



**APPLICATION  
ARTICLE 85 REVIEW**

Please hand  
carry or mail to:  
Boston City Hall, Room 805  
Boston, MA 02201  
**DO NOT RETURN THIS FORM BY FAX**  
**FAXED APPLICATIONS WILL BE REJECTED**

**For BLC Use Only**

APPLICATION NO.: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

HEARING DATE: \_\_\_\_\_

I. ADDRESS \_\_\_\_\_ (include neighborhood)

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II. APPLICANT \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_  
(include city or town)

PROPERTY OWNER \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_  
(include city or town)

DOES THIS PROPOSED PROJECT REQUIRE ZONING RELIEF? \_\_\_\_\_

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III. DESCRIPTION OF PROPOSED WORK: briefly summarize the scope of work. Additional pages may be attached, if necessary, to provide more detailed information, but **a brief outline of the proposed work must be given in the space provided below**. This description provides the basis for the official notice and subsequent decision, and it must clearly represent the entirety of the project.

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IV. DOCUMENTATION: Required documentation must be submitted with this application to receive a hearing date.  
**Failure to include adequate documentation will cause a delay in the review process and may result in a rejected application.** A list of required documentation has been provided with this packet.

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V. NOTARIZED SIGNATURES (both required) **Unsigned or partially signed forms will be rejected.**

Applicant: \_\_\_\_\_ Owner\*/Landlord: \_\_\_\_\_

**\*(If building is a condominium or cooperative, the chairman must sign.)**

## Article 85 Application

This packet contains the following:

- One copy of Article 85 Summary
- One list of Required Documentation
- One Article 85 Application Form

**Applications may be filed in person, by messenger, or by mail addressed to:**

The Boston Landmarks Commission  
Boston City Hall/Room 805  
Boston, Massachusetts 02201

### ***Applicant:***

It is the responsibility of the applicant to submit a complete, signed application and to factor the review and potential delay period into the project schedule.

### ***The Process:***

Once received, the application is reviewed by the Commission staff in accordance with Section 5, Article 85, Chapter 665 of the Acts of 1956. The Commission staff shall have ten (10) days from the date of the submittal of a complete application to determine whether a demolition permit may be issued or whether a hearing is required. If the property is determined not to be significant, no further review will be required and the Commission staff will issue a determination authorizing the Commissioner of Inspectional Services to issue a demolition permit.

If the property is determined to be “significant” as described by the legislation, the Boston Landmarks Commission will hold a public hearing within forty (40) days of submittal of the application to decide whether the property will be subject to demolition delay. The Commission staff will notify the applicant regarding this hearing. **Prior to the hearing, the applicant shall conduct a community meeting, open to the public, at which the applicant shall make a good faith effort to present an alternative, or a range of alternatives, to the proposed plan that includes preservation and reuse of the building or buildings proposed for demolition.** The community includes but is not limited to, civic and neighborhood associations, the public-at-large, and interested entities such as preservation organizations and historical societies.

- The applicant shall contact the Mayor’s Office of Neighborhood Services (ONS) to confirm names of appropriate civic and neighborhood associations to be notified of the meeting. The applicant shall also notify property owners within 500 feet of the building to be demolished. The applicant shall notify the appropriate neighborhood associations and property owners of the meeting in writing at least a week before the meeting is to take place. The meeting must be held in a location and at a time that is convenient for people affected by the project. The applicant must submit a list of people who attended the meeting, and their addresses, to the BLC before the BLC hearing.

- If there is no civic/neighborhood association meeting at which the demolition and proposed project can be presented prior to the Article 85 hearing, ONS will assist in scheduling a meeting.
- If the initial community meeting cannot be held in the time allotted, the Article 85 applicant may submit a letter to the BLC waiving the right to a determination within 40 days (see Article 85, section 5. subsection 4. a) and requesting the next available hearing date after the initial community meeting.
- If the applicant has already presented the proposed demolition and development plan at a community meeting or meetings (before submitting the Article 85 application) and can obtain a letter(s) from the civic or neighborhood association(s) which hosted the meeting(s) or a response from the Mayor's Office of Neighborhood Services (ONS) to BLC staff summarizing the meeting and the outcome, this provision may be waived at the discretion of BLC staff.
  - If ONS reports that the outcome of a prior community meeting or meetings (before the submittal of the Article 85 application) included a strong preference to preserve the existing building(s), but no alternatives to demolition were presented to the community, the applicant will be requested to hold a follow-up community meeting before the initial Article 85 hearing in order to present an alternative plan incorporating preservation and reuse of the existing building(s) into the proposed project.
- If ONS reports that the outcome of a community meeting resulted in community support for the demolition of the existing building or buildings, the BLC may choose to waive demolition delay at the scheduled hearing.
- While the BLC will consider community and inter-departmental input as outlined above, the decision to invoke demolition delay will ultimately lie with the Commission.

***Dates and Deadlines:***

The Boston Landmarks Commission holds regular public hearings on the second and fourth Tuesday of every month. **Applications must be submitted, in full, and a copy of the notice of the scheduled public meeting must be received by BLC staff (14) days prior to a hearing date in order to be scheduled for the upcoming agenda.**

Note: Meetings are subject to change due to holidays or cancellations. Please check with the Commission staff to confirm correct dates.

***Boston Landmarks Commission Staff:***

The Commission staff is available to discuss applications, documentation requirements and the review process. Please call 617-635-3850 if you have any questions or would like to make an appointment.

## Article 85 Summary

### Demolition Delay

On February 6, 1995, the Boston Zoning Code was amended to include a demolition delay policy (Article 85, Chapter 665 of the Acts of 1956 as amended). Demolition Delay provides a predictable process for reviewing requests to demolish buildings by: 1.) establishing an appropriate waiting period during which the City and the Applicant can propose and consider alternatives to the demolition of a building of historical, architectural, cultural or urban design value to the City; 2.) providing an opportunity for the public to comment on the issues regarding the demolition of a particular building; and by 3.) minimizing the number and extent of building demolition where no immediate re-use of the site is planned.

**Demolition Delay Review** pertains to applications involving the total demolition of buildings located within the city's limits. **The staff of the Boston Landmarks Commission shall have ten (10) days from the date of the submission of a complete application to apply the criteria below and determine whether a demolition permit may be issued or whether a hearing is required.**

### Location and Age Criteria

- All buildings located in either the Downtown or Harborpark.
- All neighborhood buildings at least fifty years of age.
- All buildings located in a Neighborhood Design Overlay District.

### Criteria for Determination of Significance

- A. The building is identified in the Landmarks Commission's Comprehensive Preservation Survey as: (i) listed on the National Register of Historic Places; (ii) recommended for such listing; or (iii) the subject of a pending application for such listing.
- B. The building is the subject of a petition to the Landmarks Commission for designation as a Boston Landmark.
- C. The building is historically or architecturally significant because of period, style, method of building construction, or important association with a famous architect or builder.
- D. The building has an important association with one or more historic persons or events, or with the broad architectural, cultural, political, economic, or social history of the City.
- E. The building is one whose loss would have a significant negative impact on the historical or architectural integrity or urban design character of the neighborhood.

### Public Hearing for Significant Buildings

A Boston Landmarks Commission public hearing is scheduled within forty (40) days of application date to determine whether a significant building will be subject to Demolition Delay. The delay is invoked if the Landmarks Commission finds that it is in the public interest for the building be preserved or rehabilitated rather than demolished. In making such finding, the Landmarks Commission considers the following criteria:

- the building's historic, architectural, and urban design significance;
- whether the building is one of the last remaining examples of its kind in the neighborhood, the City, or the region; and
- the building's condition.

### **Early Determination of "No Feasible Alternative to Demolition"**

Applicants are requested to present information concerning alternatives to demolition at the public hearing. This information may include:

- the outcome of the community meeting held prior to the hearing;
- the cost of stabilizing, repairing, rehabilitating, or re-using the building;
- any definite plans for the re-use of the property if the proposed demolition is carried out, and the effects such plans would have on the architectural, social, aesthetic, historic, and urban design character of the surrounding area, as well as on the economy of the area of the City as a whole;
- any conditions the Applicant proposes to accept for the redevelopment of the site that would mitigate the loss of the building;
- the availability of other sites for the Applicant's intended purpose or use.

Although a building may be evaluated as meeting the demolition delay criteria, the Commission may consider information presented at the hearing as grounds for issuing a determination of "no feasible alternative to demolition."

### **Demolition Delay Determination**

If the Landmarks Commission issues a determination that a significant building is subject to demolition delay, the Commissioner of Inspectional Services is notified not to issue a demolition permit until ninety (90) days have elapsed following the close of the public hearing. The Landmarks Commission also shall invite the participation, on an advisory basis, of the Commissioner of Inspectional Services, the Director of the Boston Redevelopment Authority, and the Chairperson of the Boston Civic Design Commission, as well as any individual or representative of any group whose participation the Applicant requests, or approves, in writing.

### **Evaluation of Alternatives to Demolition and Determination of No Feasible Alternative**

In evaluating alternatives to demolition, the Landmarks Commission may consider such possibilities as: the incorporation of the building into the future development of the site; the adaptive re-use of the building; the use of financial incentives for the rehabilitation of the building; the removal of the building to another site; and, with the owner's consent, the search for a new owner willing to purchase the building and preserve, restore, or rehabilitate it.

If, based on its evaluation of alternatives, the Landmarks Commission is satisfied that there is no feasible alternative to demolition, the Commission may issue a determination prior to the expiration of the delay period authorizing the Commissioner of Inspectional Services to issue a demolition permit.

### **Demolition Delay Expiration and Notification**

Upon expiration of the delay period, the Landmarks Commission will issue a notice in writing stating that such delay period has expired, and the date of such expiration. This notice will be mailed to the Applicant, with copies to the Commissioner of Inspectional Services, the Boston Redevelopment Authority, the Boston Civic Design Commission and, where applicable, to any individual or group that the Landmarks Commission has invited to participate in an exploration of alternatives to demolition.

## Article 85 Required Documentation

The following is a list of documents that **MUST** be submitted with this application. Failure to provide accurate documentation will cause a delay in the review process and will result in a rejected application. All applications **MUST** be signed by the owner of record, and must include verification of property ownership (copy of deed or assessing bill).

- **PHOTOGRAPHS** – 3x5 or larger photographs of the property and surrounding areas and properties affected by the proposed demolition must be labeled with addresses and dates and included with this application. Major elevations of the building(s) and any deterioration or reason for demolition should be documented. All photographs must be keyed to a map (see below) to provide a thorough location description. Photographs may be substituted with slides at the Commission hearing.
- **MAP** – A locus map containing the location of the property affected by the proposed demolition must be submitted with this application. Locus maps are available at the BRA, 9<sup>th</sup> floor, Boston City Hall and should highlight the property and area location. An 8 ½”x11” portion of a street map showing the property may be substituted for a BRA map.
- **PLOT PLAN** – A plot plan showing the building footprint and those of buildings in the immediate vicinity must be submitted with this application.
- **PLANS and ELEVATIONS** – Plans must be submitted for site improvements. If a new structure is being planned, plans and elevations of the new structure must be submitted.
- **SIGNATURES and/or PROOF OF OWNERSHIP** – Both the applicant’s and the owner-of-record’s signatures (if different) must be notarized. Failure to supply notarized signature(s) will result in a rejected application. Proof of ownership must also be submitted with the application.

Depending on the scope of the project, additional materials may also be requested for the hearing and should be included with this application:

- *Adaptive reuse feasibility studies*
- *Structural analysis report*
- *Availability of alternative sites for the proposed post-demolition construction.*
- *Effects of post-demolition plans on the community*
- *Other materials that may help the Commission evaluate whether the property is subject to delay.*
- *An attorney’s letter stating whether the proposed project requires zoning relief.*

**NOTE:** Copies of all documentation submitted with this application (photographs, maps, plot plans, etc.) should be retained by the applicant should additional copies be necessary for the commission hearing.