

CITY OF NEWTON

IN BOARD OF ALDERMEN

APRIL 22, 2008

ORDINANCE NO. Z-22

BE IT ORDAINED BY THE BOARD OF ALDERMEN
OF THE CITY OF NEWTON AS FOLLOWS:

Amend **Sec. 22-50. Demolition of historically significant buildings or structures.** as follows:

I. In subsection (b), *Definitions.*, add after the definition of *Partial demolition* the following text:

(1) *Items requiring review by the commission at a hearing.* Partial demolition of any architecturally significant features which would alter the massing of the existing structure including, but not limited to the following items.

- a) Additions or rear ells determined to be architecturally significant by commission or commission staff.
- b) Attached garages determined to be architecturally significant by commission or commission staff.
- c) Roofs, including flat roofs, determined to be architecturally significant by commission or commission staff.
- d) Porches determined to be architecturally significant by commission or commission staff, except open decks and staircases, which are not original to the structure and therefore excluded from review.
- e) Removal or covering of 50% or more of any single exterior wall surface, which includes exterior wall surfaces that would be enveloped by subsequent additions. Each wall is calculated by square footage individually.
- f) Demolition of any architectural detail determined to be architecturally significant by commission or commission staff including but not limited to the following items.
 - i) Brackets
 - ii) Crown molding
 - iii) Porch columns and railings
 - iv) Bay windows
 - v). Dormers
 - vi) Chimneys

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(2) *Items requiring review by the commission that may be reviewed and approved by commission staff without a hearing if plans indicate*

- a) Construction of new dormers which encompass less than 50% of the roof surface.
- b) Construction on existing flat roofs, which will not alter a significant architectural feature.
- c) Repair or replacement of existing and original porches with similar materials to match existing.
- d) Removal of less than 50% of the roof structure.
- e) Demolition or construction of additions or alterations not visible from a public way.
- f) Removal or covering of 25% to 50% of any single exterior wall surface, which includes exterior wall surfaces that would be enveloped by subsequent additions. Each wall is calculated by square footage individually.

(3) *Items considered to be de minimis and requiring no commission or commission staff review:*

- a) Open porches consisting of only a set of stairs, an entrance platform and a roof which are utilitarian in design or do not contribute to the architectural significance or character of the building.
- b) Construction of new additions which impact 25% or less of a single exterior wall;
- c) Normal maintenance of a building's exterior, including, but not limited to repair or replacement of roof surfaces, repair or replacement of gutters, and repair or replacement of existing doors and windows, including casings and frames, repair or replacement of existing exterior cladding (clapboards, shingles, masonry, etc.).

II. In subsection (c), *Procedure.*, delete paragraph (2) in its entirety and replace with the following text:

- (2) If any applicant and the owner of the building or structure, if different from the applicant seeks to demolish, in whole or in part, a building or structure which is in whole or in part fifty or more years old, the owner of the building or structure shall file a demolition review application with the commission for a determination as to whether the building or structure is historically significant and shall provide the commission with the following information:

- a) a site plan or a copy of that portion of the tax assessor's map which shows the building or structure to be demolished and the property on which it is located;

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- b) photographs of all existing façade elevations of the building or structure to be totally or partially demolished;
- c) a description of the proposed plans for demolition and the reason(s) therefore.

III. In subsection (c), *Procedure.*, delete the first and second sentences of paragraph (3) and replace with the following sentence:

Within fifteen (15) days after the commission's receipt of a demolition review application, the commission shall make a determination as to whether the building is or is not historically significant and shall notify, in writing, the commissioner and the applicant of this determination.

IV. In subsection (c), *Procedure.*, delete in the first sentence of paragraph (4)a) the words "fifteen (15)" and replace with the words "forty-five (45)"

V. In subsection (c), *Procedure.*, delete paragraph (5) and replace with the following text:

(5) When a building or structure is determined to be historically significant, the commission shall hold a public hearing to determine whether the building or structure, or the portion of the building or structure to be demolished, is preferably preserved. The applicant shall provide the commission with the following information for this determination:

and

Delete subparagraphs a), b) and c) and re-letter existing subparagraph d) to a), and e) to b).

VI. In subsection (c), *Procedure.*, add in paragraph (6) a new subparagraph c) as follows:

c) If the specified conditions involve approved plans and elevations, then no demolition permit shall be issued by the commissioner unless the applicant provides, as part of his application for a demolition permit, a complete set of plans and elevation drawings which have been signed and stamped by the commission or commission staff.

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VII. In subsection (c), *Procedure.*, delete paragraph (9) in its entirety and replace with the following text:

(9) If the applicant is someone other than the owner or his designated agent a demolition review application cannot be filed until the commission receives written authorization from the owner that the applicant may apply for changes to their property.

VIII. In subsection (e), *Non-Compliance.*, delete in the first sentence of the second paragraph after the word “with” the following words “the commissioners shall not issue a permit required by the State Building Code pertaining to any property on which an historically significant building or structure has been demolished for a period of two (2) years from the date of demolition, provided that this provision shall not prevent the commissioner from issuing any permit required to insure the safety of person or property”

And

Insert in the first sentence of the second paragraph after the word “with” the following:

“... including full compliance with plans and elevation drawings signed and stamped by the commission, the commissioner may elect to (1) issue a stop work order halting all work on the building or structure until the commission notifies the commissioner in writing that the applicant has appeared before the commission to address such non compliance, and the commission has accepted the applicant’s plans to remediate such noncompliance; (2) refuse to issue any certificates of occupancy, temporary or final, until any noncompliance has been remediated; and/or (3) refuse to issue a permit required by the State Building Code pertaining to any property on which an historically significant building or structure has been demolished for a period of two (2) years from the date of demolition, provided that this provision shall not prevent the commissioner from issuing any permit required to insure the safety of persons and property.”

IX. Add a new subsection (k) as follows:

(k), *Applicability.*

- (1) Notwithstanding the foregoing, this section shall not apply and a demolition permit shall be issued for the reconstruction substantially similar in exterior design of a building structure or exterior architectural feature damaged or destroyed by fire, storm, or other disaster, provided such reconstruction is begun within six (6) months thereafter and is

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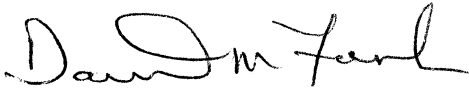
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carried forward with due diligence. This exception shall be limited to reconstruction of only that portion of the building or structure damaged by such catastrophic event.

- (2) This subsection shall not apply to buildings or structures which have been designated as landmarks pursuant to Sec. 22-60 of the revised ordinances.

Approved as to legal form and character:

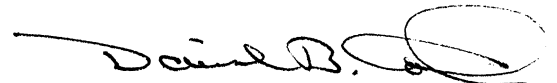


DANIEL M. FUNK
City Solicitor

Under Suspension of Rules
Readings Waived and Adopted
22 yeas 0 nays 2 absent (Ald. Harney and Sangiolo)



(SGD) DAVID A. OLSON
City Clerk



(SGD) DAVID B. COHEN
Mayor

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