

**CITY OF NEWTON
LAW DEPARTMENT MEMORANDUM**

DATE: July 23, 2021
TO: Zoning and Planning Committee – All Members
FROM: Andrew S. Lee, Assistant City Solicitor
RE: Demolition Delay – Proposed Amendments – Dkt. No. 29-20(2)
Updated Draft

At the Zoning and Planning Committee (“ZAP”) meeting held on June 28, 2021, ZAP discussed Dkt. No. 29-20(2) Proposed Amendments to the Demolition Delay Ordinance. Specifically, ZAP took straw votes on several items in the proposed draft amendments as follows:

1. 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. ZAP took a straw vote on whether to change the requirement with the following results:
 - a. Changing the 50 year requirement to “75 years”: 3 in favor (Councilors Albright, Crossley, and Krintzman)
 - b. Retaining the 50 year requirement: 4 in favor (Councilors Wright, Leary, Ryan, and Baker)Councilor Danberg was also present and abstained from voting.
2. 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...” ZAP took a straw vote on whether to include clarifying language for the foregoing criteria with the following results:
 - a. Include clarifying language: 3 in favor (Councilors Albright, Crossley, and Krintzman)
 - b. Leave the language unchanged: 5 in favor (Councilors Leary, Wright, Danberg, Ryan, and Baker)
3. 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. ZAP took a straw vote on whether to remove such properties from the criteria for Historically Significant with the following results:
 - a. Removing the criterion: 5 in favor (Councilors Albright, Crossley, Krintzman, and Leary)

- b. Retaining the criterion: 3 in favor (Councilors Baker, Ryan, and Wright)
4. ZAP took a straw vote on whether to amend the Demolition Delay Ordinance to include a requirement that determinations by a Newton Historical Commission (“NHC”) Member and Staff that a full demolition application that are found not be historically significant be disclosed at NHC meetings with the following results:
- a. Add such a disclosure requirement: 3 in favor (Councilors Baker, Ryan, and Wright)
 - b. Do not include such a disclosure requirement: 5 in favor (Councilors Albright, Crossley, Danberg, Krintzman, and Leary)

Attached to this memorandum is the clean version and redlined version of the proposed draft (Attachments A and B, respectively) updated to reflect ZAP’s straw votes taken at the June 28, 2021 meeting. Please note that the jurisdictional age requirement under Section 22-53(a)(1) of the proposed draft has not been revised. It is anticipated that there will be further discussion in ZAP on that item. Additionally, the original Demolition Delay Ordinance is attached as Attachment C, for your convenience.