

**6 October, 2014**

**Ad Hoc Landmarks Ordinance Review Committee**

**Comments on draft ordinance dated 06-24-2014 (Sections 6,7,8,9)**

*Archetype, Historic Property Consultants LLC has been contracted by the Madison Trust for Historic Preservation to represent their interest in the review of the Landmarks Ordinance.*

**(6)**

No comments

**(7) Designation of Landmarks**

**(a)** —

**(b)** —

**(c) Standards -**

**1.** —

**2.** Consider separating the two criteria in this section by providing separate criteria for “important person”, and “important event.”

**3.** The language relative to archaeological sites is problematic to interpret because the nature of archaeological sites is that their full contents are not known until they are destroyed by excavation. Their potential to reveal important information about the people who occupied the site is often indicated through spot testing or diagnostic artifacts that have been eroded to the surface, but their value for revealing information about the people who occupied the sites is usually considered “potential,” based on recovered clues.

In the case of mounds, these sites are presumed to be spiritual and burial sites even by state and federal law, and therefore have cultural and religious considerable importance to Native American communities.

The federal criteria (in the National Historic Preservation Act) for listing archaeological sites addresses this unique nature by using the following language: Archaeological sites are eligible if they “...*have yielded or may be likely to yield, information important in history or prehistory.*”

We suggest the following adaptation of the federal language to the local ordinance: “*Has yielded, or is likely to yield, information important to understanding past cultural use of the site.*”

**4.** —

**5.** —

## **(8) Rescission**

- (a)** Anyone (not just the “owner of record at the time of its designation”) should be able to petition for rescission of a Landmark designation.

The two paths toward rescission (and their standards) are good: the inability to find a buyer for the property who is willing to abide by the standards for landmark properties, or a substantially changed physical appearance.

## **(9) Creation and Amendment of Historic Districts**

- (a)** Using the same criteria for Historic Districts as for individual Landmarks can work. It works for the federal program. But a brief definition of a historic district should be added to the front end of this section, (or to the Definitions section) to clarify that the nature of a district is fundamentally different than that of an individual property. The language from the federal program is well-crafted: *A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. A district derives its importance from being a unified entity, even though it is often composed of a wide variety of resources. The identity of a district results from the interrelationship of its resources, which can convey a visual sense of the overall historic environment or be an arrangement of historically or functionally related properties.*

- (b)(1-6)** The considerations in this section have, in the past, been confused for Standards governing development in historic districts. Consider making it explicit, within the language of the ordinance, that these considerations are only guidance for the Landmarks Commission in adopting Standards in historic districts.