes of this chapter.

- (B) Demolition Application. When the Building Commissioner receives an application proposing to demolish a building subject to this chapter the Commissioner shall within five business days of receipt forward a copy of the application to the Chair of the Commission to conduct a preliminary review as set forth in §153.04.
- (C) Renovation/Alteration (Building Permit) Application. If an application for a permit to renovate or alter a building subject to this chapter includes exterior demolition as part of its application, the Building Commissioner shall forward said application to the Zoning Enforcement Officer within two business days of receiving the application for a determination as to whether the proposed work constitutes substantial demolition.
- (1) If the Zoning Enforcement Officer determines, pursuant to the Department of Community Development and Planning's ("Department") demolition delay regulations, that such an application constitutes substantial demolition, the Zoning Enforcement Officer shall within five business days of receiving the application notify the Building Commissioner of the determination and forward a copy of the application to the Chair of the Commission to conduct a preliminary review as set forth in §153.04.
 - (2) If the Zoning Enforcement Officer determines, pursuant to the Department's demolition delay regulations, that the application does not constitute a substantial demolition, the Zoning Enforcement Officer shall within five business days of receiving the application notify the Building Commissioner in writing of the determination. Upon being notified of such determination the Building Commissioner may issue the building permit if all other requirements pertaining to the requested permit are met.

§ 153.04 PRELIMINARY REVIEW BY HISTORICAL COMMISSION

- (A) Within fifteen days after receipt of a copy of a permit application, the Chair (or Acting Chair, if applicable) and a second Commission member designated by the Chair shall either
- (1) Make a written determination that the building is not significant and so advise the Historical Commission and the Building Commissioner in writing, after which the Building Commissioner may issue the demolition or building permit for the renovation/alteration if all other requirements pertaining to the requested permit are met; or
 - (2) Forward the application to the Commission for a hearing outlined in §153.05 and notify the Building Commissioner in writing of such action.

§ 153.05 COMMISSION HEARINGS

- (A) The Commission shall hold a public hearing at its next regularly scheduled meeting on all applications reviewed for historic significance which did not receive a written determination that the building or buildings were not significant. Public notice of the time, place and purpose of the hearing shall be disseminated as follows:
- (1) written notice posted at the Administration Building and on an internet website operated by the City of Watertown at least 14 days before the hearing; and
 - (2) written notice mailed to the applicant, to the owners (as they appear on the most recent local tax list) of all property abutting the subject property and all abutters to the abutters within three hundred feet of the property line, and to the other persons

as the Commission shall deem entitled to notice, at least 7 days before the hearing.

- (3) In addition to the above requirements, the Commission may also require that applicants post a written notice at the Watertown Free Public Library and/or on an internet website offering local news and public notices online at least 14 days before the hearing.
- (B) The Commission may request that an applicant for a permit for demolition or renovation/alteration that is the subject of a public hearing under sub-section (A) provide additional information about the building(s), including the reason for proposing exterior demolition, the building's condition, and a description of the proposed reuse, reconstruction or replacement of the exterior elements that would be demolished.
 - (C) The Commission shall decide at the public hearing whether the building is significant, whether it should be preferably preserved, and whether a demolition delay period will be imposed. The determination of the Commission may be postponed if agreed in writing by the applicant.
 - (1) If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Commissioner and applicant in writing. No demolition permit may then be issued during the time period set by the Commission, starting from the date of the determination, and lasting no more than twenty-four months. In setting the duration of the demolition delay, the Commission may consider the criteria used in determining that a building is preferably preserved and may also consider whether the owner has already made bona fide and reasonable efforts to preserve all or part of the building.
 - (2) The Commission shall notify the Building Commissioner and applicant in writing if the Commission determines that the building is not preferably preserved. The Building Commissioner may then issue the demolition permit if all other requirements pertaining to the requested permit are met.
 - (D) No permit for demolition of a building determined to be a preferably preserved building shall be granted until all plans for future use and development of the site have been filed with the Building Commissioner and have been found to comply with all laws pertaining to the issuance of a building permit. All approvals necessary for the issuance of such building permit or certificate of occupancy, including without limitation any necessary zoning variances or special permits, must be granted, and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this chapter.
 - (E) The Building Commissioner may issue a demolition permit for a preferably-preserved significant building, if all other requirements pertaining to the requested permit are met, once the delay period set by the Commission has expired or at any time after receipt of written communication from the Commission to the effect that either:
 - (1) The Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore the building; or
 - (2) The Commission is satisfied that for at least 6 months the owner has made continuing bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the subject building, and that the efforts have been unsuccessful.

§ 153.06 ADMINISTRATION

The Commission may adopt such rules, regulations and guidance as are necessary to administer the terms of this chapter. The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this chapter. The Commission may proactively develop a list of significant buildings that will be subject to this chapter. Buildings proposed for the significant building list shall be added following a public hearing.

§ 153.07 ENFORCEMENT

- (A) The Commission and/or the Building Commissioner are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this chapter or to prevent a threatened violation thereof.
- (B) No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished in violation of this chapter for a period of three (3) years after the date of the completion of the demolition unless the building permit is for the faithful recreation of the demolished building. As used herein, PREMISES includes the parcel of land upon which the demolished significant building was located or any adjoining parcels of land under common ownership.
- (C) Upon a determination by the Commission that a building is a preferably preserved significant building, the owner shall be responsible for properly securing the building to the satisfaction of the Building Commissioner. Should the owner fail to secure the building, the loss of the building through fire or other cause shall be considered voluntary demolition for the purposes of sub-section (B) of this section.

§ 153.08 EMERGENCY DEMOLITION

Nothing in this chapter shall be construed to derogate the authority of the Inspector of Buildings (which term includes Building Commissioner) derived from Mass. Gen. Laws Ch. 143. However, before acting pursuant to that chapter, the Building Commissioner shall make every reasonable effort to inform the Chair of the Historical Commission of the Building Commissioner's intention to cause demolition.

§ 153.99 PENALTY

Anyone who demolishes or substantially demolishes a significant building without first obtaining and complying fully with the provisions of a demolition or building permit in accordance with this chapter will be subject to a fine of \$300 for each day that the violation continues, in addition to any fine that may be imposed for failure to comply with the State Building Code.

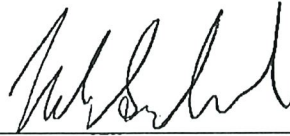


Council Member

I hereby certify that at a regular meeting of the City Council for which a quorum was present, the above Ordinance was adopted by a vote of 6 for, 3 against, and 0 present on August 8, 2023.



Brendan T. McCarthy, Council Clerk



Mark S. Sideris, Council President

ELECTED OFFICIALS

Mark S. Sideris,
Council President

Caroline Bays,
Councilor At Large

Nicole Gardner,
District A Councilor

Vincent J. Piccirilli, Jr.,
Vice President &
District-C Councilor

John G. Gannon,
Councilor At Large

Lisa J. Feltner,
District B Councilor

John M. Airasian,
Councilor At Large

Anthony Palomba,
Councilor At Large

Emily Izzo,
District D Councilor



City of Watertown
149 Main Street
Watertown, MA 02472

DEMOLITION DELAY REGULATIONS

These regulations are developed pursuant to the Watertown Demolition Delay Ordinance, Chapter 153, , to enable the Historical Commission to carry out the City's goal of preserving and protecting significant buildings within the City which are outside designated local Historic Districts and to encourage owners of such buildings to seek out persons who might be willing to purchase, preserve, rehabilitate or restore the buildings rather than demolish them. Further, the regulations are intended to provide clear guidance and requirements for applicants seeking to demolish buildings or undertake renovation or alterations that constitute substantial demolition of significant buildings. The regulations shall take effect on the date that the 2023 Demolition Delay Ordinance goes into effect.

I. Definitions

The definitions contained in Chapter 153.02 of the City Code are incorporated by reference.

II. Determinations by the Department of Community Development and Planning to Assist the Historical Commission

- A. Fifty Years Old or More-In order to appropriately route applications to the Historical Commission or the Zoning Enforcement Officer, the Department of Community Development and Planning (the Department) shall use the best public record then available to make a preliminary determination of building age. Examples of such public records are the City's Assessor Database or Building Card files. This preliminary determination shall not affect the Historical Commission's authority to use historical research from private or public sources to further determine a building's age.
- B. Substantial Demolition-In order to appropriately route applications to the Historical Commission, the Zoning Enforcement Officer will determine whether the proposed scope of work constitutes substantial demolition as defined in the ordinance. In making that determination, the Zoning Enforcement Officer will deem any of the following as substantial demolition:
1. Removal of 50% or more of a roof (for example, raising the overall height of a roof, rebuilding the roof to a different pitch, or adding another story to a building).
 2. Removal of any part of a roof if the ridge line is changed.
 3. Removal of any exterior wall.

III. Procedural Requirements

- A. A copy of these regulations, and any additional written guidance on the operation of the Demolition Delay Ordinance, shall be available to all applicants for demolition permits or renovation/alteration permits, in a manner to be determined by the Department.
- B. All applications to demolish a building that is fifty years old or more will be forwarded to the Chair of the Historical Commission for preliminary review. If the building is determined not to be a historically significant building, the Department will proceed with its usual review of the application, such as review for compliance with the State Building Code and any of the City's General or Zoning Ordinances. The demolition application shall attach the following:
 - 1. Dimensioned site plan of the existing building(s) and of the proposed replacement project, signed by the current record owner of the property (and if the current record owner is not the applicant, then the applicant must also sign). The site plan should indicate the relationship between the existing building(s) and the surrounding structures and properties.
 - 2. Schematic elevation drawings of the proposed replacement project signed by the current record owner of the property (and if the current record owner is not the applicant, then the applicant must also sign). Dimensions and construction materials should be indicated. Elevations that demonstrate the grade, scale, and height in relation to neighboring structures are preferred.
 - 3. Exterior photographs of the existing building and immediately abutting properties as seen from a public way.
- C. All applicants for renovation/alteration building permits shall provide sufficient information in the application to allow municipal staff to determine the scope of the proposed work. If any application for renovation/alteration permit is determined to involve a scope of proposed work that constitutes substantial demolition, as defined in Section I of these regulations, and the building, or any part, is fifty years or more old, the application will be forwarded to the Chair of the Historical Commission for preliminary review pursuant to Section 153.03 of the City Code. If the building is determined not to be of historical significance, the Department will proceed with its usual review of the application. Otherwise, pursuant to Section 153.04 of the City Code, the application will be referred to the full Historical Commission for a public hearing and further consideration under the Demolition Delay Ordinance.

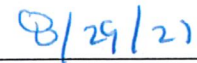
D. Any applicant whose renovation/alteration application is referred to the full Historical Commission shall supplement the initial application by providing the following information to the Commission at least five business days before the scheduled hearing:

1. A description of the building elements to be demolished or removed.
2. The reason for requesting a building permit, including information on the building's condition if this is a reason for removing parts of the building.
3. A brief description of the proposed reuse, reconstruction, or replacement of those elements of the building to be removed.
4. Exterior photographs of the existing building showing those elements of the building to be removed.

Approved and adopted by the City Manager



George Proakis, City Manager



Date

Statistics for First 20 months under Amended Demolition Delay Ordinance

(August 8, 2023 through April 7, 2025)

Preliminary Review by Chair and one Commissioner--all applications				
# of applications	Result: Public Hearing	%	Result: No Public Hearing Required	% No Hearing
53	19	36%	34	64%
Preliminary Review by Chair and one Commissioner--by application type				
	Hearing Required	% Hearings	No Hearing Required	% No Hearing
Building Permit apps (18 total)	4	24%	17	81%
Demolition apps (31 total)	15	44%	17	53%
Results--totals	19		34	
Public Hearing Results--all applications				
Delay imposed	% of hearings resulting in delay			
2*	15.4%			
No delay imposed	% of hearings with no delay			
11	84.6%			
Of the 19 applications requiring a hearing, five are still pending and one owner is reconsidering application				
* HC imposed 2-year delay on one proposed demolition; when owner offered plan to preserve part of the house, delay lifted.				
Overall Results--by application type				
	Delay imposed	%	No delay imposed	%
Building Permit apps decided (21)	0	0%	21	100%
Demolition apps decided (26)	2*	8%	24	92%
Total decisions (47)	2*	4%	45	96%

*As noted, delay lifted in one case

WHEREAS: The City of Watertown adopted a demolition delay ordinance on October 28, 1997 (Ordinance 97), and amended it on September 12, 2006 (Ordinance 57), and August 8, 2023 (Ordinance 24) for the purpose of preserving and protecting significant buildings outside designated local Historic Districts and to encourage owners of the buildings to seek out persons who might be willing to purchase, preserve, rehabilitate or restore the buildings rather than demolish them; and

WHEREAS: The Honorable City Council is seeking to make adjustments to preserve and protect significant buildings in a way that best serves the community,

NOW THEREFORE BE IT ORDAINED by the City Council of Watertown that Title XV, Chapter 153 of the Watertown Code of Ordinances, Demolition of Historic Buildings, is hereby amended, by deleting the existing chapter in its entirety and replacing it with the language below, as follows:

Chapter 153 Demolition of Historic Buildings

§ 153.01 PURPOSE

This chapter is enacted for the purpose of preserving and protecting significant buildings within the City of Watertown ("City") which constitute or reflect distinctive aspects of the architectural, cultural, political, economic or social history of the City, and which are outside designated local Historic Districts and to encourage owners of the buildings to develop strategies to preserve, rehabilitate, or restore the buildings rather than demolish them; or, in the alternative, to seek out persons willing to purchase and to preserve, rehabilitate, or restore such buildings rather than demolish them. To achieve these purposes, the Watertown Historical Commission (the "Commission") is empowered to make certain determinations related to the issuance of permits for demolition of significant buildings, as defined herein. The issuance of said permits for significant buildings is regulated as provided in this chapter.

Commented [GP1]: This language is a part of the purpose statement of most demolition ordinances. It had been removed from ours - suggesting that we are encouraging the resale of buildings, but not strategies for the current owner to work with the existing building. Therefore, we are suggesting adding this language.

§ 153.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly requires a different meaning.

AFFORDABLE HOUSING DEVELOPMENT--A development in which fifty (50) percent or more of its units qualify as an 'Affordable Housing Unit' with an 'Affordable Housing Restriction' as these terms are defined in Title XV, Chapter 155, §5.07.

Commented [GP2]: This is consistent with recent adjustments to the city's zoning ordinance.

APPLICANT- For the purposes of this chapter: any person or entity who files a permit application with the Building Commissioner (as defined herein).

BUILDING-A combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property. For the purpose of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

Commented [GP3]: Changed the definition of 'building' to match the definition in zoning.

BUILDING COMMISSIONER - The person occupying the office of Building Commissioner or a designee. The Building Commissioner is also the Inspector of Buildings under Massachusetts General Laws Chapter 143.

COMMISSION – The Watertown Historical Commission.

DEMOLITION For the purpose of this Section 153, Demolition includes:

1. Complete Demolition as defined below:
 - a. Any act of pulling down, destroying, removing, dismantling or razing a building; or,
 - b. Commencing the work of pulling down, destroying, removing, dismantling or razing a building with the intent of completing the same
2. Substantial demolition as defined below:
 - a. Removal of a portion of roof or wall that exceeds the standards delineated in the Demolition Delay Regulations per §153.04.
3. Illegal demolition as defined below:
 - a. Demolition or substantial demolition undertaken by any person without an application having been reviewed and approved by the Watertown Historic Commission and/or without building or demolition permits.
4. Demolition does not include:
 - a. Routine maintenance as long as the maintenance undertaken does not fit the definitions of demolition contained in this ordinance
 - b. Interior renovations
 - c. Removal, replacement or installation of siding, roof shingles, gutters, downspouts or windows performed for the purpose of maintenance or replacement

Commented [GP4]: This creates one unified definition of demolition.

PERMIT APPLICATION-An application for the demolition of a building or for renovations or alterations that constitute a substantial demolition as defined herein. For purposes of this ordinance, a permit application seeking solely to undertake items identified herein per item #3 under the definition of demolition do not constitute a Permit Application.

Commented [GP5]: The staff recommends that the council consider adding this to the definition regarding 'architectural features'. The current language creates some confusion of how we address this issue, and is intended to establish that those features are not included in the ordinance IF they are performed for the purpose of maintenance or replacement.

PERMIT - The Building and/or Demolition permit issued by the Building Commissioner or a designee approving a permit application as defined herein.

PREFERABLY PRESERVED BUILDING - Any significant building which the Commission determines, following a public hearing, is better preserved than demolished per §153.06

PREMISES - The parcel of land upon which a building is or was located or any adjoining parcels of land under common ownership

SIGNIFICANT BUILDING – Any building or portion thereof which is fifty years or more old and which has been determined by the Commission to be significant based on the factors established per §153.05.

Commented [GP6]: This version of the ordinance is starting with a negative statement - "you can't demo a building unless it meets these circumstances . . ."

This builds the circumstances of the entire ordinance in the first section. This flow of the ordinance clearly establishes that "but for" one of these things happening, a building cannot be demolished.

ZONING ENFORCEMENT OFFICER-The person occupying the office of Zoning Enforcement Officer or otherwise authorized to make administrative determinations of zoning compliance.

Commented [GP7]: Municipal project exemption was Item #5 on the memo discussed with the council.

Commented [GP8]: This provision starts a new time clock, allowing demo to occur prior to the need to restart the process. It separates that clock from a building permit clock, allowing more time to complete other permitting if necessary to get financing in order. The current strategy of tying the demo decision to the specific building or demo permit is one of the things that causes applicants to feel they need to apply for demo last - after all other decisions have been made. This setup will allow the Historic Commission to be earlier in the process without the risk of a permit running out before the demo period runs out.

§ 153.03 APPLICABILITY

- (A) Applicability. No building may undergo demolition as defined in §152.02, except through the provisions of this ordinance.
- (B) Demolition is only permitted if one of the following apply:
 1. The building is exempt, by way of being in one of the following categories:
 - i. Buildings less than 50 years old
 - ii. Buildings proposed for demolition as a part of an affordable housing development as defined in §152.02
 - iii. Buildings owned by the City of Watertown or any of its political subdivisions
 - iv. Buildings within a local historic district, which is subject to the jurisdiction of the Historic District Commission
 2. Within a two-year period prior to issuance of the relevant permit, one of the following has occurred:

- i. The building was determined by the Commission or its designated preliminary review committee to not be significant
- ii. The specific alteration/renovation work was determined by the Commission or its designated preliminary review committee to not be significant
- iii. The building was determined by the Commission that it is not to be preferably preserved
- iv. The Commission determined a building to be preferably preserved but chose not to set a demolition delay period
- v. The Commission, instead of setting or maintaining a demolition delay period, established conditions upon which no delay would be set, and the conditions established by the Commission have been satisfied
- vi. The commission lifted the demolition delay period
- vii. The demolition delay period expired

§ 153.04 ESTABLISHMENT OF REGULATIONS

The Commission, with the advice and consent of the City Manager, may adopt regulations and guidance as are necessary to administer the terms of this chapter.

§ 153.05 DETERMINING A SIGNIFICANT BUILDING

- (A) The Commission may determine a building to be significant based on the following criteria:
 - 1. 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 City or the Commonwealth; or,
 - 2. The building is historically or architecturally important (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.
- (B) The determination of significance shall occur by one of the following processes:
 - 1. Determination of significance by the Commission at a public hearing per §153.09, except that a preliminary review committee under §153.08 may determine that a building is NOT significant; or,
 - 2. Pre-determination of significance per §153.05.C
- (C) The Commission may develop a list of significant buildings based upon studies that establish architectural, historic, cultural, political, economic or social history of a building or group of buildings. To add or remove a building from the list shall first require a public hearing with notice to the property owner. Buildings on the list shall not require a determination of significance upon an application of a demolition permit but will require a public hearing to determine if the building shall be preferably preserved and if a demolition delay period should be set.

§ 153.06 DETERMINING A PREFERABLY PRESERVED BUILDING

- (A) The Commission may determine a building to be preferably preserved after considering the following factors:
 - 1. The extent to which demolition of the significant building would be detrimental to the historical or architectural heritage or resources of the City; and,
 - 2. The feasibility of preserving all or part of the building, including an assessment by the Commission and/or their staff liaison on the likelihood that an owner who is motivated to preserve the building would find it likely or possible to do so.
- (B) A preferably preserved building may be subject to the imposition of the demolition delay period as set forth in §153.09 and § 153.10.

Commented [GP9]: This exists in current ordinance but has not been implemented. Now that we are embarking on preservation plans it will allow the commission to potentially create this list of significant buildings based upon these plans and send a message to the community of what is already 'significant'

Commented [GP10]: Clarifying feasibility is item #7 in the memo to council about the ordinance.

§ 153.07 PERMIT APPLICATION

(A.) Demolition Application. When the City receives an application proposing complete demolition of a building that is not exempt per §153.03 the Zoning Enforcement Officer shall forward the application to the Commission’s staff liaison who shall proceed to follow the preliminary review steps as set forth in § 153.08.

(B.) Renovation/Alteration Application. When the City receives an application proposing to renovate and/or alter a building that is:

- not exempt per §153.03; and,
- includes exterior alterations,

the Zoning Enforcement Officer, within two business days of receiving the application will determine whether the proposed work constitutes demolition as defined in this chapter, as follows:

1. If the Zoning Enforcement Officer determines, pursuant to this ordinance and the regulations per § 153.04, that such an application constitutes demolition, the Zoning Enforcement Officer shall within five business days of receiving the application notify the Building Commissioner of the determination and forward relevant project information to the Commission’s staff liaison to follow the preliminary review steps as set forth in § 153.08.
2. If the Zoning Enforcement Officer determines, pursuant to the regulations, that the application does not constitute a demolition, the Zoning Enforcement Officer shall within five business days of receiving the application notify the Building Commissioner of the determination. Upon being notified of such determination the Building Commissioner may issue the permit if all other requirements pertaining to the requested permit are met.

Commented [GP11]: Substantial demolition gets a review by the zoning enforcement officer to see if it is demolition under the regulations.

§ 153.08 PRELIMINARY REVIEW

(A) After receiving notification per § 153.07, the Commission’s staff liaison shall determine if the building is on a pre-determined list of significant buildings:

1. If it is on a pre-determined list, the building shall be immediately forwarded to the Commission for a determination if it shall be Preferably Preserved
2. If it is not on a pre-determined list, the staff liaison shall inform the Chair, and the Chair shall form a preliminary review committee, consisting of the Chair (or Acting Chair if applicable) and a second Commission member designated by the Chair. The preliminary review committee shall meet within 15 days to either:
 - i. Make a written determination that a hearing is required as outlined in §153.09 and notify the Building Commissioner in writing of such action, or
 - ii. Make a written determination and notifying the Building Commissioner in writing that no hearing is required, if it agrees either that:
 1. The building is not significant; or,
 2. The proposed scope and/or specific exterior changes in the building permit application for renovation/alteration do not significantly compromise the building's significance.

Upon such determination, the Building Commissioner may issue the demolition permit or building permit for the renovation/alteration if all other requirements pertaining to the requested permit are met.

Commented [GP12]: This captures the way the commission is currently using the preliminary review to determine if a building should be sent on to the commission.

§ 153.09 COMMISSION HEARINGS

(A) Upon referral of a building per §153.08, the Commission shall hold a public hearing at its next regularly scheduled meeting after time for adequate notice. Public notice of the time, place and purpose of the hearing shall be disseminated as follows:

1. written notice posted at City Hall and on an internet website operated by the City of Watertown at least 14 days before the hearing; and
2. written notice mailed to the applicant, to the owners (as they appear on the most recent local tax

list) of all property abutting the subject property and all abutters to the abutters within three hundred feet of the property line, at least 7 days before the hearing.

In addition to the above requirements, the Commission's staff liaison may also require that applicants post a written notice at the Watertown Free Public Library and/or on an internet website offering local news and public notices online at least 14 days before the hearing.

- (B) The Commission may request that an applicant for a permit for demolition that is the subject of a public hearing under sub-section (A) provide additional information about the building, including but not limited to:
 - 1. the reason for proposing the work;
 - 2. the building's condition; and,
 - 3. a description of the proposed reuse, reconstruction or replacement of the building or exterior elements that would be demolished.

- (C) Unless the building is on a pre-determined list and therefore already determined significant, the Commission shall decide at the public hearing whether the building is significant. If the Commission determines that the building is not significant, then no demolition delay period will apply.

- (D) If a building is significant, the Commission shall determine at the public hearing if the building is preferably preserved. If the Commission determines that the building is not preferably preserved, then no demolition delay period will apply. The determination of significance and determination of preferably preserved may, at the discretion of the chair of the Commission, be completed as a single hearing and vote.

- (E) If the Commission determines a building is preferably preserved, the Commission shall then determine if a demolition delay period shall be set, up to the maximum period as provided in §153.10. In setting the duration of the demolition delay, the Commission shall consider:
 - a. The extent to which demolition of the significant building would advance the City's goals as set forth in the most recent Comprehensive Plan,
 - b. Whether the owner has already made bona fide and reasonable efforts to preserve all or part of the building,
 - c. Whether the placement of conditions on the demolition of the building will more effectively serve the public interest than imposing a demolition delay period.

- (F) The commission may determine that a preferably preserved building may be demolished after the completion of conditions. These conditions shall require an applicant to provide one or more of the following to the Commission prior to demolition:
 - i. photographic documentation of the building to be demolished;
 - ii. architectural renderings of the building to be demolished;
 - iii. completion of the Massachusetts Historical Commission Form B, with relevant documentation;
 - iv. identification of materials for salvage; and/or,
 - v. a plan for installation of historic or interpretative signage at or near the site.If the Commission places conditions on a demolition, then no demolition delay period will apply, except for that which is necessary to complete the conditions that must be completed prior to demolition.

- (G) The Commission shall notify the Building Commissioner and the applicant in writing of its decision at this public hearing.

- (H) The determination of the Commission may be postponed by action of the Commission with written approval from the applicant.

Commented [GP13]: This process breaks up these steps to make it clear what the commission needs to do and in what order. At some times it seems confusing to applicants and neighbors that there are many steps here - this would require multiple commission votes, but it makes it clear what the commission is determining in each step.

Commented [GP14]: Permitting conditions as an alternative to assessing a demolition period is item #8 on the memo to the council about the ordinance.

- (I) A determination that a building is significant, a determination that the building is preferably preserved and the application of a demolition period may be appealed to a court of competent jurisdiction.

Commented [GP15]: This establishes the procedure for appeal, which is unclear in the current ordinance.

§ 153.10 DELAY PERIOD

- (A) The duration of the demolition delay period shall not exceed twenty-four months.
- (B) If the Commission makes a determination that the building is subject to a demolition delay, the Commission Chair and staff liaison will invite the owner of the building, the applicant (if different than the owner), to work with the Commission's staff liaison to consider alternatives to demolition including but not limited to full or partial preservation, seeking a new owner willing to purchase and preserve the building, or moving the building. The Commission's staff liaison will report the results of this investigation to the Commission at a subsequent meeting and may recommend a mutually agreeable alternative plan with respect to the demolition delay.
- (C) At any time during a demolition delay period, the Commission may hold a public hearing to lift the delay upon determination that one or more of the following have been met:
1. The Commission is satisfied with an alternative developed in conjunction with the Commission Chair and staff liaison, even if that alternative still incorporates complete or substantial demolition;
 2. The Commission is satisfied that for at least 6 months the owner has made continuing bona fide and reasonable efforts to preserve, rehabilitate and restore the subject building, and that the efforts have been unsuccessful; or,
 3. The Commission is satisfied that for at least 6 months the owner has made continuing bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the subject building, and that the efforts have been unsuccessful; and/or,
 4. The Commission determines that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore the building and, to the satisfaction of the Commission.
- (D) At the time of a determination by the Commission to lift the delay, the Commission may require of the applicant to complete one or more of the conditions outlined in 153.09(F).

Commented [GP16]: This allows applicants to meet with staff to make progress towards a better plan and return to the commission if that plan may satisfy the commission's needs. The language here signals to applicants that, when a delay is imposed, they need not sit and do nothing, but can rework the project and return if they can come up with a better strategy. This is consistent with item #9 on the memo to council about the ordinance.

Commented [GP17]: This allows the commission to - in its discretion - decide to end a demo delay period IF the applicant provides salvage, renderings, historical signage, etc. This is also consistent with item #9 in the memo about the ordinance.

§ 153.11 FEES

The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this chapter.

§ 153.12 VOLUNTARY DEMOLITION

- (A) Upon evidence that a building has been demolished in violation of this ordinance, the Commission shall hold a public hearing to determine whether a violation has occurred, which may include the need to determine (if such determination has not already been made) that the building is significant. At that public hearing the owner and/or applicant will be given the opportunity to be heard.
- (B) If the Commission determines that a demolition has occurred in violation of this ordinance, no building permit shall be issued with respect to any work on the premises upon which a significant building has been demolished for a period of up to three (3) years after the date of the completion of the demolition unless the building permit is for the faithful recreation of the demolished building. The Commission, in its discretion, may, at the public hearing, consider a delay period of less than three years, if necessary for the penalty to be proportionate to the violation.
- (C) The property owner shall be responsible for properly securing a building during the demolition delay period to the satisfaction of the Building Commissioner. Should the owner fail to secure the

Commented [GP18]: Flexibility here to go less than 3 years, as discussed with city council as noted in item #11 on the memo to the council about the ordinance.

building, the Commission may determine through §153.12(A) and §153.12(B) that a loss of the building (by fire or any other cause) is a demolition in violation of this ordinance.

- (D) A determination that a building has been demolished in violation of this ordinance, and any penalty resulting from the determination, may be appealed to a court of competent jurisdiction.

Commented [GP19]: As was done above - this clarifies the appeals process.

§ 153.13 ENFORCEMENT

The Building Commissioner is further authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this chapter or to prevent a threatened violation thereof. The Commission may, in a duly advertised public meeting, request such action of the Building Commissioner.

Commented [GP20]: The three year delay is firmly in the control of the commission, through their public hearing process. The additional enforcement, including the fines, are in the control of the building commissioner as is typical with other fine and enforcement efforts that are typically initiated by city staff in their capacity of their appointed positions.

§ 153.14 EMERGENCY DEMOLITION

Nothing in this chapter shall be construed to derogate the authority of the Building Commissioner derived from Mass. Gen. Laws Ch. 143. However, before acting to demolish a building pursuant to that chapter, the Building Commissioner shall make every reasonable effort to inform the Chair of the Historical Commission of the intention to cause demolition.

§ 153.99 PENALTY

Demolition of a building without complying with the provisions of this chapter will subject a property owner to a fine of up to \$300 for each day that the violation continues, in addition to any fine that may be imposed for failure to comply with the State Building Code.

Commented [GP21]: This substantially simplifies the language in this section. With a full definition of demolish, it does not need to be as complicated as it was before.

Council Member

I hereby certify that at a regular meeting of the City Council for which a quorum was present, the above Ordinance was adopted by a vote of ___ for, ___ against, and ___ present on

_____.

Brendan McCarthy, Council Clerk

Mark S. Sideris, Council President