

Newburyport Local Historic District Study Committee

Summary of Ordinance and Ordinance Updates June, 2012

TABLE I: REVIEWABLE ITEMS

The information in the following table represents a summary of key components of the proposed local historic district (LHD). **Items marked with an asterisk (*) represent changes to the proposal since the March, 2011 online draft.** *NOTE: Those items subject to review must be visible from a public way that is within the district.*

EXCLUDED FROM REVIEW

A	Shutters*, gutters*, foundations*, roofing materials* (including slate and composite materials), structures built after 1930*, bulkheads*
B	Ordinary maintenance and repair (except brick masonry) as long as repair does not involve a fundamental change in exterior design or materials
C	New construction, demolition or alteration performed under a valid permit that was issued prior to the effective date of this ordinance or for the purposes of public safety
D	Landscaping (vegetation)
E	Temporary structures (including, but not limited to temporary signs)
F	Terraces, walks, driveways, sidewalks, swimming pools and similar structures
G	Storm windows, storm doors, screen windows, screen doors, window-mounted air conditioning units
H	Paint
I	Flagpoles, sculptures, mailboxes, window boxes, downspouts and leaders, house numbers, garden furniture
J	Satellite antennae, satellite dishes, heat and air vents or similar equipment
K	All public park or cemetery structures except buildings
L	Structures with a total footprint of less than 200 square feet
O	Chimney caps
P	Modern materials (post 1930) or features (post 1930) that existed prior to the effective date of the ordinance can be replaced in-kind. For example, existing vinyl siding can be replaced with vinyl siding, replacement windows can be replaced with new replacement windows, etc.
M	Shutter hardware
N	Exterior lighting

SUBJECT TO REVIEW

1	Demolition (full and partial) of pre-1930 buildings and pre-1930 historic features only
2	New construction and additions
3	Masonry (except foundations – see “A” under “Excluded”)
4	Siding and trim (see “P” under “Excluded”)
5	Windows (see “G” under “Excluded”)
6	Entrances and doors (see “G” and “P” under “Excluded”)
7	Roofs and dormers (historically significant roof shape and pitch, historically significant dormers) Note that adding historically-appropriate dormers to the front façade of a gambrel would be an appropriate addition (see “A” of “Excluded”)
8	Solar collectors, etc. are allowed but they must not permanently destroy or change any historic architectural feature.
9	Porches and decks, widow’s walks, Fences and site walls (particularly historic fences and site walls)
10	Commercial storefronts, historic barns and outbuildings (see “L” under “Excluded”)
11	Signage (see “E” under “Excluded”)
12	Changes to the High Street streetscape, public property (widening, etc.)

NOTE: Full text of the June 2012 version of the proposed ordinance can be found online at <http://www.cityofnewburyport.com/Planning/lhd.html> as of end-of-day Thursday, June 7th. Hard copies can also be reviewed in the Planning Office and City Clerk’s Office.

TABLE II: ADDITIONAL CHANGES TO PROPOSED ORDINANCE

The following table represents additional key modifications made to the proposed ordinance since the March, 2012 online draft. **NOTE: *The rows on the left directly correspond to the rows on the right.***

	MARCH 2012	JUNE 2012
1	Items reviewed must be visible from a public way.	Items reviewed must be visible from a public way AND THAT PUBLIC WAY IS WITHIN THE DISTRICT.
2	Changes to the guidelines may be made by the LHD Commission.	Change to the guidelines may be made by the LHD Commission BUT MUST BE APPROVED BY A 2/3 MAJORITY OF THE CITY COUNCIL.
3	Three (3) members of the five member plus two alternate LHD Commission must be residents of the district.	FOUR (4) members of the five member plus two alternate LHD Commission must be residents of the district.
4	Features visible from a public way that are on the rear elevation of a pre-1930 structure are reviewed.	Windows, doors, and decks visible from a public way AND THAT PUBLIC WAY IS WITHIN THE DISTRICT that are on the rear elevation of a pre-1930 structure are NOT reviewed.
5	Varied application fees (\$100 demolition, \$25 for a waived public hearing application).	\$50 flat application fee for all applications. Any change in fees must be approved by City Council.
6	Creation of another city commission in the form of the LHD Commission.	Combine the Historical Commission, Fruit Street LHD Commission and the Newburyport LHD Commission into ONE over-arching commission with different criteria to follow depending on the location of the applicant's structure. This is consistent with most other communities. Add representatives from each LHD on this one commission.
7	Violations subject to the provisions under M.G.L. Chapter 40C.	Several notifications and 120-day period for the applicant and Commission to work towards a resolution after a violation.
8	All applications must be reviewed by the LHD Commission.	CITY OFFICIALS AND/OR LHD COMMISSION DESIGNATES assigned by the LHD Commission to the Planning Office may sign off IMMEDIATELY on certain applications to expedite the application process.
9	The LHD Commission must make a final decision on a proposed project within 60 days, the maximum time allowed by state law.	The LHD Commission MUST make a final decision on a proposed project within 45 days.

POST- PUBLIC HEARING PROCESS

There are additional steps that need to occur after the public hearing. They are, in order:

- Study Committee incorporates any relevant changes from the public hearing into the final proposal.
- Study Committee submits the proposal to the City Solicitor for legal review.
- Study Committee completes and submits the final report, map and ordinance to the Massachusetts Historical Commission and City Council.
- City Council sends proposal to one or more council committees.
- Council committees work and deliberate, possibly hold public hearing(s).
- Full Council has two readings of the final proposal, each needs a 2/3 majority for passage.

The LHD Study Committee can be reached through the Planning Office via email at lhpsc@cityofnewburyport.com.