



## NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES

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# PROTECTING HISTORIC RESOURCES THROUGH DEMOLITION REVIEW

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Earlier this year, a local New Hampshire paper reported a Massachusetts developer's plans to demolish an early 19<sup>th</sup>-century house that was eligible for listing on the National Register of Historic Places. While it turned out the developer was only planning to demolish a 1950s barn on the property, the brief scare was enough to awaken residents to the fact that any historic building in the community could be torn down on a whim – even those listed on or eligible for the National Register. This scenario has played out in countless communities across the state, and has led many to take proactive steps to prevent the demolition of historically significant buildings. One approach is through the establishment of a demolition review process.

### What is Demolition Review and How Does it Work?

Demolition review is a preservation tool that ensures potentially significant buildings and structures are not demolished without notice to the community and review by a heritage or historic district commission. A demolition delay ordinance can be adopted as an amendment to the building code, implemented as a stand-alone ordinance, or as a bylaw in an existing historic preservation or zoning ordinance. This legislation can be a very effective tool in helping to protect historically significant resources in the community. A demolition delay ordinance or bylaw cannot prevent demolitions indefinitely, ensure that demolition will be avoided, or prevent demolition of any and all “old” buildings or structures within a given community. Rather, the process allows for review of proposed demolitions to assess a building's historical significance. If the building is determined to be historically or architecturally significant, the issuance of the demolition permit is delayed for a specific period of time – typically anywhere from 30 to 90 days, but in some cases up to 12 months. While this may sound like a lengthy period for an owner to wait, a major construction project typically involves many months of planning before actual demolition will occur; most construction projects take a year or more to get through concept and site planning, design and drawing, local reviews and approvals, and finally permitting before even getting to the construction phase. If demolition review is conducted during the early conceptual stages of project development, alternatives can be explored in earnest and without undue hardship to the applicant.



During the delay period, a public hearing is scheduled where the review body, building owner, and members of the community can consider alternatives to demolition and options for preserving the building. Successful alternatives might include incorporating the building into the design of the project, selling the property to a purchaser interested in rehabilitating the building, or finding alternative sites for the proposed project. If no feasible alternatives can be found, the delay period can allow the building to be documented and for architectural features to be salvaged.

### **What Actions Trigger Demolition Review?**

Most demolition review procedures are triggered by the filing of a demolition permit, but they can also begin in other ways, such as when an application for site plan review has been submitted and the intent to demolish a building is indicated, or when the building or code inspector receives a letter of intent to demolish. An effective demolition review ordinance defines what constitutes a demolition. In most cases, demolition is generally defined as the act of either demolishing or removing fifty percent or more of the roof area or exterior walls, or any exterior wall facing a public street.

### **What Properties Are Subject to Review?**

A demolition review ordinance should spell out specific criteria for determining which properties are subject to review. Most communities require some level of review for all buildings or structures at least fifty years old, but others have restricted review to those at least one hundred years old. Other communities have applied demolition review to properties previously identified through a historic resources survey or listed on the State or National Register of Historic Places. Finally, some communities decide to apply protection to a specific geographic area, such as a downtown or Main Street. In most cases, the historic resources survey or tax assessment records can verify the age of a building proposed for demolition. If no survey information exists, the burden of establishing the date of construction can rest on the applicant, or can be left to the review body. Once a building or structure has been determined to meet the age or geographic criteria, the review body – often with the assistance of municipal staff – typically determines whether it is significant. Significance can be determined by analyzing the building’s association with historic persons or events, or with the architectural, cultural, economic, or social history of the community. The review process works best when a historic resources survey exists to verify a building’s age, as well as its architectural and historical significance, or where there is properly trained municipal staff to assist with the necessary research. In both Keene and Concord, for example, the demolition review committee, which is comprised of three members of the Heritage Commission, is responsible for conducting the initial review, making the official determination of significance, and holding the meeting to explore alternatives.

### **Why Do Communities Need Demolition Review?**

Many communities in New Hampshire are experiencing rapid population growth. This growth can lead to development pressure in older neighborhoods and unanticipated “teardowns,” which can slowly erode community character and identity. A demolition review ordinance allows a community to proactively prevent the demolition of historically significant buildings. Demolition review works best when it is paired with other preservation tools and policies, such as heritage or historic district commissions or completion of a historic resource survey. In cases where a community can not garner the local or political support for a local historic district, demolition review can be the only viable means for preventing the loss of significant buildings. Communities with demolition review in place, such as Concord, report wide success in preventing the loss of significant buildings.

### **How Does a Community Get Started?**

Start by talking to the Division of Historical Resources, who can answer specific questions and assist in mapping out a successful education and outreach effort. Research and talk to communities with successful demolition review programs, and review their ordinances (though avoid copying an ordinance verbatim – it should always be tailored to the specific needs of the community). New Hampshire communities with demolition review in place include Concord, Keene, Weare, and Stratham. Set up an informational meeting with your local Heritage or Historic District Commission and Planning Board, and invite an expert to answer questions. Remember that the Preservation Planner at the Division of Historical Resources is available to meet with your organization at any time and provide technical assistance. Prepare a handout with frequently asked questions, and photos of significant buildings in your community. Grants may also be available to hire a preservation consultant to assist in drafting the ordinance.

#### RESOURCES FOR DEMOLITION REVIEW

Hengen, Elizabeth Durfee. *Preserving Community Character: A Preservation Planning Handbook for New Hampshire*. New Hampshire Preservation Alliance, 2006. See page 9.

Miller, Julia H. *Protecting Potential Landmarks Through Demolition Review*. National Trust for Historic Preservation, 2006. See [www.nationaltrust.org/teardowns/Demolition\\_Review.pdf](http://www.nationaltrust.org/teardowns/Demolition_Review.pdf).

Norton Historical Commission, Demolition Delay By-Law Q&A. See <http://www.nortonma.org/documents/Norton%20DemoDelay%20FAQ.pdf>.