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Mayor

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#136-17 and #104-17

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**Barney Heath**  
Director

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**MEMORANDUM**

**DATE:** September 22, 2017

**TO:** Councilor Ted Hess-Mahan, Chairman  
Members of the Zoning and Planning Committee

**FROM:** Barney Heath, Director, Department of Planning and Development  
James Freas, Deputy Director  
Katy Hax Holmes, Chief of Preservation Planning

**RE:** **##104-17 Recommendation to establish a Newton Highlands Historic District**  
NEWTON HISTORICAL COMMISSION submitting a recommendation, pursuant to MGL Chapter 40C, Section 3, that Article III, Historical Provisions, and Division 1, Commissions and Districts, of the City of Newton Ordinances, be amended by establishing a local historic district in Newton Highlands.

**##136-17 Recommendation to establish a West Newton Historic District**  
NEWTON HISTORICAL COMMISSION submitting a recommendation, pursuant to MGL Chapter 40C, Section 3, that Article III, Historical Provisions, and Division 1, Commissions and Districts, of the City of Newton Ordinances, be amended by establishing a local historic district in West Newton.

**MEETING DATE:** September 25, 2017

**CC:** City Council  
Planning and Development Board  
Donnalyn Kahn, City Solicitor

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Public hearings were held by the Zoning and Planning Committee on May 8<sup>th</sup> and June 12<sup>th</sup> of this year to hear proposals by two ad hoc committees to establish new local historic districts (LHD) in the villages of Newton Highlands and West Newton. Both hearings were continued until this Fall. In the interim, the Planning and Development Department mailed a survey form to every owner of property proposed for inclusion in both LHD boundaries. Survey responses were collected all summer by the Planning Department, up to and including Labor Day weekend. Tallies for both surveys are summarized below.

Newton Highlands: Two-hundred eighty (280) surveys were mailed to owners of property located inside the proposed LHD boundary. One hundred fifty five (155) surveys were returned. Of these, 86 households voted against the proposed LHD, and 57 households voted for it. Seven households were split for/against, and five were returned with the vote left blank:

Total surveys mailed:	280
Total surveys returned:	155 (55% response rate)
Voted <b>in support</b> of a Newton Highlands LHD:	57 (37%)
Voted <b>against</b> a Newton Highlands LHD:	86 (55%)
Split vote in the same household:	7
Blank/Undecided/Do not care	5

West Newton: Three-hundred thirty four (334) surveys were mailed to owners of property located inside the proposed LHD boundary. Two-hundred thirty four (234) surveys were returned. Of these, 164 households voted against the proposed LHD. Sixty (60) households voted for it. Five households were split for/against, and five surveys were returned with the vote left blank.

Total surveys mailed:	334
Total surveys returned:	234 (70% response rate)
Voted <b>in support</b> of a West Newton LHD:	60 (26%)
Voted <b>against</b> a West Newton LHD:	164 (70%)
Split vote in the same household:	5
Blank survey returned:	5

Under Chapter 40C, there are three critical factors that are necessary to the establishment of local historic districts:

1) Evidence of intact historically significant architectural neighborhoods and settings

A detailed analysis, prepared by the Planning Department, of the support for these two proposed LHDs by the Newton Historical Commission and the Massachusetts Historical Commission was provided for the May 8<sup>th</sup> and June 12<sup>th</sup> ZAP hearings. In summary, both Commissions voted that the intact clusters of architecturally and historically significant structures in these two villages met the minimum criteria under Chapter 40C for the establishment of local historic districts in West Newton and Newton Highlands.

The Planning Department would like to take this opportunity to recognize and laud the volunteer time dedicated to holding community meetings, tours, info sessions, going door to door with flyers, and conducting invaluable research and photo documentation on hundreds of historic properties in Newton. The City is grateful for this work and will continue to consult it for many years to come.

2) Community support for the proposed LHD and boundary

Public hearings on the two proposed LHDs were conducted by the Zoning and Planning Committee on May 8<sup>th</sup> and June 12<sup>th</sup>, during which property owners voiced their concerns and/or support for the proposed historic districts. The Planning Department subsequently mailed a survey form to all owners of property located inside the proposed LHDs to assess their interest in being included in the proposed LHD. Enclosed with this survey was an FAQ sheet to help answer questions about what it means to own property in an LHD, as well as summarizing the legal basis for creating one. The results of the survey were tallied at the end of the summer, with the final results outlined above. It is clear that a majority of property owners in both proposed LHD boundaries do not support inclusion in a local historic district.

### 3) Support by City Council

The City Council is tasked with deciding whether the local historic districts as identified in Newton Highlands and West Newton meet the criteria under Chapter 40C for the neighborhoods in which they are proposed. Both proposed districts contain the requisite historic material, but clearly lack a majority of community support. The Planning Department recommends that the Council consider the following five options:

- A) Review significantly smaller LHDs in both neighborhoods, where a majority of owner support can be assembled and documented;
- B) Encourage preparation of new study reports for local historic districts that allow an opt-out option;
- C) Approve individual local historic districts, whereby owners obtain city council approval for Chapter 40C protection of their own properties;
- D) Create Neighborhood Conservation Districts, whereby protections for historic properties may be determined by owners and do not strictly adhere to Chapter 40C;
- E) Encourage the use of Preservation Restrictions and Easements on historic properties when owners are interested in preserving properties in perpetuity.

### Flowchart of LHD Creation Process:

