

# CITY OF NEWTON DEMOLITION DELAY

## DISCUSSION ITEMS

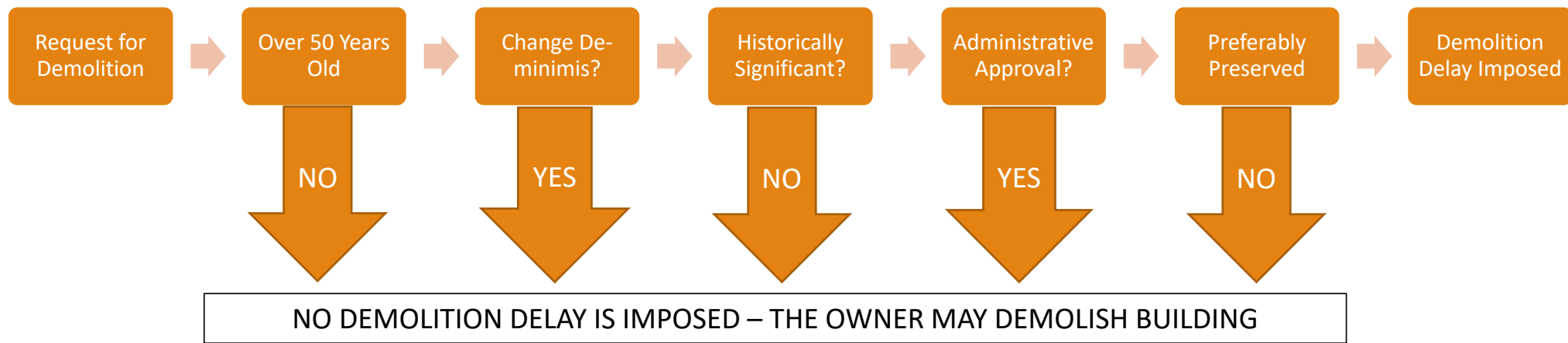
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ZONING AND PLANNING COMMITTEE

JUNE 28, 2021

# Demolition Delay Process – Part 1

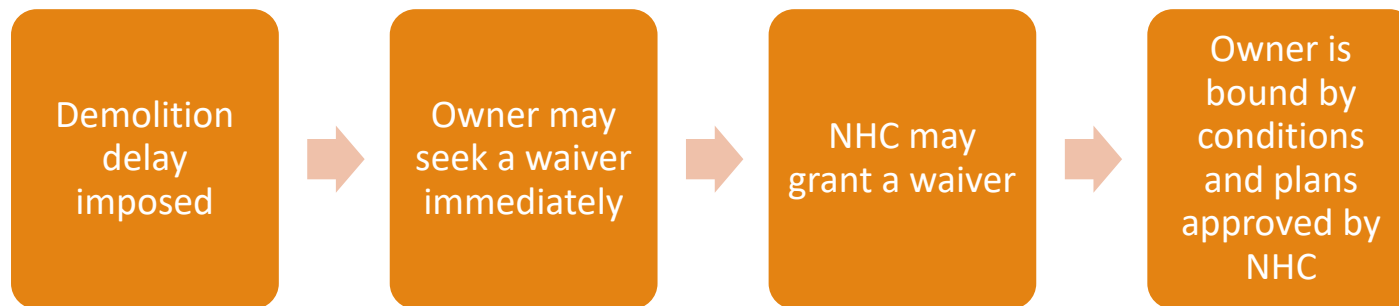
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# Demolition Delay Process – Part 2

## Waiver - Partial

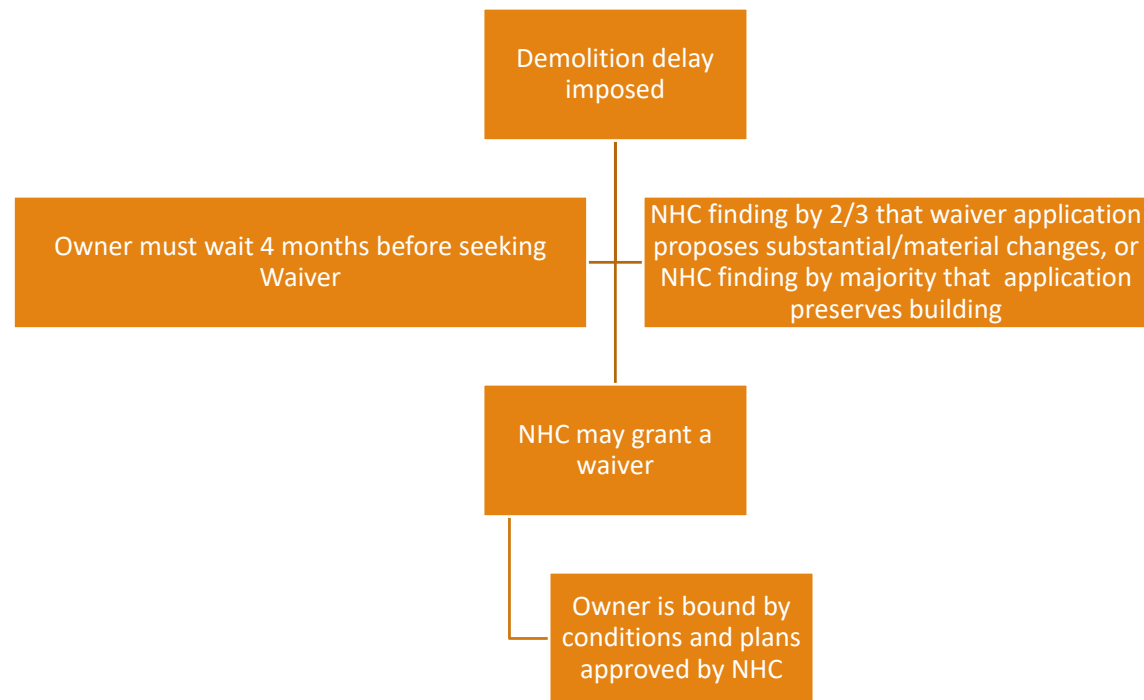
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# Demolition Delay Process – Part 3

## Waiver - Total

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# OPEN ITEMS FOR DISCUSSION – 50 Year Requirement

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Under the current Demolition Delay Ordinance, a property is subject to review if it is in whole or in part 50 years old or older. Proposed demolition and/or alterations of a building that are less than 50 years old is not reviewed by the Newton Historical Commission (“NHC”) or the NHC staff.

- Working Group Proposal – Preferred by 4 of the 5 Working Group Members
  - Proposed demolition of a building is subject to Demolition Delay review if the building was in whole or in part built in or before 1945.
- Working Group Proposal – Preferred by 1 of the 5 Working Group Members
  - Retain the Demolition Delay jurisdiction over buildings that are 50 years old or older contained in the current ordinance.
- 2 Proposals Discussed at the February 22, 2021 and April 12, 2021 ZAP Meetings
  - Increase the age requirement of buildings subject to Demolition Delay review. The example that was stated at the ZAP Meeting was to require that a property be subject to the Demolition Delay Ordinance if the building is 75 years or older.
  - Require that the City Council review and amend, if appropriate, the designated age of buildings subject to demo-delay every 10 years.

# OPEN ITEMS FOR DISCUSSION - CONTEXT

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Under the current Demolition Delay Ordinance, a building is Historically Significant if it is determined to be:

“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”

A finding that a building is Historically Significant under this criteria requires:

1. A building by itself is determined to be historically architecturally important by reason of period, style, method of building construction or association with a particular architect;

Or

2. A building in the context of a group of buildings is determined to be historically architecturally important by reason of period, style, method of building construction or association with a particular architect.

# OPEN ITEMS FOR DISCUSSION – CONTEXT - CONTINUED

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At the April 12, 2021 ZAP Meeting, there were comments that the language allows properties to be found to be historically significant on the basis that they are contextually related to surrounding buildings without an additional finding that the buildings taken as a group are historically architecturally important by reason of period, style, method of building construction or association with a particular architect.

The criteria can be clarified by splitting it into 2 separate criteria:

A building shall be determined to be historically significant after a finding that it is:

- historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder;
- contextually related to a group of buildings or structures and is historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, due to such context.

# OPEN ITEMS FOR DISCUSSION – Properties Near Historic Districts

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Under the current Demolition Delay Ordinance, a building is Historically Significant if it is 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. 3 of the 5 Working Group members support removing such properties from the criteria for Historically Significant. The remaining 2 members support retaining the criterion.



# OPEN ITEMS FOR DISCUSSION – Historically Significant – Staff Review

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Under the current Demolition Delay Ordinance, the determination of whether a building is Historically Significant may be made by the NHC or the NHC may delegate the determination to commission staff or a designated commission member.

Determinations of whether a building is Historically Significant may be made by the NHC or the NHC may delegate the determination to commission staff and a designated commission member.

1 Working Group member has requested further discussion on inclusion of a mechanism that would require disclosure at NHC meetings of full demolition applications that are found not to be historically significant by commission staff and a designated commission member.

# OPEN ITEMS FOR DISCUSSION – Preferably Preserved Criteria

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Additional criteria the NHC must consider in determining whether a building meets the definition of Preferably Preserved:

- The degree to which the historic and/or architectural value of the building or structure can be preserved through restoration or replacement.
- Whether imposition of demolition delay would cause excessive hardship on the property owner(s).