

City of Somerville
Planning Division

**Demolition Review Ordinance
UPDATE
Public Hearing**

July 9, 2018

**This presentation and other documents will be available at:
www.somervillema.gov/dro**

Why we are here

- We want to hear your questions, opinions, and concerns about the proposed Demolition Review Ordinance
- We want to update our ordinance in a way that reflects our City's values, priorities and the goals and policies of the SomerVision Comprehensive Plan



What is a demolition review ordinance?

- The ordinance puts a 'pause' on demolition of a building.
- IF the building is determined to be a SIGNIFICANT and PREFERABLY PRESERVED building, then the applicant will be asked to work with the Historic Commission on demolition alternatives.
- Demolition review is NOT an outright prohibition of demolition
- Many buildings are demolished after consultation with the HPC



Where did this idea come from?

- Demolition Ordinances often follow recommendations from the Massachusetts Historical Commission
- Over 145 other cities and towns have developed demolition ordinances
- Review periods typically range from 6-18 months (with one at 24 months)
- Somerville has a demolition ordinance in place – it was adopted 15 years ago



Mayor Joseph A. Curtatone
City of Somerville

Office of Strategic Planning
& Community Development

What are the current regulations?

Demolition is reviewed by the Historic Preservation Commission:

- Buildings over 50 years old require review
- All buildings that are NOT in a historic district are subject to review, except buildings in Assembly Square and Innerbelt
- Two step process:
 - significant (no public hearing)
 - preferably preserved (public hearing)
- A preferably preserved building can be delayed up to 9 months
- During this time, applicant works with HPC on alternatives and/or documenting of the building
- Small outbuildings are reviewed by staff – an informal process



What isn't working?

- Projects determined significant / NOT significant:
 - Some applicants know they will get this designation and would like it skipped
 - Because there is only a butter notification for the “preferably preserved” step, some neighbors don't get to provide input before a decision is made
- Limited ability for the Commission to delegate review of small projects
- Lack of clarity in language surrounding the determination process and related findings
- Poor organization of the ordinance, as it mixes procedural text and definitions
- Lack of connection to SomerVision
- Lack of guidance on how to left or not impose the review period when a mutual agreement between the applicant and the HPC determines the conditions under which demolition can proceed
- Length of the review period is not long enough o deeply explore alternatives for the most valuable buildings at risk of demolition



Process to date

- Draft ordinance released March 2017
- Public information meetings on March 30, April 6 and May 25 of 2017
- Prior to each meeting:
 - Legal notices in the Somerville Times as well as meeting notices in social media and the City's on-line calendar
 - Emails sent to anybody on the Planning Division's preservation and zoning email interest lists
- Ordinance submitted in late 2017 – Committee meetings in early 2018



How does the new ordinance work?

The submitted draft makes the following changes:

1. It establishes a more straightforward operating system
2. It updates metrics and thresholds
3. It's calibrated to SomerVision
4. It provides clear guidance to the HPC



How does the new ordinance work?

- It establishes a more straightforward operating system
 - The entire ordinance is rewritten with an organizational process that is easier to understand
 - Definitions have been updated and clarified
 - Timelines for key decisions are updated to ensure timely filing of decisions



How does the new ordinance work?

- It updates metrics and thresholds
 - The term 'demolition' includes more detail
 - The ordinance is triggered when a project is submitted for building permit or zoning review
 - The demolition moratorium period is extended to 12-24 months
 - The building age that triggers review is changed from 50 to 75 years
 - Abutter notification area is increased to 300 feet
 - If an individual violates the ordinance, the delay before they can build a new structure is extended from 2 years to 3 years



How does the new ordinance work?

- It's calibrated to SomerVision
 - The 'exempt areas' are expanded to include Brickbottom, Boynton Yards and the D-blocks in Union Square as well as Assembly Square and Innerbelt



How does the new ordinance work?

- It provides clear guidance to the HPC
 - Provisions are added to establish how the HPC determines a building preferably preserved
 - The ordinance permits the HPC to place some conditions on a decision that a building not be preferably preserved
 - Commission can seek additional info to address structural concerns and financial hardships
 - The ordinance permits the HPC to delegate a determination of “not preferably preserved” to staff



What this ordinance DOES NOT do

- It does not require every project to wait through the entire demo period
- It does not impact projects that change siding or roofs
- It does not impact interior renovations
- It does not create a new historic district



Items to still discuss . . .

- We've had this ordinance for 15 years
 - We should continue to have a demolition review ordinance
 - It should be clear, well written and reflect the way the HPC operates

- Some policy questions remain:
 1. Should city-owned buildings be exempt?
 2. What should the delay period be? Should it be the same for residential and commercial buildings?
 3. Are the fines / violation penalties right?
 4. Are there issues to address about the definitions of "partial" and "serial" demolition?
 5. Can we do an 'expedited review' when a demolition is going to occur for the purpose of building new affordable housing?
 6. Do we have the right 'exempt' areas?
 7. Does the ordinance have timeframes to keep the HPC process moving?



Items to still discuss . . .

- Should city-owned buildings be exempt?
 - Staff recommends doing so, but adding a non-binding review process before the HPC



Items to still discuss . . .

- What should the delay period be? Should it be the same for residential and commercial buildings?
 - Staff recommends maintaining the proposed delay period, but acknowledges that there are many other options available to the Board, from maintaining the current 9 month timeframe up to establishing the 24 month time for all non-exempt properties



Items to still discuss . . .

- Are the fines / violation penalties right?
 - The \$300 fine is capped by state law
 - The timeframe for which no development may occur can be extended to 4 years.



Items to still discuss . . .

- Are there issues to address about the definitions of “partial” and “serial” demolition?
 - We believe there are issues to address here.



Mayor Joseph A. Curtatone
City of Somerville

Office of Strategic Planning
& Community Development

Items to still discuss . . .

- Are there issues to address about the definitions of “partial” and “serial” demolition?
 - We believe there are issues to address here.
 - Staff proposes:
 - To create a class of minor projects that are not subject to review
 - To remove the reference to “volume” and adjust definitions
 - To clarify that interior demo is exempt unless it is intentionally trying to compromise the building
 - To clarify that a change in exterior material is not demolition
 - To define “demolition by neglect”



Items to still discuss . . .

- Can we do an 'expedited review' when a demolition is going to occur for the purpose of building new affordable housing?
 - See email from legal



Items to still discuss . . .

- Do we have the right 'exempt' areas?
 - Staff believes we have the correct areas exempt



Items to still discuss . . .

- Does the ordinance have timeframes to keep the HPC process moving?
- Staff recommends adding lines to Section 5.4 and 6.3 indicating that the HPC has 35 days to act from when a hearing is open



A note about peer review. . .

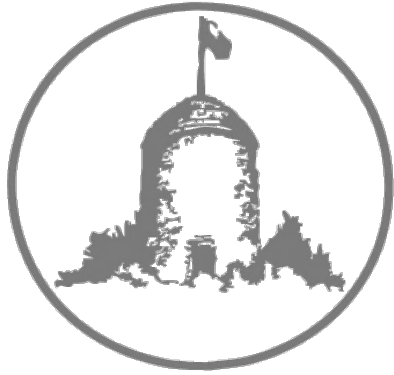
- Peer review under MGL 44, 53G is not permitted
- At the February 1, 2018 meeting, the BOA agreed to adjust Section 6.4 to remove the reference to MGL 44, 53G. Peer reviews, if necessary, will be paid by city funds.



Why we are here

- We want to hear your questions, opinions, and concerns about the proposed Demolition Review Ordinance
- We want to update our ordinance in a way that reflects our City's values, priorities and the goals and policies of the SomerVision Comprehensive Plan





City of Somerville Planning Division

Thank you for attending!

**This presentation and other documents will be available at:
www.somervillema.gov/dro**