

## **W. A. #25: Demolition by Neglect, filed by Carol Kowalski and ten registered voters:**

The Arlington community believes in preserving its historic buildings. Town Meeting adopted both historic districts and demolition delay bylaws. Unfortunately, there is a destructive phenomenon known as “demolition by neglect” that neither the historic districts nor the demolition delay bylaw can prevent. The filing of a building permit to alter or demolish a historic building usually triggers the building department to direct a property owner to first apply for a hearing with historic districts commission or the historical commission. But what if the building is intentionally being left unoccupied for years despite sustained interest in leasing or purchasing to occupy the building? What if, over time the owner allows it to become vandalized, or rotted from the elements entering through a roof opening, or catches fire, and is now too far gone to save? By then, the historic building is lost, and the property owner is free to apply for a building permit despite the willful, destructive neglect of the historic property. The owner has essentially achieved the demolition of the building without applying for a demolition permit, and by skirting the Town’s preservation bylaws. This phenomenon is known as demolition by neglect.

I believe that for the last seven years, we have been witnessing demolition by neglect of the Dr. Atwood House at 821 Mass Avenue. I have communicated several times with a member of the family that owns the house. They simply want it gone. At one time, they intended to replace it with a free-standing Automated Teller Machine. Can you picture an ATM machine right next to the beautiful First Baptist Church?

The Dr. Atwood House is known as an American Four-square, and it was one of a row of three such grand homes that lined Mass Ave here. John Worden wrote a detailed pair of articles in 2010 in the Arlington Advocate that I recommend, and I can’t improve upon. This is the last vestige of that historic streetscape, and the house serves as an effective architectural transition between the commercial setting of the CVS and the sacred architecture of First Baptist Church. The interior of the house, at least until 2013 when I was last inside with a preservation architect, still had its remarkable hand-carving and stained, leaded glass. Viable offers to re-use the house have been proposed to the owners repeatedly, including twice by the Housing Corporation of Arlington, as recently as 2014, but are consistently rejected.

If in future instances of demolition by neglect, if it is found that lack of resources contributed to the neglect by an owner, preservation grants, private fund-raising and the Community Preservation Act would be possible sources to assist the owner in the preservation of an architecturally or historically significant building. It does not appear to me, based on the facts, that financial resources are an issue in the case of the Atwood House.

The proposed bylaw would allow the commission to hold a hearing with the owner of such an unoccupied historic building to determine if demolition by neglect is occurring, and to induce the owner to establish a schedule of repairs and activities to repair and protect the building. If eventually the owner refuses and the disrepair results in a loss, the owner would be prevented from receiving a building permit for a specified number of years following. I propose two years, for parity with the Town’s demolition delay bylaw penalty. Town Meeting should have the opportunity to consider this warrant article before the “Dangerous Vacant Building” sign is ordered to be posted warning that firefighters shouldn’t even enter the building. By then, it’s too late.

