

## Basic Conclusions

Examination of Newton’s experience with its demolition delay ordinance since 1987, in conjunction with an analysis of post-World War II housing, has resulted in a range of observations. Some of these lie outside the official scope of the project as defined in the original request for proposals, others go right to the heart of the issues posed at the outset. All, however, point to a community that is undergoing rapid infill development and redevelopment, some of which is threatening the community’s historic resources. These observations are made to provide insight into how this development is being fueled and how it might be better channeled so as to meet the broader concerns of the community.

The text in the boxes that follow summarize three basic conclusions of this study, with sections under each that are intended to further explain the issues that have been raised.

**The demolition delay ordinance is a tool that needs to be strengthened and supported by complementary regulations if it is to be fully effective.**

During the course of researching demolition delay ordinances in surrounding communities and states, it became apparent that this regulation, in combination with historic districts, provides one of the most powerful land use tools available to communities. The key is to have other complementary mechanisms that address the full range of preservation issues that confront a community. Newton has a good tool in place—especially given its 50-year review threshold and one-year delay, but it cannot be expected to handle the entire job of preserving individual landmarks and historic neighborhoods. At best, a demolition delay ordinance serves as a safety net to prevent demolition of structures and devastation of neighborhoods that are inadvertently overlooked or not yet evaluated. At worst it is simply a hoop through which developers are forced to jump, without producing the benefits of saving historic buildings.

The original purpose of the delay—to “assure the preservation and enhancement of the City of Newton’s historical and cultural heritage by preserving, rehabilitating or restoring wherever possible, buildings or structures which have distinctive architectural features or historical associations that contribute to the historic fabric of the City”—is far-reaching in its intent. Yet, as many community leaders can attest, developers responding to a vigorous housing market have discovered that it pays to simply wait out the one-year delay period and demolish a house, rather than comply with the intent of the regulation.

In the past few years, Newton has become super-attractive for new house construction, especially in areas with large lots that can be subdivided, and in neighborhoods with modest houses with asking prices close to the value of the lots they occupy. These houses are

generally viewed as not offering the amenities today's homebuyers demand. Thus, a building contractor, under current market conditions—high demand for housing and relatively low carrying costs—has learned to build in the cost of holding onto a property for one year to wait out the delay period and then have the freedom to build as of right, whatever the zoning will allow, often to the detriment of an entire neighborhood.

Does this mean that Newton's demolition delay ordinance should be scrapped? The answer, by this consultant's evaluation, is no. This is because the NHC has done a good job of negotiating modifications to plans, especially in those instances where partial demolition has been proposed. It has motivated owners to undertake more sensitive improvements thereby maintaining the value of their properties and has advocated flexibility in the application of building code requirements where strict adherence would have resulted in damage to the historic fabric of significant buildings. And in a few cases, the delay has worked to derail purchases of historic properties for demolition, allowing other preservation-oriented buyers the chance to acquire these properties. However, a number of problems remain to be addressed.

The most problematic aspect of the current demolition delay ordinance is the waiver provision. The delay period is often not allowed to run its course so that alternatives to demolition of historically and architecturally significant buildings that have been found "Preferably Preserved" can be investigated and pursued. This follow-up aspect has not occurred, due to lack of incentive mechanisms and staffing. Another impediment to demolition could also be added: that design review be required of all replacement houses *after* the one-year delay has expired and proof is shown that the building cannot be saved.

Another issue is residential zoning districts standards can be at variance with existing housing patterns, especially in neighborhoods 50 years of age or older.

In short, Newton needs a few more arrows in its preservation quiver. If the City of Newton is truly committed to preserving its heritage and "historical associations that contribute to the historic fabric of the City," then it will provide the Commission with other complementary tools—both "carrots" and "sticks"—to induce property owners and developers to see demolition a last resort rather than a first choice.

**There are neighborhoods made up of post-World War II housing, as well as other, earlier, 20<sup>th</sup> century housing, that are not receiving the protection of which they are worthy.**

Formal survey of Newton's historic properties includes only buildings up through the 1910s. This leaves many neighborhoods comprised of Bungalows, Cape Cods, Two-Story Colonials, Ranches, Split-Levels and other 20<sup>th</sup>-century housing types unidentified and under-appreciated.

It is important to recognize that the city's heritage includes the 20<sup>th</sup> century and the type and style of houses distinctive to that time. It is also important for the city to protect these more recent historic resources using the same standards it employs for much older buildings. The dramatic visual difference between the smaller, more modest and affordable houses of the 20<sup>th</sup> century and the grander and more decorative homes of the 19<sup>th</sup> century is not a legitimate basis for comparison.

More survey and public education would raise awareness of and sensitivity to these buildings as well as increase their value. (It might be helpful to remember that as recently as the 1970s, Victorian homes that are now highly prized, were seen as white elephants, devalued and randomly demolished.)

There are broader community planning and land use issues, which provide the legal underpinnings for why preservation is important to the community's welfare. These include providing a diversity of housing choices and maintaining affordable housing and neighborhoods. It can be easily demonstrated that even in a small grouping of houses, each may contribute to the greater whole and thus the destruction and replacement of even one by a radically different style or size of structure, impacts the entire neighborhood. Left unchecked, rampant demolition of these houses may work against the quality of life that Newton seeks to preserve for its residents, present and future. It is these issues that preservation of more recently built neighborhoods can address.

**Greater resources need to be made available for administration of the demolition delay ordinance in particular and historic preservation in general if the community is to benefit.**

If preservation of the community's heritage is acknowledged as a way to protect and enhance the quality of life for residents, then the community needs to make a commitment to understanding fully what that heritage is and devote sufficient resources to protecting it. In particular, this involves undertaking regular survey work, findings from which should provide the basis for the NHC's actions.

The workload for the NHC and its staff has been growing for years and can be expected to remain at a high level until the real estate market cools considerably and/or until property owners accept historic preservation standards, so as to bring their expectations and requests in line with them. Last year's increase in NHC staffing to full-time status is one step in achieving this. Yet an even higher level of commitment is needed if Newton is to continue to protect its quality of life and diversity of neighborhoods and housing choices, which is one of the policies put forth in the city's draft Framework Plan.

Most important is fully integrating all planning and community development functions with historic preservation efforts, so that one regulation and public policy doesn't work against another. Subdivision standards, for example, which are overseen by the Planning Board, perhaps should be looked at to ensure that the way lots are divided doesn't justify demolition of historic structures. Accessory housing units developed in carriage houses and garages can be a way of providing more affordable housing units while encouraging adaptive reuse of original structures. The draft Framework for the City's Planning gives some suggestion of this approach, yet needs to be more explicit in defining preservation as a fundamental value of the community that has relationship to the community's other functions and operations.

In looking at other communities, there are some excellent models that Newton should consider emulating. These include developing financial incentives for owners of historic properties to maintain and restore their historic buildings, additional assistance to applicants by staff under delegated authority, more clerical and intern support for NHC staff, providing the latest in technological tools to staff to increase their efficiency, more training opportunities for commission members, greater recruitment efforts for volunteers, and public awareness and education programs about the community's diverse historic resources.

Chapter IV provides recommend specific strategies and actions to address each of these conclusions.