



Watertown City Council  
Administration Building  
149 Main Street  
Watertown, MA 02472  
Phone: 617-972-6470

ELECTED OFFICIALS:

Mark S. Sideris,  
Council President

Vincent J. Piccirilli, Jr.,  
Vice President &  
District C Councilor

John M. Airasian  
Councilor At Large

Caroline Bays  
Councilor At Large

John G. Gannon,  
Councilor At Large

Anthony Palomba,  
Councilor At Large

Nicole Gardner,  
District A Councilor

Lisa J. Feltner,  
District B Councilor

Emily Izzo,  
District D Councilor

**ORDINANCE #** [redacted]

**2023 – O –** [redacted]

**WHEREAS:** The City of Watertown adopted a demolition delay ordinance on October 28, 1997 (Ordinance 97), and amended it on September 12, 2006 (Ordinance 57) for the purpose of preserving and protecting significant buildings outside designated local Historic Districts and to encourage owners of the buildings to seek out persons who might be willing to purchase, preserve, rehabilitate or restore the buildings rather than demolish them; and

**WHEREAS:** The purpose of preserving and protecting significant buildings is best served by replacing the existing demolition delay ordinance in its entirety; and

**WHEREAS:** On May 23, 2023, the City Council had a first reading on amendment of Title XV, Chapter 153 of the Watertown Code of Ordinances and

**WHEREAS:** On August 8, 2023 the City Council conducted a duly advertised Public Hearing with respect to the proposed Amendment.

**NOW THEREFORE BE IT ORDAINED** by the City Council of Watertown that Title XV, Chapter 153 of the Watertown Code of Ordinances, Demolition of Historic Buildings, is hereby amended, by deleting the existing chapter in its entirety and replacing it with the language below, as follows:

## Chapter 153 Demolition of Historic Buildings

### § 153.01 PURPOSE

This chapter is enacted for the purpose of preserving and protecting significant buildings within the City of Watertown (“City”) which are outside designated local Historic Districts and to encourage owners of the buildings to seek out persons who might be willing to purchase, preserve, rehabilitate, or restore the buildings rather than demolish them. To achieve these purposes, the Watertown Historical Commission (the "Commission") is empowered to make certain determinations related to the issuance of permits for demolition or substantial demolition of significant buildings. The issuance of said permits for significant buildings is regulated as provided in this chapter.

### § 153.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**APPLICANT-** For the purposes of this chapter: any person or entity who files a permit application with the Building Commissioner (as defined herein).

**BUILDING-**Any combination of materials forming a shelter for persons, animals, or property.

**BUILDING COMMISSIONER** - The person occupying the office of Building Commissioner or a designee.

**COMMISSION** – The Watertown Historical Commission or its designee.

**DEMOLITION-**Any act of pulling down, destroying, removing, dismantling or razing a building, or commencing the work of total or substantial destruction with the intent of completing the same.

**PERMIT APPLICATION-**An application for the demolition of a building or for renovations or alterations that constitute a substantial demolition as defined herein. For purposes of this ordinance, a permit application seeking solely to demolish the interior of a building is not a permit application.

**PERMIT** - The Building and/or Demolition permit issued by the Building Commissioner or a designee approving a permit application as defined herein.

**PREFERABLY PRESERVED** - Any significant building which the Commission determines, following a public hearing, is better preserved than demolished. A preferably preserved building is subject to imposition of a demolition delay period as set forth in this chapter. Factors the Commission may consider in making this determination include the following:

- The extent to which demolition of the significant building would be detrimental to the historical or architectural heritage or resources of the City; and/or
- The feasibility of preserving all or part of the building.

**SIGNIFICANT BUILDING** – Any building or portion thereof not within an Historic District

which is fifty years or more old and which has been determined by the Commission to be significant based on any of the following criteria:

- The building is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the City or the Commonwealth; or
- The building is historically or architecturally important (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

**SUBSTANTIAL DEMOLITION-** Proposed renovation, alteration or other work on a building that is tantamount to demolition because it involves the pulling down, destruction or removal of a substantial portion of the exterior of a building or structure or the removal of architectural elements which define or contribute to the historic character of the building(s).

**ZONING ENFORCEMENT OFFICER-**The person occupying the office of Zoning Enforcement Officer or otherwise authorized to make administrative determinations of zoning compliance.

### **§ 153.03 PERMIT APPLICATION**

(A) Applicability. No Building or Demolition permit for a building which is in whole or in part fifty (50) years or more years old shall be issued without following the provisions of this chapter. If a building is of unknown age, it shall be assumed that the building is over fifty (50) years old for the purposes of this chapter.

(B) Demolition Application. When the Building Commissioner receives an application proposing to demolish a building subject to this chapter the Commissioner shall within five business days of receipt forward a copy of the application to the Chair of the Commission to conduct a preliminary review as set forth in §153.04.

(C) Renovation/Alteration (Building Permit) Application. If an application for a permit to renovate or alter a building subject to this chapter includes exterior demolition as part of its application, the Building Commissioner shall forward said application to the Zoning Enforcement Officer within two business days of receiving the application for a determination as to whether the proposed work constitutes substantial demolition.

(1) If the Zoning Enforcement Officer determines, pursuant to the Department of Community Development and Planning's ("Department") demolition delay regulations, that such an application constitutes substantial demolition, the Zoning Enforcement Officer shall within five business days of receiving the application notify the Building Commissioner of the determination and forward a copy of the application to the Chair of the Commission to conduct a preliminary review as set forth in §153.04.

(2) If the Zoning Enforcement Officer determines, pursuant to the Department's demolition delay regulations, that the application does not constitute a substantial demolition, the Zoning Enforcement Officer shall within five business days of receiving the application notify the Building Commissioner in writing of the determination. Upon being notified of such determination the Building Commissioner may issue the building permit if all other requirements pertaining to the requested permit are met.

### **§ 153.04 PRELIMINARY REVIEW BY HISTORICAL COMMISSION**

(A) Within fifteen days after receipt of a copy of a permit application, the Chair (or Acting Chair, if applicable) and a second Commission member designated by the Chair shall either

(1) Make a written determination that the building is not significant and so advise the Historical Commission and the Building Commissioner in writing, after which the Building Commissioner may issue the demolition or building permit for the renovation/alteration if all other requirements pertaining to the requested permit are met; or

(2) Forward the application to the Commission for a hearing outlined in §153.05 and notify the Building Commissioner in writing of such action.

## **§ 153.05 COMMISSION HEARINGS**

(A) The Commission shall hold a public hearing at its next regularly scheduled meeting on all applications reviewed for historic significance which did not receive a written determination that the building or buildings were not significant. Public notice of the time, place and purpose of the hearing shall be disseminated as follows:

(1) written notice posted at the Administration Building and on an internet website operated by the City of Watertown at least 14 days before the hearing; and

(2) written notice mailed to the applicant, to the owners (as they appear on the most recent local tax list) of all property abutting the subject property and all abutters to the abutters within three hundred feet of the property line, and to the other persons as the Commission shall deem entitled to notice, at least 7 days before the hearing.

(3) In addition to the above requirements, the Commission may also require that applicants post a written notice at the Watertown Free Public Library and/or on an internet website offering local news and public notices online at least 14 days before the hearing.

(B) The Commission may request that an applicant for a permit for demolition or renovation/alteration that is the subject of a public hearing under sub-section (A) provide additional information about the building(s), including the reason for proposing exterior demolition, the building's condition, and a description of the proposed reuse, reconstruction or replacement of the exterior elements that would be demolished.

C) The Commission shall decide at the public hearing whether the building is significant, whether it should be preferably preserved, and whether a demolition delay period will be imposed. The determination of the Commission may be postponed if agreed in writing by the applicant.

(1) If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Commissioner and applicant in writing. No demolition permit may then be issued during the time period set by the Commission, starting from the date of the determination, and lasting no more than twenty-four months. In setting the duration of the demolition delay, the Commission may consider the criteria used in determining that a building is preferably preserved and may also consider whether the owner has already made bona fide and reasonable efforts to preserve all or part of the building.

(2) The Commission shall notify the Building Commissioner and applicant in writing if the Commission determines that the building is not preferably preserved. The Building

Commissioner may then issue the demolition permit if all other requirements pertaining to the requested permit are met.

(D) No permit for demolition of a building determined to be a preferably preserved building shall be granted until all plans for future use and development of the site have been filed with the Building Commissioner and have been found to comply with all laws pertaining to the issuance of a building permit. All approvals necessary for the issuance of such building permit or certificate of occupancy, including without limitation any necessary zoning variances or special permits, must be granted, and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this chapter.

(E) The Building Commissioner may issue a demolition permit for a preferably-preserved significant building, if all other requirements pertaining to the requested permit are met, once the delay period set by the Commission has expired or at any time after receipt of written communication from the Commission to the effect that either:

(1) The Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore the building;  
or

(2) The Commission is satisfied that for at least 6 months the owner has made continuing bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the subject building, and that the efforts have been unsuccessful.

#### **§ 153.06 ADMINISTRATION**

The Commission may adopt such rules, regulations and guidance as are necessary to administer the terms of this chapter. The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this chapter. The Commission may proactively develop a list of significant buildings that will be subject to this chapter. Buildings proposed for the significant building list shall be added following a public hearing.

#### **§ 153.07 ENFORCEMENT**

(A) The Commission and/or the Building Commissioner are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this chapter or to prevent a threatened violation thereof.

(B) No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished in violation of this chapter for a period of three (3) years after the date of the completion of the demolition unless the building permit is for the faithful recreation of the demolished building. As used herein, PREMISES includes the parcel of land upon which the demolished significant building was located or any adjoining parcels of land under common ownership.

(C) Upon a determination by the Commission that a building is a preferably preserved significant building, the owner shall be responsible for properly securing the building to the satisfaction of the Building Commissioner. Should the owner fail to secure the building, the loss of the building through fire or other cause shall be considered voluntary demolition for the purposes of sub-

section (B) of this section.

**§ 153.08 EMERGENCY DEMOLITION**

Nothing in this chapter shall be construed to derogate the authority of the Inspector of Buildings (which term includes Building Commissioner) derived from Mass. Gen. Laws Ch. 143. However, before acting pursuant to that chapter, the Building Commissioner shall make every reasonable effort to inform the Chair of the Historical Commission of the Building Commissioner’s intention to cause demolition.

**§ 153.99 PENALTY**

Anyone who demolishes or substantially demolishes a significant building without first obtaining and complying fully with the provisions of a demolition or building permit in accordance with this chapter will be subject to a fine of \$300 for each day that the violation continues, in addition to any fine that may be imposed for failure to comply with the State Building Code.

\_\_\_\_\_  
Council Member

I hereby certify that at a regular meeting of the City Council for which a quorum was present, the above Ordinance was adopted by a vote of \_\_\_ for, \_\_\_ against, and \_\_\_ present on August 8, 2023.

\_\_\_\_\_  
Brendan McCarthy, Council Clerk

\_\_\_\_\_  
Mark S. Sideris, Council President

## Attachment 2. Proposed Demolition Delay Regulations:



City of Watertown  
149 Main Street  
Watertown, MA 02472

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### DEMOLITION DELAY REGULATIONS

These regulations are developed pursuant to the Watertown Demolition Delay Ordinance, Chapter 153, , to enable the Historical Commission to carry out the City’s goal of preserving and protecting significant buildings within the City which are outside designated local Historic Districts and to encourage owners of such buildings to seek out persons who might be willing to purchase, preserve, rehabilitate or restore the buildings rather than demolish them. Further, the regulations are intended to provide clear guidance and requirements for applicants seeking to demolish buildings or undertake renovation or alterations that constitute substantial demolition of significant buildings. The regulations shall take effect on the date that the 2023 Demolition Delay Ordinance goes into effect.

#### I. Definitions

The definitions contained in Chapter 153.02 of the City Code are incorporated by reference.

#### II. Determinations by the Department of Community Development and Planning to Assist the Historical Commission

- A. Fifty Years Old or More-In order to appropriately route applications to the Historical Commission or the Zoning Enforcement Officer, the Department of Community Development and Planning (the Department) shall use the best public record then available to make a preliminary determination of building age. Examples of such public records are the City’s Assessor Database or Building Card files. This preliminary determination shall not affect the Historical Commission’s authority to use historical research from private or public sources to further determine a building’s age.
- B. Substantial Demolition-In order to appropriately route applications to the Historical Commission, the Zoning Enforcement Officer will determine whether the proposed scope of work constitutes substantial demolition as defined in the ordinance. In making that determination, the Zoning Enforcement Officer will deem any of the following as substantial demolition:
  - 1. Removal of 50% or more of a roof (for example, raising the overall height of a roof, rebuilding the roof to a different pitch, or adding another story to a building).
  - 2. Removal of any part of a roof if the ridge line is changed.
  - 3. Removal of any exterior wall.

### III. Procedural Requirements

- A. A copy of these regulations, and any additional written guidance on the operation of the Demolition Delay Ordinance, shall be available to all applicants for demolition permits or renovation/alteration permits, in a manner to be determined by the Department.
- B. All applications to demolish a building that is fifty years old or more will be forwarded to the Chair of the Historical Commission for preliminary review. If the building is determined not to be a historically significant building, the Department will proceed with its usual review of the application, such as review for compliance with the State Building Code and any of the City's General or Zoning Ordinances. The demolition application shall attach the following:
  - 1. Dimensioned site plan of the existing building(s) and of the proposed replacement project, signed by the current record owner of the property (and if the current record owner is not the applicant, then the applicant must also sign). The site plan should indicate the relationship between the existing building(s) and the surrounding structures and properties.
  - 2. Schematic elevation drawings of the proposed replacement project signed by the current record owner of the property (and if the current record owner is not the applicant, then the applicant must also sign). Dimensions and construction materials should be indicated. Elevations that demonstrate the grade, scale, and height in relation to neighboring structures are preferred.
  - 3. Exterior photographs of the existing building and immediately abutting properties as seen from a public way.
- C. All applicants for renovation/alteration building permits shall provide sufficient information in the application to allow municipal staff to determine the scope of the proposed work. If any application for renovation/alteration permit is determined to involve a scope of proposed work that constitutes substantial demolition, as defined in Section I of these regulations, and the building, or any part, is fifty years or more old, the application will be forwarded to the Chair of the Historical Commission for preliminary review pursuant to Section 153.03 of the City Code. If the building is determined not to be of historical significance, the Department will proceed with its usual review of the application. Otherwise, pursuant to Section 153.04 of the City Code, the application will be referred to the full Historical Commission for a public hearing and further consideration under the Demolition Delay Ordinance.



- D. Any applicant whose renovation/alteration application is referred to the full Historical Commission shall supplement the initial application by providing the following information to the Commission at least five business days before the scheduled hearing:
1. A description of the building elements to be demolished or removed.
  2. The reason for requesting a building permit, including information on the building's condition if this is a reason for removing parts of the building.
  3. A brief description of the proposed reuse, reconstruction, or replacement of those elements of the building to be removed.
  4. Exterior photographs of the existing building showing those elements of the building to be removed.



# CITY OF WATERTOWN

Department of  
Community Development and  
Planning

Administration Building  
149 Main Street  
Watertown, MA 02472  
Phone: 617 972 6417  
Fax: 617 972 6484  
[www.watertown-ma.gov](http://www.watertown-ma.gov)

To: City Council President Mark Sideris and City Council members  
From: Steve Magoon, Director of Community Development and Planning/Assistant  
City Manager; Gideon Schreiber, Assistant Director; Larry Field, Senior Planner  
CC: George Proakis, City Manager; Elise Loukas, Chair, Historical Commission  
Brendan McCarthy, City Council Clerk  
Date: August 1, 2023  
Re: **Additional changes in proposed demolition delay ordinance**

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As you know there was a first reading of the proposed demolition delay ordinance on May 23 and the public hearing for this proposal is scheduled for August 8, 2023. Since the first reading, a member of the Economic Development & Planning Committee requested further legal review on the public notice and fee-setting provisions. As a result of that review, the Department of Community Development & Planning suggests minor revisions to the notice provision and adds an explanation on the fee-setting provision.

Unlike the planning and zoning boards, state law does not specify that cases before a historical commission be noticed in a particular way. The city's current demolition delay ordinance requires notice in a "local newspaper" as well a mailing to "affected" parties. However, with the *Watertown Tab* no longer publishing in print, applicants are forced to pay significant sums to advertise in the *Boston Globe*. Also, the current ordinance does not define "affected" parties. The proposed ordinance seeks to address these issues.

The minor revisions (full notice provision pasted below) continue to require certain forms of public notice that have long been provided by the city (at the clerk's office, on our website and via mailed notices). However, as to public notices that depend on other parties (the library and private websites), this version provides flexibility by allowing the Commission to require such additional notices. The various forms of notice have been reorganized to reflect this change.

## **§ 153.05 COMMISSION HEARINGS**

(A) The Commission shall hold a public hearing at its next regularly scheduled meeting on all applications reviewed for historic significance which did not receive a written determination that the building or buildings were not significant. Public notice of the time, place and purpose of the hearing shall be disseminated as follows:

- (1) written notice posted at the Administration Building and on an internet website operated by the City of Watertown at least 14 days before the hearing; and
- (2) written notice mailed to the applicant, to the owners (as they appear on the most recent local tax list) of all property abutting the subject property and all abutters to the abutters within three hundred feet of the property

line, and to the other persons as the Commission shall deem entitled to notice, at least 7 days before the hearing.

- (3) In addition to the above requirements, the Commission may also require that applicants post a written notice at the Watertown Free Public Library and/or on an internet website offering local news and public notices online at least 14 days before the hearing.

The fee-setting provision appears in § 153.06 (Administration) and reads: “The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this chapter.” As you know, in order for a board or commission to set fees, the city must first accept M.G.L. Ch. 40, Sec. 22F. We understand that the City Council is interested in considering adoption so that it has the flexibility to allow other boards and commission to set fees. Since the Historical Commission is not planning on setting fees at this time—and is content to wait for the City Council to decide whether to adopt Ch. 40, Sec. 22F—staff believes it is appropriate for the Council to act on the ordinance as proposed.



# Boston Globe Media

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149 Main Street  
Watertown, MA 02472

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Publication	<b>Boston Globe</b>	Number of dates	<b>2</b>
First Run Date	<b>07/24/2023</b>	Last Run Date	<b>07/31/2023</b>
Payment Type			

### AD PREVIEW:

City of Watertown  
City Council  
Administration Building  
149 Main Street  
Watertown, Massachusetts 02472  
LEGAL NOTICE

Watertown City Council Public Hearing: Tuesday, August 8, 2023, with meeting starting at 7:00 pm, Council Chamber, Administration Building, 149 Main St, Watertown, MA, with remote access link on the Agenda posted 48 hours prior to the meeting.

To consider a Demolition Delay Ordinance to replace the existing Ordinance (Chapter 153 adopted in 1997 and amended in 2006) in its entirety and endorse new regulations, with significant changes including 1) a process to allow the Historical Commission to determine a building is not historically significant without a public hearing, 2) specific criteria for when demolition of less than the entire building must be reviewed by the Commission and 3) allowing a demolition delay of up to two years.