



Watertown City Council

Administration Building
149 Main Street
Watertown, MA 02472
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ELECTED OFFICIALS:

Mark S. Sideris,
Council President

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

John M. Airasian,
Councilor At Large

Caroline Bays,
Councilor At Large

John G. Gannon,
Councilor At Large

Anthony Palomba,
Councilor At Large

Nicole Gardner,
District A Councilor

Lisa J. Feltner,
District B Councilor

Emily Izzo,
District D Councilor

COMMITTEE ON ECONOMIC DEVELOPMENT AND PLANNING MEETING

THURSDAY, SEPTEMBER 8, 2022 AT 5:30 PM
RICHARD E. MASTRANGELO COUNCIL CHAMBER
ADMINISTRATION BUILDING, 149 MAIN ST.

AGENDA

ACCESS INFORMATION:

A. The meeting will be televised through WCATC (Watertown Cable Access Television):

<http://vodwcatv.org/CablecastPublicSite/?channel=3>

B. The Public may join the virtual meeting online: <https://watertown-ma.zoom.us/j/85015650828>

C. The Public may join the virtual meeting audio only by phone: (877) 853-5257 or (888) 475-4499 (Toll Free) and enter Webinar ID: 850 1565 0828

D. The Public may comment through email: vpiccirilli@watertown-ma.gov

1. Call to Order
2. Meeting Discussion - Action
 - A. Discuss Amendments to the Demolition Delay Ordinance and Proposed New Regulations for the Historic Commission.
3. Adjournment

Attachment 1. Proposed Demolition Delay Ordinance (amendment to replace the existing ordinance with the ordinance below):

§ 153.01 PURPOSE

This chapter is enacted for the purpose of preserving and protecting significant buildings within the City of Watertown (formerly known as the Town of Watertown and hereinafter "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 demolition 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-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 or for renovations or alterations that constitute a substantial demolition 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 otherwise authorized to issue demolition permits.

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.

DEMOLITION PERMIT - The building permit issued by the Building Commissioner for a demolition or partial 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, is in the public interest to preserve rather than demolish. A preferably preserved building is subject to imposition of a demolition delay period as set forth in this ordinance.

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 or its designee 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.

§ 153.03 PERMIT APPLICATION

(A) No demolition permit for a building which is in whole or in part fifty years or more old shall be issued without following the provisions of this ordinance. If a building is of unknown age, it shall be assumed that the building is over 50 years old for the purposes of this ordinance. If the proposed work on a building which is in whole or in part fifty years or more old constitutes a substantial demolition, the building permit to renovate or alter the building shall be forwarded to the Commission as set forth in sub-division C below. Said applicant does not need to file a separate application for a demolition permit unless and until there is a written determination that the building is significant.

(B) An applicant proposing to demolish a building subject to this ordinance shall file with the Building Commissioner an application containing the following information:

- (1) The address of the building to be demolished.
- (2) The owner's name, address and telephone number.

- (3) A description of the building.
- (4) The reason for requesting a demolition permit, including information on the building's condition if this is a reason for demolition.
- (5) A brief description of the proposed reuse, reconstruction or replacement.
- (6) A photograph or photograph(s) of the building.

(C) The Building Commissioner shall within seven days forward a copy of the application to the Chair of the Commission (or Acting Chair, if applicable) and a second commission member designated by the Chair to conduct a preliminary review (the "Chair's designee"). The Chair and the Chair's designee shall, within fifteen days after receipt of the application, make a written determination if the building is not significant.

(D) Upon determination by the Chair and the Chair's designee that the building is not significant, the Commission shall so advise the Building Commissioner and applicant in writing. The Building Commissioner may then issue the demolition or building permit.

(F) 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) on an internet website operated by the City of Watertown and on an internet website operated by a local newspaper at least 14 days before the hearing;
- (2) written notice posted in the Administration building and the Watertown Free Public Library at least 14 days before the hearing; and
- (3) written notice mailed to the applicant, to the owners of all property deemed by the Commission to be affected thereby as they appear on the most recent local tax list, and to the other persons as the Commission shall deem entitled to notice at least 7 days before the hearing.

(G) The Commission shall decide at the public hearing whether the building is significant and whether it should be preferably preserved. If the Commission determines that the demolition of the significant building would be detrimental to the historical architectural heritage or resources of the City, the building shall be considered a preferably preserved significant building. The determination of the Commission may be postponed if agreed in writing by the applicant. 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.

(H) 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.

(I) 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 found to comply with all laws pertaining to the issuance of a building permit or if for a parking lot, a certificate of occupancy for that site. 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 section.

(J) The Building Commissioner may issue a demolition permit for a preferably-preserved significant building 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.

§ 153.04 ADMINISTRATION

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

§ 153.05 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 2 years after the date of the completion of the demolition unless the building permit is for the faithful recreation of the demolished building or unless otherwise agreed by the Commission. 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 division (B) of this section.

§ 153.06 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 this chapter, the Building Commissioner shall make every reasonable effort to inform the Chair of the Historical Commission of his or her intentions to cause demolition before he or she initiates the same.

§ 153.99 PENALTY

Anyone who demolishes a significant building without first obtaining and complying fully with the provisions of a demolition 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.

Attachment 2. Proposed Demolition Delay Regulations:



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, Sections 1-5 and 99, 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 the 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 when the 2022 Demolition Delay Ordinance is enacted.

I. 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 of Community Development and Planning.
- B. All applicants for renovation/alteration permits shall provide sufficient information in the application to allow municipal staff to determine the scope of the proposed work.
- C. If any application for renovation/alteration permit is determined to involve a scope of proposed work that constitutes substantial demolition, as defined in Section II of these regulations, and the building, or any part, is fifty years or more old, the application will be reviewed by the Chair of the Historical Commission and the Chair's designee as set forth in the ordinance. If the building is determined not to be of historical significance, the Building Department will proceed with its usual review of the application. Otherwise, the application will be referred to the full Historical Commission for a public hearing and further consideration under the Demolition Delay Ordinance.
- D. Any renovation/alteration application referred to the full Historical Commission shall supplement its initial application by providing the following information to the Commission as soon as possible:

1. A description of the building.
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 parts of the building.
4. A photograph or photograph(s) of the building of the building parts that are proposed to be removed.

II. Substantial Demolition

- A. Substantial demolition is the 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.
- B. Municipal staff 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.

Chapter 153

DEMOLITION OF HISTORIC BUILDINGS

§ 153.01. Purpose. [Ord. 97, passed 10-28-1997]

This chapter is enacted for the purpose of preserving and protecting significant buildings within the 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 advise the Inspector of Buildings with respect to the issuance of permits for demolition of significant buildings. The issuance of demolition permits for significant buildings is regulated as provided in this chapter.

§ 153.02. Definitions. [Ord. 97, passed 10-28-1997]

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

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

COMMISSION — The Watertown Historical Commission.

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

SIGNIFICANT BUILDING —

- (1) Any building or portion thereof not within an Historic District but which:
 - (a) Is listed on, or is within an area listed on, the National Register of Historic Places, or is the subject of a pending application for listing on the National Register;
 - (b) Is included in an inventory prepared by the Commission, including those buildings listed for which complete surveys may be pending; or
 - (c) Has been determined by vote of the Commission to be historically or architecturally significant in terms of period, style, method of building construction, or association with a famous architect or builder, or is importantly associated with one or more historic persons or events, or is within the broad architectural, cultural, political, economic, or social history of the City or the commonwealth; or
 - (d) Which is 50 years old or older, and found to be historically significant; or
 - (e) Is located within 150 feet of a federal, state or local historic district or, is listed within the state, national, or local historical register.
- (2) Except that, notwithstanding the foregoing, that portion of the Watertown Middle School formerly known as the Marshall-Spring School shall not be

considered a significant building subject to this chapter.

§ 153.03. Permit application. [Ord. 97, passed 10-28-1997; amended Ord. 57, passed 9-12-2006]

- (A) (1) For any application for a demolition permit of a significant building, the Inspector of Buildings shall forward a copy thereof to the Commission within five business days of receipt. No demolition permit shall be issued at that time.
- (2) Every application for a demolition permit for a building shall contain the following information:
 - (a) The applicant's name, address and interest in the property;
 - (b) The owner's name and address if different than the applicants;
 - (c) The address or location of the building to be demolished;
 - (d) A brief description of the type of building and the condition requiring issuance of a permit; and
 - (e) A brief description of the proposed reuse, reconstruction or replacement of the premises upon which the building is located.
- (B) The Commission shall within 45 days of receipt hold a hearing on any demolition permit application forwarded to it and shall give public notice thereof by publishing notice of the time, place, and purpose of the hearing in a local newspaper at least 14 days before the hearing and also, within seven days of the hearing, mail a copy of the notice to the applicant, to the owners of all property deemed by the Commission to be affected thereby as they appear on the most recent local tax list, and to the other persons as the Commission shall deem entitled to notice.
- (C) If, after the hearing, the Commission determines that the demolition of the significant building would not be detrimental to the historical or architectural heritage or resources of the City, the Commission shall so notify the Inspector of Buildings within 10 business days of the hearing. Upon receipt of the notification, or after the expiration of 35 days from the date of the hearing if he or she has not received notification from the Commission, the Inspector of Buildings may, subject to the requirements of the State Building Code and any other applicable laws, by-laws, rules and regulations, issue the demolition permit.
- (D) If the Commission determines that the demolition of the significant building would be detrimental to the historical architectural heritage or resources of the City, the building shall be considered a preferably-preserved significant building.
- (E) Upon a determination by the Commission that the significant building, which is the subject of the application for a demolition permit, is a preferably-preserved significant building, the Commission shall, within 30 days of the hearing, so advise the applicant and the Inspector of Buildings by written notice, and no demolition permit may be issued until at least 12 months after the date of the determination by the Commission.
- (F) Notwithstanding the preceding division (E), the Inspector of Buildings may issue a

demolition permit for a preferably- preserved significant building at any time after receipt of written advice 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 six 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.

§ 153.04. Enforcement. [Ord. 97, passed 10-28-1997]

- (A) The Commission and the Inspector of Buildings are each authorized to institute any and all proceedings in law or equity as they deem necessary and appropriate to obtain compliance with the requirements of this chapter, or to prevent a violation thereof, or to require restoration of the premises to their condition prior to the violation.
- (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 two years after the date of the completion of the demolition. As used herein, "premises" includes the parcel of land upon which the demolished significant building was located.
- (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 Inspector of Buildings. 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 division (B) of this section.

§ 153.05. Emergency demolition. [Ord. 97, passed 10-28-1997]

Nothing in this chapter shall be construed to derogate the authority of the Inspector of Buildings derived from Mass. Gen. Laws Ch. 143. However, before acting pursuant to this chapter, the Inspector of Buildings shall make every reasonable effort to inform the Chairperson of the Historical Commission of his or her intentions to cause demolition before he or she initiates the same.

§ 153.99. Penalty. [Ord. 97, passed 10-28-1997]

Anyone who demolishes a significant building without first obtaining and complying fully with the provisions of a demolition 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.