



Watertown City Council

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

ORDINANCE # 54

2023 - 0 - 54

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.

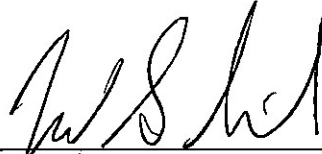


Council Member

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 6 for, 3 against, and 0 present on August 8, 2023.



Brendan T. McCarthy, Council Clerk



Mark S. Sideris, Council President

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