

City of Newton Landmark Ordinance

Working Group Update
4/13/2020

Who may nominate

CURRENT

- Members of the City Council
- The Mayor
- The Director of Planning and Development
- The Commissioner of Inspectional Services
- Members of the Newton Historical Commission (NHC)

PROPOSED

- Added Owners of the property
- Required that members of the City Council, the Mayor, the Director of Planning and Development, or the Commissioner of Inspectional Services be joined by at least one member of the NHC.
- Required that at least two members of the NHC nominate a property

Eligibility for nomination

CURRENT

- Properties listed on the National Register, either individually or as part of a Historic District
- Properties that are certified by the Massachusetts Historical Commission as eligible for listing on the National Register, either individually or as part of a district

PROPOSED

- Removed the Massachusetts Historical Commission from the eligibility process
- Properties that are not on the National Register may be eligible if deemed historically significant by the NHC

Notice of nomination

CURRENT

- To the owner of the nominated property
- Upon the NHC's receipt of the written nomination
- No particular method of notice is prescribed

PROPOSED

- Added notice to the immediate butters
- Notice must be sent at least 14 days after the NHC receives the petition for nomination
- Notice is by certified mail to the owner and regular mail to the immediate abutters
- Notice must include the petition and date of the commission meeting to review the nomination

NHC meeting to review nomination

CURRENT

- The current ordinance does not require that a meeting be held to review the nomination.

PROPOSED

- The NHC must hold a meeting to consider any petition for nomination.
- The meeting must be held within 45 to 90 days from the date of the NHC's receipt of the petition.

Acceptance or rejection of a nomination

CURRENT

- The NHC may only reject the nomination of a property that is listed on the National Register as part of an historic district, but not individually
- Nominations of properties that are listed on the National Register may not be rejected and no additional investigation and report on the property shall be required

PROPOSED

- The NHC must make a determination to accept or reject any nomination
- All accepted nominations will allow for additional investigation

Designation – public hearing notice

CURRENT

- The NHC must hold a public hearing prior to any designation of landmarks.
- Minimum of 14 days notice of public hearing
- Notice by publication and regular mail to the owner

PROPOSED

- The public hearing must be held within 30 to 90 days from the date of the NHC's vote to accept the nomination.
- Minimum of 14 days notice of public hearing
- Notice by publication and certified mail to the owner

Other boards/commissions

CURRENT

- The NHC must transmit the agenda for the public hearing to the Planning Board
- The Planning Board may make a recommendation to the NHC

PROPOSED

- The NHC must notify the planning and development board upon the acceptance of a nomination
- The Planning and Development Board's recommendation must advise whether the designation of the nominated property as a landmark is in concert with the City's policies and adopted plans

Designation – Criteria

CURRENT

- The current Designation criteria uses the same definition as “historically significant” in the demolition delay ordinance

PROPOSED

- The proposed Designation criteria tracks the criteria used by the National Park Service in evaluating properties for National Historic Landmark status

Vote for designation

Current

- The NHC by a 3/4 vote of those members present may designate a property as a landmark

Proposed

- The NHC by a 3/4 vote of those members present, but in no instance fewer than 4 votes in the affirmative, may designate a property as a landmark

Next Steps

- Working Group to finalize Draft Ordinance Language (Friday, April 17th)
- Present Working Group Draft Ordinance Language at Thursday, May 7th ZAP Meeting