



Salem Historical Commission City of Salem

Defining Demolition and Why It Matters

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~ February 6, 2024~

Demo Delay in Salem

- First demo delay regulation adopted in 1986
- Administered through Building Inspector
- One pager – little information on procedure, definitions
- Lack of clarity for applicants and Historical Commission
- Limited jurisdiction for Commission

Sec. 2-1572. - Review process for granting demolition permits for historic buildings or structures.

- (a) The director of public property shall receive applications for demolition of buildings or structures and, in accordance with applicable laws or regulations, issue permits for demolition of buildings subject to the following restrictions:
- (1) No permit for demolition of an existing building or structure that is listed or eligible for listing on the National Register of Historic Places or that is located in an established historic district, created pursuant to this Code, or that is 50 or more years old shall be granted unless it is first submitted to the historical commission for review and comment.
 - (2) Upon submission to the historical commission, the commission, within 30 days of such submission, shall issue a preliminary recommendation regarding the granting of a demolition permit. If the commission issues a recommendation in favor of the granting of such a permit, a demolition permit shall be issued. If the commission issues a recommendation in opposition to the granting of such a permit for demolition, no permit shall be issued until a more thorough investigation is undertaken and a final written recommendation is provided by the commission. Such investigation and recommendation shall be completed within 180 days of the original submission to the historical commission.
 - (3) During the maximum 180-day period, the historical commission shall meet with the property owner and conduct such hearings or investigations as it may determine to be necessary in the formulation of its written recommendation regarding the granting of such permit. The historical commission shall consider the following criteria in its deliberations:
 - a. The building or structure is of such interest or quality that it would reasonably meet national, state or local criteria for designation as an historic or architectural landmark.
 - b. The building or structure is of such unusual or uncommon design, texture, or materials that it could not be reproduced or could be reproduced only with great difficulty and expense.
 - c. The building or structure is of such architectural or historic interest that its removal would be to the detriment of the public interest.
 - d. Retention of the building or structure would help preserve and protect an historic place or area of historic interest in the city.
 - (4) The historical commission shall, within the 180-day period, issue a written recommendation to the director of public property and to the property owner regarding the granting of the permit for demolition. If no such recommendation is issued within the period, the historical commission shall be deemed to have recommended the granting of the permit.
 - (5) For a residential garage or storage shed, but excluding carriage houses as defined in the zoning ordinance, section II.B, the director shall forward an application for demolition of such a structure to the city planner and a representative of the historical commission. Within 15 days of the receipt of such a request, the director, the city planner, and the historical commission representative shall make a determination of the historical or architectural significance of the garage or shed. If the structure is deemed significant by a majority of these three individuals, the application shall be forwarded to the full historical commission for review as outlined in this section. If the structure is deemed to possess no historic or architectural significance by a majority of these three individuals or if no action is taken within the 15-day period, a demolition permit shall be issued.
- (b) Nothing in this section shall supersede the regulations of the state building code, 780 CMR sections 123.0 and 124.0 regarding unsafe structures and emergency measures.

4 Decades of Review

- 6 month delay period – not long enough!
- Clock started on date of application submission
- No defined process for Commission to follow during review
- Aged based review – 50 years or older
- No submission requirements
- No definitions including what constitutes demolition

Success Story – Ropes House, ca. 1897



Historic image



Proposed for demolition



Building restored

This impressive Queen Anne house was proposed for demolition after being purchased by a developer. The Historical Commission worked with the developer to revise his plans to include restoration of the historic Ropes House instead of demolition with construction of a new house at the rear of the property.

The Old Ordinance

Lack of definition for “demolition” - Building Inspector’s interpretation



Call for revisions – Salem Willows 19th century cottage

Revising the ordinance

| Municipality | Demo Delay | Delay Period | Notes |
|--------------|------------|--------------|--|
| Beverly | ✓ | 12 months | <i>Buildings over 50+ years Includes abutters notice Violations: 2 year moratorium & \$300 fine</i> |
| Danvers | ✓ | 12 months | <i>Buildings over 75+ years Revised in 2017 with a longer delay and 2 year moratorium on rebuilding if violate bylaw</i> |
| Peabody | ✓ | 12 months | <i>List of buildings subject to review Revised in 2015 to extend delay period</i> |
| Ipswich | ✓ | 12 months | <i>Buildings over 75+ years Abutters notified</i> |
| Newburyport | ✓ | 12 months | <i>Buildings over 75+ years Outbuildings over 100+ years</i> |
| Swampscott | ✓ | 9 months | <i>Abutters notified</i> |
| Salem | ✓ | 6 months | <i>Buildings over 50+ years</i> |
| Lynn | ✓ | 5 months | |

| Town | year adopted | delay period | definition of demo | demo by neglect language | other |
|-----------|--|-----------------------------|--|--------------------------|--|
| Arlington | | | 25% of structure or more of any one front or side elevation | ✓ | include demo by neglect |
| Beverly | 1991; amended 2003, 2004 | 12 months | | | 50 year threshold, |
| Brookline | | 12 months; 18 months for NR | 25% of structure, removal of roof, removal of one side of building, moving building with no new location, substantial gutting of interior that affects exterior features | ✓ | includes demo by neglect as definition |
| Cambridge | | 1979 6 months | 25% of structure, removal of roof, removal of one side of building, gutting interior that affects exterior features | | staff (Ex. Director) make initial determination of determination placard posted on site |
| Chatham | | | | | |
| Concord | amended 2016 "Demolition Review" Bylaw | 12 months | | | intent includes documentation if not saved; phogoraphs of all existing façade elevations definition is "Total Demolition" |
| Danvers | | | | | |
| Ipswich | | 12 months | | | commission can consider "hardships associated with the property" |
| Lexington | 1986; amended 2016 | 12 months | | ✓ | includes demo by neglect, language "especially those which are outside historic districts", expiration time for demo permits |
| Lynn | | 1998 30 days | | | notice published in paper |
| Medfield | | | | | |
| Middleton | | 2002 6 months | | | good list of intents and purposes MHC model bylaw Historic Districts Act section |
| Watertown | | 1997 12 months | | | |
| Wellesley | | | 50% or more of building | | |
| Weston | | 12 months | | | interesting language in intent newspaper notice |

- MHC model bylaw
- Surveyed examples from other communities
- Worked with local preservation advocacy organization
- Worked with Building Inspector and City Solicitor

Community Outreach

- Mayor support
- Engaged with City Councillors
- Reached out to building owners
- Historical Commission meetings

Proposed Revisions to the Demolition Delay Ordinance Background, Information and FAQ List

What is Salem's existing demolition delay regulation?

Salem adopted its current demolition delay regulation in 1986. This regulation is included in Article IX Public Properties Ordinance under "Review Process for granting demolition permits for historic buildings or structures". Buildings 50 years or older are subject to the regulation, which allows a six-month demolition delay for buildings found historically significant. The delay period begins on the day the waiver application is submitted.

Example of an historically significant building that is not in a designated historic district and is only protected (temporarily) by the Demolition Delay Ordinance



The Daniels House is one of Salem's oldest and most recognized historic homes. The building was originally built in ca. 1667 by a ship builder and later enlarged in the 1750s. During the 20th century, the building was home to a tea room and an inn. The current owners restored the building for use as a Bed and Breakfast and they offer public tours of the historic house. The demolition delay ordinance is the only protection in place for this building should a future property owner seek to demolish this community landmark and redevelop the property.

What changes are proposed to the regulations?

The revised ordinance includes the following changes:

- Extends delay period from 6 months to 12 months to allow more time for the Historical Commission to help building owners and purchasers seek preservation solutions other than demolition of a historically significant building.
- Delay period begins at the start of the public hearing when the Commission determines building is historically significant and preferably preserved.
- Clarifies previously undefined terms.
- Clearly defines the process for review by the Historical Commission.
- Creates a standard set of requirements for applicants to complete in order for the Commission to lift the delay.

Why are changes being proposed to the existing ordinance?

Salem is almost fully developed with little vacant land remaining for new development. This results in significant redevelopment pressure on the city's historic properties. Over the past decade, the Historical Commission has received more than 50 requests to demolish buildings subject to review under the existing demolition delay regulation. Retaining historic buildings can serve multiple purposes for Salem, including preservation of the city's historic character, retention of affordable housing options and meeting sustainability goals.

Why adopt the proposed revisions to the demolition delay ordinance?

The revised ordinance establishes a clear path for the review of proposed demolitions. A demolition delay ordinance affords public review of demolition permits for historically significant buildings and can invoke a delay period for such buildings. The intent is that during the delay period, the building owner will work with the Historical Commission to explore opportunities to preserve, rehabilitate or adaptively reuse the threatened building. The ordinance does not

prevent demolition indefinitely, instead it provides the opportunity to temporarily postpone the demolition of a historically significant building.

2021 – New Ordinance Adopted

- New definition section including what constitutes “demolition” - removal of more than 50% of a building roof and/or walls
- Extended delay period – any building between 50-99 years is subject to 12 month delay; buildings older than 100 years subject to 18 month delay
- New submission requirements
- Delay period clock now starts at the Commission’s decision to invoke the delay, not when application filed
- Demo delay reviews conducted through public hearing process with notice sent to abutters
- Clear articulation of the 2 step process for considering whether to grant waiver or invoke delay. Step 1) Is building historically significant? If yes, Step 2) Is building preferably preserved?

“CHARACTER DEFINING ELEMENTS” - Character-defining elements include the overall shape of the building, its materials, craftsmanship, decorative details, interior spaces and features, as well as the various aspects of its site and environment.

“COMMISSION” – The Salem Historical Commission or its designee.

“COMMISSION STAFF” – The person regularly providing staff services for the Commission whom the Commission has designated Commission Staff for the purposes of this ordinance.

“DEMOLITION” - Any act of pulling down, destroying, removing, or razing any of the following: 50% of all exterior walls of a Building including framing, windows, doors, exterior finishes and details; or 50% of exterior walls of a Building that are viewable from a public way; or 50% of all roof structures of a Building; or 50% of roof assemblies of a Building that are viewable from a public way; or enclosure or alteration of more than 50% of the exterior walls of a Building so that they no longer function as exterior walls. Any combination of the above that occurs within a five year time period shall be included in the calculation.

“DEMOLITION PERMIT” - The building permit issued by the Building Commissioner for a Demolition of a Building, excluding a building permit issued solely for the demolition of the interior of a building.

“LOCAL HISTORIC DISTRICT” – Derby Street Local Historic District, Lafayette Street Local Historic District, McIntire Local Historic District, Washington Square Local Historic District or any other historic district which from time to time may be established under M.G.L. Ch. 40C.

“PREFERABLY PRESERVED” - Any Significant Building that the Commission determines, following a public hearing, that it is in the public interest to be preserved rather than demolished. A Preferably Preserved Building is subject to the applicable twelve or eighteen month demolition delay period of this ordinance. The delay period begins with the close of the public hearing.

“SIGNIFICANT BUILDING” – Any building within the city that is in whole or in part fifty years or more old and which has been determined by the Commission or its designee to be in the public interest to be significant based on any of the following criteria:

- The Building is listed in, or is within an area listed in, the National Register of Historic Places; or
- The Building has been found eligible for the National Register of Historic Places; or
- The Building is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the City of 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 as one of a series of like buildings that document an historical period.
- The Building is the subject of a Massachusetts Cultural Resource Information System Form B that indicates historic or architectural significance.

Results of the new ordinance



National Register-listed late 19th century cottage



Original proposal to modify building - remove walls and roof and add 3rd story on existing foundation

Results of the new ordinance



Before




After


Strengthening Tool


- Added “age of building” as step in online permitting system
- Just in case - review other development review board agendas
- Next steps:
 - Defining “preferably preserved”
 - Proactive engagement with realtors, developers and contractors


Zoning Board of Appeals Application - Add to a project


ZBA-24-5

**Details**
Submitted on Jan 25, 2024 at 12:03 pm

**Attachments**
9 files


**Activity Feed**
Latest activity on Jan 26, 2024


**Applicant**
William Quinn


**Location**
28 FAIRMOUNT STREET , SALEM, MA 01970

Timeline


Add New ▾

**Petition Form (to sign and stamp)**
Issued Jan 25, 2024 at 12:03 pm


**Application Fee - Special Permit or Variance**
Paid Jan 26, 2024 at 11:38 am


**Review - Completeness**
In Progress


DL


**HisCom - Age of Building Notification**
In Progress

PK

**Building Inspector Review**
Review



**Building Plan Review**
Review



Thank you!

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