

CITY OF NEWTON
IN BOARD OF ALDERMEN
ZONING & PLANNING COMMITTEE AGENDA
MONDAY MARCH 14, 2011

7:45pm Room 202

ITEMS SCHEDULED FOR DISCUSSION:

- #235-10 ALD. BAKER & YATES on behalf of the Newton Historical Commission requesting updates to §22-50, **Demolition of historically significant buildings or structures.**, to minimize inconveniences to homeowners proposing modest changes and to enhance protections for historic structures proposed for demolition, with specific amendments designed to (B) establish a minimum period of delay for full demolition if the structure is found to be preferably preserved; and (C) extend the existing period of delay, as has occurred in other communities, for structures proposed for full demolition if the structure is found to be preferably preserved. [8/30/10 @3:19PM]
SECTION (B), APPROVED 7-0-1 (Lennon abstaining) on 2/14/11
SECTION (C), APPROVED 6-2 (Lennon and Lappin opposed) on 2/14/11
RECOMMITTED BY FULL BOARD ON 2/22/11
- #294-03 ALD. BAKER, YATES, JOHNSON AND MANSFIELD requesting analysis and discussion of possible remedies for demolition of modest housing and replacement with oversized structures out of character with the surrounding neighborhood, including examining the experience of other communities, including those out of state, who have worked to address this problem.
(RECOMMITTED BY FULL BOARD 8-14-06)
- #365-06 ALD. YATES requesting the establishment of an education program for realtors concerning properties in historic districts.

ITEMS NOT YET SCHEDULED FOR DISCUSSION:

- #64-11 HIS HONOR THE MAYOR, in coordination with the Director of Planning and Development, requesting to amend Section 30-15, Table 4,

The location of this meeting is handicap accessible, and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, please contact the Newton ADA Coordinator Kathleen Cahill, 617-796-1125, via email at KCahill@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.

Dimensional Controls for Rear Lot Development in Residential Zones as they pertain to floor area ratio. [02-22-11 @ 6:47PM]

- #65-11 TERRENCE P. MORRIS & JOSEPH PORTER proposing an amendment to the zoning ordinance to change the definition of “height” with a concomitant increase in the height to the pre-1997 limits; to make height exceptions in accessory buildings subject to special permit rather than a variance. [03-01-11 @ 1:27PM]
- #154-10 ALD. JOHNSON, CROSSLEY and HESS-MAHAN requesting to amend **Section 30-1 Definitions**, by inserting a new definition of “lot area” and revising the “setback line” definition for clarity. [06/01/10 @ 9:25 PM]
- #17-11 TERRENCE P. MORRIS, JOSEPH PORTER, BRUCE BRADFORD, GEORGE COLLINS, VERNE T. PORTER, JR., MICHAEL PEIRCE proposing an amendment to the zoning ordinance for the purpose of changing the definition of “Grade Plane” and adding a new definition for “Average Grade”. [12-28-10 @ 10:22AM]
- #49-11 ALD. JOHNSON, Chair of Zoning and Planning Committee, on behalf of the Zoning and Planning Committee requesting that the Director of Planning & Development and Commissioner of Inspectional Services review with the Zoning & Planning Committee the FAR data collected during the eight months prior to the new FAR going into effect and the 12 months after. This committee review should occur no less than bi-monthly but could occur as frequently as monthly, based on the permits coming into the departments. [02-15-2011 @8:44AM]
- #253-10(2) ZONING & PLANNING COMMITTEE supporting the establishment of a Brightfield Solar Energy Array, subject to neighborhood input, on the Flowed Meadow site similar to the one in Brockton. [02-15-2011 @10:01am]
- #122-09 ALD. SANGIOLO on behalf of Armando Rossi requesting a discussion of the proliferation of signage in the city.
- #26-11 HIS HONOR THE MAYOR submitting in accordance with Section 7-2 of the City Charter an amendment to the 2007 Newton Comprehensive Plan to include a Mixed-Use Centers Element [01-07-11 @ 4:20 PM]
REFERRED TO PLANNING AND DEVELOPMENT BOARD (to be reported back on April 1, 2011)
- #150-09(3) ALD. ALBRIGHT, JOHNSON, LINSKY proposing that a parcel of land located in Newtonville identified as Section 24, Block 9, Lot 15, containing approximately 74,536 square feet of land, known as the

Austin Street Municipal Parking Lot, currently zoned Public Use, be rezoned to Business 4. (12/10/10 @9:21AM)

- #153-10 ALD. JOHNSON, CROSSLEY AND HESS-MAHAN requesting to amend **Section 30-15 Table 1** of the City of Newton Ordinances to allow a reasonable density for dwellings in Mixed Use 1 and 2 districts. [06/01/10 @ 9:25 PM]
- #183-10 ALD. JOHNSON, CROSSLEY AND HESS-MAHAN requesting to amend **Section 30-13(a) Allowed Uses in Mixed Use 1 Districts** by inserting a new subsection (5) as follows: “(5) Dwelling units above the first floor, provided that the first floor is used for an office or research and development use as described above;” and renumbering existing subsection (5) as (6). [06/07/10 @ 12:00 PM]
- #311-10 HIS HONOR THE MAYOR submitting the FY’12-FY’16 Capital Improvement Program, totaling \$174,246,135 pursuant to section 5-3 of the Newton City Charter and the FY’11 Supplemental Capital budget which require Board of Aldermen approval to finance new capital projects over the next several years. [10/18/10 @5:24PM]
- #474-08 ALD. HESS-MAHAN & VANCE proposing that Chapter 30 be amended to transfer from the Board of Aldermen to the Zoning Board of Appeals and/or the Planning & Development Board the special permit granting authority for special permit/site plan petitions not classified as Major Projects pursuant to Article X of the Board Rules. [12/09/08 @ 3:26 PM]
- #30-10(2) POST AUDIT & OVERSIGHT COMMITTEE requesting a discussion with the Planning & Development Department relative to the governance process of the Newton Community Development Authority (NCDA), including recommendations and potential changes to the NCDA. [01/26/09 @ 9:00 PM]
- # 7-99 ALD. PARKER requesting discussion of possible zoning amendments to create additional residential districts with different FAR and lot size requirements.
- #152-10 ALD. BAKER, FULLER, SCHNIPPER, SHAPIRO, FISCHMAN, YATES AND DANBERG recommending discussion of possible amendments to **Section 30-19** of the City of Newton Ordinances to clarify parking requirements applicable to colleges and universities. [06/01/10 @ 4:19 PM]
- #411-09 ALD. DANBERG, MANSFIELD, PARKER requesting that §30-19(d)(13) be amended by adopting the Board of License Commissioners’ current informal policies, which waive parking stall requirements for a set

maximum number of seasonal outdoor seats in restaurants and require that indoor seats be temporarily reduced to compensate for any additional outdoor seats while they are in use, by establishing a by-right limit based on a proportion of existing indoor seats that will allow seasonal outdoor seats to be used without need for additional parking.

- #391-09 ALD. DANBERG, MANSFIELD, VANCE AND HESS-MAHAN requesting an amendment to §30-19 to allow payments-in-lieu of providing required off-street parking spaces when parking spaces are waived as part of a special permit application.

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

- #391-09(2) ALD. DANBERG, MANSFIELD, VANCE AND HESS-MAHAN requesting the establishment of a municipal parking mitigation fund whose proceeds, derived from payments-in-lieu of providing off-street parking spaces associated with special permits, will be used solely for expenses related to adding to the supply of municipal parking spaces, improving existing municipal parking spaces, or reducing the demand for parking spaces.

- #207-09(2) ALD. PARKER, DANBERG & MANSFIELD, proposing that chapter 30 be amended to allow additional seating in restaurants. [07/07/09 @ 12:42 PM]

- #150-08 ALD. GENTILE proposing that Chapter 30 be amended to clarify that for a commercial vehicle to be parked legally at a residential property, it must be registered to the owner/occupant of that residential property. [4/15/08 @ 2:17PM]

- #61-10 ALD. CICCONE, SWISTON, LINSKY, CROSSLEY AND HESS-MAHAN requesting a discussion relative to various solutions for bringing existing accessory and other apartments that may not meet the legal provisions and requirements of Chapter 30 into compliance. [02/23/10 @ 2:48 PM]

- #164-09(2) ALD. HESS-MAHAN requesting that the Planning Department study the dimensional requirements for lot and building size for accessory apartments and make recommendations for possible amendments to those dimensional requirements to the board of Aldermen that are consistent with the Newton Comprehensive Plan. [01/07/10 @ 12:00 PM]

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

- #48-06 ALD. HESS-MAHAN, BURG, JOHNSON, DANBERG, PARKER & WEISBUCH proposing that the city provide financial incentives to rent accessory apartments to low- to moderate-income households at affordable rates that can serve housing affordability goals.

FINANCE VOTED NO ACTION NECESSARY ON 3/8/10

- #60-10 ALD. HESS-MAHAN proposing that sections 30-15(s)(10) and 30-24(b) of the City of Newton Ordinances be amended to substitute a 3-dimensional computer model for the scaled massing model in order to facilitate compliance with recent amendments to the Open Meeting Law and that sections 30-23 and 30-24 be amended to reflect the filing procedures in Article X of the Rules & Orders of the Board of Aldermen. [02/23/10 @ 3:24 PM]
- #475-08 ALD. HESS-MAHAN, DANBERG, JOHNSON, SWISTON, & PARKER proposing that the City of Newton accept the provisions of GL chapter 43D, a local option that allows municipalities to provide an expedited permitting process and promote targeted economic development. [12/09/08 @ 9:41 AM]
- #288-06 ALD. MANSFIELD, DANBERG, PARKER proposing that Sec 30-11(a), (b), and (d) of Chapter 30 be amended to allow banks and other financial institutions only by special permit in Business 1, 2 , 3 and 4 districts.
- #133-03 ALD. YATES proposing an amendment to Chapter 30 requiring a special permit for a so-called "snout house" (one with excessive/intrusive garage on the front) following the example of Fort Collins, Colorado.
- #114-10 ALD. YATES AND RICE requesting reports from the Conservation Commission and Board of Survey on compliance with condition of permits given to allow the development of the Laura Road subdivision. [04/07/10 @ 10:59 PM]
- #440-04 ALD. JOHNSON, BAKER & LAPPIN proposing a definition of "accessory structure" which will include mechanical equipment.
- #20-99 ALD. YATES proposing that Chapter 30 be amended by removing radio and television towers as allowed uses in the Mixed Use 1 district.

Respectfully Submitted,

Marcia Johnson, Chairman

Department of Planning and Development



**Zoning and Planning Committee
March 14, 2011**



**Petition #235-10
DEMOLITION DELAY ORDINANCE**

Demolition Review Process



- **50 + years old and proposed for demo—must apply**
Under 50 years old or not a demolition project: process complete
- **Historically Significant or not**
Not historically significant: process complete
- **Staff approval or not**
If staff approves, no Commission review: process complete
- **Commission review - preferably preserved or not**
Not preferably preserved: process complete
If preferably preserved: demolition delay initiated

Demolition Review Facts

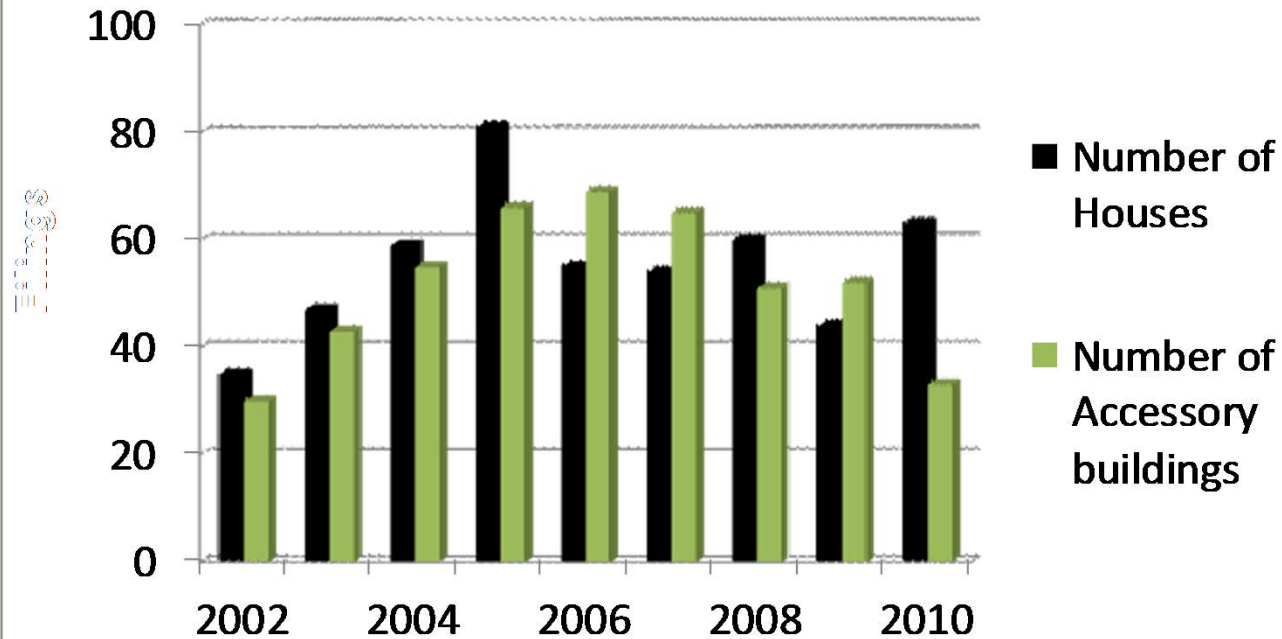


- ~ 85% of buildings subject to demo delay
 - Most of Newton built before 1960
 - Approximately 20,000 residences + other buildings
- On average, 50% of filings are *Not Historically Significant*
- On average, 50% of Historically Significant filings are *Not Preferably Preserved* = hearing required, no delay
- **In 2010, 12 properties proposed for total demolition were found Preferably Preserved and placed on delay**
- Applicants representing preferably-preserved properties can request a waiver at the same time a building is put on delay and the Commission receives many requests for waivers

Number of Total Demolition Applications Filed



Newton Full Demo Comparison

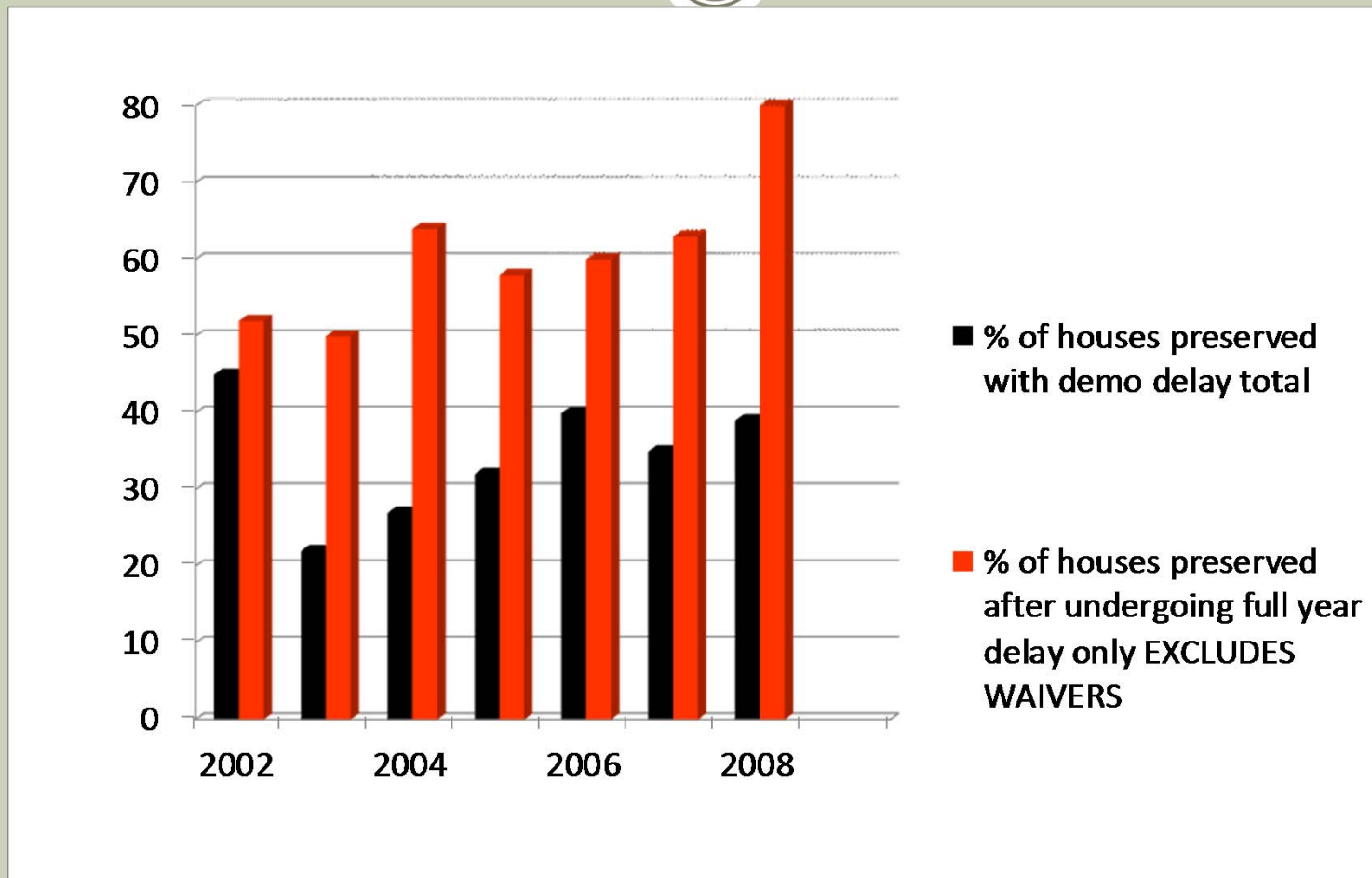


Buildings applying for total demolition found preferably preserved and placed on delay:

2009: 13

2010: 12

Demolition Delay Success Rate



Fewer waivers = more buildings preserved

Preferably Preserved Determination



“If the commission finds that the demolition proposed in the application would result in the demolition of a historically significant building or structure whose loss would be detrimental to the historical or architectural heritage or resources of the City of Newton, then the commission shall find that the building or structure should be preferably preserved.”

Factors Under Consideration for Preferably Preserved Determination



- **Rarity** Is the building one of many or one of a few?
- **Historic Integrity** Does the building retain its historic integrity (ie: historic appearance and materials)?
- **Historical Significance** How important is it due to its association with a person or event, architectural style, or place in Newton history?
- **Historic Context** Is the building in a historic neighborhood where its loss would negatively affect neighborhood character?

Resources We Use in Making Preferably Preserved Determinations

- Historic photographs
- Histories of Newton
- Existing documentation on historic buildings
- Site visits
- City directories
- Historic maps
- Owner-provided information

FORM B - BUILDING

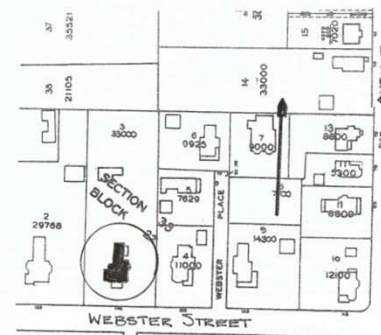
MASSACHUSETTS HISTORICAL COMMISSION
Office of the Secretary, State House, Boston

In Area no.	Form no.
	3462



City West Newton
 Address 141 Webster Street
 Use Residence
 Present owner Maria Corsetti
 Description: Between 1852 and 1855
 Source Jackson Homestead publication
 Style Italianate

4. Map. Draw sketch of building location in relation to nearest cross streets and other buildings. Indicate north.

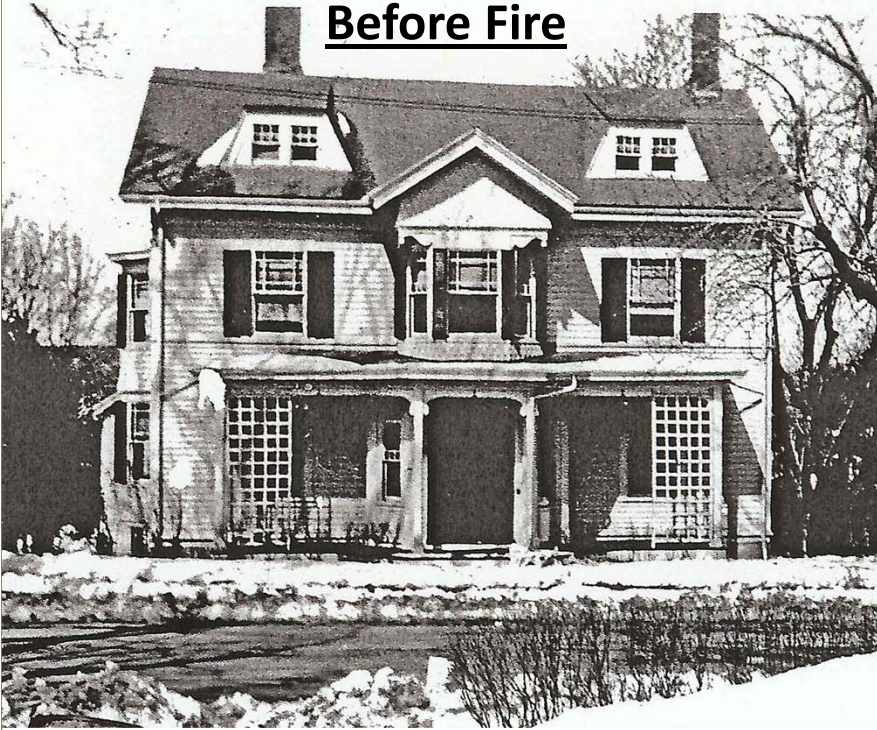


Architect _____
 Exterior wall fabric Wood Shingles
 Outbuildings (describe) _____
 Other features Bracketed eaves
 Altered Siding, windows Date 20th c.
 Moved _____ Date _____
 5. Lot size: One acre or less Over one acre _____
 Approximate frontage 120'
 Approximate distance of building from street 30'
 6. Recorded by Kathlyn Hatch
 Organization Newton Historical Commission
 Date December 8, 1978

371 Austin Street: Not Preferably Preserved



Before Fire



After Fire

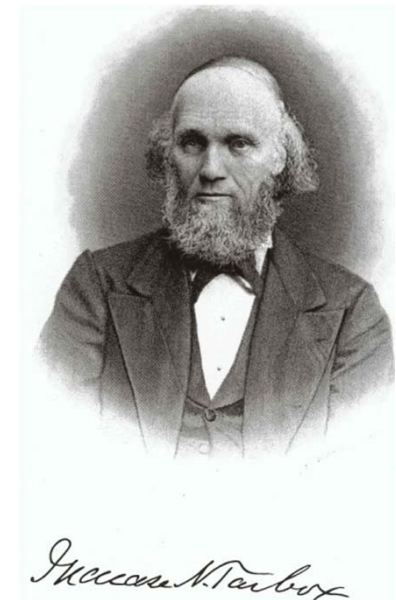


Circa 1853 Italianate

371 Austin Street



- Not Preferably Preserved
- Home of Increase Tarbox , theologian, author and person of **Historic Significance**
- Home once exhibited both Italianate and Queen Anne-style architecture
- Fire substantially altered it
- Integrity of building lost
- Due to its lack of integrity the building was found Not Preferably Preserved



131 Otis Street: Preferably Preserved



Circa 1860 Italianate

131 Otis Street



- Preferably Preserved
- Home of Richard Payne, a gardener
- Italianate cottage in a neighborhood of other late 19th century buildings (**Historic Context**)
- Although building has had additions the Commission felt that it was intact (**Historic Integrity**)
- Commission recommended renovation and replacing the later additions

31 Magnolia Avenue: Not Preferably Preserved



1928 Colonial Revival

31 Magnolia Avenue



- Not Preferably Preserved
- Home of Seth Clark who worked in finance in Boston
- Designed by Herbert Colby an architect who also designed the Underwood School, Elliot Street Stable and Garage, and the Crystal Lake Bath House
- While Colby is a person of **Historic Significance**, this particular example of his work had been altered, was in a neighborhood of mixed architectural styles, and is Colonial Revival, the most common building style in Newton

112-116 Dedham Street: Preferably Preserved

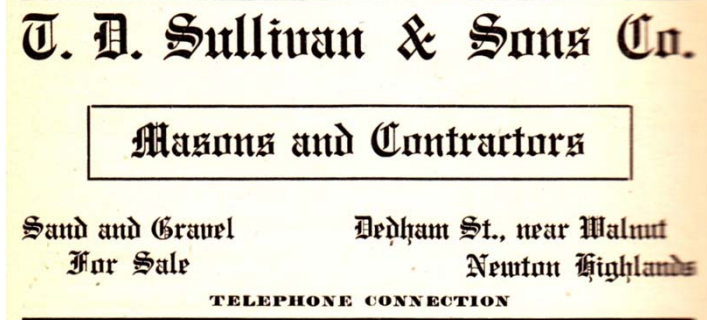


Late 19th century
Carriage House

112-116 Dedham Street



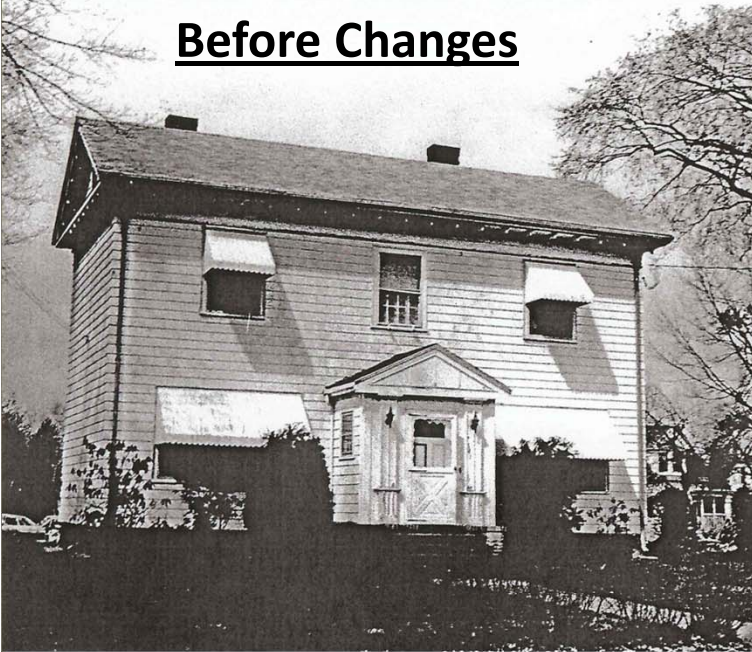
- Preferably Preserved – On Delay
- Home and business of Timothy Sullivan, mason and contractor
- Ran teams of horses out of this and another barn (previously demolished) on the property
- Unique in Newton (**Rarity**) as an example of a commercial carriage house
- Despite addition, original slate roof, clapboard siding and stone façade are all present (**Historic Integrity**)
- Had substantial neighborhood support for preservation



141 Webster Street: Not Preferably Preserved



Before Changes



Circa 1852 Italianate,
National Register listed

After Changes



141 Webster Street



- Not Preferably Preserved
- Listed in a National Register of Historic Places District known as the Webster Park Historic District (**Historic Significance / Context**)
- Over time the building has had a number of alterations, and demolition of several of the buildings in the district has occurred
- Due to the lack of integrity and change in context the building was found Not Preferably Preserved

830 Commonwealth Avenue: Preferably Preserved Building Saved



1922 Dutch Colonial,
National Register listed

Developer rehab with addition

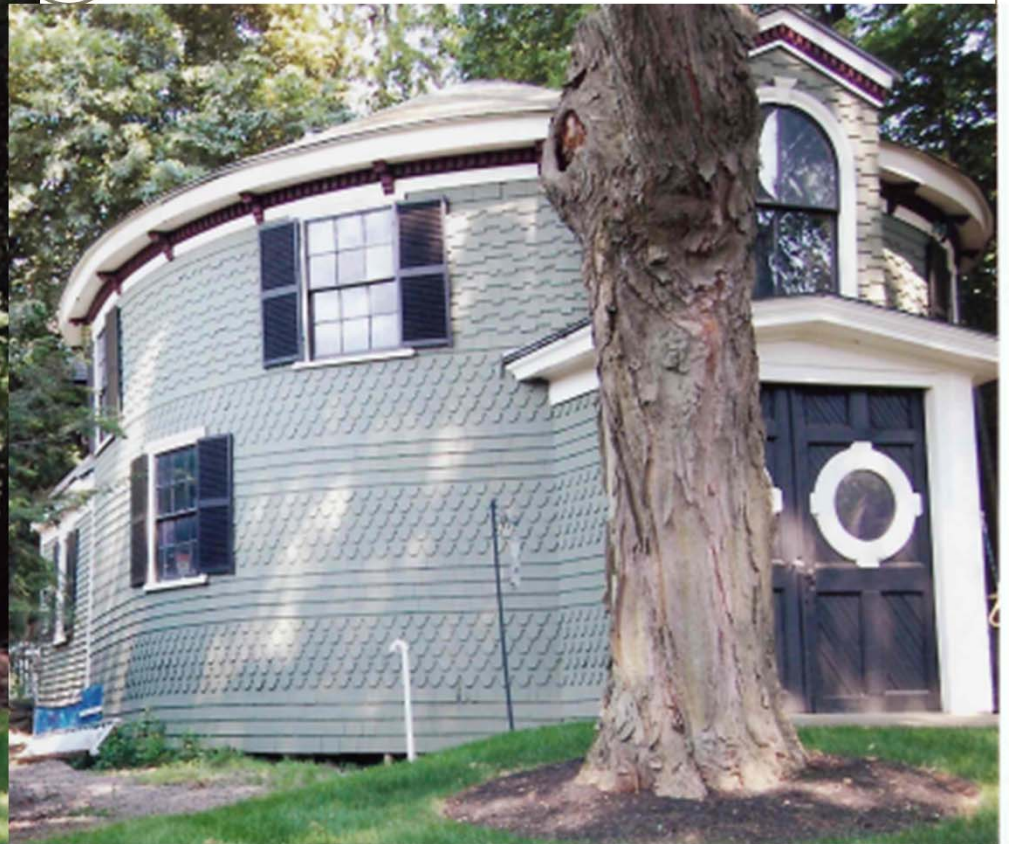


830 Commonwealth Avenue



- Preferably Preserved
- Listed in a National Register of Historic Places District known as the Commonwealth Avenue Historic District
- One of many built in the 1920s - 1940s as part of the development of this neighborhood with use of the trolley than ran along the carriage way (**Historic Context / Significance**)
- Slate roof, façade and original windows were present (**Historic Integrity**)
- Due to its integrity and context the building was found Preferably Preserved
- Renovated with an addition

303 Mount Vernon Street: Preferably Preserved Building Lost



Late 19th century carriage house
Delay expired, owner demolished

303 Mount Vernon Street



- Preferably Preserved
- Carriage house unusual in condition and round design (**Historic Integrity / Rarity**)
- Built in Victorian style to match main house; one of several Victorian era buildings in the neighborhood (**Historic Context**)
- Due to its integrity, rarity, and context the building was found Preferably Preserved
- The delay expired and the building was demolished



79-81 Washington Park: Preferably Preserved Building Saved



Circa 1860, National
Register listed

Property sold to
someone willing
to preserve building

Substantial
neighborhood
support for
preservation



79-81 Washington Park



- Preferably Preserved
- Circa 1860 vernacular residence located in the Washington Park National Register Historic District, a neighborhood of late 19th century residences (**Historic Context**)
- One of the first homes built in the neighborhood
- Although the building has had alterations, the Commission and neighborhood residents felt it was important to maintain the context
- Building sold to someone willing to reuse it

811 Commonwealth Avenue: Preferably Preserved Building Lost



Original Building

1946 English Revival, National Register listed

Developer replaced building
after delay expired



New Building

811 Commonwealth Avenue



- Preferably Preserved
- Building listed in a National Register of Historic Places District known as the Commonwealth Avenue Historic District(**Historic Context / Significance**)
- Commission felt that is original style and features were present (**Historic Integrity**)
- Due to its integrity and context the building was found Preferably Preserved
- Delay expired and the building was demolished
- Replacement has its garage in the front yard and does not fit into the neighborhood context



Setti D. Warren
Mayor

11 FEB 11 P 2:20
CITY OF NEWTON, MASSACHUSETTS
CITY CLERK
NEWTON, MA 02459

Department of Planning and Development

Telephone
(617) 796-1120

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(617) 796-1142

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(617) 796-1089

DATE: February 10, 2011

TO: Alderman Marcia T. Johnson, Chairman
and Members of the Zoning and Planning Committee

FROM: Candace Havens, Director of Planning and Development *SH*
Jennifer Molinsky, Interim Chief Planner – Long Range Planning
Brian Lever, Senior Preservation Planner

SUBJECT: Petition # 235-10 Ald. Baker and Yates on behalf of the Newton Historical Commission requesting updates to **Section 22-50** Demolition of historically significant buildings or structures., to minimize inconveniences to homeowners proposing modest changes and to enhance protections for historic structures proposed for demolition, with specific amendments designed to (1) reduce the number of applications filed and allow smaller projects to occur without review; (2) establish a minimum period of delay for full demolition if the structure is found to be preferably preserved; and (3) extend the existing period of delay, as has occurred in other communities, for structures proposed for full demolition if the structure is found to be preferably preserved.

CC: Mayor Setti D. Warren
Board of Alderman
John Lojek, Commissioner, Inspectional Services Department
Marie Lawlor, Assistant City Solicitor
Donald Lang, Chair, Newton Historical Commission

The purpose of this memorandum is to provide supplemental information for use of the Zoning and Planning Committee in its deliberations on petition #235-10 regarding the Demolition Delay Ordinance. A change to Sec. 22-50, the Demolition Delay Ordinance, requires a vote by the Board of Aldermen.

This petition originally recommended three changes to the Demolition Delay Ordinance, regarding the threshold for review, application for waiver of a one-year demolition delay, and the length of the delay. At its meeting on January 24th, the Committee voted to move the first change, regarding threshold for review, to the Board of Aldermen; the Board adopted that change on February 7th. This memo describes the remaining two provisions in the petition.

BACKGROUND

The Demolition Delay Ordinance was enacted in 1985. It enables the Newton Historical Commission (NHC) to delay the demolition of historically significant buildings and structures, the loss of which is considered to be detrimental to the historic resources and heritage of the City. Initially the delay was six-months; it was later extended to one-year. In order for the one-year delay to be imposed, a building or structure has to be found both historically significant (requiring review of the Historical Commission) and preferably preserved (meaning its loss will be detrimental). The goal of the one-year delay is to encourage property owners to consider alternatives to demolition. During the one-year delay, property owners may apply to waive the remainder of the delay based upon mitigating circumstances.

In 2003, the Commission adopted an internal review policy regarding partial demolition, defining it as demolishing or altering greater than 25% of a façade or roof. This policy change was formally adopted as part of the ordinance change in 2008, which also granted a staff level review. The Planning Department and the Historical Commission have since engaged in a review of the effectiveness of the Demolition Delay and have noted the following issues:

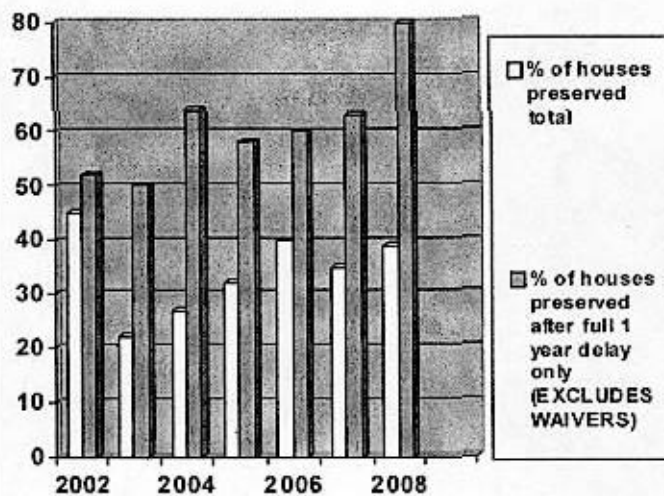
1. The number of filings for demolition review is higher in Newton than any other community in Massachusetts. In fact, Newton annually receives two to three times as many applications as the City of Boston due to the strict filing procedures narrowly defining demolition.
2. The Historical Commission has been inundated with requests for waivers of the Demolition Delay even before a building is put on the one-year delay and in other cases, applicants apply for a waiver from the delay at the same time a building is put on delay and may return repeatedly until a waiver is obtained. This decreases the effectiveness of the Ordinance in preserving historic buildings and structures in Newton.
3. In comparison to other communities such as Cambridge, Newton's delay saves far fewer buildings from destruction.
4. Preservation staff in Newton spend far more time on demolition review than any other job responsibility (and more than other staff in other communities), which limits time for other important job functions such as grant writing and public outreach.

To address these concerns, the following actions are recommended:

(1) Reduce the number of applications filed and allow smaller projects to occur without review by raising the threshold for review from demolition of at least 25% of a façade or roof to 50% of a façade or roof. This portion of the petition was adopted by the Board of Aldermen at its meeting on February 7th.

(2) Establish a minimum period of delay for full demolition if the structure is found to be preferably preserved.

If a structure is found to be preferably preserved and, therefore, a one-year Demolition Delay is instituted, property owners may still apply for a waiver of that delay. The Historical Commission may approve an application for a waiver of the delay based on mitigating circumstances. For example, if the property owner puts forth an alternative plan that preserves the building, documentation of the historic building prior to demolition, or a design for a replacement building. Additionally, if the building is condemned by Inspectional Services, the delay is nullified and the building can be demolished without Historical Commission approval. A property owner can apply for a waiver the same night as a Demolition Delay is imposed. For many years, in order to move through the dozens of applications the Historical Commission would review in an evening, the Commission issued numerous waivers of the Demolition Delay. Meanwhile, the Commission was also less able to focus on substantial projects that affected significant buildings. Thus, the Historical Commission issued waivers of the Demolition Delay for most applications for total demolition of a historic building in order to come to a speedy resolution on the many projects before it, and many historic buildings were demolished at a rate greater than had ever been done before.



Staff in Cambridge estimate that over 50% of demolition applications annually filed result in the building being saved, a significant advantage over Newton.

The issuance of waivers has had a significant effect on the success rate of the Demolition Delay. Before the 2003 change, in which the Commission began to see greater numbers of applications because the threshold was formalized as 25% of a facade or roof, between 40% and 50% of applications for full demolition resulted in buildings being saved. The success rate has never been that high since. Of the buildings found preferably preserved in 2003, only 22% of buildings were saved. In contrast, the number of buildings that were saved as a result of undergoing the entire one-year delay has been in excess of 50% each year. **This means that a building is far more likely to be preserved if it undergoes the full delay.** The more waivers are issued, the fewer buildings are preserved. Newton preservation staff has spoken with preservation staff and Commission members in Cambridge, Brookline and Needham and in those communities waivers of the Demolition Delay are not issued as quickly or as easily as they are in Newton, usually not less than four to six months into the delay. Staff in Cambridge estimate that over 50% of demolition applications annually filed result in the building being saved, a significant advantage over Newton.

Following the example of Brookline, Cambridge, Needham and other communities, the Historical Commission is proposing to establish a **minimum period of delay of four months for applications involving the total demolition of buildings only.** Under this policy, if a Demolition Delay is imposed, a property owner would have to wait four months before applying to waive the delay. During this period applicants can pursue alternatives to demolition including: renovating the building; adding onto the building; selling the building to someone willing to preserve it; or moving the building. If the building cannot be reused, a property owner can at any time during the delay ask Inspectional Services to condemn the building or structure, at which point the demolition delay is nullified for safety concerns. At the end of the minimum period, should an applicant still wish to continue with demolition, the Commission would consider applications for a waiver of the demolition delay based upon mitigating circumstances. It is important to note that a property owner who had planned a full demolition and been issued a Demolition Delay can change plans and apply for a partial demolition at any meeting; the four month delay would not apply in this instance.

The purpose of this proposed amendment is to ensure that there is at least a four-month waiting period before the Demolition Delay can be waived. With no minimum wait period before the issuance of a waiver, the effect of the Demolition Delay is nullified because neither the applicant or the Commission has time to work on an alternative to demolition. Some communities do not issue waivers at all, forcing all applicants to wait the full amount of the delay. In April 2010, the *Historical Commission instituted a new policy that it would not hear requests for waivers of the delay for a replacement buildings until two months after finding a building preferably preserved.* This policy has been a trial effort and has not created problems with applicants, but also has not substantially reduced demolition through waiver requests. The current proposal would increase the minimum wait period by two months, which is more likely to provide an incentive toward preservation and represents 1/3 of the current one-year delay.

Proposed language, which has been revised to reflect the Committee's suggestions at the last meeting, is attached.

(3) Extend the existing period of delay, as has occurred in other communities, for structures proposed for full demolition if the structure is found to be preferably preserved.

Currently, five communities in Massachusetts, Acton, Amesbury, Brookline, Chatham, and Middleborough, have 18-month delays. In Brookline and Acton, the extra six months beyond the one-year delay is only for National Register listed or other specially designated historic properties. Extending the delay offers greater protection for historic properties by giving more time in which property owners are encouraged to work out alternatives to full demolition. Properties are found preferably preserved at a public meeting by a majority vote of the Historical Commission due to their significance. The "preferably preserved" determination means that the loss of the building or structure will be a detrimental loss to the City's heritage.

In 2009, 13 buildings and in 2010, 12 buildings applying for total demolition were found preferably preserved. Should the Committee find that an 18-month delay is too onerous, an alternative would be to keep the one-year delay as existing and have an 18-month delay for National Register listed properties and properties determined to be eligible for listing either individually or as part of a National Register district. This would currently apply to roughly 1,000 properties, as there are

roughly 1,600 National Register listed properties in Newton with approximately 600 located in local historic districts that are reviewed under a different ordinance.

PROPOSAL

To address these issues the Historical Commission has proposed the following changes to the Demolition Delay Ordinance:

- 1) Insitute a minimum period for full demolition applications found preferably preserved of four months. This period is intended to promote the reuse of buildings. After four months an applicant can then apply for a waiver of the delay for a replacement building. Partial demolition applications will not be affected and can be issued waivers at the first meeting.
- 2) Increase the total length of the Demolition Delay to 18 months. As discussed, the longer an applicant undergoes the delay, the more likey the building is to be preserved.

PLANNING DEPARTMENT ANALYSIS

The Planning Department has reviewed this matter with the Historical Commission and recommends adoption as proposed. The Planning Department believes the changes provide a greater incentive for the preservation of Newton's historic properties.

Attachments

Attachment A: Memo from Newton Historical Commission

Attachment B: Demolition Delay Ordinance marked up with proposed changes

PROPOSED CHANGES TO DEMOLITION DELAY ORDINANCE

The Newton Historical Commission voted unanimously at its January 28, 2010 hearing to propose the changes set forth in the attached copy of the Demolition Delay Ordinance. We are confident that these changes will have the dual benefit of reducing the number of historically significant buildings and structures demolished annually, while simultaneously making it less complicated for city residents doing remodeling projects.

The intent and purpose of the Demolition Delay Ordinance is *"the preservation and enhancement of the City of Newton's historical and cultural heritage by preserving, rehabilitating or restoring whenever possible, buildings or structures which have distinctive architectural features or historical associations that contribute to the historic fabric of the City."* The ordinance was adopted because historical preservation was determined to be an important and integral component of the Newton Comprehensive Plan.

Following that directive, the Commission's single most important task is to prevent the total demolition of historically significant buildings and structures to the greatest extent possible. Projects that involve an addition or a renovation are infinitely preferable simply because much of the original building or structure will remain intact. The proposed changes are consistent with the operational concept in play during the last review of the Demolition Delay Ordinance that the openings in the net be enlarged to permit the smaller fish to escape while simultaneously catching the larger fish.

The proposed changes are intended to ease the burden on city residents doing remodeling projects and will reduce the number of projects subject to the review of the Historical Commission and its staff. This will be accomplished simply by increasing the percentage of any single exterior wall surface, which includes exterior wall surfaces that would be enveloped by subsequent additions that requires review. The proposed changes are intended to reduce the number of total demolitions and expediting review of remodeling projects are as follows:

- Extend the period of the demolition delay for a total demolition from one (1) year to eighteen (18) months. The demolition delay for a remodeling project would remain unchanged at one (1) year.
- Further, projects involving total demolition that are determined to be preferably preserved would be prohibited from presenting their proposal for a replacement building or structure for four (4) months.
- Increase the filing threshold allowing more small remodeling projects to occur without review.

Please refer to the attachment for specifics.

PROPOSED CHANGES TO THE DEMO DELAY ORDINANCE

DIVISION 2. DEMOLITION DELAY

Sec. 22-50. Demolition of historically significant buildings or structures.

(a) *Intent and Purposes.* This section is adopted in furtherance of the policy set forth in the Newton Comprehensive Plan to assure the preservation and enhancement of the City of Newton's historical and cultural heritage by preserving, rehabilitating or restoring whenever possible, buildings or structures which have distinctive architectural features or historical associations that contribute to the historic fabric of the City.

(b) *Definitions.* For the purposes of this section, the following words and phrases have the following meanings:

Commission: The Newton Historical Commission, or if the regulated building or structure is in a local historic district established pursuant to G.L. c. 40C, the local historic district commission.

Commission staff: The person(s) regularly providing staff services for the commission whom the commission has designated commission staff for the purposes of this ordinance.

Commissioner: The commissioner of inspectional services.

Application: An application to the commissioner for a demolition permit as defined by this ordinance.

Demolition permit: Any permit issued by the commissioner which is required by the State Building Code and which authorizes the total or partial demolition of a building or structure (excluding interior demolition) regardless of whether such permit is called a demolition permit, alteration permit, building permit, etc.

Total demolition: The pulling down, razing or destruction of the entire portion of a building or structure which is above ground regardless of whether another building or structure is constructed within the original footprint of the destroyed building or structure.

Partial demolition: The pulling down, destruction or removal of a substantial portion of the exterior of a building or structure or the removal of architectural elements which define or contribute to the historic character of the structure.

(1) *Items requiring review by the commission at a hearing.* Partial demolition of any architecturally significant features which would alter the massing of the existing structure including, but not limited to the following items.

a) Additions or rear-ells determined to be architecturally significant by commission or commission staff.

- ~~b) Attached garages determined to be architecturally significant by commission or commission staff.~~
- c) Roofs, including flat roofs, determined to be architecturally significant by commission or commission staff.
- d) Porches determined to be architecturally significant by commission or commission staff, except open decks, and staircases, and entryways, which are not original to the structure and therefore **which are excluded from review.** ~~excluded from review.~~
- e) **Removal or envelopment by subsequent additions** covering of 100% or more of any single exterior wall surface, which includes exterior wall surfaces that would be enveloped by subsequent additions. Each wall is calculated by square footage individually.
- f) Demolition of any architectural detail determined to be architecturally significant by commission or commission staff, including but not limited to the following items:
 - i) Brackets
 - ii) Crown molding
 - iii) Porch columns and railings
 - iv) Bay windows
 - v) Dormers
 - vi) Chimneys

(2) Items requiring review by the commission that may be reviewed and approved by commission staff without a hearing if plans indicate

- a) **Removal or alteration of the roof structure** ~~Construction of new dormers which encompass less than 50% of the roof surface.~~
- b) ~~Construction on existing flat roofs, which will not alter a significant architectural feature.~~
- e) **Repair or replacement of existing and original historic porches with similar materials to match existing.**
- d) ~~Removal of less than 50% of the roof structure.~~
- e) **Demolition or construction of additions or alterations not visible from a public way.**

d) Removal or envelopment by subsequent additions covering of 25-50 to 50-100% of any single exterior wall surface, which includes exterior wall surfaces that would be enveloped by subsequent additions. Each wall is calculated by square footage individually.

(3) *Items considered to be de minimis and requiring no commission or commission staff review:*

a) Open porches and entryways consisting of only a set of stairs, an entrance platform and a roof which are utilitarian in design or do not contribute to the architectural significance or character of the building.

b) ~~b)~~ Demolition or construction of new additions which remove, alter, or envelop impact 50-25% or less of a single exterior wall;

b)c) Removal or alteration of less than 50% of the roof structure

d) Normal maintenance of a building's exterior, including, but not limited to repair or replacement of roof surfaces, repair or replacement of gutters, and repair or replacement of existing doors and windows, including casings and frames, repair or replacement of existing exterior cladding (clapboards, shingles, masonry, etc.).

Historically significant building or structure: Any building or structure which is in whole or in part fifty or more years old and which

(1) is in any federal or state historic district, or if in any local historic district, is not open to view from a public street, public park or public body of water; or

(2) is listed on or is within an area listed on the National Register of Historic Places or eligible for such listing, or listed on or is within an area listed on the State Register of Historic Places, or eligible for such listing; or

(3) has been determined by the commission or its designee to be a historically significant building after a finding that it is:

a) importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the City of Newton, the Commonwealth of Massachusetts or the United States of America; or

b) historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures; or

- c) located within one hundred fifty (150) feet of the boundary line of any federal or local historic district and contextually similar to the buildings or structures located in the adjacent federal or local historic district.

Preferably preserved: An historically significant building or structure which the commission has determined should be preserved, rather than totally or partially demolished, in accordance with the standards set forth in subsection (c)(5) below.

(c) *Procedure.*

- (1) No demolition permit for a building or structure which is in whole or in part fifty or more years old shall be issued by the commissioner except in conformity with the provisions of this section, as well as any other applicable law, statute, ordinance or regulation.
- (2) If any applicant and the owner of the building or structure, if different from the applicant seeks to demolish, in whole or in part, a building or structure which is in whole or in part fifty or more years old, the owner of the building or structure shall file a demolition review application with the commission for a determination as to whether the building or structure is historically significant and shall provide the commission with the following information:
 - a) a site plan or a copy of that portion of the tax assessor's map which shows the building or structure to be demolished and the property on which it is located;
 - b) photographs of all existing façade elevations of the building or structure to be totally or partially demolished;
 - c) a description of the proposed plans for demolition and the reason(s) therefore.
- (3) Within fifteen (15) days after the commission's receipt of a demolition review application, the commission shall make a determination as to whether the building is or is not historically significant and shall notify, in writing, the commissioner and the applicant of this determination. The commission may delegate the determination that a building or structure is historically significant to commission staff or to a designated commission member. In the event that the commission delegates the determination to the commission staff or to a designated commission member, the commission shall adopt criteria to be followed by the staff or the member in making this determination.

A determination that a building or structure is or is not historically significant made by the commission staff or a designated commission member may be appealed to the full commission by filing a notice of appeal with the commission not later than fifteen (15) days after the written notice that the building or structure is or is not historically significant has been filed with the commissioner. Filing the appeal of the determination shall not stay the effect of such determination. Following a hearing before the commission, which may, but is

not required to be conducted in conjunction with the hearing on whether the building or structure is preferably preserved, the commission shall affirm or reverse the determination and file notice of such determination with the commissioner. If the appeal of the determination is made independent of the preferably preserved hearing, the commission shall follow the same procedure for such hearing as that set forth in subsection (c)(5) below. If the commission fails to conduct a hearing on the appeal of said determination or fails to rule on the appeal within forty-five (45) days from the filing of the appeal, the determination that a building or structure is or is not historically significant shall remain unchanged, and the commissioner shall not issue a demolition permit until the procedural requirements of subsection (c)(5) below have been satisfied.

- (4) No demolition permit shall be issued by the commissioner for a building or structure determined to be historically significant until the procedural requirements of subsection (c)(5) of this ordinance have been satisfied. The commissioner may grant the demolition permit if the commissioner:
- a) does not receive written notice within forty-five (45) days after the commission's receipt of a demolition permit application that the building or structure is historically significant; or
 - b) receives written notice from the commission that the building either is not historically significant, or is historically significant, but clearly would not be deemed preferably preserved by the commission.
- (5) When a building or structure is determined to be historically significant, the commission shall hold a public hearing to determine whether the building or structure, or the portion of the building or structure to be demolished, is preferably preserved. The applicant shall provide the commission with the following information for this determination:
- a) in the case of partial demolition involving alteration(s) or addition(s) to a building or structure, (i) proposed plans and elevation drawings for the affected portion of the building or structure; and (ii) a plot plan of the property, if the same is required to obtain a permit under the State Building Code for the proposed alteration(s) or addition(s); and
 - b) if the site of the building or structure to be demolished is to be redeveloped, plans showing the use or development of the site after demolition together with a statement identifying all zoning variances and/or special permits which may be required in order to implement the proposed use or development.

The date the commission receives all the above information shall be stamped on the information received and shall be considered the submission date. Following public notice as set forth in subsection (c)(8) of this ordinance, the commission shall hold a public hearing within forty-five (45) days of the submission date to determine whether the building or structure should be preferably preserved, based on the criteria set forth in this paragraph. If the commission finds that the demolition proposed in the application would result in the demolition of a historically significant building or structure whose

loss would be detrimental to the historical or architectural heritage or resources of the City of Newton, then the commission shall find that the building or structure should be preferably preserved.

- (6) Upon a determination that the building or structure which is the subject of an application for a demolition permit is preferably preserved, the commission shall give written notice of the determination to the commissioner. A copy of the commission's determination shall also be sent to the applicant for the demolition permit and to the owner of the building or structure if different from the applicant.
- a) No demolition permit shall be issued for a **Total Demolition** of a building or structure until **eighteen (18) months** ~~one (1) year~~ after the date of such determination by the commission, unless the commission informs the commissioner prior to the expiration of such ~~one (1) year~~ **eighteen (18) month** period that the commission is satisfied that the applicant for the demolition permit and the owner of the building or structure, if different from the applicant, has:
- ia) made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, rehabilitate or restore the building or structure; or,
- ii) has agreed to accept a demolition permit on specified conditions approved by the commission.
- iii) *If the specified conditions involve approved plans and elevations, then no demolition permit shall be issued by the commissioner unless the applicant provides, as part of his application for a demolition permit, a complete set of plans and elevation drawings which have been signed and stamped by the commission or commission staff. The applicant shall have two (2) years from the date of the expiration of the eighteen (18) month period in which to apply for and obtain a demolition permit. No demolition permit shall be issued for such building or structure after the expiration of this two (2) year period, unless the procedural requirements of subsection (c)(5) hereof have been satisfied.*
- iii)iv) In order to encourage applications that preserve, restore, reuse, or rehabilitate historic buildings and structures, no application for a total demolition of a building or structure which has been unfavorably and finally acted upon by the commission shall be acted favorably upon within four months after the date of final unfavorable action unless the said commission finds
- (a) by a vote of two-thirds (2/3) of those members present, substantial and material changes in said resubmitted application, or
- (b) by a majority vote of those members present, that the resubmitted application proposes to preserve the building or structure.

- iv)v) Due notice shall be given to parties in interest of the time and place of the proceedings when the resubmitted application will be considered.
- b) No demolition permit shall be issued for a Partial Demolition of a building or structure found preferably preserved until one (1) year after the date of such determination by the commission, unless the commission informs the commissioner prior to the expiration of such one (1) year period that the commission is satisfied that the applicant for the demolition permit and the owner of the building or structure, if different from the applicant, has:
- i) agreed to accept a demolition permit on specified conditions approved by the commission.
 - ii) If the specified conditions involve approved plans and elevations, then no demolition permit shall be issued by the commissioner unless the applicant provides, as part of his application for a demolition permit, a complete set of plans and elevation drawings which have been signed and stamped by the commission or commission staff. The applicant shall have two (2) years from the date of the expiration of the one (1) year period in which to apply for and obtain a demolition permit. No demolition permit shall be issued for such building or structure after the expiration of this two (2) year period, unless the procedural requirements of subsection (c)(5) hereof have been satisfied.
- (7) Upon a determination by the commission that a building or structure is not preferably preserved or upon the commission's failure to make any determination within forty-five (45) days of the submission date, the commissioner may grant a demolition permit for the building or structure.
- (8) Public notice of commission hearings shall provide the date, place and time of the hearing and the addresses of the properties to be considered at the hearing. Public notice shall include, at a minimum, posting with the city clerk and notification to the director of planning and development, to the applicant, to the owners of all abutting property and to other property owners deemed by the commission to be materially affected.
- (9) If the applicant is someone other than the owner or his designated agent a demolition review application cannot be filed until the commission receives written authorization from the owner that the applicant may apply for changes to their property.
- (d) *Emergency Demolition.* If a building or structure poses an immediate threat to public health or safety due to its deteriorated condition, the owner of such building or structure may request issuance of an emergency demolition permit from the commissioner. As soon as practicable after the receipt of such request, the commissioner shall arrange to have the property inspected by a board consisting of himself or his designee; the city engineer or his designee; the fire chief or his designee; the chairman of the commission or his designee; and one (1) disinterested person chosen by the commissioner. After inspection of the building or structure and consultation with the other members

of the board, the commissioner shall determine whether the condition of the building or structure represents a serious and imminent threat to public health and safety and whether there is any reasonable alternative to the immediate demolition of the building or structure which would protect public health and safety. If the commissioner finds that the condition of the building or structure poses a serious and imminent threat to public health and safety and that there is no reasonable alternative to the immediate demolition of the building or structure, then the commissioner may issue an emergency demolition permit to the owner of the building or structure. Whenever the commissioner issues an emergency demolition permit under the provisions of this section of the ordinance, he shall prepare a written report describing the demolition of the building or structure and the basis of his decision to issue an emergency permit with the commission. Nothing in this section shall be inconsistent with the procedures for the demolition and/or securing of buildings and structures established by M.G.L. c. 143, sections 6-10.

In the event that a board of survey is convened under the provisions of M.G.L. c. 143, section 8 with regard to any historically significant building or structure, the commissioner shall request the chairman of the commission or his designee to accompany the board during its inspection. A copy of the written report prepared as a result of such inspection shall be filed with the commission.

- (e) *Non-Compliance.* Anyone who demolishes a historically significant building or structure without first obtaining and complying fully with the provisions of a demolition permit issued in accordance with this section shall be subject to a fine of not more than three hundred dollars (\$300.00) for each day of violation of this ordinance.

In addition, unless a demolition permit issued in accordance with this section was obtained and unless such permit was fully complied with, including full compliance with plans and elevation drawings signed and stamped by the commission, the commissioner may elect to (1) issue a stop work order halting all work on the building or structure until the commission notifies the commissioner in writing that the applicant has appeared before the commission to address such non compliance, and the commission has accepted the applicant's plans to remediate such noncompliance; (2) refuse to issue any certificates of occupancy, temporary or final, until any noncompliance has been remediated; and/or (3) refuse to issue a permit required by the State Building Code pertaining to any property on which an historically significant building or structure has been demolished for a period of two (2) years from the date of demolition, provided that this provision shall not prevent the commissioner from issuing any permit required to insure the safety of persons and property."

The commission may, upon application to and determination by the commission that reuse of the property in accordance with building plans prepared by the owner and submitted to the commission and all relevant agencies will substantially benefit the neighborhood and provide compensation for the loss of the historic elements of the property either through reconstruction of the lost historic elements or significant enhancement of the remaining historic elements of the site or the surrounding neighborhood, waive the fine, in whole or in part, and/or the ban on issuance of a building permit in order to allow the issuance of a building permit for construction or reconstruction of a building or structure approved by the commission. An owner receiving a waiver of the fine and/or ban on issuance of a building permit under this provision shall execute a binding agreement enforceable against all heirs, assigns and successors in interest with the

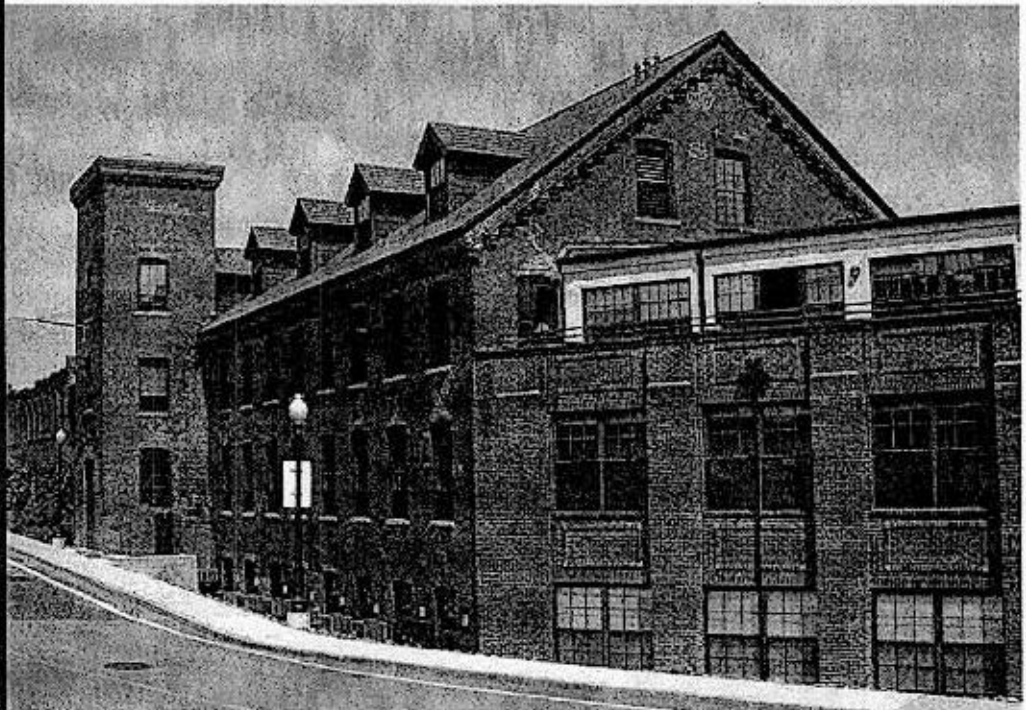
commission to insure that any reuse of the site undertaken during the two-year ban shall be implemented in accordance with the plans, terms, and conditions approved by the commission. Any reuse of the site undertaken during the two-year ban which fails to comply with the terms of the commission's approval granted under this provision shall also permit reinstatement of the fine for non-compliance with this ordinance.

- (f) *Securing Historically Significant Buildings and Structures.* If, following an application for a demolition permit, a building or structure has been determined to be historically significant, and the building or structure is subsequently destroyed by fire or other cause before any determination is made by the commission as to whether the building or structure is preferably preserved, a rebuttable presumption shall arise that the owner voluntarily demolished the building or structure without obtaining a demolition permit in accordance with the provisions of this ordinance. In such cases, the commissioner shall not issue any permit required under the State Building Code pertaining to the property on which the historically significant building or structure was located (except as necessary to secure public safety or health) for a period of two (2) years from the date of destruction of the building or structure, unless the owner can provide evidence satisfactory to the commissioner that he took reasonable steps to secure the building or structure against fire or other loss or that the cause of the destruction was not otherwise due to the owner's negligence.
- (g) *Securing Preferably Preserved Buildings and Structures.* If during the period of demolition delay for a building or structure determined to be preferably preserved, such building or structure is destroyed through fire or other cause, the commissioner shall not issue any permit required under the State Building Code pertaining to the property on which the preferably preserved building or structure was located (except as necessary to secure public safety or health) until the end of the period of demolition delay, unless the owner can provide evidence to the commission that he took reasonable steps to secure the building or structure against fire or other loss or that the cause of the destruction was not otherwise due to the owner's negligence.
- (h) *Buildings and Structures located in Local Historic Districts.* The provisions of this ordinance shall not apply to any building or structure located in a local historic district established pursuant to M.G.L. c. 40C and subject to regulation by the local historic district commission under the provisions of Sec. 22-40 of the Revised Ordinances.
- (i) *Severability.* In case any section, paragraph, or part of this section is declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph, or part of this ordinance shall continue in full force and effect.
- (j) *Enforcement.* The commission is authorized to institute any and all actions and proceedings, in law or in equity, in any court of competent jurisdiction, as it deems necessary and appropriate to obtain compliance with the requirements of this section.
- (k) *Applicability.*
- (1) Notwithstanding the foregoing, this section shall not apply and a demolition permit shall be issued for the reconstruction substantially similar in exterior design of a building structure

or exterior architectural feature damaged or destroyed by fire, storm, or other disaster, provided such reconstruction is begun within six (6) months thereafter and is carried forward with due diligence. This exception shall be limited to reconstruction of only that portion of the building or structure damaged by such catastrophic event.

- (2) This subsection shall not apply to buildings or structures which have been designated as landmarks pursuant to Sec. 22-60 of the revised ordinances. (Ord. No. S-230, 12-1-86; Ord. No. S-315, 6-20-88; Ord. No. T-252, 12-7-92; Ord. No. U-19, 6-20-94; Ord. No. V-98, 12-16-96; Ord. No. V-99, 12-16-96; Ord. No. X-205, 5-1-06; Ord. No. Z-22, 04-22-08)

PRESERVATION THROUGH BYLAWS AND ORDINANCES



MASSACHUSETTS HISTORICAL COMMISSION

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Demolition Delay

What is a Demolition Delay bylaw?

A Demolition Delay bylaw is a bylaw that affords public review of demolition permit applications for potentially significant buildings, and that can invoke a delay period before the demolition of such buildings may commence. During the delay period, the building owner and the historical commission can explore opportunities to preserve or move the threatened building. While a Demolition Delay bylaw cannot prevent a demolition indefinitely, the opportunity to delay the demolition of a significant building often has a positive outcome.

How is it adopted?

A Demolition Delay bylaw is typically a general bylaw requiring a majority affirmative vote of town meeting or city council. At present there is no state legislation and is, therefore, adopted pursuant to home rule authority. A Demolition Delay bylaw is most often drafted by a local historical commission following the MHC Sample Demolition Delay bylaw.

How does it work?

A Demolition Delay bylaw defines the categories of buildings that are subject to review. Most communities establish a base-line age criterion, usually buildings 50 or 75 years or older. In addition to age, some Demolition Delay bylaws have categorical inclusions such as inventoried properties, properties on the State Register of Historic Places, or properties listed in or eligible for listing in the National Register of Historic Places. In a few cases, communities have generated a specific list of buildings to which the Demolition Delay bylaw applies. In order to ensure comprehensive protection, most municipalities in Massachusetts should establish an age based demolition delay bylaw.

A property owner requesting a demolition permit from the building department for a building that is subject to review must first seek approval from the historical commission. If the historical commission determines at a public hearing that a significant building is preferably preserved, a delay period is imposed. During the delay period, the local historical commission, the property owner, the general public and concerned individuals explore opportunities to preserve the building. However, if the delay period expires and a successful preservation outcome was not achieved, the building inspector can issue the demolition permit at that time. A Demolition Delay bylaw cannot indefinitely prevent a demolition from occurring. Communities that are seeking to permanently prevent demolitions should pursue a Local Historic District or Architectural Preservation District bylaw.

The bylaw specifies the length of the delay. Most bylaws have a delay period of 6, 12 or 18 months. Longer delay periods provide better results in preserving threatened buildings, and the MHC recommends a minimum delay period of 12 months. Depending on the wording of the bylaw, review can include partial demolitions. Examples of partial demolitions include the removal of one side of the building, removal of the roof or removal of 25% of the building.

For more information

For more information, contact the Massachusetts Historical Commission for a copy of its sample Demolition Delay bylaw.

Examples of Demolition Delay Bylaws in Massachusetts

Brookline

Brookline recently amended its demolition delay bylaw to extend the delay from twelve months to eighteen months. In a recent case, a building under demolition delay was proposed for inclusion in a local historic district during the delay period. The building is now protected as part of a local historic district. Preservation of the 1906 Coolidge Corner Theatre, an icon of the Harvard Street landscape, was a result of the demolition delay bylaw. One of the few Lustron houses in Massachusetts also was preserved, which conveys the rising interest in and significance of these early pre-fabricated, post World War II houses. The porcelain-enamel Lustron House was constructed in 1949 and was part of a trend to build affordable and functional housing in response to increased housing needs. Brookline has also been very successful in using their demolition delay bylaw to negotiate and mitigate the demolition of a building.



Andover

There have been many success stories in Andover. The extension of the delay from six months to twelve months has had a substantial positive effect by providing more time to find alternatives to demolition of historically significant resources. In the case of the Holt-Cogswell House, a Georgian dwelling built in ca. 1740, the demolition delay bylaw deterred a developer who had planned to demolish the house, from purchasing it. A preservation-minded developer then stepped forward to purchase and restore the substantially deteriorated house.



of the Holt-Cogswell House, a Georgian dwelling built in ca. 1740, the demolition delay bylaw deterred a



Arlington

The ca. 1840 Wyman-Pichette House was slated for demolition for new development on the large lot on which it was located. The Arlington Historical Commission deemed it 'preferably preserved' and delayed the demolition for one year. The Arlington Historical Commission then worked with the owners to find someone who would move the house. The house was first moved to a parking lot while details were worked out. After a new owner and a location were found, the Greek Revival dwelling was moved into the Pleasant Street Historic District where it fits within the period of development of the district.

Boston

The Fowler-Clark House built between 1786 and 1806 in the Mattapan neighborhood of Boston was found to be preferably preserved by the Boston Landmarks Commission as one of only a few remaining examples of early agricultural properties in Boston. During the delay period, the Federal style farmhouse was studied and eventually designated a Local Landmark under Boston's special preservation legislation. This designation protects the farmhouse from demolition and provides a review and approval process for future changes to the property. Another success is the Boiler Room at the rear of a

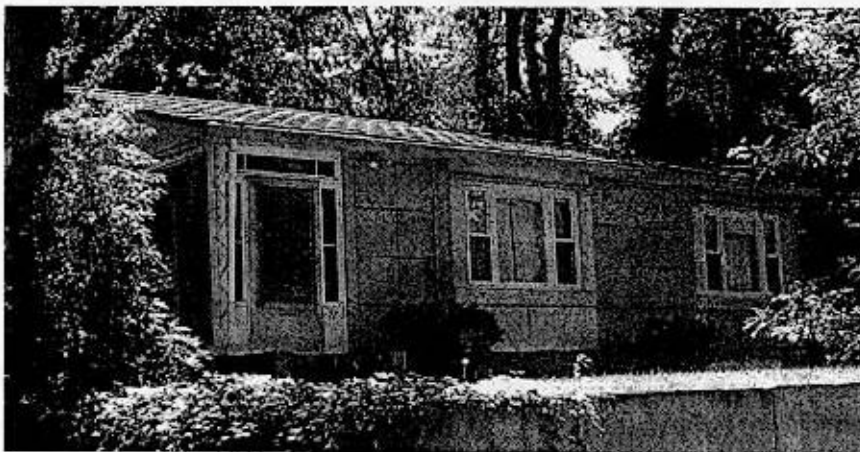


main building constructed by the Boston Wharf Company in the Fort Point Channel neighborhood in 1901. Plans to demolish the large 1,900 square foot single-story brick building were reviewed by the Boston Landmarks Commission and the demolition delay was invoked. The hearing was well attended by Fort Point Channel neighbors who adamantly opposed demolition of the Boiler Room. A month after demolition was delayed, the owner notified the Landmarks Commission that the demolition request would be withdrawn as the owner had been convinced through the hearing process of the building's historical significance and value to the neighborhood. Instead the owner plans to renovate the Boiler Room.



Brookline

Brookline amended its demolition delay bylaw to extend the delay from twelve to eighteen months for any individual or contributing National Register listed or eligible property. In one example, a local historic district was established during the delay period to include the threatened building. The delay period provided the extra time needed to establish a local historic district. One of only a few Lustron houses in Massachusetts also was saved from demolition. The porcelain-enamel sided house was built in 1949 as part of the postwar trend to construct affordable and functional housing. Its preservation reflects an increasing awareness of the significance of mid 20th century architecture. Brookline also has been very successful in using the demolition delay bylaw for negotiation and mitigation.



Cambridge

Cambridge has a one-year demolition delay ordinance. An important feature of the ordinance is that it stipulates that after a delay of one year has passed, demolition still cannot occur until all other necessary permits are in place. Two historic dwellings on an L-shaped lot were slated for demolition for the construction of three new buildings with two units each – a total of six new dwelling units. The older structure, located at the front of the lot on Watson Street, was built in 1869 in the Italianate style. The other dwelling at the rear of the lot was built in 1895 using some Stick-Style elaboration. The juxtaposition of these two dwellings on one lot illuminates Cambridge's rapid development between the mid and late 19th century. Demolition was delayed one year due to the architectural and historical significance of these two houses. During the one-year delay the Cambridge Historical Commission worked with the owner who eventually was convinced to rehabilitate the two structures and construct an addition in order to yield six units for the project. The two 19th century dwellings were preserved due to the demolition delay ordinance, and the end result was the same, six dwelling units.



Chatham

Chatham established a six-month demolition delay bylaw in the 1990s. One of the earliest cases was to save the historic Capt. John Taylor House. In imposing the delay, the historical commission urged the owner to save the house and to enter into an agreement with the Commission giving them design review. The owner agreed and the house was preserved. In 2003 the delay period was extended to one year. A house on Bridge Street which had not been used for many years and on which there was no historic inventory form was about to be taken down so that the land could be given to the Chatham Conservation Foundation as open space. The CHC reviewed the application, conducted a site visit, and determined that the house was clearly built in the mid-19th century. The maximum 12 month delay was immediately issued. One of the neighbors then agreed to move the house to a nearby site where it has been successfully restored. To make their demolition delay even more effective, the Town amended the bylaw again in 2007 to extend the delay period to 18 months.

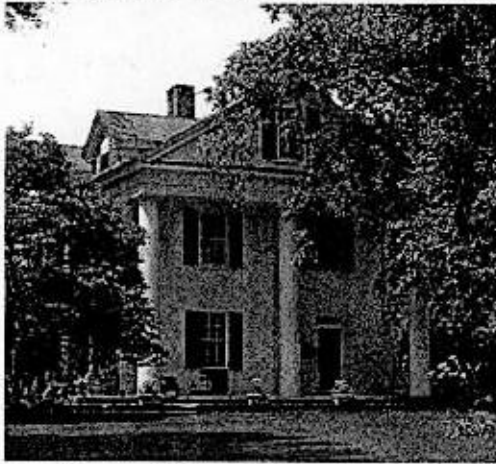
Danvers

The six-month delay in Danvers was just enough time for a three-part win for the Danvers Historical



Commission and for the Tapleyville neighborhood where the project is located. The Israel Cheever House (1828) and its barn, and a second house "Overlook" (1842) came on the real estate market at the same time. A developer purchased the two properties, which totaled 6.8 acres, and planned a residential subdivision that entailed removal of one house, demolition of the barn and remodeling of the second house. Demolition and

removal were delayed and the developer worked with the Commission which advocated for preserving the properties. The result was preservation of the two Greek Revival houses in their locations, and preservation and rehabilitation of all three buildings. The project received a Preservation Award from the Danvers Historical Commission.



Framingham

In downtown Framingham, the 1898 Hotel Kendall was slated for demolition to be replaced by a chain drug store. This Classical Revival hotel, which is listed in the National Register as part of the Concord Square Historic District, was determined to be "preferably preserved" and demolition was delayed. Following the Historical Commission's decision the

developer withdrew the application to demolish. Instead the Hotel Kendall was rehabilitated with mixed uses. The street level floor has been converted to retail and the upper floors contain residential condominiums.



24

In

Newton

The City of Newton passed a demolition delay ordinance with a six-month delay in the 1980s. *the 1990s the delay was extended to one year*, after which the Commission noticed a greater willingness of developers to reuse the structure rather than wait for the delay to expire. As a result, the demolition delay ordinance often has led to design that is more compatible with the existing neighborhood than was originally proposed. An example that highlights Newton's interest in architecture of the recent past was the delayed demolition of the George Kaplan House, designed by The Architects Collaborative (TAC), and built in 1946. It is reported to have been the first International Style TAC-designed house and one in which Walter Gropius was directly involved. The one-year delay provided sufficient time for the Newton Historical Commission to initiate a Landmark Study Report and designate this property as a Local Landmark. The owners, who had initially wanted to demolish the dwelling in order to construct a Colonial Style house, were intrigued by its significance and chose instead to design and build a sensitive addition in



keeping with the original house.

Orleans

When a building is proposed for demolition, the Orleans Historical Commission uses the local media to publicize the possible loss. This exposure has helped save several buildings. One example is the former home of author Gladys Taber, which was on the market as a tear-down. The Orleans Historical Commission had an article written in a local newspaper and also notified the Gladys Taber Society. Letters came from all over the world in response to the Society's article. The Taber Society collected

money from its membership to have an application prepared for listing the property in the National Register. The Historical Commission also held a hearing to designate the house as significant to Orleans,



which was attended by the owners and their real estate agent. Upon better understanding the significance of the house, they decided to change the marketing strategy. In the end, a purchaser was found who agreed to preserve the house.

Peabody

In Peabody the Historical Commission works closely with the Building Commissioner, the Planning Board and the Zoning Board of Appeals to let developers know about the Demolition Delay ordinance when planning projects. A proposal for a new strip mall would

have resulted in the demolition of three historically significant dwellings on a busy Main Street corner. The Historical Commission's pro-active approach resulted in the developer choosing not to pursue the project. This meant that the 1898 Thomas O'Shea House and the Greek Revival 1845 Edward Shillaber House were sold individually. The third property was the 1795 Joseph Osborne Jr. House for which a demolition application was made.

The historical commission invoked the delay and worked diligently with the new owner who was convinced to preserve the Federal period dwelling and to design an addition that complements the house.

Reading

The Town of Reading recently increased the delay period in the bylaw from six months to one year. In the mid 1990s, the historical commission preserved the Foster Emerson House by delaying the demolition and moving the house to a town-owned parcel after which it was sold back into private ownership. A more recent example is the Joseph Parker House, constructed in the first



quarter of the 18th century. The house had been occupied by generations of the same family for over 150 years since the 1850s. The last owners hoped to realize the full value of the land as two or three house lots. An application for demolition of the house was received by the town in Spring 2006. Due to the nature of the land and the needs of the owners, the Reading Historical Commission recognized that the house would not be preserved without an attempt to consider all needs – those of the owners, the concerns of the Conservation Commission due to large area of wetlands, and the Historical Commission on behalf of the town charged with preserving the community's significant resources. The Reading Historical Commission worked with both the owners and the Conservation Commission to achieve the best solution for the town. The solution was preservation of the Joseph Parker House and creation of a second building lot with waivers to Reading's Wetlands Protection Regulations. The Order of

Conditions from the Conservation Commission allowed construction of the second house on the lot as long as it was moved an additional 10' back from the wetlands buffer than was first planned; and provided that prior to commencing the new construction the owner had to apply a Preservation Restriction to the old house. Thus two preservation tools were used to permanently preserve the Joseph Parker House – the Demolition Delay bylaw and a Preservation Restriction.





Setti D. Warren
Mayor

CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development
CITY CLERK
NEWTON, MA. 02159

Telephone
(617)-796-1120

Telefax
(617) 796-1142

TDD/TTY
(617) 796-1089

DATE: February 22, 2011

TO: Members of the Board of Aldermen

FROM: Candace Havens, Director of Planning and Development
Brian Lever, Senior Preservation Planner

SUBJECT: Petition # 235-10, Ald. Baker and Yates on behalf of the Newton Historical Commission requesting updates to **Section 22-50** Demolition of historically significant buildings or structures., to minimize inconveniences to homeowners proposing modest changes and to enhance protections for historic structures proposed for demolition, with specific amendments designed to (1) reduce the number of applications filed and allow smaller projects to occur without review; (2) establish a minimum period of delay for full demolition if the structure is found to be preferably preserved; and (3) extend the existing period of delay, as has occurred in other communities, for structures proposed for full demolition if the structure is found to be preferably preserved.

11 FEB 22 11 P 4: 11
CITY CLERK
NEWTON, MA. 02159

In response to a request for further information regarding the proposed amendments to the Demolition Delay ordinance, the following is provided for your reference:

Currently, five communities in Massachusetts, Acton, Amesbury, Brookline, Chatham, and Middleborough, have 18-month demolition delays. In Brookline and Acton, the extra six months beyond the one-year delay is only for National Register listed or other specially designated historic properties. Extending the demolition delay offers greater protection for historic properties by giving more time in which property owners are encouraged to work out alternatives to total demolition.

Each year a small number of buildings and structures proposed for total demolition are found preferably preserved. In 2009, 13 buildings and in 2010, 12 buildings applying for **total** demolition were found preferably preserved by the Newton Historical Commission. The proposed ordinance change will apply **only** to this subset of applications. In order for a building to be placed on an 18-month delay under the current proposal, the application would have to pass through three screens:

- (1) **Is the building or structure historically significant** (a determination made by either the Commission or staff within 15 days of filing an application)? Historically significant is defined in the ordinance as follows:

"Any building or structure which is in whole or in part fifty or more years old and which

- (1) *is in any federal or state historic district, or if in any local historic district, is not open to view from a public street, public park or public body of water; or*
- (2) *is listed on or is within an area listed on the National Register of Historic Places or eligible for such listing, or listed on or is within an area listed on the State Register of Historic Places, or eligible for such listing; or*
- (3) *has been determined by the commission or its designee to be a historically significant building after a finding that it is:*
 - a) *importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the City of Newton, the Commonwealth of Massachusetts or the United States of America; or*
 - b) *historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures; or*
 - c) *located within one hundred fifty (150) feet of the boundary line of any federal or local historic district and contextually similar to the buildings or structures located in the adjacent federal or local historic district."*

A property owner can appeal this determination (made by staff or individual Commission member) to the whole Historical Commission at a meeting. If appealed, the Commission has to have a majority vote in favor to designate a building as historically significant.

- (2) **Is the building or structure preferably preserved?** Within 45 days of the application filing, the Commission must vote at a public meeting on whether or not to find the building or structure preferably preserved (on delay). A majority vote of the Commission is necessary to institute the delay. Regarding the preferably preserved determination, the ordinance states:

"If the commission finds that the demolition proposed in the application would result in the demolition of a historically significant building or structure whose loss would be detrimental to the historical or architectural heritage or resources of the City of Newton, then the commission shall find that the building or structure should be preferably preserved."

- (3) **Is the application for the total demolition of a building or structure?** If the building or structure is found historically significant and preferably preserved and proposed for total demolition, then under the current proposal an 18-month delay would be instituted. Total

demolition is defined as:

"The pulling down, razing or destruction of the entire portion of a building or structure which is above ground regardless of whether another building or structure is constructed within the original footprint of the destroyed building or structure."

On average over the past several years 30-40% of applications have been for total demolition. Of these applications, roughly 50% were for garages or other outbuildings, which are most often found not historically significant. The remaining 15-20% of applications were for total demolition of residences. On average 50% of applications were found historically significant and 50% of historically significant applications were found preferably preserved. Taking these factors into account, this demonstrates how 250-300 applications filed annually results in 13 buildings in 2009 and 12 buildings in 2010 proposed for total demolition found preferably preserved. Total building demolitions found preferably preserved account for roughly 5% or less of applications filed annually.

Should the Board find that an 18-month delay is too onerous, an alternative would be to keep the one-year delay as existing and have an 18-month delay for National Register-listed properties and properties determined to be eligible for listing either individually or as part of a National Register district. This would currently apply to roughly 1,000 properties. If limited to National Register properties only, the additional six months would apply to roughly 3-5% of Newton's buildings. Many buildings and structures in Newton could potentially be listed on the National Register, but are not simply because no effort has been made to list them. These buildings would then lack the additional six-month protection.

Unlike other regulations Newton places on private properties, the demolition delay expires. The demolition delay is used in a small number of cases each year for those buildings the Historical Commission feels are worthy of preservation. A waiver of the delay can still be granted if warranted, regardless of the length of the delay. The longer the delay, the more opportunity there is to work out a mutually beneficial solution. In the end the Historical Commission is only asking for time to have a conversation with property owners to work with them to preserve buildings.

David P. Morton Associates

ARCHITECTURE - CONSTRUCTION MANAGEMENT

9 March 2011

Board of Aldermen
 C/o David Olson, City Clerk
 City of Newton
 1000 Commonwealth Avenue
 Newton, MA 02459

11 MAR -9 P 12:19
 CITY CLERK
 NEWTON, MA 02159

Subject: Docket # 235-10; Demolition of historically significant building or structures

Dear President Lennon and Honorable Members of the Board of Alderman,

The intent and purpose of the Demolition Delay Ordinance is *"the preservation and enhancement of the City of Newton's historical and cultural heritage by preserving, rehabilitating or restoring whenever possible, buildings or structures which have distinctive architectural features or historical associations that contribute to the historic fabric of the City"*. The ordinance was adopted because historical preservation was determined to be an important and integral component of the Newton Comprehensive Plan.

Since 2005 it has been both my honor and pleasure to serve as a member of the Newton Historical Commission. I honestly believe that the commission has carried out its mandate, has served and continues to serve the interests of the city with distinction. Like anything governmental entity, however, this commission could be improved; and it has been. During my tenure the length of a typical hearing has diminished from over four hours to less than two and the typical project load has diminished from over twenty five to five. Although the economy has had its effect, this was largely accomplished through procedural changes agreed upon by the commission and our staff person, Brian Lever, the Senior Preservation Planner. While this has undeniably made our lives, as commission members, easier it has also, unquestionably and more importantly, made the experience for the city residents who have to appear before the commission less onerous.

Not content to rest on our laurels, the members of the Newton Historical Commission and its staff sought to continue to improve both its preservation efforts and its impact on the city residents whom we serve. During the first half of 2010 our commission discussed further changes which were, in due course, unanimously approved by the commission. During

our deliberations we were attempting to arrive at a solution that utilized a kind of carrot and stick approach. We proposed three changes; one that requires fewer applicants to appear before the commission at all and two to place further restrictions on full demolition of properties determined to be significant.

I think this last point deserves further consideration so that its impact is more accurately understood in context. Our commission allows the demolition of numerous houses each year. We readily acknowledge that there are houses in Newton that simply aren't worthy of a preservation effort for any number of reasons. Conversely the simple fact is that some of them are. In an average year the number of houses that our commission really wants to go to bat for and make an all out effort to try and preserve is about ten. Compared to a total housing stock of approximately twenty two thousand we're talking about 0.00045 or less than five one hundredths of one percent. I appreciate the concept of property rights as much as anyone else but I urge you to try and balance ten homes against the interests of the residents living in the other twenty two thousand.

It is also important to be clear about whom this burden is going to fall upon. For the most part, homeowners are not filing applications for total demolition, developers are. Ok, to be fair, we have seen an up tick in homeowners, anticipating a future sale of their property, filing applications for demolition review. The thought is that their house will be more attractive to a developer if it already has a ticking clock imposed upon it.

I ask those of you who profess to support the concept of development to consider where that money goes. How many of those developers are actually based in Newton? How many of the myriad of subcontractors on whom they rely live in Newton? How many of the employees of all those firms live here? And with the exception of those developers who use National Lumber as their primary source of building materials, where are all the other developers and their subcontractors buying their materials? The simple fact is that the vast majority of development money leaves Newton.

During your deliberations I urge you; indeed I implore you to consider what is in the best interest of the City of Newton. When you were elected, I submit that that was your mandate. It wasn't the narrow financial interests of the ten residents who bought and most likely made a great deal of money while living for a generation in a beautiful, historic home. And please don't give in to the self serving interests of developers; instead give us the tools to protect those ten homes for the benefit of the entire city.

Sincerely,

David P. Morton Associates



David P. Morton

235-10

235-10



Setti D. Warren
Mayor

CITY OF NEWTON, MASSACHUSETTS

Newton Historical Commission

Donald Lang, Chair
David Morton, Secretary

11 MAR 11 P 12:55

CITY CLERK
NEWTON, MA. 02159

Telephone
(617)-796-1120
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(617)-796-1142
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(617) 796-1089

February 16, 2011

Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

RE: Proposed Changes to the Demolition Delay Ordinance

President Lennon and Honorable members of the Board of Aldermen,

The City of Newton has lost a substantial number of historic buildings to demolition. Working with the Zoning and Planning Committee, the Newton Historical Commission has proposed modest changes to the Demolition Delay Ordinance. We are confident these changes will reduce the number of historic buildings lost to demolition, while offering a streamlined process for property owners proposing to renovate and reuse historic buildings.

The intent of the Demolition Delay Ordinance is to assure the preservation of buildings deemed historically significant. The ordinance was adopted in 1986 because historic preservation was important to the community. The Historical Commission's single most important task is to encourage the preservation of Newton's historic resources and the Demolition Delay is a valuable tool in that effort. We believe that proposed changes will benefit the community through greater preservation of the Newton's extraordinary collection of historic buildings.

The proposed changes, designed to reduce the number of total demolitions and decrease the number of filings, are as follows:

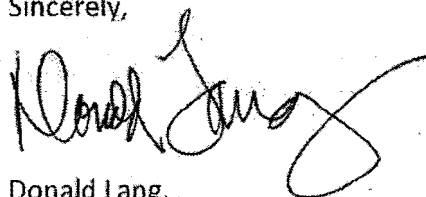
- Increase the percentage of any single exterior surface proposed for demolition that requires Historical Commission review, thereby loosening the filing threshold and reducing the number applications (recently passed by the Board at its February 7th meeting);

Newton Historical Commission
1000 Commonwealth Avenue, Newton, Massachusetts 02459
Email: blever@newtonma.gov www.ci.newton.ma.us

- Extend the demolition delay period only for total building demolitions from twelve (12) months to eighteen (18) months. The demolition delay for partial demolitions, (i.e. projects involving remodeling, renovation, or additions) would remain unchanged at twelve (12) months, and;
- Introduce a four (4) month minimum delay period for total building demolition applications only. During this period, applicants for total demolition whose properties have been placed on demolition delay would be encouraged to investigate alternative solutions that do not require total demolition. Proposals to alter or add on, but preserve a building, can be reviewed by the Commission during the four month period or at any regularly scheduled Commission hearing.

The Newton Historical Commission urges you to approve these changes to the Demolition Delay Ordinance. They are consistent with the purpose of ordinance and are aligned with the goals of Newton's Comprehensive Plan. The proposed changes provide additional tools to preserve Newton's neighborhoods, while assisting homeowners in updating their properties through a thoughtful and collaborative dialogue with the Commission about their property and potential design solutions.

Sincerely,



Donald Lang,
Chairman,
Newton Historical Commission.

Board of Aldermen
City of Newton MA

Dear Members,

I write you as a 20 year volunteer member of the Newton Historical Commission, in support of the proposed new changes to the City's Demolition Delay Ordinance. As an architect who has lived and worked in, and on, so many of the cities fine older homes, I value and am invested in the stewardship and preservation of the physical face of my city. Too many of those architectural artifacts with which we have been entrusted as owners, have been lost and or defaced, and my hope is that by carefully and deliberately slowing the process of some development projects, more time and consideration will be invested in the inevitable changes and challenges we are asked to deal with.

The destruction and loss of important parts of the fabric of our city, is generally not replaced or mitigated with contemporary construction. Those citizens, building the great houses of yesterday, put forward a part of themselves that we should respect and hold dear. Materials we have to work with today are for the most part inferior to what has been invested in older homes. The energies of the many workmen and crafts people who built the older structures surrounding us are extremely valuable and should, to the extent possible, be encouraged to be conserved.

Our physical heritage is a large part of what makes our city a valued place to live. It is the key to our tax base, which we rely on to provide the city services and schools that we are famous for. Please keep in mind the motives of the business of construction in the evaluation of our rich legacy, and vote in favor of the proposed new changes to this Demolition Delay Ordinance.

Thank You and Cheers,

William E. Roesner Architect
72 Fuller Street
Waban, MA 02468-1033
Member Newton Historic Commission
Member Chestnut Hill Historic District Commission

11 MAR 11 P 12:55
CITY CLERK
NEWTON, MA 02459

#235-10

235-10

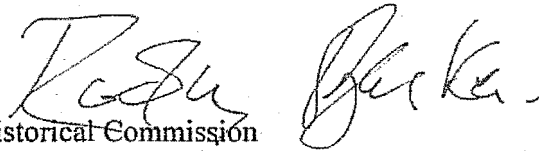
To: Board of Alderman
From Rodney Barker
Date: 03/10/11

Dear Former colleagues and friends,

I am writing to you about the proposed changes to the Demolition Delay ordinance that has been put before you by the Historical Commission. I strongly support these changes. The reduction in the number of applications that need to go before the historical commission is going to be greatly beneficial to home owners and developers who wish to make relatively small changes to their properties. Also, the provision that will delay total demolition from 1 year to 18 months would be extremely helpful in promoting the preservation of the historically important homes. We have found that 1 year delay is often not enough to preserve the property, whereas 18 months would more likely to achieve this end. A relatively recent example was the destruction of a 17th century house which the owner held for 12 months, whereas if the delay had been 18 months it is possible that the owners would not have felt worthwhile to keep an unused property for so long.

Sincerely,

Rodney Barker
Member of the Historical Commission
Former Alderman Ward 6



11 MAR 11 P 12:55
CITY CLERK
NEWTON, MA. 02459

Zack Blake
66 Eddy Street
West Newton, MA 02465

March 9, 2011

Board of Aldermen
Newton City Hall
1000 Commonwealth Ave.
Newton Centre, MA 02459

Dear President Lennon and Honorable members of the Board of Aldermen,

The Newton Historic Commission, working with the Zoning and Planning Committee, is recommending modest changes to the Demolition Delay Ordinance. The intent of these changes is to streamline the process for property owners seeking to renovate and reuse historic buildings and to reduce the number of historic homes lost to demolition.

The changes the Newton Historical Commission proposes included an extension to the demolition delay period for total building demolition and introducing a four-month grace period for total demolitions. These changes will provide us with necessary time to encourage property owners to investigate alternative solutions that do not require total demolition. It is my strong desire that as a commission we work with property owners to find a mutually beneficial solution.

During my two years on the Newton Historic Commission, I have witnessed the positive impact of the Demolition Delay Ordinance in preserving historic homes across the city. As a commission, we continually strive to balance the desires of property owners with the goal of preserving historically significant homes. As an active resident of the City of Newton and member of the Newton Historic Commission and Community Preservation Committee, I ask that you vote in favor of these changes.

Sincerely,

Zack Blake

cc: Brian Lever, Senior Preservation Planner
City of Newton, Planning & Development Department

11 MAR 11 P 12:55
CITY CLERK
NEWTON, MA 02459

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CITY CLERK
NEWTON, MA. 02159

Realtor Historic Preservation Courses

From: Suzanne Stanis [<mailto:stanis@historiclandmarks.org>]
Sent: Thursday, August 24, 2006 11:34 AM
To: Forum-L@lists.nationaltrust.org
Subject: RE: [forum-l] realtor courses

Historic Landmarks Foundation of Indiana offers two 2-hour workshops for 2 credits each. They are Indiana Architectural Styles from 1800-present, and Intro to Historic Preservation. We charge \$25 for a two hour workshop with a minimum of 10 people or \$250. The courses and speakers are certified by the Indiana Real Estate Commission.

Suzanne Rollins Stanis
Historic Landmarks Foundation of Indiana
340 West Michigan Street
Indianapolis, IN 46202-3204
317-639-4534, 800-450-4534
317-639-6734 (fax)
www.historiclandmarks.org

From: Lisa Burcham [<mailto:lburcham@lord.ca>]
Sent: Thursday, August 24, 2006 12:04 PM
To: Forum-L@lists.nationaltrust.org
Subject: RE: [forum-l] realtor courses

Karen, when I was at the DC HPO we had a funding partnerships with DC Real Estate Board and our annual conference and one half day forum were tailored toward the educational interests of realtors as well as appraisers. Basically each hour of course was an hour of credit. They didn't do lunch as an hour of credit unless their was a speaker. The tours were also an hour of credit and each realtor had to complete a sign-up sheet at the end of each session to insure there attendance. It was a popular way to get a lot of required units out of the way. If you'd like more info., let me know and I can talk to you more about how it was done. BTW, the cost to realtors was free since their fee for their license was put into a fund that provided training such as this. Lisa

Lisa M. Burcham Principal
Burcham & Associates Heritage Consulting Tel: (703) 670-8278
burchamandassociates@comcast.net <<mailto:burchamandassociates@comcast.net>>
c/o LORD Cultural Resources
E-mail: lburcham@lord.ca <<mailto:lburcham@lord.ca>>
Visit Our Website www.lord.ca <<file:///A:\www.lord.ca>>

From: Kim Trent [<mailto:kimtrent@knoxheritage.org>]
Sent: Thursday, September 21, 2006 3:11 PM
To: Forum-L@lists.nationaltrust.org
Subject: RE: [forum-l] Historic Preservation Education for Realtors

Knox Heritage presented its first "Introduction to Historic Preservation" course for local realtors this summer. We had almost 100 realtors in attendance and it was a big hit. We will be presenting it again in October. In our course we try to "sell" preservation and tell the realtors what is in it for them - read \$\$\$.

We have a team who gives the presentation - myself, our local preservation planner, Ann Bennett, and an archaeologist, Dr. Lynne Sullivan, who is on our Board. I can send a disk containing the PowerPoint presentation for the class to anyone who is interested. The course outline is below. I hate to reinvent the wheel, so I try to help other people not start from scratch as well.

Kim Trent
Executive Director

Please visit www.knoxheritage.org <<http://www.knoxheritage.org/>> to become a member today!

Knox Heritage Historic Real Estate Course outline (3 Hours)

GOAL: To promote historic real estate throughout Knoxville and Knox County by linking preservation initiatives with local real estate agents.

10 minutes

Introduction to historic preservation and why it is important to the character, charm and economy of the Knoxville area - Kim Trent, Knox Heritage

10 minutes

Market trends for Knoxville's historic neighborhoods and why it is attractive to sell in these areas - Kim Trent (Power Point presentation)

15 minutes

Historic Architectural styles - Ann Bennett, Metro Planning Commission (Power Point & handouts)

10 minutes

History of Knoxville's older neighborhoods and architecture of the neighborhoods - Kim Trent (Power Point)

15 minutes

Zoning designations and Neighborhood Design Guidelines - Ann Bennett (Power Point & handouts)

15 minutes

National and local register Listings - Ann Bennett (handouts)

10 minute break

20 minutes

Archaeology and Real Estate: Why you should care - Dr. Lynne Sullivan or Kim Trent (Power Point)

15 minutes

Existing preservation tools and incentives- Kim Trent (handouts)

15 minutes

Resources for restoration and repairs, building codes and appraisals - Kim Trent and Ann Bennett

15 minutes

What next? Overview of Knox Heritage advanced course, how to learn more and where to turn when you need help - Kim Trent (Power Point)

30 minutes

Question and answer session - Kim Trent and Ann Bennett

Handouts

Market Trends for Historic Neighborhoods

Historic style sheet

Zoning designations

National and local register listings

List of existing preservation tools and incentives

List of resources

Who to contact for more information

<mailto:kimtrent@knoxheritage.org>

From: Katie Eggers Comeau [<mailto:kcomeau@landmarksociety.org>]

Sent: Thursday, September 21, 2006 4:40 PM

To: Forum-L@lists.nationaltrust.org

Subject: RE: [forum-l] Historic Preservation Education for Realtors

We have a program called the Home Room, which is devoted to promoting homeownership in the city of Rochester; it runs such a class, entitled "Marketing Historic Homes Successfully," twice a year. It includes morning lectures and afternoon bus tours to show the Realtors the city's historic neighborhoods. The class is held on two successive Thursdays in November and April - the dates are chosen to be convenient for the Realtors, just before and after their busiest season. Realtors get continuing-education credits for the class. Guest speakers and staff members talk about maintenance issues, local history, how to research historic houses, architectural styles, what landmark designation means, etc. I'd be happy to share more details if you're interested.

Katie Eggers Comeau

Preservation Advisor

The Landmark Society of Western New York

Rochester, NY

From: Todd Levine [<mailto:tlevine@cttrust.org>]
Sent: Tuesday, September 26, 2006 2:07 PM
To: Forum-L@lists.nationaltrust.org
Subject: RE: [Spam: medium] [forum-l] Historic Preservation Education for Realtors

The Connecticut Trust offers a six-hour continuing education course for CEU credit entitled "Selling Historic Houses."

Click here for more info:

<http://www.cttrust.org/index.cgi/8438> <<http://www.cttrust.org/index.cgi/8438>>

Todd Levine
Architectural Historian
Connecticut Trust for Historic Preservation
940 Whitney Avenue
Hamden, CT 06517-4002
Phone: 203-562-6312
Fax: 203-773-0107

-----Original Message-----

From: Kim Trent [<mailto:kimtrent@knoxheritage.org>]
Sent: Monday, October 16, 2006 4:53 PM
To: Forum-L@lists.nationaltrust.org
Subject: RE: [forum-l] Historic Preservation Education for Realtors

The real carrot up front is the continuing education credit they receive for taking the class. We had our class approved by the state board of realtors, so it is eligible for the credits. They are required to have a certain number of credit hours so they are motivated to take the classes so they can keep their license.

We hold the class at the board of realtors' office and 120 realtors signed up for the last class. Once we get them there we try to show them what is in it for them. We also make it fun for them so we get good word of mouth for future classes. We keep them laughing and give away door prizes from our Preservation Partner businesses. They have to put their business card in the hat to have a chance for the door prizes. Then we have their contact information and send them a letter inviting them to the more intensive class that will be cost them \$50. In return, they learn more detailed information, tour the historic neighborhoods in a trolley and receive a historic homes realtor logo from Knox Heritage.

I hope that helps. You can call me directly at (865) 523-8008 if you want to talk about it. Good luck!

Kim Trent
Executive Director
Please visit www.knoxheritage.org to become a member today!

-----Original Message-----

From: Robin Zeigler [mailto:Robin.Zeigler@bgky.org]

Sent: Monday, October 16, 2006 9:39 AM

To: Forum-L@lists.nationaltrust.org

Subject: RE: [forum-l] Historic Preservation Education for Realtors

Dear Kim:

I was very interested to read about your Intro class for realtors. I really want to do a program here in Bowling Green but am concerned about having enough realtors show up. I spoke recently to the local RA and only two people of about 150 picked up my handout materials. Like you, I tried to hit on "what is in it for them." How did you promote your program? Did you charge?

Robin Zeigler, HP Planner Bowling Green-Warren County Historic Preservation Board 1141 State Street Bowling Green, KY 42101 270-842-1953 270-842-1282 fax

Proud to be a 2006 National Trust Dozen Distinctive Destination and a Preserve America Community

www.warrenpc.org/historicpreservationboard.htm