



Legal & Legislative Committee

Monday, November 24, 2025, 7:30 PM
 City Council Chamber, 1st Floor
 562 Main Street, Melrose, MA 02176

MINUTES

I. CALL TO ORDER

Devin Romanul Vice Chair
 Cal Finocchiaro
 Mark Garipay
 Kimberly Vandiver
 Leila Migliorelli President, Ex Officio Member
 Maya Jamaledine Chair

Meeting was called to order by Chair Jamaledine at 7:30 PM

| Attendee Name | Title | Status | Arrived |
|-------------------|------------------------------|---------|---------|
| Devin Romanul | Vice Chair | Present | |
| Cal Finocchiaro | Ward 6 | Present | |
| Mark Garipay | Ward 4 | Present | |
| Kimberly Vandiver | Ward 5 | Present | |
| Leila Migliorelli | President, Ex Officio Member | Present | |
| Maya Jamaledine | Chair | Present | |

Councilors Hamilton, Karamcheti, Stewart and Williams also attended as non-voting members.

II. MINUTES APPROVAL

A. Legal & Legislative Committee Meeting November 17, 2025 6:45 pm

Motion to Approve the minutes without reading and with no objections made by Chair Jamaledine.

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| RESULT: | ACCEPTED [UNANIMOUS] |
| AYES: | Devin Romanul, Cal Finocchiaro, Mark Garipay, Kim Vandiver, Leila Migliorelli, Maya Jamaledine |
| NAYS: | None |

III. PUBLIC COMMENT

When: Nov 24, 2025 07:30 PM Eastern Time (US and Canada)
 Topic: Legal & Legislative Committee Meeting

Join from PC, Mac, iPad, or Android:

<https://cityofmelrose->

[org.zoom.us/j/93247990396?pwd=TuV8abaQz1hw8IRBILMJ8eaG6MmZ5w.1](https://cityofmelrose-org.zoom.us/j/93247990396?pwd=TuV8abaQz1hw8IRBILMJ8eaG6MmZ5w.1)

Passcode:109707

Webinar ID: 932 4799 0396

Motion to Open public comment made by Chair Jamaledine at 7:32 PM

Comments on the floor:

-Diana Caparella of 18 Bellevue Avenue, Melrose, is a member of the Daughters of the American Revolution and is in favor of saving the Benjamin Lynde House at 244 Main St. She commented that the demo delay is long overdue. Melrose has no laws to protect its historic buildings while other towns do and she is in total support of a demolition review ordinance.

-Robert Tuller of 8 Thurston Road, Melrose, is a member of the Historic District Commission and is in support of this ordinance on an individual basis. It will give the city a chance to protect some of its properties and Melrose is in the minority by not having an ordinance to preserve significant architecture.

-Jim Bennett of 45 Wentworth Road, Melrose, is in support of this ordinance and drafted a similar ordinance when he was Chair of the Historical Commission in September 2017, which was never passed. This current document is far better than his prior proposal and he urges a vote in favor of this.

Motion to Close public comment made by Chair Jamaledine at 7:42 PM.

IV. ORDINANCES

- A. **(ID # 2025-571):** That the City Council adopt a Demolition Review Ordinance as set forth herein, to preserve and protect buildings of historical significance in the City of Melrose.

Chair Garipay asked for clarification on the latest paperwork. The Historic District Commission provided a letter and individuals gave input. The Planning Board has recommended these changes, and the Zoning Board has not met about it yet.

President Migliorelli commented on the paper document with edits to the online agenda. Councilor Hamilton stated that he and Councilor Finocchiaro met with the planning board and legal department and compared it with the town of Somerville ordinance, which resulted in this current version. President Migliorelli brought up topics of the following: demo delay is not a stoppage/what is the mechanism to stop, the possibility of creating a historic district around the downtown area or composing a map of older special homes, how does this affect minor projects to historic properties, what is the application process, what is the cost analysis to the city to enact and enforce this.

Councilor Hamilton commented that demo delay is the first layer of this ordinance. Once approved, the next layer could be creation of a historical district. Over the last 3 years, 9 older buildings were destroyed amounting to an average of 3 per year.

Councilor Finocchiaro stated that over 150 communities in MA have this type of ordinance so Melrose is not re-inventing the wheel and it makes sense to implement this.

Councilor Vandiver has invested about 20 hours into her analysis and finds that almost half of the homes in Melrose were built 100 years ago which is a very broad determining factor. Using the guideline of built in 1875 is about 4% of the homes.

Councilor Karamcheti stated that any house older than 100 years would be subjected to the current language and this is too broad of a catch all.

Councilor Williams stated that Melrose has about 800 2 family homes and 600 of these are over 100 years old. These are more affordable and the city does not see much demand to demo these. This ordinance does not cover interior demo or work, unless it affects the exterior. He suggests thinking

more carefully about the 100 year mark. Of the 9 recent demo projects, 6 of them resulted in multi-housing units and 3 of them went to single family dwellings.

Councilor Romanul is in favor of historic preservation and asked how demo delay affects housing development in general. The planning board prefers a guideline of 100 years old instead of a specific year built but is flexible and the ordinance can be changed in the future.

Councilor Stewart asked how long a typical delay would be. If the property is deemed to be preserved, it will be delayed 1 year unless the applicant is willing to work to shorten it. He is more comfortable with a specific year built instead of 100 years old as the determining factor and asked who will manage this. Inspectional services will review applications to catch the properties and they need to be brought into this plan. He feels like this process is being rushed to save one particular house and we need to create the right process for Melrose.

Chair Jamaledine asked if the historic commission reached out to the owner of the Benjamin Lynde house and no, they did not since there is no mandate in place.

Councilor Finocchiaro feels rushed since the Benjamin Lynde house triggered this but it's a good ordinance based on proven rules already established in other towns. Most towns in MA have a 50 year mark and some a 75 year mark. Out of recent demos in Melrose, only the Caruso building might have had significance to this and the demo permit was issued 1 year ago and the work is only now starting, after it was closed for many years. The master plans for Melrose from 2004 and 2017 had this goal and it was never done, so now is a good time.

Councilor Hamilton agreed that this is definitely being rushed but that other towns have this in place and it is necessary.

President Migliorelli asked if there are legal ramifications to this being done now in relation to the Benjamin Lynde home. No there are not since this would apply to the entire city and is not specific to one particular property. She asked if shed/garages are included in this and there are some interesting accessory structures but not many and that wording can be changed. She is concerned about getting the key players all on board before a final vote, noting that the planning board members had varying opinions.

Motion to Hold in Committee made by President Migliorelli. No one seconded the motion, motion failed.

Councilor Vandiver stated it's important to establish what is historically significant to Melrose versus other towns. She expressed concern in the wording being open to interpretation with a lot of latitude. She suggests using the year 1875 as a starting point for the ordinance and amending in the future as necessary.

Motion to Accept the red-lined documents from Lori Massa made by Councilor Vandiver
Seconded by Councilor Garipay

On discussion President Migliorelli brought up concerns of wording on pages 2 and 4.

Councilors Vandiver and Garipay withdrew their motion and second.

Motion to Accept all of the changes in the document with the exception of on page 2 last full sentence to read "at least 100 years old", should not read "built on or before 1930" and page 4 under C3 the word "significance" to be changed to "significant" made by Councilor Vandiver.

Seconded by Councilor Garipay

Roll call was taken, all were in favor and motion passed.

Motion to remove all references to 100 years and replace them with the year 1875 made by Councilor Vandiver.

Seconded by Councilor Finocchiaro.

Councilor Garipay supports this order and wants to see it pass. He is okay with changing the date but is not comfortable going back to 1875 and he will vote no on that.

Councilor Vandiver stated that 20% of structures in Melrose have 1900 as their date, which is a lot.

Councilor Hamilton stated that the records are not all accurate and that 1900 was used as a catch all date.

Councilors Vandiver and Finocchiaro withdrew their motion and second.

Motion to replace all references of 100 years old to the year 1899 made by Councilor Vandiver.

Seconded by Councilor Finocchiaro.

Roll call was taken, all were in favor and motion passed.

Motion to recommend as amended to full council made by Councilor Finocchiaro

Seconded by Councilor Vandiver

On Discussion:

President Migliorelli stated that she cannot support this measure until feedback is available from all stakeholders and with a final clean version of the document.

Councilor Stewart as a non-voting member expressed that Mr. Talarico is away on vacation with little or no time to review this. He would vote no on this item at the council meeting on 12/1 in light of this. Chair Jamaledine asked about the impact to the Benjamin Lynde House if this ordinance does not pass. Lori responded that if a demolition permit is requested for that property, it could be granted and demolition could proceed. It could take 30 days or more to review and process the application for a building permit. Most property owners don't start demolition prior to a building plan for the site. There is currently no demo permit application in process for this property and we don't know if one will be requested. If this ordinance is put on hold, what are the risks to this property and it is anyone's guess as to what the owner will decide to do. We have 45 days to pass this ordinance from the date of introduction.

Councilor Hamilton commented that there is no such thing as a demolition permit, it's a building permit. The building permit may necessitate demolition and the inspector has 30 days to respond to that. If someone requested a building permit tomorrow with ISD and applies for a building permit that demolishes 50% or more of a structure, they will be grandfathered in and nothing will stop it without this ordinance. If we move this forward and it's acted on by next Monday night, anyone then applying for a building permit would be stopped. Time is of the essence to preserve this structure.

Councilor Williams commented that there are only 2 more council meetings this year, 12/1 and 12/15, and suggested doing more work quickly to finalize the document and include interested parties.

Councilor Stewart wants to give fair representation to all stakeholders and city departments and is willing to attend extra scheduled meetings in the short term to allow this to pass in a timely fashion.

Councilor Finocchiaro stated that the planning board and historic commission are deeply involved in the ordinance thus far and have done most of the work, and that other city departments will not require as much effort to get involved.

Councilor Vandiver is not as concerned about the amount of time required from the building inspector and shared that the ordinance can be amended in the future if pushed forward now in this version.

President Migliorelli stated that she is not comfortable rushing this through especially in light of the holidays approaching and the possibility of more meetings being required.

Roll call vote was taken, all in favor except for President Migliorelli voting no.

Motion passed.

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| RESULTS: | Accepted |
| TO: | City Council |
| AYES: | Devin Romanul, Cal Finocchiaro, Mark Garipay, Kim Vandiver, Chair Jamaledine |
| NAYS: | President Migliorelli |
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V. ADJOURNMENT

The City of Melrose does not discriminate based on disability and is committed to hosting accessible meetings and events. Individuals with disabilities who need auxiliary aids and services for effective communication, written materials in alternative formats, or reasonable modifications in policies and procedures, in order to access the programs and activities of the City of Melrose or to attend meetings, should contact the City's ADA Coordinator, Polina Latta platta@cityofmelrose.org.

Motion to Adjourn made by Councilor Garipay at 9:33 PM

Seconded by Councilor Vandiver

All were in favor and meeting was adjourned

City of Melrose

City Ordinances, Article II. General Legislation

Chapter 132 Demolition review.

1. *Purpose.* The purpose of this ordinance is to preserve and protect significant buildings within the City of Melrose (“city”) which constitute or reflect distinctive aspects of the architectural, cultural, political, economic, or social history of the city, and which are outside of designated local historic districts; to encourage owners of such buildings and the Melrose Historical Commission (“commission”) to develop strategies to preserve, rehabilitate, or restore such buildings, rather than demolish them; or, in the alternative, to seek out persons willing to purchase and to preserve, rehabilitate, or restore such buildings, rather than demolish them; and to promote the public welfare by making the city a more attractive place in which to live. To achieve these purposes, the issuance of demolition permits for significant buildings is regulated as provided in this ordinance.
2. *Definitions.* For the purposes of this section, the following words and phrases shall have the meanings set forth below:

Abutter means an abutter as defined in M.G.L. c. 40A.

Applicant means any person filing an application for a city permit.

Application means a written application for a permit for the demolition of a building, a building permit, or zoning relief/compliance.

Board of survey means the board ordered to respond, by M.G.L. c. 143 § 8, when an owner of a building does not respond to a notice that the building is unsafe.

Building means any combination of materials forming a shelter for persons, animals or property, as well as any constructed, erected, or placed material or combination of materials in or upon the ground, excluding fences, walls, side & rear decks, sidewalks, stairs and paving on streets, driveways and patios.

Building official means the Building Commissioner, or his/her designee.

Calendar day means any day of the week, including a Saturday or a Sunday or a holiday.

City clerk means the person holding the office of city clerk in the city.

Demolition means the act of pulling down, destroying, removing, moving, or razing a building. Demolition includes commencing the work of the destruction of 50 percent or more of the exterior surface area (including walls and roof) of a building. For the purposes of this section, the term "demolition" shall not include routine maintenance as long as the maintenance undertaken does not fit the definitions of demolition contained in this section. For the purposes of this section, "demolition" does not include:

- (1) Removal, replacement, or installation of siding, roof shingles or windows;
- (2) Routine maintenance as long as the maintenance undertaken does not fit the definitions, of demolition contained in this section;
- (3) Interior renovations (except where the renovation is conducted for the purpose of compromising the integrity of the building);
- (4) Exploratory demolition, to the extent that it does not compromise the structure of the building;
- (5) Interior demolition, to the extent that it does not compromise the structure of the building; or
- (6) Minor projects as defined below.

Demolition by neglect is a situation in which a property owner intentionally allows a property to suffer severe deterioration, until it is beyond the point of repair. A deliberate process of ongoing damage to the fabric, viability and/or functionality of a building leading towards and/or causing its eventual demolition due to decay and/or structural failure and/or severe degradation over a period of time as a

result of a general lack of maintenance, and/or failure to secure the building from pests or vandals, and/or failure to take reasonable measures to prevent the ingress of water, snow, ice, and wind through the roof, walls, or apertures.

Demolition review period means a period of time whereby a window of opportunity is enacted in order to enable the owners of a property, working with the commission or its designees, to determine ways of preserving and/or rehabilitating and/or restoring the property as an alternative to demolition.

Exempt areas means the following:

- (1) The local historic districts as identified in Chapter 131 of the Code of Ordinances; and,
- (2) Buildings owned by the city.

Exploratory demolition is the act of removing or uncovering (non-structural) building materials located on the interior of a building prior to renovation, rehabilitation, restoration, or remodeling in order to verify the existing conditions present in otherwise unexposed areas.

Final determination means a determination that a building is preferably preserved, made by the commission in accordance with subsection (f) of this section.

Illegal demolition means a demolition undertaken by any person without an application having been reviewed and approved by the commission and/or without building or demolition permits from the inspectional services department.

Initial determination means a determination that a building is significant, in accordance with subsection (5) of this section.

Interior demolition is the act of removing non-structural interior building materials for the purpose of renovating, rehabilitating, restoring, or remodeling the interior space.

Minor project is the removal of a portion of a single-, two-, or three-unit structure for the purpose of only accomplishing one or more of the following: adding a dormer, dormer window, entry canopy, bay, or gable; adding an addition to the side or rear of the structure; adding or altering a portico, porch or deck; or, changing the shape, style or structure of a roof.

Owner means the entity with legal title to a building.

Permit means a written permit issued by the Building official that allows for the demolition (as defined herein) of a building pursuant to an application.

Person means an individual, corporation, partnership, association, trust, society, or similar entity.

Preferably preserved (building) means a significant building, which, as the commission determines, as provided in subsection (f) of this section, that it is in the public interest to be preserved or rehabilitated or restored rather than to be demolished.

Premises means the parcel of land upon which the building proposed for demolition is located and all adjoining parcels of land under common ownership or control that are identified in the permit application.

Reasonable economic return means the cost to rehabilitate or restore the building to the point at which a reasonable use or a reasonable profit can be realized from the property. This may mean bringing a building up to code to the point at which it can be occupied, not necessarily to its "highest and best use," preferred use or a restoration project.

Significant (building) means any building within the city which is listed on, or is within an area listed on, the National Register of Historic Places, or which is the subject of a pending application for listing on the National Register, or is at least 100 years old and has been determined by the commission in their initial determination to be a significant building, per subsection (e) of this section.

Voluntary means any act(s) done by design or intention, which is proposed, intended, or not accidental. An act of God is not considered voluntary, but rather is regarded as an act done without the will or

choice of the applicant (or owner, if different from applicant). For the purposes of this section, the destruction of a significant building for failure to properly secure or maintain it shall be considered voluntary.

3. *Review of demolitions.* No building in the city may undergo demolition, as defined in subsection (b) of this section, except through the provisions of this section. Demolition may only be permitted if one of the following apply:
 - A. The building does not meet the prima facie definition of a significant building (i.e. it is less than 100 years old, and is not currently on, or proposed to be placed on, the National Register);
 - B. The building is located within an exempt area;
 - C. The building is determined by the commission or its designee to not be significant, through the procedure of subsection (5) of this section;
 - D. The building is determined by the commission to not be preferably preserved through the procedure of subsection (6) of this section, and has met any condition of such determination per subsection (f)(5)c of this section;
 - E. The commission lifts or shortens a demolition review period per subsection (7) of this section; or
 - F. The demolition review period, per subsection (7) of this section, is exhausted.
4. *Notification.* When the building official or planning director receives an application for a demolition permit, a building permit or a permit for zoning relief (including but not limited to special permit, site plan review or variance), for work that will constitute demolition, as defined in this section, and is on a building that is or could be determined significant, as defined in this section, and is not within an exempt area, then the building official or planning director shall, within ten calendar days, notify:
 - A. the commission or its designees in writing that a relevant application has been received. This notification shall include a copy of the application, and shall be delivered to the commission or its designees by interoffice mail, email, other electronic means, or by in-hand delivery; and,
 - B. the Applicant to complete and submit an application to the commission.
5. *Initial determination (determination of significance).*
 - A. *Determinations by the commission.* The commission shall move to determine if a building is significant, as follows:
 - i. If a building is listed on, or is within an area listed on, the National Register of Historic Places, or the subject of a pending application for listing on the National Register, it shall be automatically determined significant, and shall be scheduled for final determination of this section.
 - ii. Otherwise, for buildings over 100 years old the applicant must submit an application to the commission, using the forms developed per subsection (10)(D) of this section. Upon receipt of an application, the commission or its designee shall make a written determination whether the building, which is the subject of the relevant permit application, is a significant building.
 - B. *Criteria for determination of significance.* To determine if a building over 100 years old is significant, the commission must make a finding by majority vote that the building is:
 - i. Associated with one or more important historic persons or events, or with the broad architectural, cultural, political, economic or social history of the city or the Commonwealth of Massachusetts; or,
 - ii. Historically or architecturally significant (in terms of period, style, method of building construction, or association with a reputed architect or builder) either by itself or in the context of a group of buildings;

and therefore it is in the public interest for the premises to be explored further through the final determination process.

The commission shall consider:

- a. Setting - the character of the location and how the building is situated in relationship to other features, such as the streetscape and neighboring buildings.

- b. Materials - the elements that were originally combined to construct the building, sometimes referred to as historic building fabric.
- c. Design - reflects the historic building style.
- d. Location - the place where the building was originally placed.
- e. Workmanship - evidence of the builder's craft skills and technology.
- f. Feeling - the expression of the aesthetic or historic sense of a particular time period.
- g. Association - the direct link between an important event or person and the building.

C. *Procedure for public meeting, notice and hearing.*

- i. The determination of significance of certain classes or types of buildings including concrete block garages, outbuildings, sheds and similar accessory buildings shall be made at a public meeting. The public meeting shall occur within 21 days of the application submission to the commission. If the commission determines such a building does not meet the criteria of this section, and is therefore not significant, this determination shall be transmitted to the building official. Otherwise, the applicant shall proceed with the request for a final determination in a public hearing per subsection (6) of this section.
- ii. A determination of significance shall be made in a duly noticed public hearing by the commission, except as exempted in subsection (C)(i) or waived per subsection (5)(E) of this section. The public hearing shall be held within 65 calendar days of the commission or its designees receiving a copy of the application, unless an extension of time is permitted by mutual agreement of the applicant and the commission. The commission shall give the public notice of the hearing by publishing the time, place, and purpose of the hearing in a local newspaper, at least 14 days prior to the hearing. The commission shall also mail, in a form designated by the city, a notice to the applicant, the owner of the building and abutters to the subject property, postmarked at least ten days prior to the hearing. The Applicant shall pay the cost of the newspaper notice and postage of mailed notices. The commission shall complete the public hearing within 35 days of opening the public hearing, unless an extension of time is permitted by mutual agreement of the applicant and the commission.

D. *Notice of decision.*

- i. If the commission determines that the building is not a significant building, this determination shall be transmitted to the building official, the applicant, the owner of the building and to the city clerk within 14 calendar days from the date of determination. The applicant shall not be required to take any further steps toward preservation of the building and the demolition may proceed, subject to all other building permit and zoning requirements.
- ii. If the commission determines that the building is significant, it shall notify the building official, the applicant, and the city clerk, of its determination within 14 calendar days from the date of determination. The owner or applicant, or their representatives, shall then be required to attend a subsequent final determination public hearing with the commission during which the commission will determine if the building is to be preferably preserved.
- iii. If the commission fails to act in accordance with this process within the prescribed timeframe, the building official may grant the demolition permit, provided that the applicant has met all other requirements under the filed applications, and shall notify the commission in writing that the permit has been granted.

E. *Waiver of initial determination.* An applicant, when submitting the required documents for an initial determination, may voluntarily select to waive initial determination. If the initial determination is waived, the building shall immediately be determined to be a significant building, without further action from the commission, and shall be scheduled for a final determination per subsection (6) of this section.

F. *Expiration.* An initial determination is valid for three years. If an applicant does not proceed to apply for final determination within three years, the review process must start over from the beginning, prior to

a building being demolished. If an application does not demolish a building within three years of a determination that the building is not a significant building, the review process must start over from the beginning, prior to a building being demolished.

6. *Final determination (determination of preferably preserved).*

A. *Additional application and plan review materials.* Applicants who did not submit an application for an Initial determination must submit an application to the Commission for a final determination. Applicants that submitted an application for an initial determination may need to provide additional information, in addition to the information requested, in the process of a final determination, as follows.

In the event that the applicant and/or owner seek to take a position that the building is of deficient structural integrity, the applicant shall submit an independent licensed structural engineer's report, from a qualified and experienced structural engineer with proven expertise in historic building techniques.

In the event that the applicant and/or owner seek to take a position that a financial hardship applies to a property, the commission may request any or all of the following. It will be incumbent upon the applicant to provide such information in order for the demolition review process to continue:

- i. The appraised value of the property by a licensed appraiser for the following conditions: in the property's current condition; after completion of the proposed demolition; and after rehabilitation of the existing property for continued use.
- ii. An estimate from an architect, developer, contractor, or appraiser experienced in rehabilitation as to the cost to rehabilitate the building to the point of which a reasonable use or a reasonable profit can be realized from the property. Such considerations may include, but not be limited to, bringing a building up to code so it can be occupied.
- iii. The amount paid for the property, the date of purchase, and the person from whom the property was purchased, a description of the relationship, if any, between the owner of record, the applicant and the person from whom the property was purchased or is being purchased, and the terms of the purchase or proposed purchase, including financing.
- iv. Operation and maintenance expenses, depreciation deduction and annual cash flow before and after debt service, if any.
- v. The name of all mortgagees and the balance of all mortgages or other financing secured by the property and annual debt service.
- vi. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing and ownership of the property.
- vii. Any listing of the property for sale or rent, the price asked and offers received for sale or rent, if any, within the previous five years.
- viii. The assessed value of the property for the previous two assessment years.
- ix. The form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture or other.
- x. Any other information considered necessary by the commission to determine whether the property yields or may yield a reasonable economic return to the property owner(s).
- xi. Proof of the applicant's efforts to obtain financing, tax incentives, preservation grants and other incentives to allow the applicant to earn a reasonable economic return from the property.
- xii. Documents, including copies of invoices, detailing the applicant's efforts in ongoing maintenance and repair.

B. *Procedure for public notice and meetings.* The commission shall conduct a public hearing on the application within 45 calendar days of the initial determination of significance, unless an extension of time is permitted by mutual agreement of the applicant and the commission. The commission shall give the public notice of the hearing by publishing the time, place, and purpose of the hearing in a local

newspaper, at least 14 calendar days prior to the hearing. The commission shall also mail, in a form designated by the city, a notice to the applicant, the owner of the building and abutters, postmarked at least ten calendar days prior to the hearing. The Applicant shall pay the cost of the newspaper notice and postage of mailed notices.

- C. *Public hearing.* The commission shall complete the public hearing within 35 days of opening the public hearing regarding the determination of “preferably preserved”, unless an extension of time is permitted by mutual agreement of the applicant and the commission. The applicant or their agent must present their demolition request in person to the commission and be prepared to answer questions asked by the commission. If the property applicant, their agent, or property owner is unable to address questions regarding the demolition request or the supporting documentation, the experts/professionals who prepared the information must be present. If the applicant, owner or their agent cannot attend the meeting or adequately address questions, the demolition request will be continued to a later meeting and the commission’s determination will be delayed.
- D. *Peer review.* The commission may call for a peer review of any professional report, should the commission deem it necessary to make a final determination, subject to the availability of funds.
- E. *Final determination.* Upon completion of the public hearing, the commission shall determine if a significant building shall be preferably preserved by majority vote of the commission, as follows:
 - i. The commission may, at their discretion, determine that a building is a preferably preserved building, as follows: by determining that the demolition of the building would be detrimental to the architectural, cultural, political, economic, or social heritage of the city.
 - ii. The commission may, at their discretion, determine that a building is not a preferably preserved building, as follows: by determining that demolition of the building does not merit a finding under subsection (6)(E) above; or, by making a finding that the negative impact on the heritage of the city would be exceeded by the benefit to the city of the development that would occur if the demolition were permitted to go forward.
 - iii. The commission may, at their discretion, place conditions on a determination that a building is not preferably preserved, which may require an applicant to provide one or more of the following to the planning department prior to demolition:
 - 1. photographic documentation of the building to be demolished;
 - 2. architectural renderings of the building to be demolished;
 - 3. identification of materials for salvage of material; and/or,
 - 4. a plan for installation of historic or interpretive signage at or near the site.
- F. *Filing of decision.* Within 14 calendar days following the date of the public hearing, the commission or its designees shall file a final determination, in writing, with the city clerk, and shall inform the building official, the applicant and the owner of the building.
- G. *Expiration.* A final determination that a building is not a preferably preserved building is valid for three years. If an applicant does not demolish a building within three years of a determination that the building is not a preferably preserved building, the process must start over from the beginning prior to a building being demolished.

7. *Process for preferably preserved buildings.*

- A. *Demolition review period.* Upon the commission’s final determination that said building is preferably preserved the building official shall not issue a demolition permit for building during the demolition review period. The demolition review period shall be as follows: The demolition review period shall be a maximum of 12 months. The demolition review period shall begin on the date following the day upon which the commission made the final determination that building is preferably preserved.
- B. *Alternatives to demolition.* During the demolition review period, the applicant, their agent, and/or the owner (if different from applicant), and the commission or its designees are encouraged to actively pursue alternatives to demolition of the preferably preserved building, including but not limited to, finding a buyer for the building that is willing to rehabilitate the property, rather than demolish it. The

applicant, their agent, and/or the owner is encouraged to actively pursue alternatives to demolition by meeting with the commission at a minimum of once per month during the demolition review period.

- C. *Shortening/ending the demolition review period.* The commission may shorten or end the demolition period, at its discretion, upon determination that one of the following conditions applies:
- i. The commission determines that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building.
 - ii. The commission and the applicant come to a mutually agreeable plan for a more limited demolition that adequately preserves the property and permits the applicant to meet the findings of subsection (6)(E) of this section.
 - iii. The commission and the applicant come to a mutually agreeable set of strategies for addressing the heritage on the site, including but not limited to:
 1. photographic documentation of the building to be demolished;
 2. architectural renderings of the building to be demolished;
 3. identification of materials for salvage of material;
 4. a plan for installation of historic or interpretive signage at or near the site; and/or,
 5. the establishment of design standards for a replacement building, provided that the standards are limited to the reflection of elements in the building to be demolished or are intended to complement the character of adjacent buildings of historical significance.

Upon making a determination to shorten or end the demolition review period, the commission shall file a decision and inform the applicant and the building official.

- D. *Withdrawal.* If the applicant chooses not to proceed with demolition, the applicant may, at any time, inform the commission and withdraw their application without prejudice.
- E. *Expiration.* Upon expiration of a demolition review period, or upon a determination by the commission to shorten or end a demolition review period, an applicant shall have three years to demolish the building. If an application does not demolish a building within three years of the expiration of the review period or the determination to shorten or end the review period, the process must start over from the beginning prior to a building being demolished.

8. *Enforcement.*

- A. *Authority.* The Inspectional Services Department is the enforcing authority for this section. The Building official is authorized to institute any and all actions and proceedings, in law or in equity, as they deem necessary and appropriate to obtain compliance with the requirements of this section. This may include, but is not limited to, the complete reconstruction and restoration of the demolished building.
- B. *Fines.* The provisions of this section may be enforced by a noncriminal disposition pursuant to M.G.L. c. 40, § 21D. Each violation shall be deemed a separate offense. Each day a violation occurs shall be deemed a separate offense. Unless otherwise provided, any person, firm, corporation, association or other entity violating any provision of this section shall be punished by a fine of \$300.00 per day, per violation, in accordance with section 235-3.4 of the Code of Ordinances. Unpaid fines shall result in a municipal lien against the subject property.
- C. *Building permit delay.* No building permit shall be issued for a new building on any premises where a significant building is demolished in violation of this section, for the period specified therein.

9. *City-owned buildings.*

- A. *Exemption.* As noted in the definition of “exempt area,” buildings owned by the city are not subject to the demolition review process.
 - B. *Historical commission review.* Prior to the demolition of any building owned by the city, the city administration shall submit information about the demolition to the commission for a non-binding review and comment.
 - C. *Comment meeting.* The commission shall schedule, at their next available public meeting, for the city administration to present the building to be demolished and the purpose and need for the demolition.
 - D. *Commission role.* After the presentation by the city administration, the commission may, within 35 days, issue comments on the demolition. Comments will be provided to the city administration and the city council. Those comments may include, but not be limited to: suggestions for photographic documentation or renderings of the building to be demolished, identification of materials for salvage and/or suggestions for installation of historic or interpretive signage at or near the site.
 - E. *City council action on demolition.* The city council may not approve any order, including appropriation of funds, that will permit the demolition of a building owned by the city, until the building has been submitted for review by the commission and either a) the commission has provided comments to the city council or; b) 35 days have elapsed after the date of the presentation to the commission, with no comments submitted by the commission to the city council.
10. *Other provisions.*
- A. *Secure building.* Upon a determination by the commission that a building is a significant and/or preferably preserved building, the owner shall be responsible for properly securing the building in order to protect it from the weather and trespass/vandalism.
 - B. *Emergency demolition.* Nothing in this section shall derogate from the authority of the building official and/or a board of survey to act under M.G.L. c. 143 and the State Building Code.
 - C. *Historic Districts Act.* If any provision of this section conflicts with the “Historic Districts Act,” M.G.L. c. 40(C), the Act shall prevail.
 - D. *Rules and regulations.* The commission may establish rules and regulations of procedure for the implementation of this section, including but not limited to establishment of application fees. The planning staff shall develop application forms to accept and process submittals under this section.
 - E. *Transferability.* Where the owner sells or transfers ownership of a property that is in the middle of the demolition review process, that new owner may continue the review process but may be required to submit updated documentation as required by the commission.
 - F. *Effect.* This section shall take effect upon approval. The Ordinance and amendments thereto do not apply to applications for demolition submitted prior to the approval date.
 - G. *Severability and reinstatement.* In case any section, paragraph or part of this section for any reason shall be declared invalid by any court, every other section, paragraph and part shall continue in full force and effect. If any section, sentence, clause or phrase of this section is held invalid, the relevant section, sentence, clause or phrase in effect prior to the effective date of the section shall be reinstated in full force and effect, without further action from the city council.

November 20, 2025

Dear Members of the Melrose City Council,

I am writing to share my concerns about the proposed demolition-review ordinance (**Article II, Chapter 132 Demolition Review**) for buildings over 100 years old. From what I understand, this proposal has been advanced quickly in response to concerns about a single property (“The Lynde House” on Main Street). While I respect the desire to protect uniquely historic structures, creating a citywide, permanent regulatory framework in reaction to one specific situation raises substantial and lasting risks for homeowners, for property values, and for the City of Melrose.

Because the ordinance applies to all buildings over 100 years old, its scope is very broad. The number of properties in Melrose that meet that criterion means the impact would not be limited to a single historically notable house but would reach many ordinary homes. For that reason, I have several concerns I respectfully ask the Council to consider:

1. **Over-broad coverage of ordinary homes.** Many houses over 100 years old have little historic or architectural significance and may require substantial investment to make them safe or habitable. A blanket age threshold inevitably sweeps in these ordinary homes and imposes new burdens on owners who never intended to be part of a preservation regulatory regime.
2. **Conflict with housing goals and the practical impact on buyers and sellers.** We have encouraged multi-unit and infill housing to help address local housing shortages. A demolition-delay process creates an added barrier for buyers and developers who might otherwise invest in renovating or replacing older, inefficient homes. This is especially significant for older homeowners who rely on the equity in a sale; if the only viable buyer is a developer, delaying demolition can materially reduce marketability and value. This also potentially impacts our “New Home Build” tax base increase we are always reliant upon to grow our tax base.
3. **City resource and administrative costs.** The ordinance requires notice, hearings, written determinations, and potentially peer review of engineering and financial reports. Given how many homes could be affected, this will demand substantial time and resources from the Historical Commission (volunteers), Inspectional Services, Legal staff, City Clerk staff, etc. I am concerned the City does not currently have the staffing or budget to absorb this workload without creating backlogs or inconsistent outcomes. Coming literally days out of a Proposition 2 ½ Override election has my full attention here.
4. **Enforcement and legal exposure.** How will the City respond to pre-emptive or “sneak” demolitions, or to owners who ignore the review process? What penalties will be effective and enforceable? Further, the City could face legal challenges alleging regulatory overreach or an unconstitutional taking, which could expose taxpayers to costly litigation and settlements.

5. **Risk of neglect and blight.** We've watched "The Caruso Building" for 15 years as it has fallen into disrepair over legal issues, environmental issues, etc. In my own neighborhood near Howard Street, we've watched an abandoned home (circa 1889) over the past years fall further into neglect, including overgrown property and inhabited by rodents and animals, and undoubtedly diminishing abutting property value. I can think of several other houses around Melrose already in this situation. Requiring lengthy administrative reviews, expensive reports, and waiting periods may incentivize abandonment or accelerate deterioration if owners cannot afford required compliance steps during a prolonged review. This harms neighborhoods and nearby property values.

I understand and sympathize with the desire to protect truly exceptional historic properties. I hope individuals and preservation groups succeed in finding private buyers and funding to save the Lynde House. But a permanent, citywide ordinance created rapidly in reaction to one urgent case risks creating many more problems than it solves.

I urge the Council to pause as well as substantially narrow this proposal if it were to move forward. If the goal is to protect genuinely historic structures, please consider a targeted approach: protect only designated or formally recognized landmarks, strengthen incentives for voluntary preservation, or create a narrowly tailored, time-limited moratorium specific to the immediate concern while the City develops a thoughtful long-term policy.

Thank you for your service to our community and for considering these concerns.

Sincerely,

Kathy Vines

43 Howard Street

Richard Curl and Susannah Clark
155 Myrtle Street
Melrose, MA 02176

20 November 2025

Melrose City Council
City Hall, 562 Main Street
Melrose, MA 02176

Re: Demolition Delay Ordinance

Dear City Council,

We are writing to express our very strong support for the proposed Demolition Delay Ordinance. As the pace of redevelopment in our town continues to increase, we need very much to have some mechanism for preserving the most important of our buildings and history. We strongly believe that the Demolition Delay Ordinance is important not only to slow down or prevent the demolition of historically important structures, but also just to question, as a community, the attitude that demolition needs to be the only way to redevelop a property.

Additionally, enacting this proposed ordinance would be a strong expression that we all value our town and its built heritage. If we are now only one of the very few towns in eastern Massachusetts without this type of ordinance, that feels to me like we're saying we don't care. Enacting the proposed ordinance would be a more accurate representation of how I know we feel as a community.

Sincerely,

Richard Curl and Susannah Clark