



Setti D. Warren  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
[www.newtonma.gov](http://www.newtonma.gov)

Candace Havens  
Director

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**PUBLIC HEARING MEMORANDUM**

Public Hearing Date: July 15, 2014  
Land Use Action Date: July 29, 2014  
Board of Aldermen Action Date: September 15, 2014  
90-Day Expiration Date: October 6, 2014

DATE: July 11, 2014

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development  
Alexandra Ananth, Chief Planner for Current Planning  
Stephen Pantalone, Senior Planner

SUBJECT: **Petition #226-14**, ALAN MAYER, MAYER & ASSOCIATES ARCHITECTS/DAWNE VOGHT & JOHN RYAN for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct an approximately 1,300 sq. ft. addition to the rear of an existing single-family dwelling, which will increase the Floor area Ratio from .31 to .48, where .42 is the maximum allowed by right, at **21 Larchmont Avenue**, Ward 5, Waban, on land known as SBL 54, 7, 3, containing approx. 7,593 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15 Table A, 30-15(u)(2), and 30-21(b), of the City of Newton Rev Zoning Ord, 2012.

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The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



**21 Larchmont Avenue**

### **EXECUTIVE SUMMARY**

The property at 21 Larchmont Avenue consists of a 7,593 square foot lot in a Single Residence 2 zoning district, improved with a single-family three-story residence constructed in approximately 1927. The existing structure is nonconforming in terms of the number of stories, as the site slopes down significantly from the front to the rear of the property, causing the basement to count as a full story. The petitioner is proposing to construct a three-story addition in the rear of the existing structure where the deck is currently located, and to construct a new deck adjacent to the addition. The petitioner is seeking a special permit to increase the Floor Area Ratio (FAR) from .31 to .48, where .42 is the maximum allowed by right, and to extend a nonconforming structure.

The proposed addition is approximately 1,300 square feet, which will exceed the allowed FAR by approximately 423 square feet. The proposed addition will expand the footprint of the existing building by approximately 400 square feet (not including the new 238 square foot deck). Based on data from the Assessors Database and from city staff's site visit, it appears that the proposed addition will create one of the larger structures in the neighborhood, particularly in regards to FAR. However, the proposed addition will be mostly hidden from public view, and is a fairly modest increase over the allowed FAR in terms of square footage. Furthermore, the proposed site plan significantly exceeds the requirements for open space and lot coverage. For these reasons, it appears that the proposed addition is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood.

The proposed addition will be visible from the rear of the direct property abutters, as there is minimal screening along the property lines. To mitigate the impact on abutters, the Planning Department would typically suggest screening along the western property line, where the addition will have the greatest impact. However, the petitioner has provided a letter from the western property abutter, who indicated that they did not prefer screening at this time. Therefore, landscape screening along this property line may not be necessary.

#### **I. SIGNIFICANT ISSUES FOR CONSIDERATION:**

When reviewing this request, the Board should consider whether:

- The proposed structure with regard to FAR is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. ((§30-15(u)(2)), (§30-15 Table A)
- The site is an appropriate location for the proposed addition. (§30-24(d)(1))

- The extension of the structure is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§30-21(b))

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

### A. Neighborhood and Zoning

The site is located on Larchmont Avenue off of Chestnut Street. The land uses in the surrounding neighborhood are single-family residences (**ATTACHMENT B**). The zoning district in the neighborhood is Single Residence 2 (**ATTACHMENT C**).

The properties in the surrounding neighborhood consist of similarly sized lots with fairly modest structures generally extending to two- to- 2½-stories, and reasonably sized rear yards. Due to the topography in the neighborhood (**ATTACHMENT D**), a number of structures have partially or fully exposed basements in the rear of the property that may count as full stories in terms of FAR.

### B. Site

The site consists of approximately 7,593 square feet of land, and is improved with a single-family residence constructed in approximately 1927. The site slopes down significantly from the front to the rear of the site, with an elevation change of approximately ten feet. Due to the grade change the structure appears as two stories in the front and three stories in the rear. To illustrate the fairly modest size of the existing house, the square footage on the first and second floor is 873 square feet and 716 square feet, respectively, and the portion of the house with two stories has a width of only 30 feet. The square footage of the basement is 758 square feet.

There is a driveway along the western property line that wraps around the rear of the structure, and a yard in the rear of the house. There is a short hedge along the western property line, and a small number of mature trees along the eastern and northern property lines. Overall the vegetation provides very little screening from abutting properties.

## III. PROJECT DESCRIPTION AND ANALYSIS

### A. Land Use

The use will remain as a single-family residence.

### B. Building and Site Design

The petitioner is proposing to construct an approximately 1,300 square foot, three-

story addition to the rear of the existing structure, comprised of a play room, family room, and new master bedroom. The addition will be inset slightly from the existing structure, and will consist of clapboard siding on the first and second floors, panelized siding on the third floor, and an asphalt shingle roof. In addition, the petitioner is proposing a new approximately 238 square foot deck adjacent to the new addition, which will extend out from the existing structure towards the side property line by approximately nine feet. The petitioner is also proposing a retaining wall under the deck, of which approximately six inches will be visible from the side property line and approximately three feet will be visible facing the deck from the rear. The proposed retaining wall allows for a new side entrance under the deck without disturbing the natural slope along the side of the house. Finally, the petitioner is proposing to replace a portion of the bituminous driveway with grass.

The height of the proposed addition will be slightly below the existing peak elevation, and the length of the proposed addition will extend the structure approximately 14.5 feet to 18.5 feet towards the rear of the site. The size of the existing structure will increase from 2,347 square feet to 3,612 square feet. City staff analyzed data from the Assessors Database to estimate how the square footage of the proposed structure compares to other structures in the neighborhood (**ATTACHMENT E**). Basement areas are included in the total square footage because of the grading in the surrounding area. City staff acknowledges the limitation of the Assessors Database, and notes that the data should be viewed as rough approximations. The following table summarizes the results:

|                      | <u>Average</u> | <u>Median</u> | <u>Proposed</u> |
|----------------------|----------------|---------------|-----------------|
| Lot Size (s.f.)      | 9,101          | 8,350         | 7,593           |
| Building Size (s.f.) | 3,425          | 3,226         | 3,612           |
| Floor Area Ratio     | .38            | .37           | .48             |

As the data indicates, the proposed additions will create a structure that is modestly larger than the average and median in the neighborhood in terms of square footage, and is significantly larger in terms of floor area ratio. The significant difference in FAR is partly due to the size of the lot, which is smaller than the average for the surrounding properties, and therefore has a higher allowable FAR.

While the proposed addition is increasing the size of the existing house by approximately 55%, the resulting structure will only exceed the allowable FAR by approximately 423 square feet, and will only increase the footprint of the existing building by 400 square feet. Furthermore, the addition will be largely hidden from public view as it is proposed in the rear of the building and inset slightly from the existing structure. The Planning Department also notes that even with the

proposed addition, the resulting lot coverage (16%) will be far below the maximum allowed (30%), and the amount of open space (70%) will far exceed the minimum (50%). For these reasons, it appears that the zoning relief requested is reasonable, and that the proposed structure is consistent with the size, scale and design of other structures in the neighborhood.

C. Landscape Screening

The site is not well screened along the side and rear property lines, and the proposed addition will be visible from the rear yards of the abutting properties, and minimally visible from the street. However, the proposed structure will be at least 60 feet from the structures to the rear of the site, and approximately 40 feet from the structure to the east. As such, it does not appear that landscaping is necessary along these property lines.

The structure on the abutting property to the west is approximately ten feet from the property line. To mitigate the impact of the proposed addition on this property, the Planning Department suggests that the petitioner provide landscape screening along the property line, in addition to the existing hedge. However, the petitioner has submitted a letter from the owner (and resident) of the property indicating that at this time they do not feel screening is necessary. Therefore, landscape screening along this property line may not be necessary.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum, (**ATTACHMENT A**), provides an analysis of the proposal with regard to zoning. The petitioner is requesting a special permit to exceed the maximum allowed FAR, and to extend a nonconforming structure with regards to the number of stories.

B. Engineering Review

The Engineering Division Memorandum, (**ATTACHMENT F**), provides an analysis of the proposal with regard to engineering issues. In the Memorandum, the Associate City Engineer indicates that the amount of impervious surface being added to the site is less than 400 square feet, and therefore no drainage improvements are warranted. However, due to the down gradient of the backyard, the Associate City Engineer suggests using rain barrels to collect roof runoff to be re-used for the lawn and garden.

C. Historic Review

The existing structure is more than 50 years old and the proposed addition will cover (i.e. demolish) more than 50% of a single façade, thus requiring the petitioner to file a demolition review application. The City's Senior Planner for the Newton Historical Commission reviewed and approved the proposed plans (**ATTACHMENT G**).

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum, the petitioner is seeking the following reliefs:

- Section 30-15 Table A, 30-15(u), to exceed the allowed FAR.
- Section 30-21(b), to extend a nonconforming structure in regard to number of stories.

VI. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

**ATTACHMENTS:**

- Attachment A:** Zoning Review Memorandum  
**Attachment B:** Land Use Map  
**Attachment C:** Zoning Map  
**Attachment D:** Contour Map  
**Attachment E:** FAR Analysis  
**Attachment F:** Engineering Memorandum  
**Attachment G:** Historic Approval



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Mayor

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**ATTACHMENT A** Telephone  
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(617) 796-1089  
www.newtonma.gov

Candace Havens  
Director

## ZONING REVIEW MEMORANDUM

Date: June 2, 2014

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Alexandra Ananth, Chief Planner for Current Planning

Cc: Alan Mayer, Architect  
Dawne Vogt and John Ryan  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request to exceed maximum FAR and to extend a nonconforming structure**

| Applicant: Dawne Vogt and John Ryan |                             |
|-------------------------------------|-----------------------------|
| Site: 21 Larchmont Avenue           | SBL: 54007 0003             |
| Zoning: SR-2                        | Lot Area: 7,593 square feet |
| Current use: Single-family dwelling | Proposed use: No change     |

### BACKGROUND:

The property at 21 Larchmont Avenue consists of a 7,593 square foot lot improved with a single-family residence constructed in 1927. The structure consists of two and a half stories and a basement. The topography is sloped so to create a walk-out basement in the rear. As such, the basement is considered the first floor, creating three stories. The applicant proposes a +/-1,300 square foot addition at the rear of the structure with a full walk-out basement and two stories above. The maximum number of stories in an SR2 district is 2.5. The existing structure is three stories and therefore nonconforming. A special permit is required to increase the intensity of the nonconforming number of stories. The proposed addition creates an FAR of .48 from .31, which exceeds the maximum allowable FAR of .42. A special permit is required to exceed the maximum FAR.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Alan Mayer, architect, submitted 5/9/2014
- FAR Worksheet, prepared by Alan Mayer, architect, submitted 5/9/2014
- Existing Site Plan, signed and stamped by Bruce Bradford, surveyor, dated 5/6/2014
- Proposed Site Plan, signed and stamped by Bruce Bradford, surveyor, dated 5/6/2014
- Area Plan, signed and stamped by Alan Mayer, architect, dated 5/9/2014

- Architectural Plans – Existing Conditions, signed and stamped by Alan Mayer, architect, dated 5/9/2014
- Architectural Plans – Proposed Conditions, signed and stamped by Alan Mayer, architect, dated 5/9/2014
- Elevations, signed and stamped by Alan Mayer, architect, dated 5/9/2014

**ADMINISTRATIVE DETERMINATIONS:**

1. The maximum number of stories allowed in an SR2 district is 2.5 according to 30-15 Table 1. Due to the significantly downward sloping topography, the existing structure has a walk-out basement, making it a story, thus creating a three-story structure. The applicant is proposing a three-story addition at the rear of the property, which will further increase the nonconforming nature of the structure. Per section 30-21(b), a special permit is required to increase the nonconforming nature of the structure.
2. The applicant’s existing FAR is .31. The proposed addition will create an FAR of .48, which exceeds the .42 allowed by right. A special permit is required to exceed the maximum FAR per sections 30-15 Table A, and 30-15(u)(2).
3. To build the project as proposed, the applicant plans to remove a significant portion of paving in the rear of the property. The removal of the paved surface will increase the amount of open space on site by 1%.

| SR2 Zone         | Required           | Existing                 | Proposed   |
|------------------|--------------------|--------------------------|------------|
| Lot Size         | 10,000 square feet | <b>7,593 square feet</b> | No change  |
| Frontage         | 80 feet            | 83 feet                  | No change  |
| Setbacks         |                    |                          |            |
| • Front          | 25 feet            | 32.3 feet                | No change  |
| • Side           | 7.5 feet           | 14.1 feet                | 10.5 feet  |
| • Rear           | 15 feet            | 38.6 feet                | 32.9 feet  |
| FAR              | .42                | .31                      | <b>.48</b> |
| Max Lot Coverage | 30%                | 11.6%                    | 16.9%      |
| Min. Open Space  | 50%                | 70%                      | 71%        |

1. See “Zoning Relief Summary” below:



| <b>Zoning Relief Required</b> |  |                        |
|-------------------------------|--|------------------------|
| <i>Ordinance</i>              |  | <i>Action Required</i> |
| §30-15 Table A, 30-15(u)(2)   | Exceed Floor Area Ratio (FAR)                                      | S.P. per §30-24        |
| §30-15 Table 1 30-21(b)       | Increase intensity of nonconforming 3-story single-family dwelling | S.P. per §30-24        |




# Land Use Map 21 Larchmont Ave

*City of Newton,  
Massachusetts*

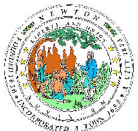
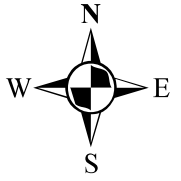
**Legend**

-  Streets - Pavement Edge
-  Building Outlines

**Land Use**

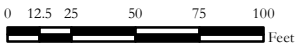
-  Single Family Residential

**ATTACHMENT B**

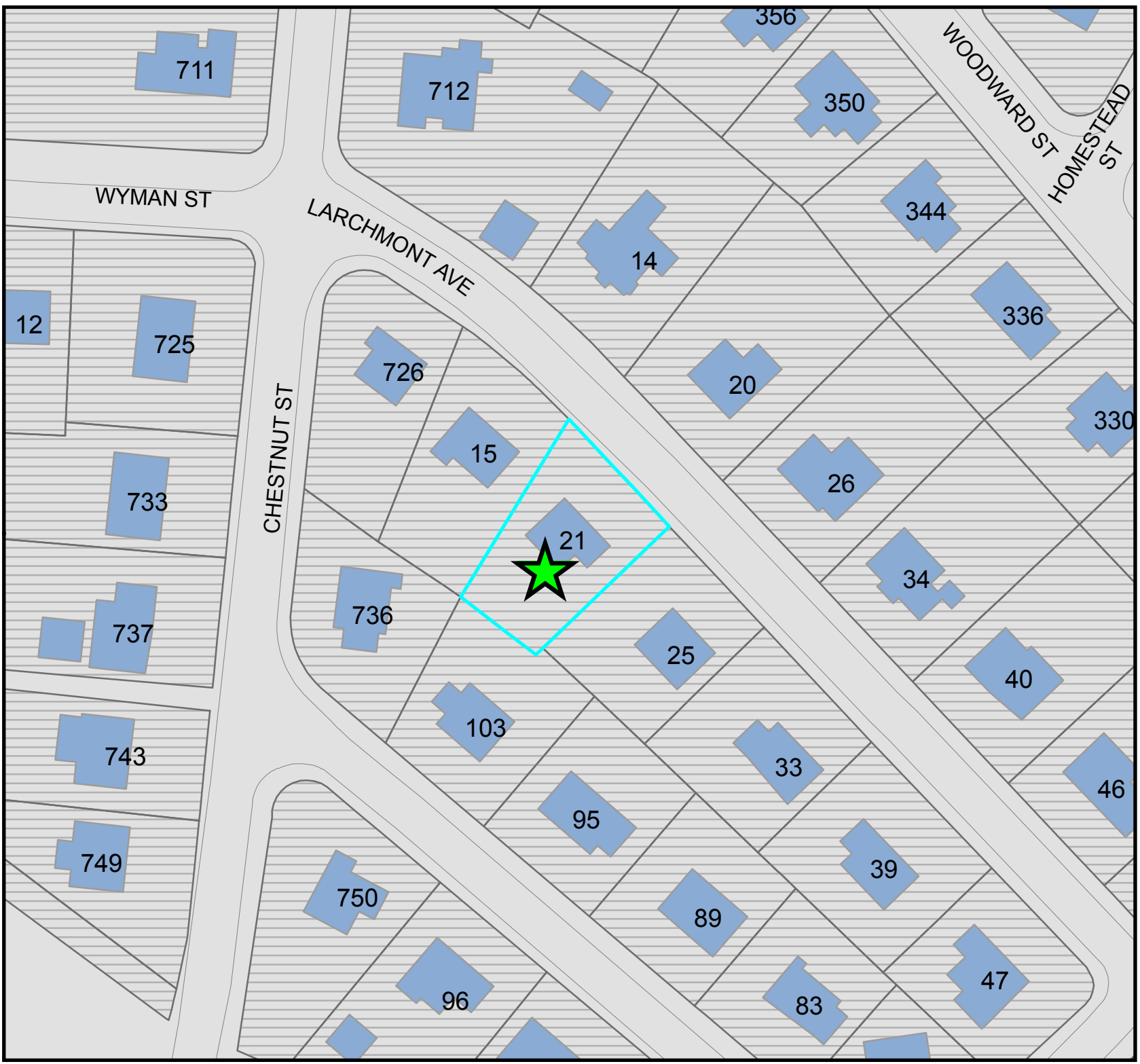


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Setti D. Warren  
GIS Administrator - Douglas Greenfield



Map Date: June 24, 2014



# Zoning Map 21 Larchmont Ave

*City of Newton,  
Massachusetts*

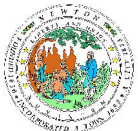
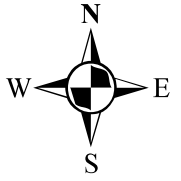
**Legend**

- Streets - Pavement Edge
- Building Outlines

**Zoning**

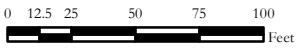
- Single Residence 2

ATTACHMENT C

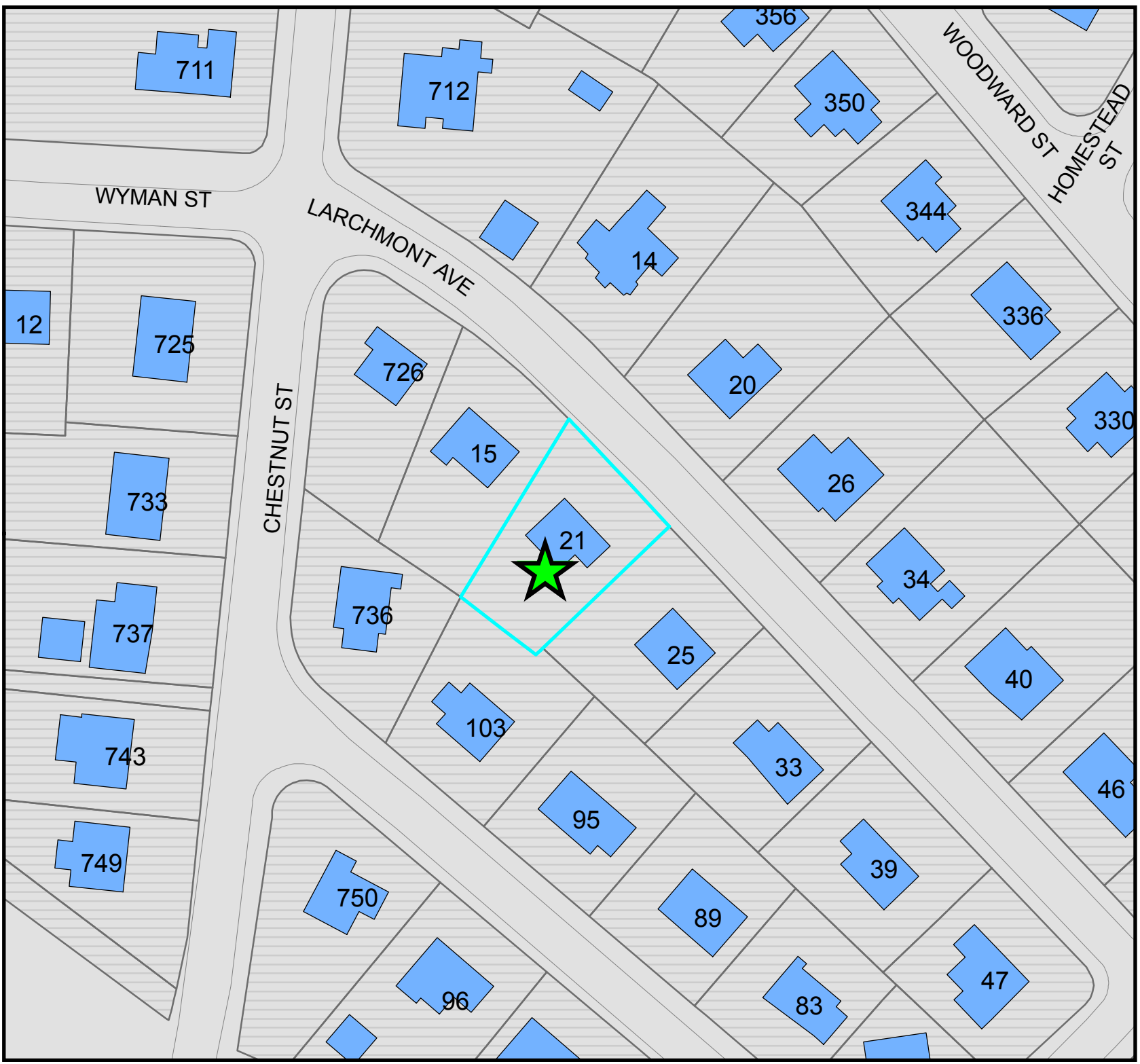


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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Setti D. Warren  
GIS Administrator - Douglas Greenfield







Map Date: June 24, 2014



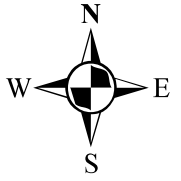
# Contour Map 21 Larchmont Ave

*City of Newton,  
Massachusetts*

**Legend**

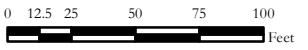
-  Streets - Pavement Edge
-  Building Outlines
- Contour Lines**
-  Two Foot Contour
-  Index (10 Foot) Contour

**ATTACHMENT D**

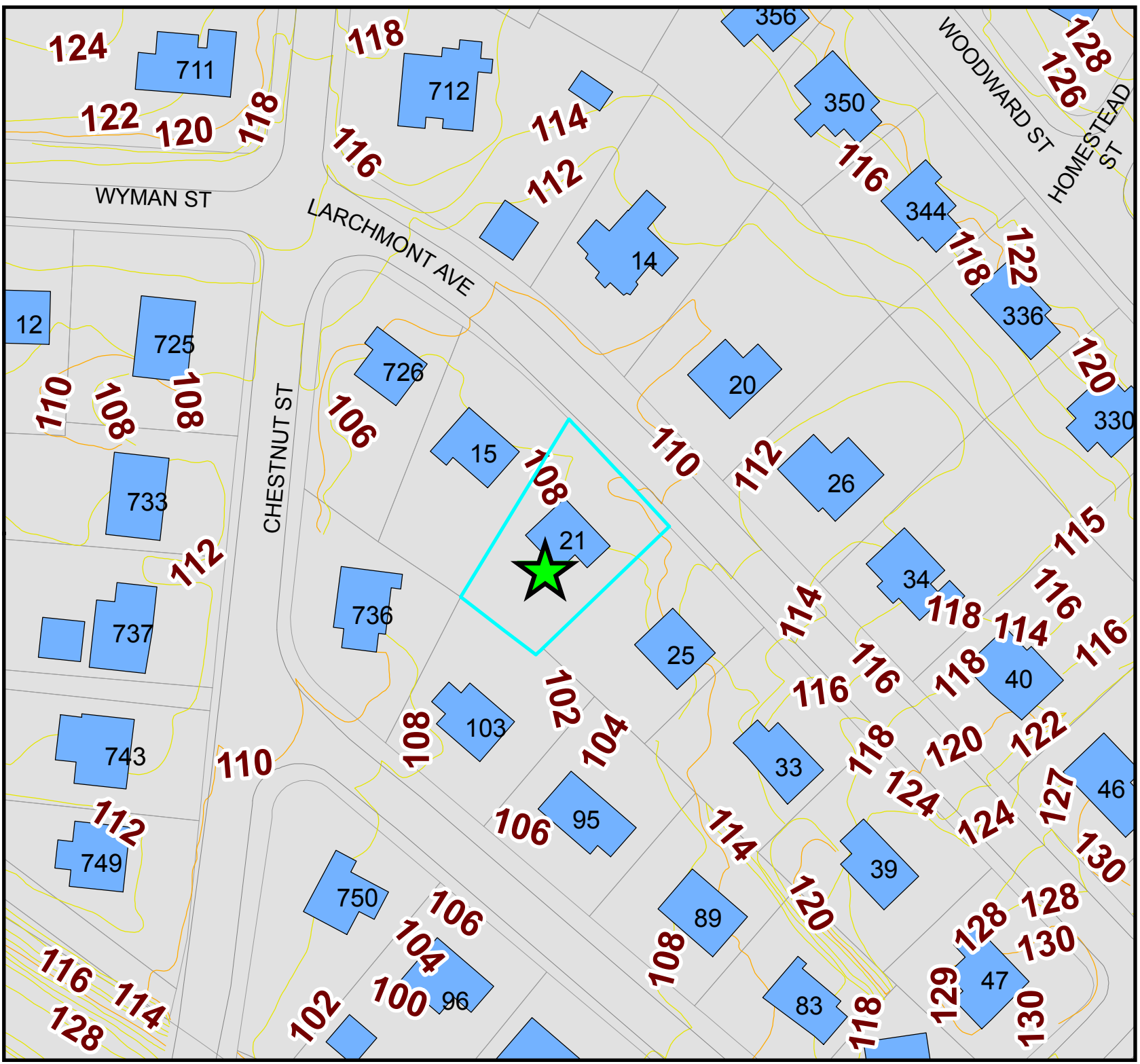


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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Setti D. Warren  
GIS Administrator - Douglas Greenfield



Map Date: June 30, 2014



## FAR ANALYSIS

|                                   | House        | Basement   | Attic | Detached<br>Garage | Total        | Lot Size     | FAR         |
|-----------------------------------|--------------|------------|-------|--------------------|--------------|--------------|-------------|
| 14 Larchmont Ave                  | 2,670        | 1,118      |       |                    | 3,788        | 11,860       | 0.32        |
| 20 Larchmont Ave                  | 4,676        | 787        |       | 399                | 5,862        | 12,560       | 0.47        |
| 26 Larchmont Ave                  | 2,304        | 948        |       | 761                | 4,013        | 11,010       | 0.36        |
| 34 Larchmont Ave                  | 1,735        | 935        |       |                    | 2,670        | 11,150       | 0.24        |
| 40 Larchmont Ave                  | 1,881        | 1,144      |       |                    | 3,025        | 10,710       | 0.28        |
| 47 Larchmont Ave                  | 2,083        | 1,165      | 416   |                    | 3,664        | 8,300        | 0.44        |
| 39 Larchmont Ave                  | 1,972        | 1,081      |       |                    | 3,053        | 8,270        | 0.37        |
| 33 Larchmont Ave                  | 1,930        | 990        | 120   |                    | 3,040        | 8,410        | 0.36        |
| 25 Larchmont Ave                  | 2,408        | 990        |       |                    | 3,398        | 7,780        | 0.44        |
| <b>21 Larchmont Ave</b>           | <b>1,589</b> | <b>758</b> |       |                    | <b>2,347</b> | <b>7,593</b> | <b>0.31</b> |
| 15 Larchmont Ave                  | 1,975        | 980        |       |                    | 2,955        | 8,400        | 0.35        |
| 726 Chestnut Street               | 2,306        | 1,193      |       |                    | 3,499        | 8,496        | 0.41        |
| 736 Chestnut Street               | 1,944        | 1,018      |       |                    | 2,962        | 7,981        | 0.37        |
| 89 Larchmont Ave                  | 2,260        | 1,220      |       | 400                | 3,880        | 7,350        | 0.53        |
| 95 Larchmont Ave                  | 1,916        | 1,032      |       |                    | 2,948        | 7,670        | 0.38        |
| 103 Larchmont Ave                 | 2,647        | 1,054      |       |                    | 3,701        | 8,075        | 0.46        |
| Average                           | 2,269        | 1,026      |       |                    | 3,425        | 9,101        | 0.38        |
| Median                            | 2,029        | 1,025      |       |                    | 3,226        | 8,350        | 0.37        |
| 21 Larchmont Ave with<br>Addition | 2,446        | 1,166      |       |                    | 3,612        | 7,593        | 0.48        |

*All data derived from the Newton Assessors Database*

**CITY of NEWTON  
ENGINEERING DIVISION**

**MEMORANDUM**

To: Alderman Mark Laredo, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 21 Larchmont Avenue

Date: July 2, 2014

CC: Lou Taverna, PE City Engineer  
Linda Finucane, Associate City Clerk  
Alexandria Ananth, Chief Planner  
Katy Holmes, Sr. Planner  
Stephen Pantalone, Sr. Planner

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In reference to the above site, I have the following comments for a plan entitled:

*21 Larchmont Avenue  
Newton, MA  
Prepared by: Everett M. Brooks Company  
Dated: May 6, 2014*

*Executive Summary:*

The owner of the existing single family home is proposing an addition and new deck. The majority of the work will occur over existing paved surface of the driveway, therefore no drainage improvements are not warranted. However, due to the down gradient of the backyard roof runoff should be collected into rain barrels and re-used for the lawn and garden, to minimize any impact.



Since construction equipment will be driven over the City's Drainage Easement, prior to approval of the Building Permit, a Closed Circuit Television (CCTV) inspection shall be performed and witnessed by the Engineering Division, the applicant shall retain a contractor that specializes in CCTV inspection. The applicant shall contact the Engineering Division 48 hours in advance to schedule an appointment. At the end of the inspection the video or CD shall be given to the inspector. Furthermore, upon completion of all construction a Post – Construction video inspection shall also take place and witnessed as described above. This is to ensure that there is no damaged pipe so that the contractor of record is not held accountable for preexisting conditions.

Construction Management:

1. An approved type of siltation control is needed for the site.

General:

1. As of January 1, 2009, all trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. All tree removal shall comply with the City's Tree Ordinance.
3. The applicant will have to apply for a Sidewalk Crossing permit with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
4. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
5. Prior to Occupancy Permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
6. All site work must be completed before a Certificate of Occupancy is issued. *This note must be incorporated onto the site plan.*

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.



Setti D. Warren  
Mayor

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Department of Planning and Development  
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ATTACHMENT G

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Candace Havens  
Director

Newton Historical Commission Demolition Review Decision

Date: 7/2/2014 Zoning & Dev. Review Project# 14060012

Address of structure: 21 Larchmont Avenue

Type of building : House

If partial demolition, feature to be demolished is rear facade

The building or structure:

is  is not  in a National Register or local historic district not visible from a public way.

is  is not  on the National Register or eligible for listing.

is  is not  importantly associated with historic person(s), events, or architectural or social history

is  is not  historically or architecturally important for period, style, architect, builder, or context.

is  is not  located within 150 feet of a historic district and contextually similar.

is  **NOT HISTORIC** as defined by the Newton Demolition Delay Ordinance.

*Demolition is not delayed and no further review is required.*

is  **HISTORIC** as defined by the Newton Demolition Delay Ordinance (See below).

The Newton Historical Commission staff:

**APPROVES** the proposed project based upon materials submitted see below for conditions (if any).

*Demolition is not delayed, further staff review may be required.*

**DOES NOT APPROVE** and the project requires  
Newton Historical Commission review (See below).

Final review of plans required  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Newton Historical Commission finds the building or structure:

is  **NOT PREFERABLY PRESERVED**

*Demolition is not delayed and no further review is required.*

is  **PREFERABLY PRESERVED - (SEE BELOW).**

Delay of Demolition:

is in effect until \_\_\_\_\_

has been waived - see attached for conditions

Determination made by

Please Note: if demolition does not occur within two years of the date of expiration of the demolition delay, the demolition will require a resubmittal to the Historical Commission for review and may result in another demolition delay.