

Belmont's Demolition Delay Bylaw – Frequently Asked Questions

1. What is a Demolition Delay Bylaw?

A Demolition Delay Bylaw affords public review of demolition permits for historically significant buildings, and can invoke a delay period for such buildings. During the delay period, the building owner and the Historic District Commission (HDC) can explore opportunities to preserve, rehabilitate, or adaptively reuse the threatened building. While the Bylaw does not prevent demolition indefinitely, it provides the opportunity to temporarily postpone the demolition of a Preferably Preserved building

2. What other communities have a Demolition Delay Bylaw?

All of our neighboring communities have an established Demolition Delay Bylaw. This includes Cambridge, Arlington, Watertown, Lexington, and Waltham, as well as their surrounding communities of Winchester, Lincoln, Concord, Boston, Brookline, Woburn, Weston, and Newton.

3. Why is this Bylaw being proposed now?

In the past several years, several significant historic buildings have been demolished to the dismay of many residents in Town. As the real estate market continues to improve and no more vacant land exists, the threat to Belmont's historic buildings is ever increasing. The proposed Bylaw tries to address these concerns by providing time to research alternatives to demolition before any more historic buildings are lost.

4. Why does this Bylaw expire on June 30, 2016?

In the spring of 2013 Belmont Town Meeting approved the use of Community Preservation Act (CPA) funds to update and expand the survey of historic properties in Belmont completed in the early 1980s. As this survey will potentially identify buildings to be added to "Belmont's Significant Historic Buildings Subject to Demolition Delay Bylaw", both the Planning Board and HDC agree that a revised bylaw based upon this new information will be presented to Town Meeting for adoption following the completion of the survey. No new buildings will be added to the List until a revised bylaw is approved by Town Meeting. A member of the Planning Board will be designated to work with the HDC on the survey to help increase public understanding of Belmont's historic properties and why it may be necessary to add or subtract buildings to the List.

5. What buildings are affected by this Bylaw?

The Demolition Delay Bylaw applies to buildings that are on a List entitled "Belmont's Significant Historic Buildings Subject to Demolition Delay Bylaw". The HDC prepared the List from a list of buildings on the National Register of Historic Places and the Massachusetts Historical Commission (MHC) Inventory of Historic Assets of the Commonwealth. Only buildings that have been evaluated through a National Register nomination or an individual MHC inventory form are included on the List. Historic buildings already protected through Local Historic District designation, buildings owned by the state and municipal buildings are not on the List.

6. Can I appeal the inclusion of my building on the List of "Belmont's Significant Buildings Subject to Demolition Delay Bylaw"?

The owner of any building identified on the List has the right to appeal to the Board of Selectmen within 60 days from the effective date of the Bylaw to have the building removed from the List. The basis for appeal will be limited to evidence that the building does not qualify to be significant based upon the following considerations:

- Whether the building is associated with events that have made a significant contribution to our history;
- Whether the building is associated with the lives of persons historically significant in our past;

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- Whether the building embodies distinctive characteristics of a type, period, or method of construction; represents the work of a master; possess high artistic value; or represents a significant and distinguishable entity whose components may lack individual distinction;
- Whether the building has recognized national, state, or local level historical significance;
- The historic context of the building; and
- The integrity of the building.

7. What about municipal buildings or development projects that are currently underway?

After consultation with the Board of Selectman, Permanent Building Committee, and the Planning Board, the HDC removed municipal buildings from the List. The HDC also removed the SS Pierce Building in Cushing Square since it will be removed to make way for Cushing Village. The HDC will continue to work pro-actively with the Planning Board and public officials regarding the future of Belmont's municipal buildings, some of which are historically significant and would therefore meet the criteria for "Preferably Preserved."

8. What is the Public Review Process for buildings subject to the Demo Delay Bylaw?

- The Inspector of Buildings must notify the HDC within 7 days once a demolition permit is filed for a building identified on the List.
- The HDC will hold a public hearing within 35 days after receiving notification from the Inspector of Buildings in order to gain public input and to determine if the building is Preferably Preserved.
- If the building is determined to be not Preferably Preserved, the demolition permit can be issued.
- If the building is determined Preferably Preserved, demolition of a residential building is delay 6 months while all others (e.g. religious, commercial, institutional buildings) are delayed for 12 months. Months are measured from the date on which the request for a demolition permit was filed with the Inspector of Buildings and are calendar months, not "business day" months.

9. Why does this Bylaw include delays of both six and twelve months?

A twelve month delay provides sufficient time for the exploration and evaluation of alternatives that could potentially save the historic structure, particularly in Belmont where lot sizes tend to be small. However, this proposed Bylaw responds directly to the concerns of Belmont homeowners, so the delay period for residential buildings has been reduced significantly. Regardless of the required delay period, the HDC will work with all owners to meet the intent of the Bylaw in the shortest amount of time possible.

10. Will this new Bylaw place an undue burden on Town staff?

No. The HDC already reviews all demolition permit applications. The primary increase in workload will be the responsibility of the HDC.