



## Town of Lexington Historical Commission

David Kelland, Chair  
Marilyn Fenollosa  
Wendall Kalsow  
Frank Kern  
Sally Zimmerman

1625 Massachusetts Avenue  
Lexington, MA 02420  
781-862-0500 Ext. 200

### Lexington Historical Commission Application for Total/Partial Demolition

Date: \_\_\_\_\_ Form # \_\_\_\_\_

Property Address: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Owner Name and Address (if different): \_\_\_\_\_

Property Description: *Describe the property proposed for demolition. Attach additional pages if necessary.*

Year Built: \_\_\_\_\_ Area (sq. ft.) \_\_\_\_\_ Map # \_\_\_\_\_ Lot # \_\_\_\_\_

Demolition Type:	Full Building Demolition?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Partial Building Demolition?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Roof Line Change?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Description of work to be done: \_\_\_\_\_

Property Type: Residential: Single Family  Multi-Unit

Outbuilding: \_\_\_\_\_ Commercial: \_\_\_\_\_ Institutional: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

For Official Use Only

Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Proposed Hearing Date: \_\_\_\_\_



**Town of Lexington**  
**Office of Community Development**

Frederick J. Lonardo  
Building Commissioner

Tel: (781) 698-4530  
Fax: (781) 861-2780

**RELEASE FOR DEMOLITION / REMOVAL OF STRUCTURE**  
(To be submitted with application for demolition permit)

Address of Property: \_\_\_\_\_ Description: \_\_\_\_\_  
Year Built: \_\_\_\_\_ Owner: \_\_\_\_\_ Owner's Phone #: \_\_\_\_\_  
Contractor: \_\_\_\_\_ Contractor Phone #: \_\_\_\_\_  
Map #: \_\_\_\_\_ Lot #: \_\_\_\_\_

**NOTE: A Pre-Demolition Inspection is required by the Building Department.**

**TOWN DEPARTMENTS:**

<b>BOARD OF HEALTH: 781-698-4522</b> Name: _____	<b>CONSERVATION COMM.: 781-698-4521</b> Name: _____
<b>FIRE DEPARTMENT: 781-862-0272</b> Name: _____	<b>TREE WARDEN: 781-274-8300</b> Name: _____
<b>HISTORIC DISTRICTS COMM.: 781-698-4524</b> Name: _____	<b>DPW SEWER &amp; WATER: 781-274-8300</b> Name: _____
<b>HISTORICAL COMMISSION: 781-698-4525</b> Name: _____	<b>DPW SOLID WASTE COORDINATOR: 781-274-8300</b> Name: _____

Applicant's Name (Print): \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Applicant's Phone #: \_\_\_\_\_ Signature: \_\_\_\_\_

**CERTIFIED PLOT PLAN SUBMITTED:**  YES \_\_\_\_\_  NO \_\_\_\_\_



# Town of Lexington



## Request For Certified Abutters List

Request Date \_\_\_\_\_

Requestor's Due Date

To Whom It May Concern:

I would like to request a Certified Abutters List for the following property:

Property Addresses: \_\_\_\_\_ Tax Map #: \_\_\_\_\_ Lot #: \_\_\_\_\_ Unit # \_\_\_\_\_

Other Related Map/Lot#: \_\_\_\_\_

Current Owner(s): \_\_\_\_\_

For the purpose of contacting abutters for:

- |   |  |
|---|--|
| <input type="radio"/> Board of Appeals (Within 300')        | <input type="radio"/> Historical District Commission (Within 100') |
| <input type="radio"/> Planning (Within 300')                | <input type="radio"/> Selectmen (Within _____')                    |
| <input type="radio"/> Conservation Commission (Within 100') | <input type="radio"/> Out of Town (Within _____')                  |
| <input type="radio"/> Historical Commission (Within 100')   | <input type="radio"/> Town Engineer (Within _____')                |

Other criteria as follows: \_\_\_\_\_  
*(Example: All condo association owners Or All properties on Elm St between Sugar St and Maple St.)*

The Certified Abutters List should be Delivered as follows:

- Picked up *Please call when ready #* \_\_\_\_\_  
*Phone Number* *Ext*
- Emailed to \_\_\_\_\_

Printed Name \_\_\_\_\_ Date \_\_\_\_\_

Mailing Address \_\_\_\_\_ Phone \_\_\_\_\_ Ext \_\_\_\_\_

The source data and the process employed to establish this Abutters List has been certified by the Town of Lexington:

Signed & Certified:  Robert F. Lent Director of Assessing

Dept Use: \_\_\_\_\_

Date Processed : \_\_\_\_\_ Fee Collected: \_\_\_\_\_



*Town of Lexington*  
Historical Commission

David Kelland, Chair  
Marilyn Fenollosa  
Sally Zimmerman  
Frank Kern  
Wendall Kalsow  
Samuel Doran, Alternate

Tel: (781) 698-4525  
Fax: (781) 861-2780

DATE: \_\_\_\_\_

TO: GateHouse Media New England/Community Newspaper Company  
LEGAL NOTICE DEPARTMENT

I HEREBY AUTHORIZE GateHouse Media New England/Community Newspaper Company to bill me directly for the legal notice published in the Lexington Minuteman for a public hearing with the Historical Commission regarding property at:

\_\_\_\_\_

SIGNATURE: \_\_\_\_\_

Please print where to send the bill to:

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/Town: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code \_\_\_\_\_

Day-time Telephone Number \_\_\_\_\_



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### **What an Owner Can Do to Prepare for a Public Hearing under the Demolition Delay By-Law**

*-Review the information on file for your house in the Comprehensive Cultural Resources Inventory of Lexington.* The survey form for each property listed on the Inventory was sent to the owner of the property as contained in the tax assessor's data base as of May, 2007, with additions sent in July, 2011. The survey form documents the architectural style and historical associations of the property and includes a photo and map. Copies of the survey form and other useful information can be accessed on line at <http://historicsurvey.lexingtonma.gov/>. The Commission welcomes your input on the information contained on the form, including corrections and updates on the history of the property, its owners and construction.

*-Contact the Historical Commission early in the planning stages of your project.* Owners are encouraged to come to one of the Commission's monthly public meetings to discuss their projects informally. The Commission can explain the historical information on file for your property, review the terms of the by-law, and give you a sense of what the historical or architectural significance of your property may be and how it relates to the history of the Town.

If you have plans for how you want to redevelop your property, consider sharing them with the Commission. The Commission is particularly interested in discussing alternatives to the permanent loss of a historic structure. There may be ways to develop a portion of your property while still maintaining distinctive elements of the historic structure. Preservation of a historic structure often requires that it be updated or modified for modern life. As the municipal board charged with preserving cultural resources in Lexington, the Commission's position is that historic buildings in Lexington should be updated or modified rather than demolished whenever that is a reasonable alternative.

*-Bring with you any documents that demonstrate the reasoning behind your decision to demolish the building.* It is very helpful to understand what issues may have affected an owner's decision to seek to demolish a building. Information such as structural engineer's reports, building inspection reports, or real estate ads demonstrating efforts to sell can clarify the decision to seek a demolition permit. In making its determination, the Commission looks at two elements of an application to demolish: first, whether the building is significant, and then, whether its preservation is "preferable" to its demolition. Understanding why a building may not reasonably be "preferably preserved" is helpful in making this decision.

*-Understand that the Commission cannot make any determinations about what happens on your property after a preferably preserved significant building is demolished.*

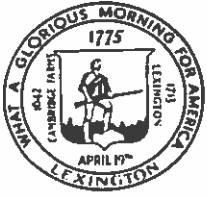
The Commission is empowered only to consider the possible public detriment of losing a preferably preserved significant building through demolition. The Commission does not have any authority to review or approve the design of a building that might replace a preferably preserved significant building.

*Other things to remember:*

- any building on the National Register of Historic Places or in the Cultural Resources Inventory is by definition "significant", but not all significant buildings will be found "preferably preserved"; and
- the Commission can release a demolition permit application for approval in less than 12 months if it can be demonstrated that "there is no reasonable likelihood" that anyone or any group is willing to purchase, preserve, rehabilitate or restore the building, or that the owner has made continuing bonafide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the building, and such efforts have been unsuccessful.

**Please contact the Historical Commission to discuss any questions or concerns you may have about your property. The Historical Commission can be reached at 781-862-0500 X-200.**

*Prepared by the Lexington Historical Commission, October 2001, revised March, 2013*



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### Demolition Delay By-Law Frequently Asked Questions

#### 1. *What is the Demolition Delay By-law?*

Enacted by Town Meeting in 1986, amended by Town Meeting in 2007, and administered by the Historical Commission, Article I, Chapter 19 of the Code of Lexington (known as the demolition delay by-law) was designed to protect architecturally and historically significant buildings in Lexington from demolition. The by-law applies to those buildings listed on the National Register of Historic Places, in the Town's Comprehensive Cultural Resources Survey (the "Inventory") or those otherwise determined by the Commission to be significant in terms of period, style, method of building construction, or association with a famous architect or builder. The full text of Article I, Chapter 19 is available online at <http://ecode360.com/10420955>.

#### 2. *Why is the demolition delay set for 12 months?*

The demolition delay imposed in the by-law's 2007 amendment is for the period of no longer than 12 months. During that time, it is hoped that the owner would make "continuing bona fide and reasonable efforts" to preserve, rehabilitate or restore the building or to locate a purchaser who would be willing to do so. The owner is granted a permit whenever he can establish that such efforts have been unsuccessful, even though it may be sooner than 12 months since the Commission's imposition of the demolition delay. The bylaw also states that if the owner can show, at any time, that there is no reasonable likelihood that the owner or some other person is willing to purchase, preserve, rehabilitate or restore the building, then he will be granted a demolition permit. If the owner chooses to do nothing, he will be granted a permit after 12 months.

#### 3. *What is a "bona fide and reasonable effort"?*

This will be determined by the facts and circumstances of each individual case. Generally the Commission has permitted demolition on evidence of continued unsuccessful advertisements and open houses or offers with unacceptable conditions, or structural engineering reports, conditions assessments or other evidence of the unlikelihood or impracticability of preservation of the building.

#### 4. *Is the delay automatic for all properties on the Comprehensive Cultural Resources Survey?*

No! All buildings on the Inventory are deemed “significant” under the definition section of the by-law. When the by-law was first drafted, the writers used listing on the National Register and in the Inventory as benchmarks for application of demolition delay. Before any delay can imposed, a public hearing must be held and the Commission must decide whether the building should be preserved. This means that many owners of “listed” buildings are granted demolition permits *without delay* after the hearing, when the buildings have been so severely altered that they no longer maintain their architectural or historical significance.

5. *What is the difference between the Historical Commission and the Historic Districts Commission?*

The Historic Districts Commission has jurisdiction over all the buildings in the Town’s historic districts (Battle Green, Hancock-Clarke, East Village, Munroe Tavern), and requires prior approval to any exterior changes that can be seen from a public way. The Historical Commission has no such jurisdiction. It was formed under the Massachusetts General Laws “for the preservation, protection and development of the historical or archaeological assets” of Lexington. The Historical Commission exists to educate and celebrate with Lexington residents the rich architectural and historic significance of our cultural resources.

6. *I want to put on an addition. Does the demolition delay prevent this or require me to get permission?*

The demolition delay by-law only applies to “substantial demolition” as defined in Commission policy. “Substantial demolition” includes acts such as the removal of the roof or exterior architectural features and/or interior framing members of more than one exterior wall of a building, interior changes to a building that compromise the exterior architectural features of a building, or the lifting and relocation of a building to the same or a different site, [See the Commission’s website for additional information.] So an addition or other limited change, not involving substantial demolition, does not require Commission review. In fact, the Commission encourages appropriate additions to accommodate owner’s needs and avoid total demolition and rebuilding.

7. *My house is in the Inventory and therefore subject to the demolition delay bylaw; why wasn’t I notified?*

The inventory was created over the last 38 years as a public record of the architecturally and historically significant buildings and sites in Lexington. Standards for each record are set by the Massachusetts Historical Commission, which does not require notification. Nevertheless, as each major update was published, descriptive articles and photographs were published in the *Minuteman*. Individualized notices were sent to all owners of property listed and pending listing on the Inventory in 2007, and owners of additional listings were notified in 2011. Since then, all property owners have been notified prior to any listing on the Inventory, and have been given the opportunity to be heard at a public meeting on the matter. [This practice has been formalized in a Commission policy, posted on the Commission’s website.] In addition, the Master Index to the Inventory has been posted online, replacing earlier hard copies of the forms housed at Cary Library, the Planning Department and the Lexington Historical Society. Each realtor in town also has a copy of the index. With financial support from the Town, it is the Commission’s intention to remind all property owners of their listing from time to time in the future.



8. *Won't being in the Inventory – and therefore possibly subject to the demolition delay by-law, reduce the value of my house?*

No! Study after study indicates that the value of a property is actually enhanced by preservation protections. The demolition delay by-law also affords some comfort that your neighbors' homes will be similarly protected, thus maintaining neighborhood character.

9. *My house was built in 1960; how can it possibly be historic?*

Lexington is fortunate to have a number of architecturally-designed modernist homes, notably in Moon Hill, Five Fields and the Peacock Farm neighborhoods. These buildings are nationally renowned for their architectural significance and bring architectural historians to town to study and appreciate them. The Peacock Farm neighborhood has recently been listed on the National Register of Historic Places, and it is hoped that Moon Hill will soon join it in this important national archive.

Other factors that make a structure historic include integrity of location, design, setting, materials, workmanship, feeling and association, and:

- association with events that have made a significant contribution to the broad patterns of our history, or
- association with the lives of persons significant in our past, or
- embodiment of the distinctive characteristics of a type, period, or method of construction, or
- represent the work of a master, or that possess high artistic values, or
- represent a significant and distinguishable entity whose components may lack individual distinction, or
- those that have yielded, or may be likely to yield, information important in prehistory or history.

As stated by the Massachusetts Historical Commission, “Historic resources are not limited to the earliest surviving buildings in a community, to properties associated with prominent individuals or groups, or to properties that reflect unusual or outstanding design and construction. The typical buildings, structures, and sites associated with ordinary residents, businesses, or institutions all comprise the historic assets of a city or town.”

**Please contact the Historical Commission to discuss any questions or concerns you may have about your property. The Historical Commission can be reached at 781-862-0500 X-200.**

Revised March, 2013



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### Policy Establishing Expiration Times for Demolition Authorizations under the Demolition Delay Bylaw

The Lexington Historical Commission (LHC) finds that, in order to fulfill the purpose of preserving and protecting significant buildings under Chapter 19 of the Code of Lexington ("Buildings, Demolition of"), it is necessary to establish reasonable expiration dates on demolition permits authorized by LHC decision or by the lapse of 12 months under the bylaw. The LHC further finds that such expiration dates will (i) provide certainty to property owners, (ii) encourage timely action on such permits, (iii) facilitate coordination with the Lexington Building Division in that Department's application procedures, and (iv) prevent abuse of the demolition delay process. The LHC, therefore, hereby adopts the following regulations:

1. Where the LHC, pursuant to Chapter 19, Section 19.3(C) of the Code of Lexington, has determined that the demolition of a significant building *would not* be detrimental to the historical or architectural heritage or resources of the Town, or where 15 days have passed after the date of the LHC's public hearing on a demolition application without LHC notification of its determination to the Building Commissioner, thereby in either case *permitting* the Building Commissioner to issue a demolition permit in accordance with procedures in Chapter 19, any request to extend such demolition permit or a renewed permit application shall be reviewed *de novo* if the demolition previously authorized is not substantially concluded within one year of the issuance of the demolition permit, or, if no permit has been issued, within one year of the LHC's initial determination;
2. Where the LHC, pursuant to Chapter 19, Sections 19.3(D) and (E) of the Code of Lexington, has determined that the demolition of a significant building *would be* detrimental to the historical or architectural heritage or resources of the Town, thereby *preventing* the Building Commissioner from issuing a demolition permit in accordance with the procedures in Chapter 19 until one of the conditions set forth in Section 19-3(F) has been met, such determination shall be reviewed *de novo* if:
  - a. Application for demolition authorized by the condition set forth in Section 19.3(F) (3) (twelve months having elapsed from the date of the LHC's determination) is

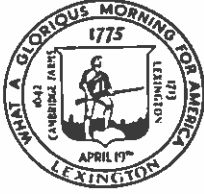
not submitted to the Building Commissioner within six months of the expiration of the twelve month delay period set forth in said Section 19.3(F)(3), or

- b. Application for demolition authorized by the condition set forth in Section 19.3(F)(3) (twelve months having elapsed from the date of the LHC's determination) is so made within six months of the expiration of the twelve month delay period, but actual demolition is not substantially concluded within six months of the issuance of the demolition permit.

In implementation of this policy, the LHC shall include the applicable expiration date for authorization of the demolition in any notification to the Building Commissioner under Section 19.3(C) or (E), as the case may be, with a copy to the demolition permit applicant, *provided* that the LHC Chair may, for cause, grant in writing one or more extensions of time of such authorizations for periods not exceeding six months each.

*This policy was adopted by unanimous decision of the LHC at their regularly convened meeting on December 13, 2012, following a public hearing on the subject matter held on October 11, 2012. This policy shall be incorporated into the LHC's permanent records and posted on its page on the Town of Lexington official website.*

David R. Kelland 12/13/2012  
David R. Kelland (Date)  
Chair



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### SUBSTANTIAL DEMOLITION

At a meeting of the Lexington Historical Commission dated June 15, 2004, the Lexington Historical Commission adopted the following definition of "substantial" for purposes of applying the concept of "substantial demolition" contained in the Demolition Delay Bylaw:

The substantial destruction of a building or portion thereof shall mean one or more of the following:

- the removal of a building's roof;
- the removal of the exterior architectural features and/or interior framing members of more than one exterior wall of a building;
- the gutting of a building interior such that all of the exterior architectural features of a building (including clapboards or other cladding, exterior moldings and trim, sheathing boards, roofing or roof sheathing, or doors, windows and their frames) are impacted; and
- the lifting and relocating of a building on its existing or to another site.

This definition was submitted to the Building Inspector shortly following its adoption.

# LEXINGTON HISTORICAL COMMISSION

## Demolition Delay Process

