



Article 85 Demolition Delay Review

Information, Application Instructions & Determination of Significance Process

To print the application, visit the website at: www.cityofboston.gov/landmarks/article85/
Contact Boston Landmarks Commission staff at (617-635-3850) Environment Department, Boston City Hall, Room 709, Boston, MA 02201

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.

Article 85 Demolition Delay Review pertains to the demolition of buildings located within the city's limits, as defined below and is administered by the Boston Landmarks Commission (BLC). Proposed demolition of individually designated Boston Landmarks or buildings within a local historic district shall be reviewed by the BLC or appropriate District Commission.

Location and Age Criteria for Article 85 Demolition Delay Review

- 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.

Application

It is the responsibility of the applicant to submit one complete, signed application with required documentation and to factor the review and potential delay period into the project schedule. City of Boston Inspectional Services Department (ISD) will not issue a demolition permit without a BLC Article 85 Determination or Exemption. Review carefully the application and required documentation before submitting. **Incomplete, faxed or emailed applications will not be accepted.**

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

The Boston Landmarks Commission
Boston City Hall/Room 709
Boston, Massachusetts 02201

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 may result in a rejected application.** All documents should be no larger than 11x17.

1. **PHOTOGRAPHS:** 3x5 or larger *current* color photographs of the property, properties affected by the proposed demolition and surrounding areas must be labeled with addresses and dates. Major elevations of the building(s) and any deterioration or reason for demolition should be documented. Photographs of the subject property seen from a distance with neighboring properties are required. All photographs must be keyed to a map (see below) to provide a thorough location description. **Images from the internet are not acceptable.**
2. **MAP:** A map showing the location of the property affected by the proposed demolition must be submitted with this application. The map must be an 8 ½ x 11 portion of a street map, such as from a BRA locus map or an internet mapping site.
3. **PLOT PLAN:** A plot plan showing the existing building footprint and those of buildings in the immediate vicinity must be submitted with this application. Assessing parcel maps will be accepted, if the footprint of the relevant structure(s) is illustrated.

4. **PLANS and ELEVATIONS:** If a new structure is being planned, a site plan, building plans and elevations of the new structure(s) must be submitted. **If no new building is planned**, submit plans for site improvements and/or describe the proposed use and treatment of parcel. (Parking, landscaping, clear debris, fill excavations, etc.) **Do not submit sheets larger than 11x17.**
5. **PROOF OF OWNERSHIP:** Proof of ownership must be submitted with the application. A copy of a property deed, property tax assessment bill, or other official documentation of property ownership is required.

NOTARIZED SIGNATURES (BOTH REQUIRED): Both the applicant's and the legal property owner's signatures must be notarized. Failure to supply notarized signature(s) will result in a rejected application. In cases of multiple ownership, the chair of the condominium or cooperative association or authorized representative (such as a property manager) shall sign as owner; in cases of institutional ownership, an authorized representative of the organization shall sign as owner. Environment Department personnel cannot be responsible for verifying the authority of the individuals to sign the application. Misrepresentation of signatory authority may result in the invalidation of the application or determination.

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. Additional materials will be requested if a hearing is required; see "Article 85 Demolition Delay Review Hearing Preparation" in this information packet.

Determination of Significance

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 public hearing before the Boston Landmarks Commission is required.

Article 85 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.

Please note that a determination of significance as described above does not necessarily mean the structure meets the criteria for local designation as a Boston Landmark.

Determination of "Not Significant"

If staff of the Boston Landmarks Commission finds the structure proposed for demolition does not meet any of the above criteria, a "Not Significant" determination letter will be issued; you must present this letter when applying for a demolition permit at the Inspectional Services Department. No further process under Article 85 is required

Determination of Significance: Public Hearing for Significant Structures

If staff of the Boston Landmarks Commission (BLC) finds the structure meets any of the criteria above, a determination of significance will be issued. The BLC is then required to schedule an Article 85 Demolition Delay Review public hearing within forty (40) days of having received a complete application. See *Determination of Significance: Public Hearing for Significant Structures* document for more information about the required process. This document is available on the BLC website.