



Article 85 Demolition Delay Review

Determination of Significance: Public Hearing for Significant Structures

Contact Boston Landmarks Commission staff at (617-635-3850)
Environment Department, Boston City Hall, Room 709, Boston, MA 02201

Within 30 days of issuing a Determination of Significance, the Boston Landmarks Commission (BLC) is required to schedule an Article 85 Demolition Delay hearing at one of its regularly scheduled meetings, which are held on the second or fourth Tuesday of each month.

Before the BLC Article 85 hearing is held the applicant must schedule a public community meeting to acquaint interested parties with the proposed demolition.

Article 85 Community Meeting Requirements

Prior to the Article 85 BLC hearing, the applicant shall conduct a public community meeting, open to the public, at which the applicant shall meet the requirements outlined below for notification, content, and documentation of the meeting.

Notification Requirements:

Note: Scheduling of community meeting and procedures for notification shall be coordinated with the Mayor's Office of Neighborhood Services (MONS).

- Notice of the community meeting must be distributed at least seven (7) days prior to the meeting, not including Sundays and holidays.
- Notice must be distributed in the form of a flyer (template provided by the BLC) to properties within a 500 foot radius of the property.
 - *Where a flyer notification method and/or a 500 foot radius distribution area is not practical, MONS may determine in consultation with BLC staff that another method or distribution area is acceptable.*
- Notice must be distributed via email (email list to be provided by BLC staff/MONS) to interested community groups, historical societies, preservation groups, elected officials, and other interested parties.
- When feasible, notice should be posted on or directly in front of the property proposed for demolition.

Meeting Content Requirements:

- The applicant shall read aloud the community meeting notice statement (see enclosed) and the BLC letter giving notification that a hearing is required.
- The applicant shall present photographs of the property proposed for demolition, illustrating the property, its condition, and its surroundings.
- The applicant shall present any historical information available on the property, including that provided by BLC staff, and that found by reviewing ISD permits for the property, such as the date of construction, original or later uses, alterations, etc.
- The applicant shall present information on the condition of the property, including how long it has been vacant if applicable, photographs of damage or deterioration, copies of violation notices from ISD, etc. **If the structural condition of the building is cited as the reason for demolition, a structural engineer's report is required.**
- **The applicant shall present alternatives to the demolition of the property, including rehabilitation and/or incorporation of the building into the proposed project.**
 - *The presentation of alternatives may include conceptual design studies, cost studies, programmatic studies and/or other information, as appropriate.*
- The applicant shall provide an opportunity for anyone attending the meeting, including individuals, representatives of neighborhood organizations, historical societies, preservation organizations, and elected officials to share additional information contributing to the history and significance of the property.
- After discussing the condition of the building and alternatives to demolition, the applicant may discuss the proposed development.
- The applicant shall include a question-and-answer session, responding to all interested parties.

Meeting Documentation Requirements:

The following must be submitted to the Commission at least 24 hours in advance of the hearing as documentation that a community meeting was held. If the Commission determines that adequate documentation has not been submitted, no action will be taken on the Demolition Delay.

- Copy of sign-in sheet, with names, addresses, emails.
- List of addresses where flyers were distributed, or a map illustrating the area of distribution.
- If an alternative method of notification or distribution area is used, documentation of the alternative and confirmation of authorization to use such a method or distribution area must be submitted.
- Copy of flyer or other notification materials.
- Copy of email and email list.
- Copy of all materials presented or distributed at the community meeting.
- Letter from MONS and/or community groups summarizing the meeting, if available.

Information for Combining Community Meeting with other Meetings:

Another meeting, such as a neighborhood or civic association meeting or an Article 80 meeting, or a meeting held prior to the submittal of an Article 85 application, may substitute for the Article 85 community meeting. However, **all requirements** for the community meeting as listed above **must be met**, including notification, materials presented, and submittal of documentation. Note that the notification requirements may be modified by MONS, in consultation with BLC staff, as noted above.

Community Meeting Notice Statement (to be read at Community Meeting and printed on flyer):

This community meeting is being held as part of an Article 85 Demolition Delay application to demolish the building at (address). The purpose of this meeting is to inform the community about the proposed demolition and to present alternatives to the demolition. All interested parties are welcome to attend, and will have the opportunity to comment and ask questions.

This community meeting DOES NOT take the place of the Boston Landmarks Commission public hearing. All interested parties are encouraged to attend the BLC public hearing to express their views on the proposed demolition, or to submit written comments to the BLC if they are unable to attend. Please submit written comments by the hearing date to: Boston Landmarks Commission, Boston City Hall, Room 709, 1 City Hall Square, Boston, MA 02201, or fax to 617-635-3435, or email a PDF with signature to: elizabeth.stifel@cityofboston.gov

Additional Materials Required for the Article 85 Demolition Delay Review Hearing

If the property proposed for demolition has been determined “significant” under Article 85 and requires a public hearing before the BLC, the applicant is also required to submit additional documentation prior to the hearing.

This may include:

- Documentation of studies of alternatives to demolition, such as:
 - Adaptive reuse feasibility studies.
 - Alternatives incorporating the existing building(s) into plans for the site.
 - Availability of alternative sites for the proposed post-demolition construction.
- Structural analysis report of the existing building. (If the structural condition of the building is cited as the reason for demolition, a structural engineer’s report is required.)
- Documentation of community meeting(s) regarding the proposed project and meeting outcome
- Alternatives incorporating the existing building(s) into plans for the site.
- Availability of alternative sites for the proposed post-demolition construction.
- Effects of post-demolition plans on the community.
- A letter stating whether the proposed project requires zoning relief and if so, documentation of the status of the Zoning Board of appeals process.
- Other materials that may help the Commission evaluate whether the property is subject to delay.
- Applicants should contact BLC staff with questions regarding requirements for the hearing. Any additional materials to be presented at the hearing should be submitted to BLC staff two weeks prior to the hearing date. An applicant may request, in writing, a later hearing date if there is not sufficient time to prepare additional materials or hold a community meeting prior to the scheduled public hearing.

Article 85 Demolition Delay Review Public Hearing Process

The hearing is organized into three steps: During the first step the Commission will determine whether the applicant has sufficiently addressed the Article 85 community meeting requirements. If the community meeting requirements have not been met, the hearing will be postponed. If the community meeting requirements have been met, the hearing proceeds to Part One wherein the Commission will determine if the structure is preferably preserved and subject to demolition delay. If a demolition delay is imposed, the hearing moves on to Part Two and the Commission reviews additional information regarding alternatives to demolition and proposed plans for the site; the Commission may consider waiving the demolition delay period.

Part One: Demolition Delay Determination

In order for the Commission to determine if the structure is preferably preserved and subject to demolition delay, the applicant shall present any information that will assist the Commission in determining whether the building is subject to Demolition Delay, including:

- Any additional information regarding the history of the property and its significance, as defined under Article 85.
- A copy of materials presented at the community meeting; refer to "Community meeting Requirements" in this information package.
- The outcome of the community meeting held prior to the hearing.
- Information regarding the condition of the structure. If condition is cited as reason for demolition a structural engineer's report is required.

The presentation during part one should focus on whether the structure is a significant, preferably preserved structure subject to demolition delay. The applicant should not present the proposed plans for the site or alternatives to demolition during part one.

After the applicant's presentation, commissioner will ask questions and invite public comment. **If at this time, the Commission determines that sufficient documentation has not been submitted, the Commission may choose to take no action in response to an incomplete application and the hearing must be rescheduled.** The applicant shall submit a hearing extension form providing a new date, understanding that the missing documentation will be required in advance of the new hearing date.

If satisfied the Community Meeting Requirements have been met and sufficient additional documentation submitted, the Commission will determine whether the building is subject to Demolition Delay. When making this determination, the Commission considers the following criteria as defined by Article 85:

1. The building's historic, architectural, and urban design significance;
2. Whether the building is among the last remaining examples of its kind in the neighborhood, the City, or the region; and
3. The building's condition.

If, based on its evaluation of the information, the Commission does not make a motion to invoke demolition delay, or does not pass a motion to invoke demolition delay, BLC staff will issue a letter authorizing the Commissioner of Inspectional Services to issue a demolition permit.

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. If the Commission invokes the 90 day demolition delay, the Commission will then move forward with Part Two of the hearing to review additional documentation regarding alternatives to demolition and may consider making a finding of "No Feasible Alternative.

Part Two: Determination of "No Feasible Alternative to Demolition"

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."

Applicants are encouraged to present information concerning alternatives to demolition at the public hearing. This information should include/address:

- The cost of stabilizing, repairing, rehabilitating, or re-using the building
- Alternatives to demolition, incorporating the existing building(s) into plans for the site
- Any definite plans for the re-use of the property if the proposed demolition is carried out, Additional information may include:
 - 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 or 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.

Evaluation of Alternatives to Demolition and Determination of “No Feasible Alternative to Demolition”

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.

If the Commission does not make a finding of No Feasible Alternative, the applicant may be invited to return to a future BLC hearing to present additional information for the Commission to consider a finding of No Feasible Alternative.

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.

For Article 85 Information and Instructions, visit the website at: www.cityofboston.gov/landmarks
Questions? Contact the Environment Department at 617-635-3850