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Barney S. Heath
Director

MEMORANDUM

DATE: January 17, 2020
TO: City Council
FROM: Barney Heath, Director, Department of Planning and Development
Jennifer Caira, Deputy Director of Planning
Katy Hax Holmes, Chief, Preservation Planning
RE: **Local Landmark Process in Newton**
CC: John Lojek, Commissioner of Inspectional Services
Alissa O. Giuliani, City Solicitor
Jonathan Yeo, Chief Operating Officer

Newton's Local Landmark Ordinance was established in 1993 and authorizes the Newton Historical Commission (NHC) to designate individual properties and districts as Newton Landmark Preservation sites. The Landmark Ordinance provides preservation protection for properties deemed to be the most architecturally or historically significant in the City. Newton currently has 22 designated landmarks.

The City is presently in the process of updating the landmark provision of the ordinance. Part of that update includes removing the Massachusetts Historical Commission (MHC) from the process of determining whether a property is eligible for landmark designation. The current ordinance authorizes the nomination of a property for landmark designation if the MHC certifies that the property possesses historic characteristics sufficient to qualify for listing on the National Register of Historic Places. The MHC has notified the City that they will no longer participate in this process. The current ordinance does not require MHC participation if the property is already listed on the National Register, individually or as part of a historic district. Therefore, properties that have this designation are eligible for landmarking. Properties that are not listed on the National Register, or previously listed as eligible for the National Register, are not currently eligible for landmarking.

Under the ordinance, landmark nominations can be made by members of the City Council, the Mayor, the Director of Planning and Development, the Commissioner of Inspectional Services, and members of the NHC. Once a property has been nominated, the item is scheduled for discussion only by the NHC and the property owner is notified of the nomination by mail. The designation process slightly differs for nominated properties that are individually listed on the National Register and those listed as part of an historic district. For properties that are individually listed on the National Register the NHC will set the item for a public hearing (which could be as soon as their next regularly scheduled meeting) and may vote whether to designate the property as a landmark at that meeting. For properties that are listed on the National Register as part of an historic district, the NHC may reject the nomination if it determines that such property lacks sufficient historical or architectural significance. For such properties, the NHC will review additional information regarding whether the subject

property is a contributing element of such National Register historic district. The NHC will then determine whether to reject the nomination or proceed with the process for designation. If the NHC determines that the property is a contributing element to the historic district, the NHC will set the item for a public hearing and vote whether to designate the property as a landmark. While an individually listed property could be scheduled for a public hearing and the NHC could vote at the next scheduled meeting, properties within a district but not individually listed would require an additional meeting if the NHC chooses to set the item for a public hearing.

A property owner's consent is not necessary when a property is being considered for landmarking. The owner will be notified by mail when the nomination is first placed on the NHC agenda for discussion. The NHC will also give the owner of the nominated property and abutters at least 14 days' notice of the public hearing by mail. In addition, the public hearing is noticed in the TAB.

After the public hearing, a 3/4 vote of the NHC is necessary to designate a landmark. Under the current ordinance, a landmarking decision may be administratively appealed to the Metropolitan Area Planning Council (MAPC). A landmarking decision may also be appealed to the Superior Court. The MAPC has notified the City that it would no longer participate in the landmarking appeal process. Removal of the MAPC from the appeal process will be addressed during the updating of the demolition delay and landmark ordinances.

Once a property is landmarked, it is treated as if it is located in a local historic district and the Newton Historical Commission must review all proposed changes to the property. This includes any alterations to the exterior of the structure, such as demolition, additions, renovations, deterioration by neglect, or new construction. All current City landmarks have been modified in some way. When reviewing proposals for alterations or modifications to a landmarked building, the NHC reviews materials provided by the applicant, as well as the City's Design Guidelines. The owner has an obligation to maintain a landmarked building through the City's Demolition by Neglect ordinance (Section 22-51), which applies only to landmarked buildings. As the landmarking ordinance is a local ordinance, a request could also be made to the Zoning Board of Appeals through a 40B Comprehensive Permit to allow alteration or demolition of a designated landmark.

There are currently pending landmark nominations for seven properties in West Newton. The NHC will first discuss these items on January 23rd and will decide whether to move forward with additional analysis and public hearings. Two of the properties are individually listed on the National Register and the remaining properties are within a National Register historic district. The property addresses are below and attached is a map.

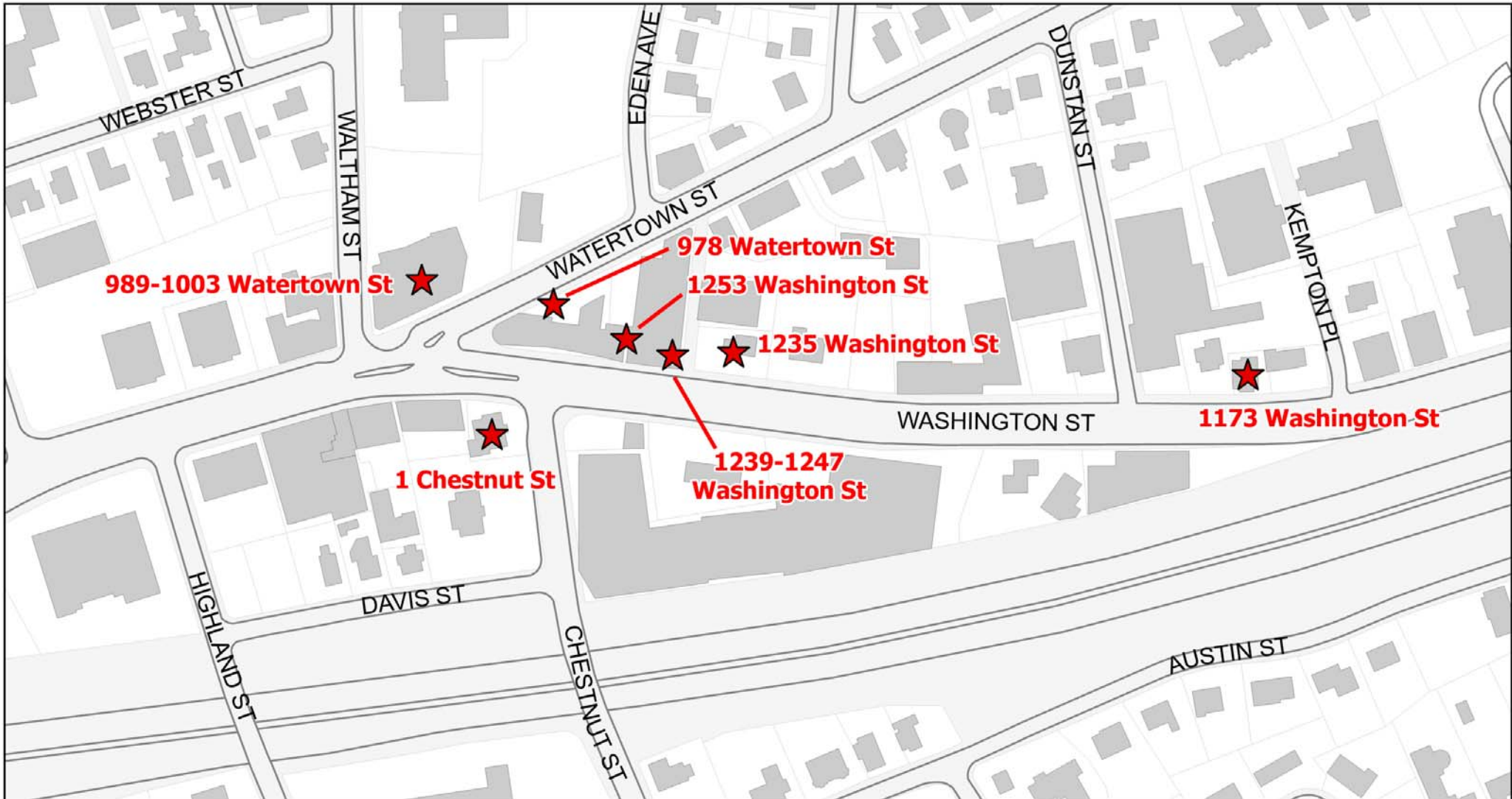
Landmark Nominations:

- 1253 Washington Street
- 1173 Washington Street*
- 978 Watertown Street*
- 989 – 1003 Watertown Street
- 1239 – 1247 Washington Street
- 1235 Washington Street
- 1 Chestnut Street

*Individually listed on the National Register

Landmark Nominations in West Newton

City of Newton, Massachusetts



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

0 100 200 400 600 Feet



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Map Date: January 17, 2020