



City of Medford

HISTORICAL COMMISSION
HistoricalCommission@Medford-MA.gov

City Hall – Room 308
85 George P. Hassett Drive
Medford, Massachusetts 02155

**Effective
2019**

Demolition Delay Ordinance Summary Sheet **Applying for a Building or Demolition Permit?**

What: Your Building or Demolition Project

*Owners, Developers, Contractors: Are you considering partial or total demolition of a building or structure that is seventy-five years or older, or of a building or structure listed or with a pending listing on the National or Massachusetts Register of Historic Places? If so, you will need to contact the **Medford Historical Commission** for review of the architectural and historical impacts of such a demolition project. Based on a thorough review of the proposed demolition project and on the historical and architectural significance of the building, the Commission has the power to impose an **eighteen (18) month Demolition Delay** to allow consideration of alternatives to demolition, as set forth in the Revised Ordinances of the City of Medford (see Part II, Chapter 48, Historical Preservation, Article IV Regulations, Sections 48-76 through 48-80, available in the City Clerk's office).*

Who: The Medford Historical Commission

The Medford Historical Commission is an official municipal body of Medford residents who are professionals in architecture, preservation, history, and related fields. The Commission will conduct a thorough review of a structure's architectural, historical, or cultural significance to the heritage of the City. Careful research, a consideration of significance, and a determination to preferably preserve these important and unique structures are made by the Commission in consultation with owners, developers, and contractors.

Why: Preserving Medford's Past

Review of historic or architecturally important structures in Medford is one way to preserve the unique character of our City. The Commission conducts a review of a structure's history and potential significance through review of a standardized Massachusetts Historical Commission "Form B" summary report *prepared by its consultants*. *The Commission does not consider current condition or safety issues as part of the review of significance.*

How and Where: Applications for Review

Owners, developers, and contractors must complete an **application for review**, available at the **Medford Building Department, Room 115A, Medford City Hall or online at our website**, to initiate the review process. Determinations take between 30 to 60 days depending on the property. **Applications must be filed in person at a Commission meeting. We do not accept applications via email. If you do not already own the property, you must have written permission from the owner to submit an application for review.** The Commission will determine at subsequent public meetings the significance and preferable preservation status of the structure and has the authority to impose an **eighteen (18) month Demolition Delay** to allow for consideration of alternatives to demolition. Owners and representatives are expected to work with the Commission on such alternatives.

To Contact the Medford Historical Commission:

In Person: The Commission meets on the second Monday of every month (except noted holidays) at 7PM, Room 201 in Medford City Hall.
Website: www.MedfordHistoricalCommission.com
Email: HistoricalCommission@Medford-MA.gov

Commonly Asked Questions

Are accessory structures applicable for review?

Yes; accessory structures that meet the age requirement of 75 years or older are subject to review under the demolition delay ordinance. The power for this review is granted to the Commission by section 48-77 of the ordinance, which states a “*building means any combination of materials forming a shelter for persons, animals or property.*” Accessory structures which are incidental and subordinate to the principal building on a property fit within that definition. They come in various shapes, forms and sizes depending on use. Common local examples include, but are not limited to: barns, carriage houses, garages, workshops, sheds and gazebos. We understand a demolition permit might not be required by the Building Department for these buildings. Regardless, signoff for demolition must be obtained from the Commission prior to any applicant proceeding with a project. It is the owners’ (or their representatives’), responsibility to be familiar with local ordinances and secure all necessary signoffs.

What percentage of demolition work is allowed before review is required?

This question can only be answered in two ways, first, by looking to the ordinance for its definition on what is reviewable. and then by considering how the Commission has been interpreting that definition.

Section 48-77 defines “*demolition*” as “*any act of destroying, eliminating, pulling down, razing or removing a building or any portion thereof, or starting the work of any such act with the intention of completing the same.*” As written, this permits the Commission to review any act of change to a building. Its broad scope, however, is limited by the intent and purpose of the ordinance. Section 48-76 notes that the demolition delay ordinance [was] enacted for the purpose of protecting the city’s significant historical, cultural, and architectural buildings.” The two work in unison to make the bylaw clear and concise. The scope of review contemplated under Section 48-76 is to maintain Medford’s historic resources and their associated integrity. When either total or partial demolition threatens to compromise the historic fabric (and therefore the integrity) of a structure, the projects are applicable to review.

In its deliberations, the Commission looks to National Park Service guidelines on the determination of historical integrity. NPS guidelines suggest that a building’s overall location, design, setting, materials, workmanship, feeling, and association bear on its integrity. Change or removal of any of these elements may trigger a Commission review. Complete removal is easily understood. Partial demolition is defined as being substantial in nature, and would include:

- The removal of more than one quarter (25%) of an existing building.
- Removal 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)
- Removal of one side of a building.
- The gutting of a building’s interior to the point where exterior features (windows, doors, walls, etc.) are impacted.

For the purposes of this ordinance, the term *demolition* does not include routine maintenance, renovations solely to a structure’s interior, the construction or installation of new porches, decks, and windows. These are renovations for which Commission approval is generally not required.

In general, the goal of Medford’s demolition delay bylaw is to pause and permit review of a project in order to ensure we are maintaining or mitigating the loss of historic structures. In order to do that quickly and efficiently, the Commission requires applicants proposing partial, but substantial, demolition to submit architectural drawings of the proposed work (including both plans and exterior elevations) so that it may review the applicability of the demolition delay ordinance.

Administration by the Commission:

In order to administer this delay in an efficient manner, the Commission has established a demolition delay subcommittee to prescreen application to preliminarily review the applicability of the demolition delay ordinance and the completeness of a , proposed application. Applicants can request **consultation (not submittal)** by emailing HistoricalCommission@Medford-MA.gov. The subcommittee will then review proposed applications on a case by case basis to determine whether the proposed work constitutes demolition which must be reviewed by the entire Commission. The Commissioners has delegated to this subcommittee the authority to review and approve demolitions on all garages and certain outbuildings. This expedited approval does not extend to barns and carriage houses. Determinations and signoffs will be made by the subcommittee

members (Commissioners Hayward, Wiest and Johnson). A letter will be issued to the Clerk of the subcommittee's findings. Only then may the demolition permit be issued and work commence.

What documentation is required for an application to be considered complete?

Applicants must provide the following minimum information in order for an application to be accepted by the Medford Historical Commission at their meeting:

- **Written permission** from the current owner (if not the applicant) to proceed with the demolition review process. The letter must be addressed to the applicant, signed and dated, providing the owner's contact info available.
- **Site plan** showing existing building. Clearly identified assessor's parcel maps are acceptable.
- **Photographs** including images of all four sides of the existing structure and any accessory structure(s). Photographs should be a minimum of 5X7 inches in size with one color set. Additional copies may be in black and white.
- **Plans/Scaled Drawings:** of proposed work including site plan(s), floor plans and all major elevations of construction may be submitted with the application. Providing such information and documentation supporting the plan narrative above will allow the commission to better assist you through the review process. We do not consider new construction project information until after our determinations have concluded.
- **Applicants should submit one hard copy of all the documents and one electronic set in PDF format.** Submittals will be reviewed and accepted at a regular monthly meeting of the Commission if they are complete. **Failure to have all the necessary documentation in hand will result in rejection of any application.** Re-submittals can be made the following month, in person.

What is the sign requirement for the public hearing?

Once a building has been determined "significant" by the Medford Historical Commission, applicants are **required** to post a sign following the guidelines included in this package. In general, the sign must be: posted **14 days before the public hearing, be located five feet or less from a public right of way, be sized 24" x 36"**, laminated for all weather, and include all applicable legal notice and history information. A photograph of the sign posted shall be submitted to the Commission. The sign must remain until the conclusion of the public hearing. **Failure to comply with this requirement will result in the delay of the public meeting until conditions are met.**

Is there any list I can consult to determine if a property is "historic" and applicable to review?

Unfortunately, no such list exists. The Medford Historical Commission reviews buildings under the Demolition Delay bylaw on a case by case basis. Some buildings may have inventoried in the past for documentation purposes on Massachusetts Historical Commission forms. Forms prepared for or on file with the Massachusetts Historical Commission do not necessarily constitute a determination by the Medford Commission, and should be seen as planning tools. Where information on a building does not exist, an inventory form is created as part of the review process. You may find previously created inventory forms online at the Massachusetts Cultural Resource Information System (MACRIS) located at: <http://mhc-macris.net/>. If you have a building and you are not clear of the age or if it will be applicable to review, it is recommended you contact the Commission, which will be happy to assist you with the review process.

What happens if I sell the property during the demolition delay?

Relief through the termination or expiration of a demolition delay is non-transferrable. Review is triggered by an application made from an individual for the removal of a structure. As a result, the delay is made on a specific application for demolition. If a property is sold during the demolition delay, the original applicant (no longer the owner of the property) no longer has the legal right to proceed. This changes the circumstances and the new owners will be required to submit a new application to the Commission.

How long do I have to complete work once signoff is received by the Commission?

Once approval to proceed has been granted by the Historical Commission, applicants have two years to complete demolition before their permit expires. Once this time elapses, applicants must re-submit their application to renew their approval.

Demolition Delay Review Process Summary & Timetable

The following outline explains the Demolition Delay procedure that provided for in the Revised Ordinances of the City of Medford (see Part II, Chapter 48, Historical Preservation, Article IV Regulations, Sections 48-76 through 48-80, available in the City Clerk's office). It describes how the Medford Historical Commission, the official municipal body responsible for evaluating and preserving Medford's architectural heritage, determines which buildings are subject to the demolition delay ordinance. The Commission strongly recommends that you speak contact the Commission or any of its members *before* planning or beginning any project. The Commission is available to assist you with any questions regarding this process.

Steps in the Review of Historically or Architecturally Significant Structures in Medford:

STEP 1: EVALUATE YOUR BUILDING PROJECT:

Are you planning to alter or demolish any part of your building?

Before spending thousands of dollars on plans and materials, think first about whether the project could possibly involve the demolition of all or part of a structure. If so, please contact the Medford Historical Commission to determine whether the building might be historically or architecturally significant *before* you incur any substantial expenses.

STEP 2: DETERMINE THE AGE OF YOUR STRUCTURE:

How old is the building? Is it listed in the National Register of Historic Places or the Massachusetts Register of Historic Places?

The Commission must review all requests for demolition of any building that:

- a. is seventy-five years or older; or
- b. is listed on the National Register of Historic Places or Massachusetts Register of Historic Places (or has its listing *pending* on either Register).

If either of these is true for your building, the Historical Commission must complete a detailed review process according to the City's Demolition Delay ordinance before you can proceed with total or partial demolition of your structure. If you have any questions about the building's age or status on any Register, *please contact the Medford Historical Commission*. The Commission is happy to help you determine the building's age and listing status.

STEP 3: PLANNING FOR DEMOLITION DELAY REVIEW:

Do you anticipate proceeding with partial or total demolition of a building that is seventy-five years or older or is on the National or Massachusetts Register?

If you wish to demolish such a building, building owners or their representatives must file a "**Notice of Intent to Demolish a Building**" with the City of Medford Historical Commission. Filing this form officially begins the Medford Historical Commission review process and its determination of *significance* for your structure. You must also

The Historical Commission meets the second Monday of every month, except holidays, in room 201 at 7 PM at Medford City Hall. The building is located at 85 George P. Hassett Drive. Applications must be submitted in person at the meeting. In the event of holidays, the meeting is ordinarily moved to the third Monday of that month. Please always check our website for the next meeting date.

Please note: Applications missing documentation and/or required attachments will be rejected. Applicants will be required to re-submit the following month. Applicants who do not already own the subject property are required to have written permission from the owner to proceed with review.

Once a “Notice of Intent to Demolish” is submitted to the Commission, it must make a determination whether the building is “significant” within 30 days. Determinations of significance are not made the same night applications are accepted.

A building is considered “significant” without need for further Commission action if it is currently listed or is being considered for listing on the National Register of Historic Places or Massachusetts Register of Historic Places.

In determining whether a non-listed building built seventy-five years from the present is significant, the Commission will obtain research on the building’s history by commissioning a Massachusetts Historical Commission “Form B” summary report setting research and findings for review by the Commission. Applicants are encouraged to provide the Historical Commission with any information that they may have regarding the history of the building with their application to in the review process and provide understanding on the history of the structure from the eyes of prior occupants. Scheduling a meeting or a visit to the property with members of the Commission may also be helpful to the review process.

STEP 4: DETERMINATION OF SIGNIFICANCE BY THE MEDFORD HISTORICAL COMMISSION:

How is a building’s significance determined by the Medford Historical Commission?

At a scheduled public meeting, the Commission will review the available architectural and historical research (including Massachusetts Historical Commission Form B) and review whether the building is significant. For a building constructed more than seventy-five years ago to be considered significant, it must possess the following qualities:

- a. It 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
- b. It is historically or architecturally important in terms of period, style, method of building construction, or association with an important architect or builder, either by itself or in the context of a group of buildings.

If the Medford Historical Commission determines that a building is significant, the Commission will promptly notify the City Clerk’s office of their decision and proceed to Step 5.

If the Commission determines that the building is *not* significant, then the Commission’s involvement in the process ends. The Commission will notify the City Clerk and Building Department that the building is not significant, and the Building Department may issue a demolition permit.

STEP 5: DETERMINATION OF PREFERENTIAL PRESERVATION BY THE MEDFORD HISTORICAL COMMISSION:

What happens if a building is determined to be significant?

If the Historical Commission determines that the building is “significant,” it must hold another public meeting within 30 days to determine if the building is “**preferably preserved.**” The designation “preferably preserved” means that the Commission has determined after a open public hearing that demolition of the building under review would be detrimental to the architectural or historical heritage of the City of Medford.

At least 14 days before the meeting at which the public hearing will take place, the Commission must publish a meeting notice in a local newspaper. At least 7 days before that meeting, the Commission must notify the applicant by mail of the meeting date. **The Commission also requires the applicant post a sign, visible from the public right of way, as a public notification of an upcoming hearing. Failure to comply will result in delay of determination.**

At the public meeting, all members of the public are welcome to speak on the building’s historical, cultural, and architectural importance with respect to (among other things) a building’s age, rarity, style and association with the community, as well as the value of the building to the historical or architectural heritage or resources of the City.

The Medford Historical Commission *does not and will not consider the building’s condition or any safety issues* when determining whether a building is to be “preferably preserved”. . The Building Commissioner properly addresses those concerns. See Revised Ordinances of the City of Medford, Sections 48-76 through 48-80 for more information.

After receiving and considering public comments, the Historical Commission will vote to determine if demolition of the building would be detrimental to the historical, cultural, or architectural heritage of the City. If the Commission determines a building is to be preferably preserved for the structure, then the Commission will file a Demolition Delay [order?] within 21 days stating that no demolition permit may be issued for eighteen months from the date of the vote with the office of the City Clerk's Office, with a copy to the Building Department. Applicants may proceed to Step 6.

If the Commission does not determine a status of preferential preservation for the structure, then the Commission's involvement ends. The Historical Commission will notify the City Clerk and Building Department that it has concluded its review, and the Building Department may issue a demolition permit.

STEP 6: ALTERNATIVES TO DEMOLITION:

What are the options if a building is determined to be preferably preserved?

If the Commission determines a structure to be preferably preserved and imposes a Demolition Delay, the applicant will begin to work with the Commission looking toward alternatives for demolition. The Commission ordinarily requests applicants to explore several options before considering lifting the Demolition Delay. Each building is different, and therefore the options for preservation vary, but may include:

- a. Keeping the structure on site for its current or alternative use (does not necessarily imply "restore").
- b. Offering the structure for sale (on preservation-based mailing lists) for removal, either by dismantling or transportation as a whole.
- c. Partial renovation and rehabilitation of the existing structure (including new additions).
- d. Documenting the structure architecturally through drawings (including plans, sections, and elevations) and/or photographs prior to demolition.
- e. A request for review of the architectural design of any new construction on the site.

The demolition delay may be lifted at any time if:

- a. The Historical Commission is satisfied that there is no reasonable likelihood that either the owner or some other person is willing to purchase, preserve, rehabilitate, or restore the building; or
- b. The Historical 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, or restore the building, and that such efforts have been unsuccessful.

Further Information

For more information on the terms, concepts, and ordinances described in this Summary, please contact the Medford Historical Commission at:

Medford Historical Commission
c/o Office of Community Development
85 George P. Hassett Drive
Medford, MA 02155

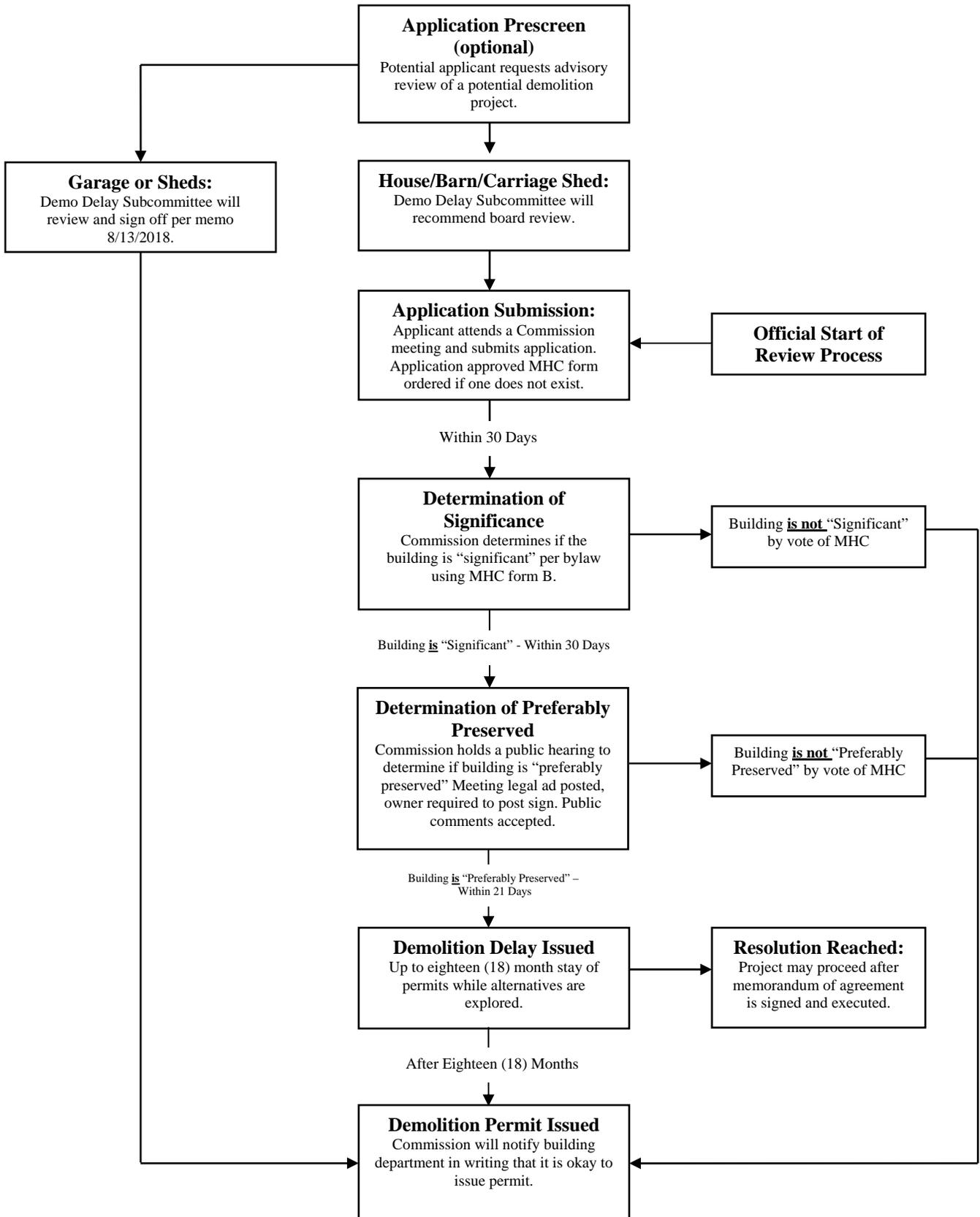
In Person: The Commission meets on the second Monday of every month (except noted holidays) at 7PM, Room 201 in Medford City Hall.

Website: www.MedfordHistoricalCommission.org

Email: HistoricalCommission@Medford-MA.gov.

See also the information available from the statewide Massachusetts Historical Commission at the commission's website www.sec.state.ma.us/mhc.

Flowchart of Demolition Delay Review



Sign Requirements

The Medford Historical Commission **requires** applicants to post a sign on the subject property once it has been determined “significant” per section 48-78 (e). This notice to the general public shall adhere to the following specifications:

- The sign must be located no more than five feet from a public right of way. A public right of way is defined as any municipal street, sidewalk, path or public easement that is accessible at all times to any persons. Signs shall be placed in a manner that allows for readability without entering the premises.
- The size for the sign is a minimum 24” x 36” paper, employing landscape orientation. The sign shall be laminated for all weather conditions and secured to a vertical plywood backer and staked securely to the ground in two locations to prevent movement. Sign shall be located at eye level.
- Color shall be printed as shown. A 1” red border shall be provided on the perimeter of the sign as shown.
- Sign shall be posted 14 days before the public hearing date. A photograph of the sign shall be sent to the Commission and included as part of the application. The sign must remain standing until after the conclusion of the public hearing.
- The following typed information shall be included:
 - Sign title as noted in diagram below (2” font).
 - Date of public hearing for subject property (1” font)
 - Legal advertisement as supplied by the Commission (1” title font, ½” text font)
 - Application Materials and Contact Statement (1” title font, ½” text font)
 - Subject Property heading (1” font)
 - Property Address (½” font)
 - Assessor’s Parcel Number (½” font)
 - Applicant of Record (½” font)
 - Owner of Record (½” font)
 - Readable Assessor’s Map or Site Plan (not to scale)

It is the applicant’s responsibility to create the sign following these specifications. **Failure to comply with this requirement will result in the delay of the public hearing until conditions are met.**

Notice of Demolition Review Public Hearing

Day, Month, Date, Year

<p>Subject Property:</p> <p>Address: Project Location (street number, street name, city).</p> <p>Assessor’s Number: Parcel Number</p> <p>Applicant: Applicant Name (name of individual and business).</p> <p>Owner of Record: Owner Name (name of individual and business).</p> <p>Description of Work: Brief description of work as stated on application.</p> <p>Assessor’s map or Site Plan: Include project property location.</p> <div style="background-color: #cccccc; width: 100%; height: 80px; margin-top: 10px;"></div>	<p>Legal Advertisement</p> <p style="text-align: center;">On Intent to Demolish a Significant Building As Determined by the Medford Historical Commission</p> <p>Notice is hereby given to the Public that a Notice of Intent to Demolish a Building has been submitted to the Medford Historical Commission for the building located at XX (address). The Commission has determined that the building meets the criteria of a significant building as defined in Section 48-77 of the Medford City Ordinances. In accordance with Section 48-78, the Commission is holding a public hearing on XX (date) at XX (time) in XX (location) to determine if the demolition of the building at XX (address) would be detrimental to the historical, cultural, or architectural heritage or resources of the City of Medford. Comments may be submitted via email, regular mail or in person at the hearing.</p> <p style="text-align: center;">Application Materials</p> <p>Application materials are posted online at the Medford Historical Commission’s website: www.medfordhistoricalcommission.org</p> <p>For further information, contact the Commission by emailing: HistoricalCommission@Medford-MA.gov</p>
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Notice of Intent to Demolish a Building **Application for Demolition Delay Review by the Historical Commission**

Property Information:

Property Address: _____

Assessors map parcel _____ Approx. Age (to be *verified by Commission*) _____

Purpose of structure (*residence, business, etc.*) _____

Type of construction (*wood, masonry, etc.*) _____ Aprox. Footprint _____ Stories _____

Demolition Plan:

Level of demolition (please circle one): Partial Total

Approximate time frame for completion after Demolition Permit has been issued _____

Briefly describe proposed work. If demolition is part of a building, provide a brief description of portion to be demolished, including nature and size of proposed demolition:

Reason for demolition: _____

Describe replacement or proposed reuse: _____

Contact Information:

Name of Owner: _____

Address of Owner: _____

Owner

Telephone Number: Days: _____ Evenings: _____ Fax: _____

Email: _____

Name of Applicant if not owner of record: _____

Relationship with owner: (contractor, architect, etc:) _____

Applicant address: _____

Applicant Telephone Number: Days: _____ Evenings: _____ Fax: _____
Email: _____

Applicants note: although it is not required to attend the meeting of your application, it is strongly recommended by the commission to do so to answer any questions or discuss any commentary that may arise out of your application.

Documentation Attached

Please check off documents attached. **Failure to provide adequate information will delay action on your application.**

- Written Permission** from the current owner (if not the applicant) with approval to proceed with review process.
- Site Plan** showing existing building. Clearly identified assessor's parcel maps are acceptable.
- Photographs** including: All four sides of existing structure and any accessory structure(s). 5X7 minimum size with one color set. Additional copies may be in black and white.
- Plans/Scaled Drawings:** (optional) of proposed buildings including site plan, floor plans and all major elevations and new construction. Although this is not a requirement, providing information supporting the plan narrative above will allow the commission to better assist you through the review process.
- Other** please specify: _____
- Digital Version** of all submittals on a CD or DVD. Documents shall be PDF format and images in JPEG format.

Signature

By signing this application, the applicant hereby certifies that they have read the instructions along with the bylaw applicable to the City of Medford Historical Commission Demolition Delay. Furthermore, I understand that the Historical Commission is empowered by the Revised Ordinances of the City of Medford, Part II, Chapter 48, Historical Preservation, Article IV Regulations, Sections 48-76 through 48-80 to govern this work. To the best of my knowledge, the information contained in this application is accurate and complete. I will comply with all measures necessary of the review process. I give permission to the Medford Historical Commission access to the above property for the sole purpose of reviewing this application and the work done after any Certificate issued to me.

Owner's / Applicant's Signature (s) _____ Date _____

For Commission Use Only

Date Received: _____

Receiver: _____

Application Review Date: _____

Vote: _____

Letter Filed with Clerk: _____

Emergency Demolition? Yes [] No [] If yes, date approved _____

Note: Demolition may not commence until successful commission signoff or expiration of delay.