



Article 33: Demolition Review Bylaw Amendments

Select Board Public Hearing

April 27, 2021

Article 33: Demolition Review Bylaw Amendment

Proposed Bylaw Amendments

The Historical Commission is proposing amendments to the Demolition Review Bylaw, which was first adopted by Annual Town Meeting in 2016. The amendments include revising the definition of “Historically Significant Building or Structure,” changing the date on which a property becomes subject to the bylaw to a rolling 50 years or older to better align with the federal criteria set forth by the Secretary of the Interior; and changing the timeframe in which a demolition delay begins following a determination by the Commission.

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Amend Section 2.7 – Definition of Historically Significant

2.7 “Historically Significant Building or Structure”: Any building or structure which ~~is in whole or in part built before 1941 and~~:

- (1) Is listed on or within an area listed on the National Register of Historic Places, or listed on or is within an area listed on the State Register of Historic Places;
or,
- (2) is included in Concord’s Survey of Historical and Architectural Resources; *or,*

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Amend Section 2.7 – Definition of Historically Significant

2.7 continued:

(3) has been determined by the CHC or its designee to be a historically significant building after a finding that it is:

- a) associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the Town of Concord, the Commonwealth of Massachusetts or the United States of America; or,**
- b) historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures; or,**

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Amend Section 2.7 – Definition of Historically Significant

2.7 continued:

c) located within one hundred fifty (150) feet of the boundary line of any federal or local historic district and is similar to the buildings or structures located in such district in its architecture or historic uses or otherwise contributes to the historic landscape of such district.

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- Aligns with the National Register of Historic Places Criteria for Evaluation, which recognizes different types of values embodied in districts, sites, buildings, structures, and objects.
- The NR Criteria for Evaluation describe how properties are significant for their association with important events or persons, for their importance in design or construction, or for their information potential.
- Decisions concerning the significance, historic integrity, documentation, and treatment of properties can be made reliably only when the resource is evaluated within its historic context.

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Amend Section 3.1 – 50 Years or Older

3.1 No demolition permit for a building or structure which is in whole or in part ~~built before 1941~~ *fifty (50) years or older* shall be issued by the Building Commissioner except in conformity with the provisions of this bylaw, as well as with any other applicable law, statute, bylaw or regulation.

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Amend Section 3.2 – 50 Years or Older

3.2 If any applicant, or the owner of the building or structure if different from the applicant, seeks to demolish a building or structure which is in whole or in part ~~built before 1941~~ *fifty (50) years or older*, the owner of the building or structure shall file a Demolition Review Application with the CHC for a determination as to whether the building or structure is Historically Significant. The Application shall include the following information: (1) a plot plan of the property showing the structure(s) proposed to be demolished; (2) photographs of all existing façade elevations of the building or structure to be demolished; and, (3) a description of the proposed plans for demolition and the reason(s) therefore. The date that the CHC receives all of the above information shall be stamped on the information received and shall be considered the submission date.

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- As a model for state and local preservation programs around the country, the National Register of Historic Place's 50 Year evaluative criteria is used in more than 1,000 state and local preservation ordinances in the United States.
- The 50-year guideline upholds the concept that the passage of time enhances our ability to understand, contextualize, and responsibly evaluate the significance of a resource.
- As a common baseline threshold for historic designation at the federal and local level, the 50-year guideline also has power to influence eligibility for programs such as historic building codes, historic rehabilitation tax credits, facade improvement and rehabilitation projects, and grant funding.

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Amend Section 2.9 – One Year Delay Period

2.9 “One Year Delay Period” – the 12-month period dating from the ~~submission of an application for demolition review~~ *determination by the CHC that the building or structure is Preferably Preserved.*

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Amend Section 3.5 – One Year Delay Period

(1) No demolition permit shall be issued for the total demolition of a building or structure found Preferably Preserved until one (1) year after the ~~submission of an application for demolition review~~ *determination that such building or structure is Preferably Preserved*. The CHC has the authority to waive all or part of the One Year Delay period if the applicant for the Demolition Permit: (a) has made bona fide, reasonable and unsuccessful efforts to locate a purchaser for the building or structure who is willing to preserve, rehabilitate or restore the building or structure; and/or, (b) has agreed to accept a demolition permit on conditions specified by the CHC.

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- The public hearing for a demolition review application must be held within 45 days of the submission date; however sometimes the public hearing is continued out further due to a request by the applicant, or following the hearing to allow for more information to be submitted for review.
- This time period between the submission date and the determination date ultimately ends up shortening the delay period to less than a year and takes away valuable time that could be used to find alternatives for demolishing the structure.

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Amend Section 3.5 and 6.1 – Eliminate Typos

3.5 Upon a determination that the building or structure which is the subject of an application for a demolition permit is Preferably Preserved, the CHC shall give written notice of the determination to the Building Commissioner and to the owner/applicant for the demolition permit. For any property determined to be Preferably Preserved:~~29~~

6.1 The CHC and/or the Building Commissioner are authorized to request that the Town Manager, with the approval of the Select Board, institute any and all actions and proceedings, in law or in equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent a threatened violation thereof. ~~30~~



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Questions & Comments