



## LEGISLATION AND PRESERVATION TOOLS SUBCOMMITTEE MEETING MINUTES

Boston City Hall Boston, MA, 02201

Held virtually via Zoom

**MARCH 7, 2024**

**Commissioners Present:** Kenzie Bok, Lydia Lowe, Alison Frazee, Amanda Zettel, Lynn Smiledge, Mariama White-Hammond, Maureen Garceau, Arthur Jemison, Council President Ruthzee Louijeune, Jean-Luc Pierite

**Commissioners Absent:** Rosanne Foley, Byron Rushing, Michael Creasey, Senator Mike Rush

**Staff Present:** Genesis Pimentel, Commemoration Commission Manager; Murray Miller, Director of Historic Preservation; Chelsea Blanchard, Historic Preservation Architect; Ben Tillman, Executive Assistant to the EEOS Chief

A full recording of the meeting is available on [boston.gov/commemoration-commission](https://boston.gov/commemoration-commission)

---

### SESSION BEGINS - 1:00 PM

#### I. WELCOME

- a. Commemoration Commission Manager Genesis Pimentel welcomed attendees.
- b. Commissioners introduced themselves.

#### II. ORDER OF BUSINESS

- a. Meeting minutes were approved unanimously.
- b. Chief Mariama White-Hammond expressed that the Mayor's Office of Arts and Culture is interested in being part of the Commission but doesn't have the capacity to be at the main Commission meetings and all three subcommittee meetings.
  - i. While the Mayor's Office of Arts and Culture only sits on one subcommittee—Events, Exhibits, and Trails—Genesis Pimentel offered the solution of joint meetings for smaller subcommittees.

#### III. ARTICLE 85 DEEP DIVE

- a. Murray Miller presented his vision for changes to Article 85 with a focus on climate action.
  - i. His mission statement established a process where you can propose alternatives to demolition or pay a fee totaling 50% of the fair market



value of the property to “A Greener Boston” Fund, reducing the public comment period to 10 days, and a minimizing of demolitions that add to the carbon footprint.

- ii. He presented three options.
  1. Option A: Optimizing embodied energy through decisions to re-use or expand a property are considered, replacing a delay with an expedited process, reducing construction wastes in landfills, and minimizing carbon footprint is incentivized.
  2. Option B: This would allow for a deconstruction approach where an owner can salvage materials if appropriate. Mitigation would include a cost to the owner where work would produce an adverse effect. This option would remove the current 90-day delay.
  3. Option C: If an owner wishes to produce demolition without salvage or delay, then a substantial contribution for use on greening older structures in underserved communities could achieve more city-wide objectives. This option would also remove the current 90-day delay.

b. Discussion

- i. Chair Alison Frazee noted that all or most options included a demolition fee and asked if any analysis has been done of how many developers would pay that fee, so that they could demolish faster and then pass that cost on along to buyers or tenants.
- ii. Chelsea Blanchard mentioned that a councilor mentioned a potential bill to charge a \$15,000 fee for anyone considering demolition, but that did not progress forward because developers could definitely afford that cost and still make money and ISD does not think it may be legal.
- iii. Murray Miller explained that this isn't a fee per se but a mitigation cost for adverse effects. More research is needed to figure out what is a commensurate cost. He prefers and hopes that most applicants fall into Option A, but the three pronged approach requires incentives to encourage people to stay within Option A including monetary, development, or other valuable incentives.
- iv. Chief Mariama White-Hammond stated this is what BERDO has done. They would like people to retrofit buildings, but if someone does not do so in time, they can use the structure of an alternative compliance



payment which creates a fund to support groups who do want to decarbonize but don't have the money to do so.

- v. Commissioner Jean-Luc Pierite discussed the idea of redirected value into disadvantaged communities and how there is a federal mechanism of Economic Opportunity Zones that are already existing in Boston to attract investment from private funds. He wanted to understand how this would fit into those already existing structures.
- vi. Murray Miller replied that research has not yet been done into existing systems or programs, and this is just a concept for rethinking Article 85.
- vii. Co-Chair Lydia Lowe asked if Murray Miller envisioned this vision happening at the Zoning Board of Appeals level.
- viii. Co-Chair Alison Frazee commented that if the City is pursuing environmental goals seriously, then anything done has to require deconstruction and salvage. She also commented that if the City is serious about investing in historic preservation, then the goal must be to reuse structures, not to provide a way to pay out of reuse. She suggested the idea of banning mechanical demolition. She asked for clarification if these three options presented are within a delay and these options can be done to circumvent the delay.
- ix. Murray Miller responded that there would be no delay provision in his approach.
- x. Commissioner Amanda Zettel discussed how none of the options mention cultural impacts and wanted to know what the mitigation would be if a Chinatown building gets demolished but funds from that mitigation go to a project in Roxbury.
- xi. Chief White-Hammond discussed that it is hard to monetize cultural impacts vs for environmental impacts, especially as the state builds regimes around environmental impact.

#### **IV. ARTICLE 80 DISCUSSION + SURVEY DISCUSSION**

- a. Co-Chair Alison Frazee asked for clarification on whether Article 80 impacts only historic buildings or all buildings because environmentally, all buildings should be part of Article 80, pre-file discussions, PNF requirements, and more. Cultural assets, she stated, should be included as historic as well. She asked if the Article 80 Steering Committee is having these conversations.
- b. Commissioner Lynn Smiledge believes there should be two ordinances, that combining culturally and historically structures with adaptive



reuse/deconstruction might be too complicated. She also is uncomfortable with the idea of a mitigation fee and how it would be dispersed.

- c. Commissioner Lynn Smiledge stated that by the time Article 85 is implemented, it's too late in the process, so developers have done the math and decided it is worth it to demolish a house anyway.
- d. Commissioner Jean-Luc Pierite brought up the fact that there are disparities in which buildings are making it through the landmarking process, which means that there are communities in which demolition and landscape change are more imminent and it's not an equitable process.
- e. Commissioner Kenzie Bok agrees that an expedited process for people doing adaptive reuse is a great idea and that this would be an Article 80 adaptation. However, she doesn't immediately assume that demolition delay should be lifted for other projects because it would create a contrast between those working quickly on adaptive reuse under Article 80 and those unable to as they go through a more onerous Article 85 process. There should be an Option A with an Option C that includes a delay. Commissioner Bok addressed the fee question by stating that many people did not want a cash-out option for BERDO, but it would not go through without one. Her experience with BERDO has been that the cash-out option is high enough for people to decide to retrofit instead. If it is too late, she noted, most people will pay it, which the City found out with its first version of its IDP Policy.
  - i. Chelsea Blanchard commented that this discussion would be much easier with a citywide survey with which a developer could be alerted ahead of buying land and asked about Office to Housing. Chief White-Hammond said around 8 months. Chelsea Blanchard pointed out that it's an example of how the BPDA can move something quickly when attached to the environment and housing, which Article 85 is.
  - ii. For embodied carbon, Co-Chair Alison Frazee, mentioned the existing CARE Tool that evaluates the embodied carbon of an existing building vs a proposed building, so those calculations should be required as part of Article 80. She inquired about the overlapping survey with Arts & Culture + Parks. She also agreed that developers should have a predictable process that has consequences.
- f. Commissioner Lynn Smiledge reminded the group that the consensus from their first meeting was that the first step needs to be a citywide survey, but they were cautioned against it because of cost. She would like to know if it could be financed over time. She thinks a deconstruction ordinance would save buildings.







organizations should come together to mark what they care about when Squares and Streets begins, and that a template form should be created for these communities and populate maps that will show that.

- o. Co-Chair Frazee will be looking for funding and for research into economic generation of historic preservation. Commissioner Zettel asked about colleges or graduate programs that do this work that shows the value of historic resources in all of Boston.
- p. Murray Miller stated that a historic resource survey is a certified local government responsibility and has been since 1986, so the City along with the State agreed to maintain an accurate survey of its historic resources with re-evaluations every 5 years or as conditions change.

**V. SQUARES AND STREETS INTRODUCTION**

- a. The invited speaker canceled.

**VI. PUBLIC COMMENT**

- a. There was no public comment.

**VII. ADJOURNMENT - 3:04 PM**

- a. Chair Alison Frazee made a motion to adjourn the meeting.
- b. Commissioner Lynn Smiledge seconded.