

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

MONDAY, JANUARY 14, 2008

Present: Ald. Yates (Chairman), Ald. Lappin, Baker, Swiston, Harney, Danberg, Ciccone, and Linsky

Also present: Alderman Gentile, John Rodman (Chairman, Newton Historical Commission), Nancy Grissom (member, Newton Historical Commission and Auburndale and Newtonville District Commissions) and David Morton (member, Newton Historical Commission)

City staff: Michael Kruse (Director of Planning & Development) and Linda Finucane (Chief Committee Clerk), Brian Lever (Senior Historic Planner)

- #194-06 NEWTON HISTORICAL COMMISSION recommending that the Demolition Delay Ordinance, Section 22-44, be amended in an effort to:
- Reflect actual administrative practices vs. those specified in the current ordinance,
 - Reduce the number of non-historic properties or building elements that the Commission reviews, while re-enforcing the intent of the original ordinance, which is to protect and enhance historically and architecturally significant properties, that are not otherwise protected through local historic districts and local landmark designation, through the creation of additional criteria, beyond just age of the building, based on the Commission's and staff's experiences over the past few years and through the use of building surveys, etc., and
 - Help reduce ambiguities in the ordinance, such that both staff and members of the public have a better understanding of the types of structures and/or elements of structures that would fall under the purview of the Commission.

ACTION: HELD 6-0 (Harney and Linsky not voting)

NOTE: Mr. Kruse reviewed the item's background. Originally approved by Zoning & Planning in 2006, it was recommitted in December of that year. Because of the recently completed Recodification, the section of the ordinance the Commission is proposing to amend is now Sec. 22-50.

John Rodman, Chairman of the Historical Commission, reported that the Commission receives more than 300 applications per year for building demolitions. The existing

demolition delay ordinance was established in 1986 before the Commission had any staff and delegates many functions to the Commission. The proposed amendment would codify many of the actual practices and staff functions.

Unlike the existing ordinance, the proposed draft has an extensive list of types of partial demolition and their different levels of review. Some would require review by the Commission at a public hearing; others would require staff review; and, yet others, such as partial demolition or the repair or replacement of certain existing elements of a building, would not require even staff review.

Mr. Kruse noted that there is no actual "demolition permit", only a building permit. He suggested replacing the term with "application for a building permit for demolition." Ald. Swiston pointed out that the text was inconsistent in the usage and definition. Mr. Kruse said the inconsistencies would be corrected.

Mr. Kruse said that the Commissioner of Inspectional Services had some input into this draft, but had not yet issued any final comments. The Chairman felt that his comments should be sought before action was taken on the proposed text.

Ald. Gentile continued to feel strongly that whatever draft ordinance the Committee put forward should be subject to a public hearing. The Committee noted that although a public hearing was not required, it would hold a public meeting to solicit comments on the proposed ordinance from the public.

Ald. Ciccone moved that all items be held, which motion carried 6-0, with Aldermen Harney and Linsky at Finance to participate in the discussion re 230 Lake Avenue.

#434-06 ALD. YATES requesting a comparison of demolition delay ordinances of other communities, the model of the Mass Historic Commission, and other sources with Newton's demolition delay ordinance.[11-17-06@9:52 PM]

ACTION: HELD 6-0 (Harney and Linsky not voting)

NOTE: New Senior Preservation Planner Brian Lever prepared a chart attached to the agenda listing the specific time provisions of various communities' demolition delay ordinances. The item was held to allow members to review the chart in detail.

#248-07 ALD. YATES proposing to amend the "demolition delay ordinance" to exclude from review the partial demolition of architectural features not visible from a public or private way or a public park or open space. [8-7-07 @2:05 PM]

ACTION: HELD 6-0 (Harney and Linsky not voting)

NOTE: Ald. Yates filed this as a follow up to part of the discussion of item #194-06 above and as a way of possibly reducing the number of items reviewed by the Commission. It was held as a potential provision of the proposed amendment

#247-07 ALD. YATES proposing to amend the "demolition delay ordinance" to assign demolition delay review for properties in the same zip code as a local historic district to the district commission that oversees that district.
[8-7-07 @2:05 PM]

ACTION: HELD 6-0 (Harney and Linsky not voting)

NOTE: Ald. Yates proposed this amendment as a possible means of reducing the number of properties before the Historical Commission by diverting review to the District Commissions

#48-04 ALD. GENTILE requesting that subsection (c) (1) of Chapter 22-44, **Demolition of historically significant buildings or structures.** be amended to affect a building or structure which is in whole or in part 100 or more years old.

ACTION: HELD 6-0 (Harney and Linsky not voting)

NOTE: Ald. Gentile had proposed this item originally when he observed large numbers of property owners being dragged in to the Historical Commission for matters obviously of no historic significance. Even when the Commission determined there was no historic significance involved, the agenda made the wait extremely long. He also feels philosophically that the number of properties subject to the demolition delay ordinance could be brought back to the original number by changing the number of years to 75, i.e., the 50 years at the time of adoption in 1986 plus 25 years since then. Alderman Gentile realizes that the Historical Commission and many Board members vehemently oppose a change. Ald. Danberg noted that this would prevent new properties from ever acquiring historical significance.

As he stated previously, Ald. Gentile's bottom line is that the final proposed amendment to the demolition delay ordinance should be the subject of a well-publicized public meeting.

The Committee agreed and held the item. All other items were held without discussion and the meeting was adjourned at approximately 9:15 PM.

Respectfully submitted,

Brian Yates, Chairman