

Mayor Michelle Wu
1 City Hall Plaza, Suite 500
Boston City Hall
Boston, Massachusetts 02201

April 9, 2024

Dear Mayor Wu,

The Boston Landmarks Commission (the “Commission”) was created by Chapter 772 of the Acts of 1975 to “. . . protect the beauty of the City of Boston and improve the quality of its environment through identification, recognition, conservation, maintenance and enhancement of areas, sites, structures and fixtures which constitute or reflect distinctive features of the political, economic, social, cultural or architectural history of the city . . .” and “. . . promote the public welfare, strengthen the cultural and educational life of the city and the commonwealth . . .” By its enabling legislation, the Commission has authority over the designation of landmarks, landmark districts, and architectural conservation districts.

Article 85 of the Boston Zoning Code gives the Commission the authority to review the proposed demolition of buildings within the City of Boston and to impose a 90-day demolition delay period for buildings determined to be significant in order to allow for the consideration of demolition alternatives and the potential preparation of the building. Under Article 85, the Commissioner of ISD may not issue a demolition permit receiving clearance from the Commission except in cases of a danger to public health or safety.

Boston’s historic fabric contributes significantly to its reputation and its livability, as well as to its popularity as a tourist destination, benefiting owners, residents, businesses and visitors alike. The Commission was created to protect the City’s historic resources and advance recognition, understanding and enjoyment of those resources.

We fully understand that the City has many important priorities, some of which can conflict with each other: affordable housing, education, business development and waterfront resilience, to name a few. But City government must operate within the established legal frameworks when balancing potentially competing goals; City government cannot circumvent legislative requirements or established processes to further one interest over another.

We, the undersigned Boston Landmark Commissioners, have observed in recent years a disregard by the City of Boston administration for the Commission’s legislative mandate and established procedures and guidelines. We are concerned that this disregard may impact the Commission’s ability to fulfill its legislatively defined objectives, and could create a public impression that the Commission’s mandates and processes do not apply equally across all districts and properties.

For example:

- White Stadium. Franklin Park was designated as a Boston Landmark in 1980. As a result, all changes to Franklin Park, including to White Stadium, which lies wholly within the park, must

receive design review and approval from the Commission. Franklin Park is also listed on the National Register of Historic Places. In January of 2024, the City of Boston, as the owner and caretaker of Franklin Park, presented to the Commission proposed improvements with respect to only half of White Stadium (the Boston Unity Soccer Partners portion of the project), while taking the position that the other half of the proposed project to be carried out by Boston Public Schools was not within the Commission's purview and therefore not subject to Commission review or approval. The Commission's enabling legislation and established regulations expressly requires Commission approval of all alterations to Boston Landmarks. The Commission is legislatively required to review the entirety of the proposed project and the Commission's enabling legislation prevents ISD from issuing a permit for any project that is a Boston Landmark prior to approval by the Commission.

- Boston City Hall. The Commission is in the process of considering designation of Boston City Hall as a Landmark. The City administration has for several months impeded Commission staff by stipulating what aspects of the pending landmark should or should not be included in a Study Report, which is the backbone of any designation. City administrators have also directed when and how the designation process would proceed, and have stated that they require Commission staff to solicit and coordinate input from various City Hall departments and divisions. In deference to the administration's requests, the Commission extended the period for public comment period to ensure that the public broadly, and all members of the administration and City Hall operations could review the posted and amended Study Report and comment on it before it moves to a vote by the Commission. After the extended period of public comment closed, members of the administration directed Landmarks staff to not place the item on an agenda, and to make changes to the report, and wrongly claimed that the process of drafting a study report for City Hall was flawed.

Only the Commission can designate Boston Landmarks; no other Commonwealth or City agencies or bodies have that ability. The Commission has duly adopted regulations relating to the preparation of Study Reports, vesting the responsibility for Study Report content and approval with the Commissioners, and not with staff. The process with respect to Boston City Hall should not have deviated from the Commission's standard practice. Input from City agencies and representatives are extremely important to the development of an appropriate Study Report and have been taken into account to the extent that City Hall operations staff have conveyed them to the Commission. As with any potential landmark, "owner" input needs to be carried out within the public process prescribed by the Commission's governing legislation and regulations, and not stipulated to Landmarks staff through the City Hall chain of command.

- Hotel Buckminster. While the Hotel Buckminster is now a Boston Landmark, that designation came only after public outcry that resulted when the City administration instructed Commission staff to pull the Hotel Buckminster's designation from the Commission's agenda on July 25, 2023. While a reason was not provided, the public impression was that the City administration's instruction likely came at the request of the property owner, IQHQ. Prior to July 25, 2023, the petition to designate the Hotel Buckminster had proceeded through the process in accordance with the Commission's enabling legislation and regulations. The City administration lacks the authority to pull any item from the Commission's agenda or insert itself in the Landmark designation process. Any Landmark designation is subject to Mayoral approval, which can be

overridden by a two-thirds vote of the Boston City Council. Those approval and veto rights should be sufficient for the City administration (or City Council) to support the Commission's standard policies and procedures with respect to Landmark designation.

- Arborway. The Commission understands that there is a redesign of the Arborway in process. The northern end of the Arborway project, which comprises Kelley Circle, is contiguous with and slightly overlaps the Emerald Necklace, a designated Boston Landmark. Any changes will impact this important Boston Landmark. While the Arborway is not itself a Boston Landmark, any changes that will impact the Emerald Necklace would benefit from an advisory review by the Commission, if not a full application for BLC design review. We understand that the Arborway plan may be undergoing review by Commission staff, but we would additionally recommend a review by the full Commission.
- Article 85 Demolition Delay. Under Article 85 of the Boston Zoning Code (Demolition Delay), the Commissioner of ISD is not permitted to issue a demolition permit for a building that is subject to review under Section 85-3 of the Code, or to issue a building, use or occupancy permit for a building site that has been determined significant unless Article 85 has been complied with or there is an "imminent and substantial danger to the public health or safety." Article 85 applies to all buildings that are (i) more than 50 years in age, (ii) located in the Downtown or Harborpark, or (iii) located in a Neighborhood Overlay District. Article 85 is intended to establish a 90-day waiting period during which the City, the applicant and other interested parties can explore demolition alternatives to minimize building demolitions where immediate re-use of the site is not planned.

Numerous times over the years, ISD has not complied with Article 85 and has issued both demolition and building permits for buildings that should have first gone through the Article 85 demolition delay process. This has occurred more frequently in some areas of the City than others, perhaps most notably in the North End (Boston's most historic neighborhood). Building permits have been issued prior to demolition permits being issued, and construction and demolition have occurred without permits. This not only impedes the Commission's (and the District Commissions') ability to fulfill their functions but also disadvantages applicants who are pursuing projects as delays and/or penalties may be imposed for failure to comply with Article 85. The City must make changes to the permitting process to ensure that Article 85 review occurs early in the project planning schedule on every applicable project.

- Commissioner Appointments. The Commission's enabling legislation provides for a very specific makeup of the Commission, with different commissioners appointed by different agencies and organizations for different terms. In addition, ten historic district commissions that review projects in different historic districts. Each historic district commission has its own commissioners, coming in part from the local neighborhood and in part from the Commission. For many years, a backlog in appointing and reappointing commissioners has impeded the ability of the Commission and the district commissions to carry out their duties, which is a disservice to the public. Certain historic districts, in particular the Ft. Point and South End Landmark Districts, have been unable to meet due to lack of commissioners and quorum. It is the City's responsibility to promptly process commissioner appointments to ensure that its constituents are well served. Commission staff can help advise as to which district commissions

are most in need of commissioners.

We, the undersigned Commissioners, are all residents of the City of Boston with an interest in ensuring that all policies and priorities of the City are advanced appropriately. We do not believe that historic or cultural priorities should take precedence over the City's other priorities, just that historic and cultural resources should be considered in line with applicable law, including the Commission's enabling legislation and Article 85. The Commission's work over the years has helped to save numerous historic resources in many City neighborhoods. The Commission has worked towards preserving Boston's historic resources, one of its greatest values, and creating innovative projects that build on historic resources. The goal of the Commission is to help move projects and development forward while respecting and preserving historic resources.

The Commission asks for cooperation from the City administration in order to fulfill its legislative mandate. We believe that all of the City's goals can be balanced and furthered while respecting laws, rules and regulations, including those that pertain to the Boston Landmarks Commission.

Thank you,

Members of the Boston Landmarks Commission:



Bradford C. Walker, Chair

Commissioners:

Justine Orlando, Vice-Chair
John Amodeo
David Berarducci
John Freeman
Susan Goganian

Jeffrey Gonyeau
Christopher Hart
Richard Henderson
Jeffrey Heyne
Kirsten Hoffman

Angela Ward Hyatt
Felicia Jacques
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Anne Renehan
Lynn Smiledge

cc:

Rev. Mariama White-Hammond,
Chief of Environment, Energy and Open
Spaces

Murray Miller,
Director of the Office of Historic
Preservation

Joe Cornish
Director of Design Review,
Boston Landmarks Commission

Ruthzee Louijeune,
President, Boston City Council

Henry Santana,
City Councilor, At-Large

Julia Mejia,
City Councilor, At-Large

Erin Murphy,
City Councilor, At-Large

Gabriela Coletta,
City Councilor, District 1

Edward M. Flynn,
City Councilor, District 2

John Fitzgerald,
City Councilor, District 3

Brian Worrell,
City Councilor, District 4

Enrique J. Pepin,
City Councilor, District 5

Benjamin J. Weber,
City Councilor, District 6

Tania Fernandes Anderson,
City Councilor, District 7

Sharon Durkan,
City Councilor, District 8

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