

Proposed Updates to Salem’s Demolition Delay Ordinance



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Salem’s Demolition Delay Ordinance has been an important tool for preservation since it was adopted in 1973. Now, nearly 50 years later, this ordinance needs to be updated in order to improve its effectiveness and meet best practices found throughout the state. Further, recent projects in historic neighborhoods that have dramatically altered historic homes have demonstrated several weaknesses in the Ordinance. Historic Salem has reviewed Demolition Delay Ordinances in other communities in the Commonwealth and consulted with the City of Salem Planning Department to develop a set of recommendations for consideration.

The recommendations fall into two categories: **(1) changes that would increase the effectiveness of the ordinance** to protect historic buildings, and **(2) changes that would clarify procedures** for both applicants and the Salem Historic Commission (SHC).

To advance this effort, Historic Salem is having on-going conversations throughout the city, including with City Councilors and neighborhood groups, and we welcome public input. Email questions or comments to: preservation@historicsalem.org.

Changes to Improve Effectiveness

CURRENT	PROPOSED
Language is weighted towards demolition (i.e., how to get permission to demolish a building).	<p>Include language that supports preservation of buildings and structures that are “preferably preserved.” Sample phrases could include:</p> <p>“Establish a uniform process for preserving and protecting buildings and structures in the City of Salem (City) that constitute or reflect distinctive features of the architectural, cultural, political, or social history of the City; encouraging owners of these buildings to actively seek out alternatives that preserve, rehabilitate, relocate or restore these buildings rather than demolish them; and to providing a reasonable time period for public discussion before a historical building is lost.”</p>
Calls for SHC to review and grant, or not, a waiver of the need to delay demolition – with little guidance as to which buildings should be preserved and which need not be and the conditions under which a waiver may be granted.	Process to include determination as to whether the property is “preferably preserved” as well as what activities can take place during delay to achieve a waiver, including review of design changes.
Protects buildings 50 years or older.	Protects buildings 50 years or older.
Length of demolition delay period: 180 days (six months).	<p>Proposed: 12 – 18 month period to allow for discussion between the applicant, the SHC, and preservation advocates and examination of alternatives to demolition.</p> <p>A possible option to consider is 12 months for any building older than 50 years old and 18 months for any building older than 100 years old.</p>
Triggered only when building permit application calls for 100% demolition.	Triggered when 50% of building or structure is proposed for demolition.

Changes to Clarify Process

CURRENT	PROPOSED
Demolition Delay Ordinance is difficult to find in Salem City Code of Ordinances. Salem Code 2-1572 is found under article IX. Public Property.	Create a stand-alone best practices Demolition Delay Ordinance.
Applications only need to be submitted to SHC 7 days before meeting with no notice to Abutters.	Applications submitted to SHC 14 days before meeting with notice mailed to Abutters (conforms to requirements for other SHC reviews).
No definitions.	Updated ordinance should include a Definitions section that includes descriptions of “demolition,” “structures,” and “preferably preserved” among others.
No enforcement ability (aside from denying building permit).	Include fines, similar to zoning fines, for non-compliance.

Sample List of Demo Delay Lengths in MA Towns

Acton	18 months	Freetown	12 months	Newburyport	12 months
Amesbury	18 months	Greenfield	12 months	Newton	18 months
Andover	12 months	Hanover	12 months	North Adams	12 months
Arlington	12 months	Harwich	12 months	North Andover	12 months
Ashland	9 months	Hatfield	12 months	Northampton	12 months
Bedford	12 months	Ipswich	12 months	Rowling	9 months
Beverly	12 months	Lawrence	9 months	Sharon	12 months
Boxborough	12 months	Leverett	18 months	Somerville	9 months
Brookline	12/18 months	Lexington	12 months	Swampscott	9 months
Chatham	18 months	Longmeadow	9 months	Upton	12 months
Chelmsford	12 months	Medfield	18 months	Watertown	12 months
Dudley	12 months	Medway	9 months	Winchester	12 months
Eastham	12 months	Methuen	6 months	Woburn	12 months
Easton	12 months	Middleborough	18 months	Worcester	12 months
Franklin	12 months	Milton	24 months	Wrentham	12 months