

# TOWN OF AMHERST DEMOLITION DELAY BYLAW PROPOSAL

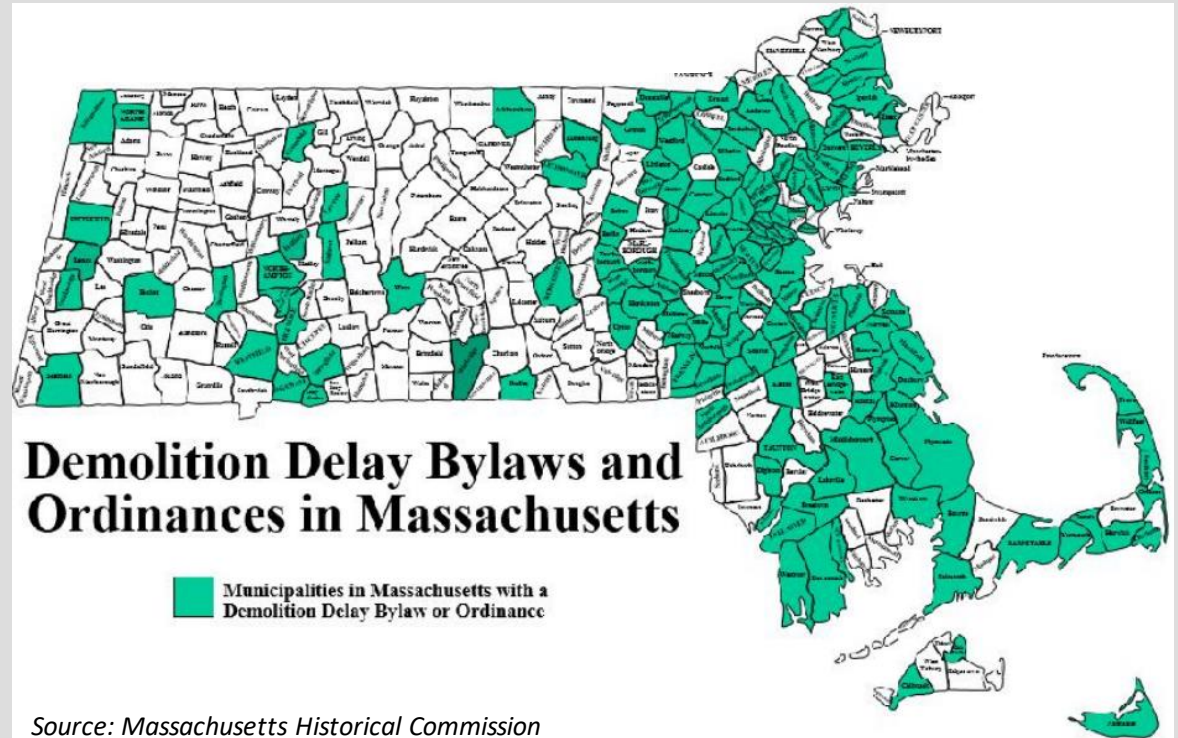
Presentation to Community Resources Committee

May 11, 2021



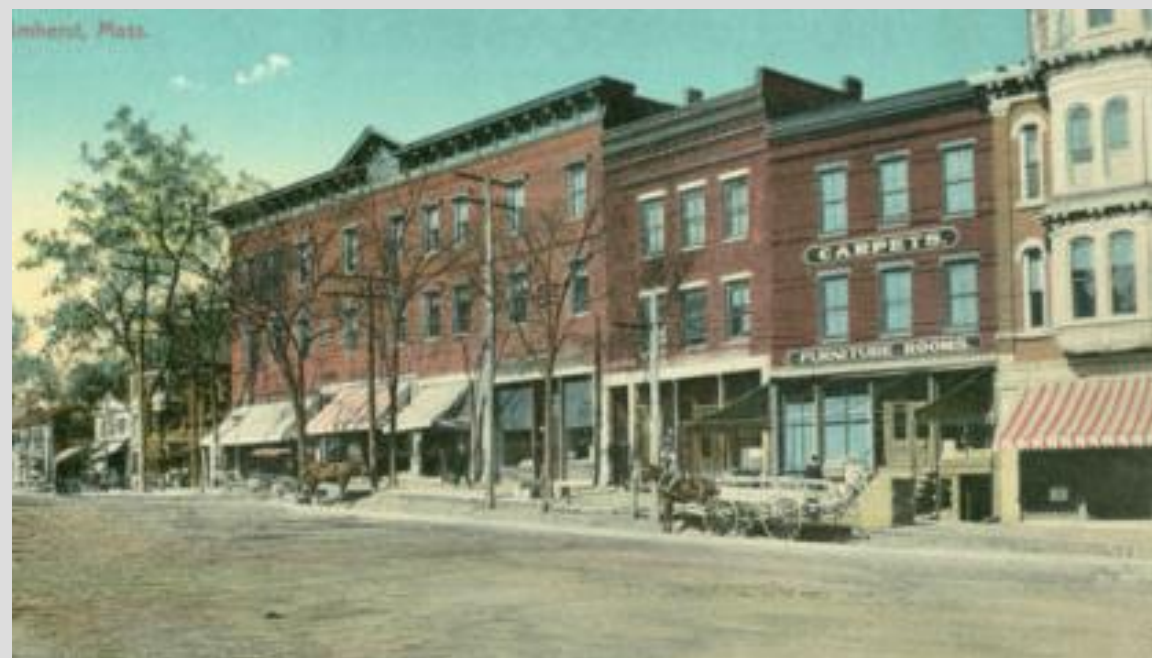
# WHAT IS DEMOLITION DELAY?

- A demolition delay bylaw offers an opportunity to **save** an imminently threatened building from loss.
- During the delay period, the building owner, community and the historical commission explore opportunities to **preserve or move** the threatened building.
- As of April 2020, nearly **160 municipalities** in MA have a demolition delay bylaw.
- Local Historical Commissions (M.G.L., Ch. 40, Section D) are the official agents of municipal government responsible for historic preservation planning.
  - Advisory role unless a local bylaw, such as demolition delay, grants them regulatory jurisdiction



# COMPONENTS OF DEMOLITION DELAY BYLAW

- Definition of a building
- Definition of demolition
- Age-based threshold for which buildings are reviewed
- Criteria to determine whether a building is historically significant
- Criteria to determine if building is preferably preserved
- Length of demolition delay period
- Role of Commission during delay period
- Conditions by which delay could be lifted
- Overall, role of staff and administrative review



# HISTORY DEMOLITION DELAY BYLAW IN AMHERST

- Article 13, Demolition Delay, adopted by Town Meeting in May 1999
- Amended in November 2005 to extend the delay period to twelve (12) months



1946 automobile shop converted to restaurant  
Demolition delay imposed in 2018



1862 home on South Pleasant Street  
Demolition delay imposed in 2020

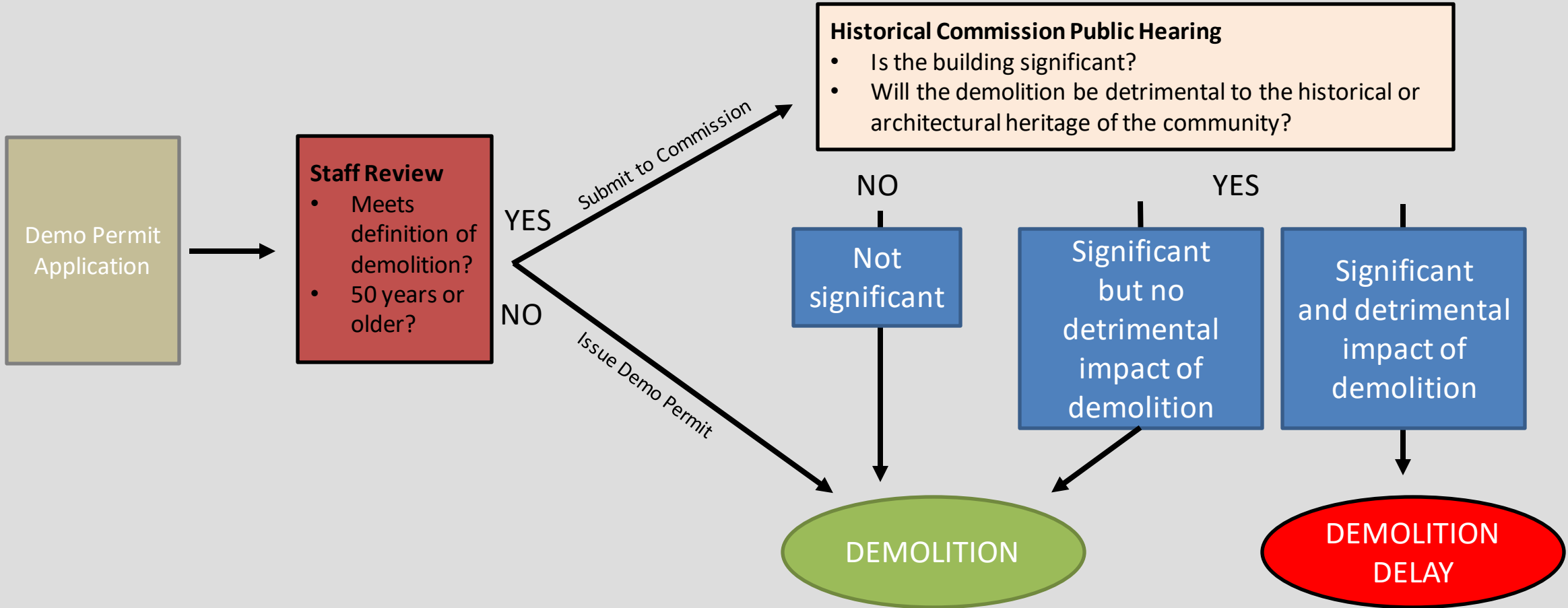


# OVERVIEW OF DEMOLITION DELAY BYLAW IN AMHERST

Category	Bylaw Language
<b>Definition of Demolition</b>	...destroying, removing or razing a structure or portion thereof.....
<b>Definition of Structure</b>	Any edifice, object or building of any kind that is constructed or erected and requires more or less permanent location on the ground or attachment to an object with permanent location on the ground, not including wheels.
<b>Age Threshold</b>	Structures 50 years or older are subject to Article 13 review
<b>Determination of Significance</b>	11 criterion in Section 13.4 (Historical, Architectural, Geographic) Carried out at Public Hearing by Historical Commission
<b>Determination of Preferably Preserved</b>	Section 13.36 ...the proposed demolition would be detrimental to the historical or architectural heritage or resources of the Town...
<b>Length of Demolition Delay</b>	12 months
<b>Role of Staff</b>	Facilitate Article 13 review and research historical properties
<b>Appeal Process</b>	None (possibly ZBA)?



# OVERVIEW OF DEMOLITION DELAY BYLAW IN AMHERST



# PROBLEMS WITH DEMOLITION DELAY BYLAW IN AMHERST

- High caseload for Historical Commission
- No mechanism for staff to administratively review for significance
- Definitions of demolition and structure are vague
- No criteria to guide decision on placing a demolition delay
- Lack of language about the Commission working with applicant to preserve building during delay period
- Intermingled with Building Department's permitting timeline for demolition permits (should be separate applications and processes)
- No appeals process (or appealable action)



# DEMOLITION DELAY BYLAW PROPOSAL

- Bylaw has been in development for many years
- Developed in partnership between Historical Commission, Planning Department, and Building Commissioner
- Rename to "Bylaw for the Preservation of Historically Significant Buildings" for more positive messaging
- Move Bylaw from Zoning to General Bylaw
- Seeks to clarify definitions, add administrative review for significance, add criteria for placing a delay, encourages working with applicant on preservation during delay period, creates a separate permitting track from the Building Department, and adds appeal process.





# DEMOLITION DELAY BYLAW PROPOSAL

## Definition of Building

*Any combination of materials forming a shelter for persons, animals, or property, including, but not limited to, structures such as outbuildings.*

## Definition of Demolition

- Initiating the work of total destruction of an entire building with the intent of completing the same, or;*
- any act of pulling down, destroying, removing, or razing of 25% or more of the front, back or side elevations, with the gross square footage of each elevation including wall area, roof area and exposed foundation area calculated separately, or;*
- The act of changing, modifying, or removing important architectural elements from a structure, which elements define the historic integrity of the design, including but not limited to walls, roof structure, doors, windows, stoops, porches, chimneys and similar elements, except for exemptions as found within (C)(2) of this Bylaw.*



# DEMOLITION DELAY BYLAW PROPOSAL

## Administrative Review for Significance

Creates a 2-step process whereby staff and Historical Commission designee determine significance using simplified criteria

Both expedites review for applicants and reduces caseload for Historical Commission

## New Significance criteria:

*...50 years or older and meets one or more of the following criteria:*

- 1. It is individually listed on, or is a contributing structure within an area listed on, the National Register of Historic Places or Massachusetts State Register of Historic Places or is the subject of a pending application for such listing; or*
- 2. The Building has value in association with a specific location, or one or more historic persons or events, or with the broad architectural, social, political, economic or cultural heritage of the Town of Amherst or the Commonwealth; or*
- 3. The Building, alone, in the context of a group of buildings or as part of a viewshed, has historical or architectural value, as to period, style, craftsmanship, method of building construction or in association with a recognized architect or builder.*



# DEMOLITION DELAY BYLAW PROPOSAL

## Designation of Building as Preferably Preserved

*To this end, the Historical Commission will weigh the factors which led to the Building's designation as Significant, including additional review of the criteria in **Section D 1-3** and the **owner(s) plans for reuse, reconstruction, or restoration**, and make a determination regarding its preservation. A designation of "Preferably Preserved" will be applied to those Significant Buildings that the Commission finds would **represent a loss to the Amherst community if Demolition Authorization were granted.***



# DEMOLITION DELAY BYLAW PROPOSAL

## Strengthens language about Commission's active role in preservation during delay period

During public hearing, Commission shall consider alternatives to demolition such 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.*

After delay is imposed, applicant may apply to the Commission for a reduction in delay period. Commission will consider whether applicant has:

- Filed plans for intended future use and development of the site and is in compliance with all laws and any necessary zoning permits
- Made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the Building who is willing to preserve, rehabilitate or restore the Building. (considering adding a definition of bona fide effort)
- Agreed to accept a Demolition Authorization on specified conditions (such as those described above).



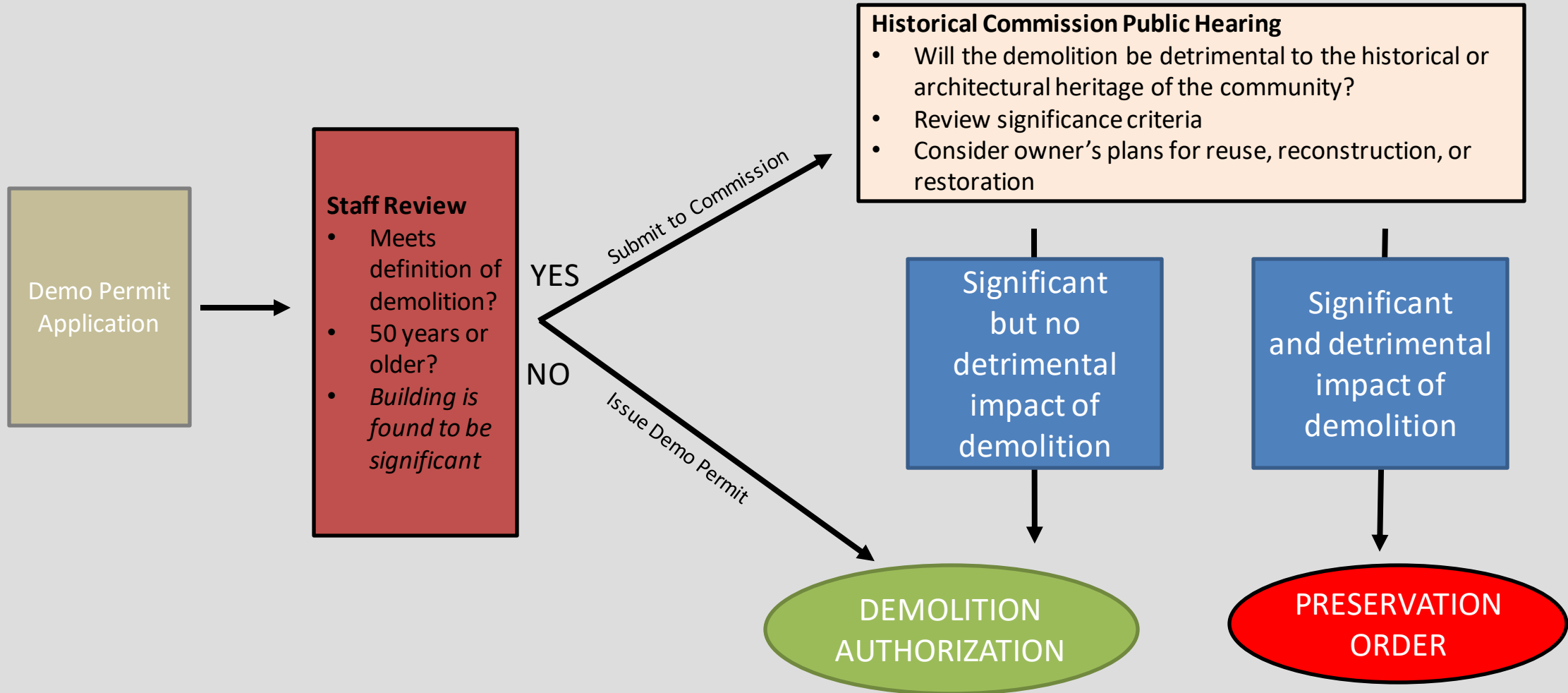
# DEMOLITION DELAY BYLAW PROPOSAL

## Separates Historical Commission Review from Building Department

- Separates the start day for Historical Commission and Building Department “clocks” by which applications must be acted on
- This proposal creates a new type of certificate issued by the Historical Commission which is required for the Building Commissioner to issue a Demolition Permit
  - Historical Commission can grant a *Demolition Authorization* which applicants then present to the Building Commissioner in their Demolition Permit application
  - Historical Commission can issue a *Preservation Order* which delays the issuance of a Demolition Permit for 12 months while Commission works with applicant on preservation, relocation, restoration, etc.
- The issuance of these certificates can be appealed by the applicant or abutter for third-party review (such as PVPC) or to Superior Court. This is the same language as the Local Historic District appeals process.



# OVERVIEW OF DEMOLITION DELAY BYLAW IN AMHERST



# Thank You

## We Welcome Your Questions and Feedback



Source: Jones Library Special Collections, c.1900



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