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STAFF MEMORANDUM

Meeting Date: November 9, 2023
DATE: November 3, 2023
TO: Newton Upper Falls Historic District Commission
FROM: Barbara Kurze, Senior Preservation Planner
SUBJECT: **Additional Review Information**

The purpose of this memorandum is to provide the members of the Newton Upper Falls Historic District Commission (Newton Upper Falls HDC) with information about the significance of the properties being reviewed and the application process, which may be useful in the review and decision-making process of the Newton Upper Falls HDC. Additional information may be presented at the meeting that the Newton Upper Falls HDC can take into consideration when discussing a Local Historic District Review application.

Dear Newton Upper Falls HDC Members,

The following is additional information for the Local Historic District Review applications that you should have received in your meeting packet.

Applications

Request for Certificates of Appropriateness to Remediate Violations at 1268 Boylston Street, Unit B

HISTORIC SIGNIFICANCE: The 1910 Colonial Revival house was owned by Martin Luther Cunningham who lived at 1272 Boylston Street and owned 1276-1278 Boylston Street. The land where 1268 was built and the other two properties were first owned by his father, Luther T. Cunningham, who lived at 1272 Boylston Street and had a grocery store at 1276-1278 Boylston Street. The 1910 U.S. Federal Census lists 11 people living at 1268 Boylston: John and Julia Herlity, and Patrick and Mary Leary with their six daughters and a boarder. Several of the Leary daughters worked in the local hosiery and paper box factories.

APPLICATION PROCESS: These reviews are continued from previous meetings.

Notes:

The owner is proposing to scallop the last panel on the left facing Boylston Street so that there is symmetry with the existing scalloped panel on the right. This was suggested by at least one commissioner at the last meeting.

The owner is working with a contractor to get options on how to remediate the HVAC conduits. They will be sent to commissioners if we get them before the meeting. Otherwise, the owner will present them at the meeting.

The owners installed a fence along Boylston Street which was confirmed to be in violation at the August 2023 meeting. The remediation plan to weather the fence and grow creeping ivy up the front of the fence to make it less obtrusive was denied at the last meeting. The owner proposes to scallop the left-side panel so that it is symmetrical with the right side panel.

The owners also installed mini-splits and conduits which were confirmed to be in violation at the August 2023 meeting. The owner is getting information about the work and the costs involved to remediate the conduits which run up both sides of the house.

MATERIALS PROVIDED:

Fence application: <https://newtonma.viewpointcloud.com/records/794768>

Mini-split and conduit application: <https://newtonma.viewpointcloud.com/records/798131>

88 High Street, former garage – Certificate of Appropriateness

Note: Former garage and back of house are visible from Spring Street

HISTORIC SIGNIFICANCE: The 1889 Colonial Revival structure was first occupied by the Fanning Printing Company, with a printing operation on the first floor and a paper box factory on the second floor. The Fannings worked in the printing trade, and as grocers with shops on Chestnut Street near Ellis Street. The former cinderblock garage with wood clapboards was converted to a studio circa 1990. In April 2022, a special permit was granted allowing the former garage to be used as an accessory apartment.

APPLICATION PROCESS: The owners want to add a vent to the left side of the former garage and paint it to match the siding. They want to amend the previously approved design for the transom windows; the existing trim board is attached to a large header board which would require extensive work to remove. They are proposing to keep the existing trim board and have two options for the transom lites over the door: 1) replace the transom per the previously approved plans; or 2) keep the existing transom lite.

MATERIALS PROVIDED:

Application: <https://newtonma.viewpointcloud.com/records/807158>

Assessors database map

Photos and Elevations for Option 1

Photos and Elevations for Option 2

Vent product specs

MHC Form B

Violation of the Historic District Ordinance at 48 Pettee Street

Request for Certificate of Appropriateness to Remediate Violation at 48 Pettee Street

HISTORIC SIGNIFICANCE: Note: Garage and back of house are visible from Spring Street

HISTORIC SIGNIFICANCE: The 1889 Colonial Revival structure was first occupied by the Fanning Printing Company, with a printing operation on the first floor and a paper box factory on the second floor. The Fannings worked in the printing trade, and as grocers with shops on Chestnut Street near Ellis Street. The former cinderblock garage with wood clapboards was converted to a studio circa 1990. In April 2022, a special permit was granted allowing the former garage to be used as an accessory apartment.

APPLICATION PROCESS: The owners installed HVAC equipment and conduits on the right side of the house; this project was not reviewed or approved by the commission. The owner has submitted a

proposal to change the installation of the conduit so that it runs above the foundation, alongside the downspout on the right side, and under the eaves.

Notes:

1. Violation of Historic District Ordinance

- The commission must discuss the changes and then vote to confirm that there is a violation.
- If the commission votes to confirm that there is a violation, the commission can then review and discuss the request for a Certificate of Appropriateness to remediate the violation.
- Staff will file the vote with ISD.

2. Request for Certificate of Appropriateness to Remediate Violation

- The commission can review and discuss the request for a Certificate of Appropriateness for the work that was done.
- If there is enough information to understand the work that was done, the commission should put forward a motion to approve the request for a Certificate of Appropriateness; the motion should state that the violation is remediated.
- If the motion is approved (at least four votes to approve), then the violation is considered remediated and the Stop Work Order will be lifted.
- If the motion is denied (less than four vote to approve), commissioners must provide clear direction on what the applicants need to address to submit a new request for a Certificate of Appropriateness to remediate the violation.
- If there is not enough information to understand the work that was done, commissioners need to provide direction on what gaps need to be addressed and the applicants need to agree in writing to continue the review. The applicants would need to provide the required information and come to a commission meeting.
- Staff will file votes related to the remediation plan with ISD.

MATERIALS PROVIDED:

APPLICATION LINK: <https://newtonma.viewpointcloud.com/records/808944>

PDF file: Compiled 48 Pettee mini splits

Assessors database map

Photos

Photo marked up to show proposed conduit locations

MHC Form B

Administrative discussion:

Meeting minutes: Review the September 2023 draft minutes.

Administrative approval of vents and HVAC conduits: Discuss whether vents and conduits that meet specific conditions (for example, are appropriately located and painted to match the installation location) can be administratively approved.

This is the language in MGL 40C Section 8: "A commission may determine from time to time after public hearing that certain categories of exterior architectural features, colors, structures or signs, including, without limitation, any of those enumerated under paragraph (a), if the provisions of the ordinance or by-law do not limit the authority of the commission with respect thereto, may be constructed or altered without review by the commission without causing substantial derogation from the intent and purposes of this chapter." There is nothing in the Newton ordinances that limits the authority of the commission to do this.

Included in the meeting materials is an example of a motion made by the Auburndale HDC to allow composite decking to be approved at Staff level if Staff, the chair, and architect determine that the proposed work is appropriate; otherwise, if there is a question, the applications will go to a commission meeting for review and approval.

Design Guidelines: Continue review of the design guidelines. The current draft is included in the meeting materials, as well as the drafts for the other three commissions.