



HISTORIC  
SALEM INC

► Preservation at work

4/20/2021

Larry Spang, Chair  
Salem Historical Commission  
90 Washington Street  
Salem, MA 01970

Dear Mr. Spang,

Salem's Demolition Delay Ordinance has been an important tool for preservation since it was adopted in 1986. Yet, as you know, recent projects that have dramatically altered historic structures have demonstrated several weaknesses in the Ordinance. After 35 years of service this Ordinance needs to be updated in order to improve its effectiveness and meet best practices found throughout the state.

For over 18 months we have been discussing the needs of our historic city with the Planning Department staff. We developed a set of recommendations (attached) which align closely with the draft Ordinance submitted to the Historic Commission for review and we encourage the Commission to support this Ordinance's submission to the City Council. We thank Patti Kelleher for her work in researching and preparing this Ordinance.

The two most urgent changes we have advocated for are that the length of the demolition delay period be extended, and that the definition of demolition be expanded to include removal of 50% or more of the building. We are pleased that with this draft these two recommendations are met. The comments that follow ask the Commission to recommend a few changes and additions to the draft Ordinance and we also suggest some text edits that we feel would help the Ordinance without changing the intention of the draft.

#### **Length of Demolition Delay period**

A twelve-month demolition delay wait time provides a base-level protection for buildings over 50 years. We request that the Commission and City Council consider an additional tier of protection by increasing this demolition delay period to 18 months for buildings 100 years and older.

#### **Definition of Demolition**

We strongly support defining demolition as removal of 50% of the building. We note that there is no process outlined for determining how this 50% will be determined and anticipate that this missing information will create a consistent enforcement problem. We recommend that this be clarified and in particular that exterior walls, roofs and other elements be protected.

### **Suggested edits**

Throughout the document any defined term should be capitalized. This will add clarity and emphasize the presence of official definitions.

In the definition of “Significant Building”, we would consider a building with a Form B inventory form as eligible for the status of “Significant.”

Sec. 12-78 Procedure and Administration: Under *Administration* we ask that the word “determinations” be changed to “investigations,” that this be only on a “case-by-case” basis, that it include two people, one of whom is a Commission member, and the “municipal employee” be the “Historic Commission staff-person.”

Sec. 12-80. Public Hearing: In the 2<sup>nd</sup> paragraph strike “historical” from “...whether the building is historically significant...” This is an example of where a capitalized defined word should be included instead.

Sec. 12-80. Public Hearing: In the 6<sup>th</sup> and 7<sup>th</sup> it should be made clear that the demolition delay wait period and the 21 day wait period for Commission inaction begins at the close of the public hearing. We recommend that this change also be made to the first paragraph in Sec. 12-81. Expiration Times for Demolition Authorized by Commission.

Sec. 12-81. Expiration Times for Demolition Authorized by Commission: at the end of the 4<sup>th</sup> line, it should be Building Commissioner, not Building Commission.

Sec. 12-83. Enforcement and Remedies: When this Ordinance is adopted, we strongly encourage the SHC to enforce the \$300 a day penalty, perhaps with that money earmarked towards additional building surveys or structural engineering peer reviews.

Once again, we look forward to this Ordinance being submitted to the City Council with your support and thank you for considering our comments.

Respectfully,



Caroline Watson-Felt  
President