



City of Beverly, Massachusetts

Historic District Commission

FAQ: “Demolition Delay”

The City’s “Demolition Delay” Ordinance is Chapter 168, Article II in the City’s Ordinances

Q: What is the Demolition Delay Ordinance?

A: Chapter 168, Article II, *Demolition of Historic Buildings*, of the City of Beverly Ordinances was adopted in 1991, amended in 2003 and 2004, for the purpose to protect and preserve buildings and structures within the City, which reflect or constitute distinctive features of the architectural, cultural, economic, political or social history of the City. The Ordinance was adopted to also encourage the preservation and restoration rather than demolition of such buildings and structures; and, by furthering this purpose, to promote the public welfare and to make the City a more attractive and desirable place in which to live and work.

The Beverly Historic District Commission administers the Ordinance.

Q: Which properties are subject to demolition review by the Historic District Commission?

A: The provisions of the Ordinance shall apply only to any building or structure, which in whole or in part, was built fifty (50) or more years prior to the date of the application for the demolition permit.

Q: What constitutes “demolition”?

A: “Demolition” as defined by the Ordinance means “the intentional act of pulling down, destroying, removing, dismantling or razing a building or structure or commencing work of total or substantial destruction with the intent of completing the same.

Q: I have no current plans to demolish my house now, but I would like to know if it is Historically Significant. Can I request the Historic District Commission to investigate that possibility?

A: The Planning Department is able to inform you if your property is located on the state or National Registers of Historic Places; this department will also be able to determine if your property has been inventoried, which is often the first step in determining whether or not a property is historically significant.

The Historic District Commission will not make an official determination regarding a property's historical significance if the owner has not initiated the demolition process by filling out a permit application form.

Q: **How does review of the demolition of a property begin?**

A: Review will not begin until a property owner applies for a demolition permit from Municipal Inspections.

Q: **What is the timeline once the paperwork is filled out?**

A: Municipal Inspections will send the demolition permit application with accompanying paperwork for the Historic District Commission to the Planning Department. Once received in the Planning Department, staff contacts members of the Historic District Commission, which has ten (10) business days in which to make a determination of whether or not the building or structure may be historically significant.

If the Commission determines that the building may be significant, then they will schedule a public hearing within twenty (20) business days of this initial determination of potential historical significance.

Q: **Is the delay automatic for all properties that are 50 years old or older?**

A: No. Each property is reviewed individually to determine whether or not it is historically significant. Some properties are not significant according to the criteria listed in the Ordinance; there is no delay of demolition placed on such properties.

Q: **How does the Commission determine if a building is historically significant?**

A: The Commission will deem a building historically significant if it is at least fifty (50) years old **and** is:

- i. A building or structure listed or eligible for listing on the National Register of Historic Places, or on the State Register of Historic Places; or
- ii. A building or structure importantly associated with one (1) or more historical persons or events, or with the broad architectural, cultural, economic, political or social history of the city, or
- iii. A building or structure which is historically or architecturally significant in terms of period style, method of building construction or association with a significant architect or builder either by itself or as part of a group of buildings; or
- iv. A building or structure located within one hundred fifty (150) feet of a Federal, state or local historic district boundary.

Q: **Can the demo delay ordinance prevent demolition altogether?**

A: No. The Ordinance can only delay demolition plans for a period of up to twelve (12) months.

Q. **I applied for a demolition permit for a house that was old enough to be covered by the demolition delay law. At a subsequent hearing, the Historic District Commission voted to apply the one-year demolition delay. Is there any way I can get this order lifted and start construction?**

A: A one-year delay of demolition may be lifted if the Commission informs the Director of Municipal Inspections in writing prior to the expiration of the twelve-month period that:

1. The Commission is satisfied that the applicant has made a bonafide, reasonable, and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, rehabilitate or restore the building or structure; or
2. The applicant has agreed to accept a demolition permit according to certain conditions approved by the Commission.

Q. **What happens if a building is demolished without a permit?**

A: Any owner of a building determined by the Commission to be a preferably preserved historic building or structure who caused the building to be demolished without first obtaining a demolition permit in accordance with the provisions of the Ordinance shall be subject to a fine of not more than three hundred dollars (\$300.00). Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished building is complete or unless otherwise agreed to by the Commission.

No building permit shall be issued for any property upon which a building or structure was demolished without a permit, in violation of the Ordinance, for a period of two (2) years after the date of the completion of such demolition, as determined by the Director of Municipal Inspections.