



# CITY OF NEW BEDFORD

CITY COUNCIL

Preservation  
Planner  
PLANNING

August 16, 2018

DEPARTMENT

## RELATED MOTION

Requesting that Preservation Planner provide the City Council with the report for the Partial Demolition of 73-91 Cove Street, within 48 hours.

Joseph P. Lopes, Councillor Ward Six

IN CITY COUNCIL, August 16, 2018

Dennis W. Farias, City Clerk

Adopted.

a true copy, attest:

City Clerk



**PATRICK J. SULLIVAN**  
**DIRECTOR**

*City of New Bedford*  
**Department of Planning, Housing & Community Development**  
133 William Street, New Bedford, Massachusetts 02740  
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August 21, 2018

City Council President Linda M. Morad  
Honorable Members of the City Council  
133 William Street  
New Bedford, MA 02740

Dear Council President Morad and Honorable Members of the City Council:

**RE: PARTIAL DEMOLITION OF 73-91 COVE STREET**

The City's Demolition Delay Ordinance, whose purpose is to preserve and protect significant buildings and structures within New Bedford, is administered by both the Department of Inspectional Services (DIS) and the New Bedford Historical Commission (NBHC). The review for a demolition permit is a multi-step process.

In an effort to provide a streamlined permitting process, the demolition ordinance review provides a "classification determination" section that expedites the permitting for a building or structure that is neither regulated by the ordinance nor is a historically significant/preferably preserved historic building or structure.

According to **Sec. 2-157.3. Demolition Delay of Buildings and Structures -Procedures for review and approval of Demolition Permits**, the following process takes place:

- a) Upon receipt of a complete application for a demolition permit, the Department of Inspectional Services shall certify whether the subject building or structure is seventy-five (75) years or older within five (5) business days from applicant's filing date.
- b) If the subject building or structure is certified to be seventy-five (75) years old or older, the Department of Inspectional Services shall file Form E-1 (Demolition-Historic) with the Commission for review within five (5) business days from applicant's filing date.
- c) Within ten (10) calendar days from receipt of Form E-1 from the Department of Inspectional Services, the Commission shall determine whether the subject building or structure is a regulated building or structure as defined in this Ordinance. The Commission's determination under this Section shall hereinafter be referred to as the "classification determination."
- d) If the Commission determines the building or structure is neither regulated by this Ordinance nor is it either an Historically Significant or Preferably Preserved Historic Building or Structure<sup>1</sup>, the classification determination of the Commission shall be filed with the City Council and the Department of Inspectional

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<sup>1</sup> The classification of a building or structure is determined by Anne Louro, the City's Preservation Planner and the Secretary to the Commission.

Services and the applicant and or property owner (via Certified US Mail) within ten (10) calendar days from the receipt of Form E-1. e) Upon receipt of the Commission's findings, that the building or structure is neither regulated by this Ordinance nor is it either an Historically Significant or a Preferably Preserved Historic Building or Structure, and with the approval of the City Council, the Department of Inspectional Services shall, subject to Massachusetts Building Codes and other applicable laws and regulations, issue the demolition permit.

- e) Upon receipt of the Commission's findings, that the building or structure is neither regulated by this Ordinance nor is it either an Historically Significant or a Preferably Preserved Historic Building or Structure, and with the approval of the City Council, the Department of Inspectional Services shall, subject to Massachusetts Building Codes and other applicable laws and regulations, issue the demolition permit.

Per the process outlined above, the authority of classifying a building or structure lies with Anne Louro, the City's Preservation Planner and the Secretary to the Commission. In accordance to the New Bedford City Code, **Article XI, Section 2-157.1.-Demolition Delay of Buildings and Structures- Definitions**, "the Commission may designate one or more of its members to act in its behalf between the Commission's regular monthly meetings." Additionally, within the Commission's adopted By-Laws, the Secretary is an elected Officer whose duties assigned by the Commission include performing the "classification determination" of the Demolition Delay Ordinance. **The Preservation Planner has been administrating this portion of the Demolition Delay Ordinance since its adoption in 2009.**

The City Council's Legislative counsel has recently questioned the Preservation Planner's authority to act on behalf of the Commission relative to demolition review. In addition, at its August 16, 2018 meeting, the City Council requested from the Preservation Planner a Staff Report for the partial demolition of 73-91 Cove Street.

A staff report was not developed for this partial demolition at 73-91 Cove Street due to the fact that the structure is neither Historically Significant nor Preferably Preserved and as such, is not required to present its demolition request before a public hearing of the Commission.

The "classification determination" of a building or structure as neither Historically Significant nor Preferably Preserved within the demolition permitting review process eliminates unnecessary delays and increased expenses by the applicant, fosters communication between permitting boards and authorities, and expedites permitting in what can be a considered complex and unfamiliar process.

Enclosed, please find a Demolition Delay Process flow chart which helps to illustrate the review process and how the "classification determination" from the Preservation Planner can aid in the expediting of demolition permits.

The Historical Commission is scheduled to meet on September 10, 2018, and this discussion can be added to the agenda for review at your request. If you require further information, please feel free to contact me.

Respectfully,



Anne Louro  
Preservation Planner

Enclosure: Demolition Delay Flow Chart



# City of New Bedford

## DEMOLITION DELAY PROCESS

- NOTE:**
- In an effort to protect New Bedford's significant structures and to allow for public input, the demolition review is a multi-step process.
  - The New Bedford Historical Commission administers the city's demolition ordinance; however the process of requesting demolition begins at the Department of Inspectional Services.
  - The New Bedford Historical Commission advises the New Bedford City Council, which is the government body which can approve or delay the issuance of a demolition permit for a structure seventy five (75) years or older.

