MINUTES OF PUBLIC MEETING AND PUBLIC HEARINGS NEWTON HISTORICAL COMMISSION

DATE: August 26, 2021 PLACE/TIME: Via Zoom

ATTENDING: Peter Dimond, Chairman Doug Cornelius, Member Katie Kubie, Member Mark Armstrong, Member Nancy Grissom, Member Amanda Stauffer Park, Member Jennifer Bentley-Houston, Alt Katy Hax Holmes, Staff Valerie Birmingham, Staff See Attendance List ABSENT:

The meeting was called to order via Zoom at 7:00 p.m. with Peter Dimond serving as Chair. Voting permanent members were Cornelius, Kubie, Armstrong, Grissom, and Stauffer Park. Grissom left after the conclusion of the first item and Bentley-Houston was designated to vote as an alternate. Valerie Birmingham acted as Zoom host and the meeting was digitally recorded on the Zoom device.

The mayor, city councilors and Commission members acknowledged that this was Katy Hax Holmes’ last meeting and thanked her for her work as the Chief Preservation Planner for the City of Newton.

In reference to the first item on the agenda, 29 Greenwood Street, the mayor remarked that she shared the sense of outrage, and she supported the Historical Commission imposing the strongest measure possible and looked forward to working with the Historical Commission to ensure it never happened again.

29 Greenwood Street, LL – Request to Remediate Violation (Ward 8) Request review of proposed plans to remediate violation

Franklin Schwarzer, attorney, and Donald Lang, architect, on behalf of the owner, went over the submitted plans with Commission members. Lang discussed how his team had put together a submittal with the objectives that include to repair what was remaining of the historic structure and reconstruct the structure with as many traditional methods and materials as possible and to construct a historically accurate exterior which would include incorporating and repairing existing elements which had not been discarded, such as the window frames, and measuring and replicating when elements could not be reused. Lang further went over the proposed repair and reconstruction of the structure and submitted materials in more detail with the Commission members.

Staff reported that the proposed plan appeared to preserve remaining material from the original house and rebuild the structure. At the May 27th hearing when this property was last discussed, staff reported that the Gershom Hyde House was constructed c.1744, making it one of the oldest residences in Newton. This property was individually listed on the National Register of Historic Places in 1986 and designated a Newton Local Landmark in 2005. The Gershom Hyde House came before the Newton Historical Commission in 2017, 2018 and 2019 for extensions to a Certificate of Appropriateness certificate that was approved in 2017 for restoration of the house and construction of a rear addition. The property changed hands in January of this year and work commenced based on the previously approved plans. An ISD building inspector visited the site on April 27th of this year and observed that the historic house had been replaced by new framing. A Stop Work order was issued by ISD for violations of the NHC approval of this project, and work at the site ceased. The work observed at the site was not in keeping with the previously issued Certificate of Appropriateness and was undertaken without a new Certificate of Appropriateness that may have permitted full demolition of the structure.

At the May hearing, the NHC voted to find 7-0 that the work at 29 Greenwood Street was in violation of the Certificate of Appropriateness that was previously issued for this project and that the Stop Work Order imposed by Inspectional Services would remain in effect. The NHC also voted 7-0 to authorize tarping at the site and over dumpsters in accordance with site restrictions imposed by ISD via the Stop Work Order. Lastly, the NHC voted 7-0 to authorize fines on the owner, beginning on the day the second Stop Work Order was imposed, April 30, 2021, in accordance with the Local Landmark ordinance as revised in July 2020.

Dimond asked the representatives of the owner what they were seeking at the hearing. Franklin Schwarzer commented that they did not have a plan set ready and wanted to provide an update and show the Commission the plans they have thus far to receive feedback. Dimond inquired about the foundation and chimney. Schwarzer answered that the approved plans showed a new foundation, which has been poured, that the chimney was to be rebuilt above the roof, and that the plan has incorporated historic elements on the interior which the Commission would likely not have jurisdiction over. Grissom asked about replicating the interior staircase and suggested asking the previous owner about it. Donald Lang answered that the staircase was not there when he visited the site and that he did not think the Preservation Restriction covered the interior, though he would try to look and ask Historic Newton about it. Armstrong asked for clarification on the floor plan, to which Lang clarified the footprint was the same as the original structure as the old frame had been cut off. Cornelius asked about the submitted plans not showing the rear addition. Lang responded that the foundation had been poured and he was brought in to focus on the rebuilding of the historic structure. Cornelius further commented that the large addition was approved as it was realized it would take a lot of time and energy to restore the historic house, and that once the historic house was demolished, the approval of the rear addition was lost, and he was not comfortable without seeing the entire plan.

The meeting was opened to public comment. Councilor Crossley commented on Lang’s work plan to put the structure back together, and that it must be an extraordinarily expensive undertaking. She commented that she was angry with what happened and would still like to see better accounting for existing conditions. Councilor Wright commented that the owner’s representatives were referring to the structure as restored, but in her opinion, everything is new, and that the use of fiberglass gutters and a veneer chimney was inappropriate. Councilor Lipof commented about using different materials but replicating the dimensions, and remarked the situation was disheartening but commented on Lang’s ability and was looking to see plans that get as close as possible to reproducing the house. Further he commented that some of the things being suggested by people are not viable, and that the fine matters, time is costing the owner, and punitive actions cannot be taken by the Commission and there needs to be a resolution. Councilor Malakie inquired about the payment of the fines. Andrew Lee, Assistant City Solicitor, remarked about the status of the fines and payment. Councilor Malakie asked about the reconstruction of the clapboards to which Lang described the intended clapboards, as well as she inquired about how to trust the owner moving forward.

Jared Friedman commented that he was a former occupant of the house and that the proposal was more of a pastiche and that the integrity of the house had been destroyed, and that he was not sure if building in its place is respectful to those who cared about the building. Anne Greer, 31 Greenwood St, remarked that she did not want her silence as an abutter to be construed as conspicuous as they just purchased the house, and wanted to express support to the Commission, but did express concern over the tarping of the historic materials that still exist. Dennis Rieske stated that Donald Lang did a credible job, and it should be conditioned he stay architect of record and provide affidavits. Jay Walter, 83 Pembroke St, remarked that he had submitted a memorandum to the Commission for the record after reviewing the submittal and that the drawings raise as many questions as they answer, and it is not a remediation of demolition. Rena Goetz of Waban remarked that the landmark is gone, and it was disrespectful to the city and community, and that there was no compliance with the Landmark Ordinance. She stated that there was no ability to remediate what had been destroyed and the remediation should be denied. Jared Schwartz, an abutter, commented that he felt eminent domain was a viable option and inquired about if this was an equitable solution, what would stop this occurring in the future, and what is a developer going to pocket in terms of profit after the building is sold. Franklin Schwarzer, attorney for the owner, replied his client was incurring significant financial penalties, they were trying to put the best solution they can conceive forward for the city to get the house back, and he mentioned that councilors were looking at how this could be avoided in the future. Stephen Farrell of Winston Road commented on the petition signed to date at the time of the meeting by 660+ Newton residents and emphasized that the Historical Commission has only designated 26 properties as landmarks. Further, he remarked about what occurred and that the owner knew of the landmark status of the property, and that the house and its history was gone, and the Historical Commission should use its authority and deny the developer’s request. Daniel Pincus mentioned the history and landmark report, specifically a remark about the setting, and commented that a reconstruction would be an asset to the neighborhood and the architect has shown a good plan. Donna Podolsky, 14 Greenwood St, commented that she watched the destruction of the house and that how the Historical Commission handled this would set a precedent.

In response to a clarification question regarding eminent domain from Councilor Lipof, Andrew Lee, Assistant City Solicitor, remarked that the Historical Commission was looking at the owner’s proposed plan for remediation to make comments on, and that it was his understanding that the owner was not seeking any action at this time. Franklin Schwarzer, attorney for the owner, confirmed this understanding. Additionally, Assistant City Solicitor Lee stated that eminent domain is not a tool to punish an individual, but the law department was looking into appropriate punitive measures, which are mostly currently in place.

Stauffer Park commented that she felt the Commission was treating it like a normal property than a landmark, and that she would like to achieve a sense from the Commission what it wants to see at the site and from the owner, and that it should be sorted out prior to getting into the details of the submittal. Bentley-Houston commented that she objected to the fact that the windows were being restored, but the gutters are proposed to be fiberglass and chimney veneered and was not sure why the Commission would accept modern materials if the house is to be replicated. Kubie inquired if landmarks were ever unlandmarked because the materials were gone and she did not think of it as a landmark anymore, and that she would like to see a large plaque in front of the site to acknowledge the past of the house. Further, she inquired about if it was possible to no longer allow the addition now that the house was destroyed.

The Commission members discussed next steps, and Assistant City Solicitor Lee remarked that it seemed this should be treated more like a discussion item rather than an action item based on the comments and confirmation stated by the owner’s attorney, Franklin Schwarzer stated earlier in the meeting that no action was being requested, and the Commission could choose to hold the item. Cornelius remarked that the owner and his representatives had not actually asked for anything aside from comments, which were provided, and there was nothing further for the Commission to act on. Schwarzer asked the Commission for any additional feedback. Cornelius remarked that it did not make sense to return to the Commission with plans that did not show the entire project. Dimond remarked that submittal was artificial and incongruous to the architectural character of the landmark.