



Ruthanne Fuller
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Barney S. Heath
Director

Newton Local Landmark Nomination Form

Date: 11/29/24

Address of property: 31 Greenwood Street

see supporting document dated October 30 2023 and confirmed received by NHC 11/1/23

Please check all that apply: N/A

The property meets one or more of the following nominating criteria per the Local Landmark ordinance as revised:

The property is individually listed on the National Register of Historic Places, or formally listed as eligible for listing on said National Register, individually; (I believe it has not)

The property is listed on the National Register of Historic Places as part of an historic district, but not individually, or formally listed as eligible for listing on said National Register as part of an historic district, but not individually; or

The property has been determined by the commission or its designee to be historically significant after a finding that it is:

- (1) importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the City of Newton, the Commonwealth of Massachusetts or the United States of America; or
- (2) historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures.

Sec. 22-63. Nomination

Nominators must meet one of the following criteria. Please check the category that applies to you:

Owner of the nominated property

Member of the city council, provided at least one (1) member of the NHC must co-petition the nomination; or

The mayor, the director of planning and development, or the commissioner of inspectional services, provided that at least one (1) member of the commission must co-petition the nomination

Names of all nominators:

For Administrative Use Only

Upon receipt of a petition for nomination, the commission shall schedule a meeting to consider the nomination, which meeting shall be held not less than forty-five (45) days nor more than ninety (90) days from the date of the commission's receipt of the petition. The meeting has been scheduled for _____.

Within fourteen (14) days after the receipt of a petition for nomination, the commission shall send a notice to the city clerk and to each councilor for the ward in which the nominated property is located, record owner(s) of the property by certified mail, and a notice to the immediate abutters by regular mail. The notice shall include the petition for nomination and the date of the commission meeting.

Ward Councilors notified on this date: _____

City Clerk notified on this date: _____

Certified mail sent to owner on this date: _____

Immediate abutters notified on this date: _____



[Faint, mirrored text from the reverse side of the page is visible through the paper. It appears to be a checklist or form with various sections and checkboxes.]

October 30, 2023

Mollie Hutchings, Chief Preservation Planner
Newton Historical Commission
City of Newton
1000 Commonwealth Avenue
Newton Centre, MA 02459
(617) 796-1143

To the Newton Historical Commission:

As the sole recorded owner of 31 Greenwood Street, I submit this request for rescission of the Landmark designation of 31 Greenwood Street pursuant to Newton Ordinances Chapter 22 Article III Division 3 Section 22-64(e) which sets forth that the owner of a property may request the rescission of a Landmark designation.

I would like to be very clear that although I reference 29 Greenwood Street in this petition, as it is the property that was expressly landmarked, my petition does not rely or relate in any way to what has transpired on that property. I am not soliciting or requesting any discussion of the status of that property.

I include a discussion of why I believe my property is not properly considered a Landmark (currently) for purposes of

being comprehensive and for laying out what I believe are important background facts and considerations. But I acknowledge that the Historical Commission has concluded that it is, and therefore the purpose of this submission is to request rescission of the Landmark designation under the Landmarks Ordinance.

THE FORMER GERSHOM HYDE BARN LOCATED ON THE SITE OF 31 GREENWOOD STREET WAS NOT PROPERLY LANDMARKED BY THE NEWTON HISTORICAL COMMISSION AND IS NOT ON THE NATIONAL REGISTER OF HISTORIC PLACES

The Newton Historical Commission designated 29 Greenwood Street (the Gershom Hyde House) as a Local Landmark in 1997. At that time a barn, formerly part of the Gershom Hyde property, had already been subdivided into a separate lot. See “Newton Local Landmarks Program 29 Greenwood Street” section 4(b) (attached). The former barn therefore should have been separately landmarked, if at all.

Even if the Newton Historical Commission’s Landmark designation of 29 Greenwood Street could be properly construed to include the barn on the separate lot, there is inadequate supporting information for including the barn in the designation. The absolutely overwhelming focus of the “Newton Local Landmarks Program 29 Greenwood Street” report is the farmhouse. There is extensive, detailed discussion of the architectural description, materials, historical appearance

and current appearance *of the farmhouse* (section 6(b)(1)-(2) and the architectural significance *of the farmhouse* (section 8(c)). These sections lack ANY mention of the former barn. There is a one short paragraph “verbal description” of the former barn at the end of Section 6(b)(2) of the “Newton Local Landmarks Program 29 Greenwood Street”. This very cursory description does not substantiate a finding that the former barn fulfills the extraordinary Landmark designation criteria set forth in Newton Ordinances Ch. 22 Art III Div. 3 Section 22-64(b) and (c). An appropriate Landmark designation would have to include substantiating discussion, documentation and detail about the barn comparable to the amount of discussion, documentation and detail submitted and considered in support of designation of the farmhouse.

Moreover, the Historical Commission designation of 29 Greenwood Street relies in part on an assertion that that property is on the National Register of Historic Places. Although the farmhouse is on the National Register of Historic Places, the former barn IS NOT on that Register. See documentation of addition of 29 Greenwood Street Newton Massachusetts to the National Register of Historical Places <https://catalog.archives.gov/id/63791106> (attached). This document is the record of the determination to include the farmhouse at 29 Greenwood Street on the National Register of Historic Places. (Note that at the time 29 Greenwood Street was included on the National Register, in 1986, the barn was already on a separate lot).

In this documentation putting the Gershom Hyde House on the National Register, there is NO mention of the barn whatsoever, nor ANY photos of the former barn. The first page of the report (Form B) identifies only a *dwelling*. On the same page, for “outbuildings” the form states “none”. The barn is expressly excluded in both these sections.

Furthermore, in the document, the entire description of the Architectural Significance in that report discusses ONLY the farmhouse. The National Register Criteria Statement identifies ONLY the farmhouse. The Historical Significance section does not mention the barn, ONLY the dwelling. The only photograph included is of the house.

For these reasons, there is no basis to conclude that the National Register of Historic Places meant to include designation of an entirely separate and conspicuously unmentioned structure on a different lot. If the barn were to be included, the Form B would state “dwelling and barn”, it would note the barn as an “outbuilding”, and descriptive information would be included.

Even if the National Register designation did include the former barn, which I strongly maintain that it does not, that barn now clearly qualifies for removal from the Register because it was demolished. CFR Title 36 Chapter I Part 60 Section 60.15 expressly contemplates “Removing Properties from the National Register” when “the property has ceased to meet the criteria for listing...because the qualities which caused

it to be originally listed have been lost or destroyed.” Lawful total demolition of a property on the National Register would clearly constitute such a “loss or destruction”. When the Historical Commission authorized the demolition of the barn in March 2020, any National Register of Historic Places inclusion would no longer be appropriate. Therefore, the provisions of the National Register of Historic Places also support rescission of any Landmark status of 31 Greenwood Street.

EVEN IF THE FORMER BARN AT 31 GREENWOOD STREET WAS PROPERLY LANDMARKED BY THE NEWTON HISTORICAL COMMISSION, WHEN THE FORMER BARN WAS LAWFULLY DEMOLISHED, THAT LOCAL LANDMARK STATUS WAS NOT CONFERRED ON THE REPLACEMENT HOUSE.

In March of 2020, the Newton Historical Commission renewed an earlier Certificate of Appropriateness permitting the demolition of the old barn and replacement with a new home made out of contemporary building materials and deviating significantly from the appearance and materials of the to-be-demolished barn.

The new house the Historical Commission approved at 31 Greenwood Street is NOT a historical replica of the barn in any way.

Six architectural features of the former barn were briefly noted in the short “verbal description” of the barn section of the Local Landmark designation of 29 Greenwood Street. They

are (1) large gable front (2) clapboard sheathing (3) fieldstone foundation (4) large centered barn door [which in photos is primarily solid wood with minimal glass, see photo in “Newton Local Landmarks Program 29 Greenwood Street” document] (5) a window in the gable peak that “is a six-light window with three long lights over three long lights...it appears to be stationary and is the size opening of a six over six double hung window” and (6) a “rake of the roof similar in scale to that of the house”. (See “Newton Local Landmarks Program 29 Greenwood Street” last paragraph of Section 6(b)(2)).

Of these noted features, the only two that were maintained in the approved new replacement house were the rather generic “gable front” and “clapboard sheathing”. The few specifically noted architectural features from the barn are absent in the replacement house. The six light three over three gable peak window in the former barn that received the most mention is not present in the new house – nor was it even “replaced” with a six over six double hung noted to be similar in size. The gable peak of the new house has a 2 over 1 faux divided light window (in addition to many other 2 over 1 faux divided light windows on the house that were not present on the barn, including on the street face). No attempt at replicating or simulating the noted fieldstone foundation was required. The large barn door was also not replicated – the street side of the first floor of the replacement house has a panel of Marvin glass slider doors which although “centered” like the barn’s barn door, in no way replicates the visage of the large wooden barn door (see photo in 29 Greenwood Street

report). The rake of the roof now at 31 Greenwood Street appears to deviate from the original barn, as best as can be discerned from the one photo included in the report (the barn appears to be a lower structure than the three story house at 31 Greenwood).

In addition to not being a replica of the former barn, the house at 31 Greenwood Street is of a design and materials that defeat Landmark designation and require recission of any prior Landmark designation.

Examples of non-historical materials that were approved for the house at 31 Greenwood Street include but are not limited to fiberglass windows with “faux” window muntins inserted between panes of glass (not true divided light windows with muntins permanently applied to the exterior), metal cable deck railings, aluminum gutters, synthetic material garage doors, synthetic lattice boards, contemporary driveway pavers, stone veneer on foundation and conspicuous placement of air conditioning condensers and other modern utility devices on the front corner of the house highly visible from the street. None of these features are consistent with Landmark designation.

Notably, the Local Landmark designation of 29 Greenwood Street by the Newton Historical Commission includes extensive, detailed “Standards for Design Review” for projects affecting that landmarked property – NONE of which were applied to the

new house at 31 Greenwood Street.¹ The enumerated standards make clear that any Landmark designation cannot apply to the 31 Greenwood property today, which meets none of these specific standards. For example, the new house at 31 Greenwood does not “maintain original window design, or use “material and elements which match the original in material, color, texture, size, shape, profile, configuration and detail of installation”, or use wood gutters or “high grade synthetic” downspouts with a “carefully chosen profile”, all of which are enumerated standards of design in the 29 Greenwood Street Local Landmark designation.

Rescission of Landmark designation of 31 Greenwood Street is warranted and compelled under the Landmarks Ordinance and supported by the federal regulations.

The Newton Landmarks Ordinance specifically contemplates that a landmark designation may be rescinded and sets forth the steps for rescission. Newton Ordinances Chapter 22 Article III Division 3 Sections 22-64(e) and (f). That section establishes that rescission may be supported by an indication that the property no longer meets the criteria in section 22-64(b)(1)-(4) and 22-64(c)(1)-(3).

¹ This again compels the conclusion that the 29 Greenwood Street report was not meant to Landmark the barn (in which case all these standards for design review would have been applied to the new house).

The 2021 house does not meet the criteria in these sections and so the Landmark designation should be rescinded. The new property patently does not “significantly represent an architectural type, style or design distinguished by innovation, rarity, uniqueness, or overall quality of design, detailing, materials or craftsmanship” (Section 22-64(b)(1)). Nor is it “meaningfully associated with a person or persons who significantly contributed to the cultural, historical, architectural or archaeological aspect of the development of the City of Newton”, even if the intact farmhouse and former barn did (Section 22-64(b)(2)). The 2021 house is not “identifi[ed] as a notable work of an architect, designer, engineer or builder whose work is significant in the history or development” of Newton (Section 22-64(b)(3)). Nor does the 2021 house fulfill the last established criteria, in that the new 2021 house is not a property where “historic events or activities occurred”.

Section 22-64(c) of the Landmarks Ordinance sets forth other criteria the Commission is to consider when determining whether to rescind a Landmark designation. In particular, Section 22-64(c)(1) requires the Commission to consider whether “the distinguishing characteristics of significance are for the most part original and intact or capable of restoration.” NO distinguishing characteristics of significance in the original barn are intact, and NONE of the features of the current house are original. The entire house is newly constructed of new materials, is in no way a replica, and has far more in common

with other new construction (including the house next door at #33 Greenwood) than it does with any historical structure.

As the property at 31 Greenwood meets none of the Landmarks Ordinance criteria, the Ordinance not only warrants but in fact compels rescission of any Landmark designation.

Similarly, as discussed above, the provisions of the National Register of Historic Places regulations make clear that when a historic property is “lost or destroyed”, Landmark status is no longer appropriate. Both the Newton Ordinance and the federal regulations expressly contemplate the situation faced here – demolition of an old structure – and expressly set forth the appropriate remedy, rescission of any Landmark status.

Treating this property as a “Landmark” has a deleterious effect on the importance of the Newton Landmarks Ordinance.

I believe it is very important to acknowledge that continuing to consider the 31 Greenwood Street property as a Landmark severely dilutes the significance of other Landmark designations under the City’s Landmarks Ordinance. It also detracts from the legitimacy and importance of that Ordinance and the Commission’s work pursuant to it. The Historical Commission’s website states that “The Landmarks Ordinance in the City of Newton provides the highest level of protection for properties determined to be the most architecturally or historically significant in the city. Under the Landmarks

program, the Newton Historical Commission identifies buildings, structures, landscapes, and places, which define the historic character of the city and have, over time, helped to establish a sense of place.”

<https://www.newtonma.gov/government/planning/historic-preservation/newton-city-landmarks> There is simply no basis to consider this new construction property one of the “most architecturally or historically significant in the city” and doing so harmfully detracts from the Landmarks Ordinance.

For these reasons, I submit that the property at 31 Greenwood Street should not be designated as a Landmark under the City’s Landmarks Ordinance, and that any Local Landmark designation of it should be rescinded.

A handwritten signature in black ink, appearing to read 'Anne Greer', with a long horizontal flourish extending to the right.

Anne Greer



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

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Barney S. Heath
Director

Newton Local Landmark Nomination Form

Date: October 30 2023

Address of property: 31 Greenwood St.

Recission of Landmark Designation

Please check all that apply: *n/a*

The property meets one or more of the following nominating criteria per the Local Landmark ordinance as revised:

- The property is individually listed on the National Register of Historic Places, or formally listed as eligible for listing on said National Register, individually;
- The property is listed on the National Register of Historic Places as part of an historic district, but not individually, or formally listed as eligible for listing on said National Register as part of an historic district, but not individually; or
- The property has been determined by the commission or its designee to be historically significant after a finding that it is:
 - (1) importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the City of Newton, the Commonwealth of Massachusetts or the United States of America; or
 - (2) historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures.

Sec. 22-63. Nomination

Nominators must meet one of the following criteria. Please check the category that applies to you:

- Owner of the nominated property *Ann Louise Greer*
- Member of the city council, provided at least one (1) member of the NHC must co-petition the nomination; or
- The mayor, the director of planning and development, or the commissioner of inspectional services, provided that at least one (1) member of the commission must co-petition the nomination

Names of all nominators:

For Administrative Use Only

Upon receipt of a petition for nomination, the commission shall schedule a meeting to consider the nomination, which meeting shall be held not less than forty-five (45) days nor more than ninety (90) days from the date of the commission's receipt of the petition. The meeting has been scheduled for *January 25, 2024*

Within fourteen (14) days after the receipt of a petition for nomination, the commission shall send a notice to the city clerk and to each councilor for the ward in which the nominated property is located, record owner(s) of the property by certified mail, and a notice to the immediate abutters by regular mail. The notice shall include the petition for nomination and the date of the commission meeting.

Ward Councilors notified on this date: 11/8/23.

City Clerk notified on this date: 11/8/23.

Certified mail sent to owner on this date: 11/8/23.

Immediate abutters notified on this date: 11/8/23.

DIVISION 3. LANDMARKS

Sec. 22-60. Landmark Preservation—enactment and purpose.

This division is enacted pursuant to the authority derived from section 6 of the Home Rule Amendment to the Constitution of the Commonwealth of Massachusetts, and Charter of the City of Newton.

The purpose of this enactment is to promote the educational, cultural, economic and general welfare of the public through:

- (a) the preservation and protection of the distinctive architecture and other characteristics of buildings, structures, landscapes, and places significant in the history and prehistory of the City of Newton, Commonwealth of Massachusetts and the United States of America;
- (b) the maintenance and improvement of settings for such buildings, structures, landscapes, and places; and
- (c) the discouragement of destruction of or damage to such resources and the encouragement of compatible development. (Ord. T-288, 9-9-93)

Sec. 22-61. Definitions.

For purposes of this Division 3. Landmarks, the following words shall be defined as follows:

Altered: changed, rebuilt, reconstructed, restored, removed, or remodeled.

Building: a combination of materials forming a shelter for persons, animals, or property.

Commission: the Newton Historical Commission or particular Historic District Commission acting under the provisions hereof.

Constructed: built, erected, installed, enlarged, or moved.

Demolished: destroyed or altered in such a substantial manner as to constitute destruction.

Exterior architectural feature: such portion of the exterior of a building or structure as is open to view from a public or private street, way, park, or body of water which is identified for preservation by its designation by the commission as a landmark, including but not limited to the architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, signs, and other appurtenant exterior fixtures.

Formally listed as eligible for listing: a determination has been made by the Keeper of the National Register of Historic Places that the property is eligible for listing on the National Register.

Historic district: any area containing distinctive buildings, structures, landscapes, and places as established in accordance with G.L. c. 40, s. 8D and chapter 22 of the Revised Ordinances.

Landmark: any building, structure, landscape or place which has been designated for preservation for reasons of its historic significance in accordance with Section 22-64.

Landscape: a streetscape or an arrangement of land for human use and enjoyment, including placement of structures, vehicular and pedestrian ways and plantings.

Person aggrieved: all record owners of the subject property, an owner of adjoining property, an owner of property

within the same historic district or of property within one hundred (100) feet of the property lines of the subject property, and any charitable corporation having as one of its purposes the preservation of historic buildings or places.

Structure: a combination of materials other than a building, including, but not limited to, a bridge, tower or other engineering work, sign, fence, wall, terrace, walk or driveway. (Ord. No. T-288, 9-9-93)

Sec. 22-62. Eligibility for nomination.

- (a) All buildings, structures, landscapes and places are eligible to be nominated for landmark designation if such property:
- (1) is individually listed on the National Register of Historic Places, or formally listed as eligible for listing on said National Register, individually;
 - (2) is listed on the National Register of Historic Places as part of an historic district, but not individually, or formally listed as eligible for listing on said National Register as part of an historic district, but not individually; or
 - (3) has been determined by the commission or its designee to be historically significant after a finding that it is:
 - i. importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the City of Newton, the Commonwealth of Massachusetts or the United States of America; or
 - ii. historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures.
- (b) Any land which, as of August 9, 1993, is contained in the same lot upon which a building or structure eligible for landmark designation is located regardless of whether such lot is later divided, subdivided or redrawn, or any land which, as of August 9, 1993, is contained in an adjoining or surrounding lot(s) held in common ownership or control or used in connection with the lot upon which the building or structure eligible for landmark designation is located, shall be subject to inclusion in the landmark designation as a Newton Landmark Preservation Site, where the preservation and maintenance of such land is necessarily and reasonably related to the stated legislative goal of landmark preservation. Any such designation of land shall include a statement of the reason(s) for the inclusion of the land in the landmark designation pursuant to the legislative standards established herein.
- (c) Should any owner, subsequent owner, lessee, heir or assign seek to place a new building or structure on a lot which has been included in a designation as a landmark, the design, size, shape and location of said new building or structure shall be subject to the full review authority of the commission as set out in sections 22-66 and 22-67 as a condition to any building permit to insure that such new building or structure is not detrimental to the landmark status of any pre-existing building or structure, and does not undermine the purpose and intent of this division of the preservation of any building, structure, landscape or place of historic significance. (Ord. No. T-288, 9-9-93; Ord. No. U-25, 9-7-94; Ord. No. X-159, 07-11-05; Ord. No. X-240, 11-6-06)

Sec. 22-63. Nomination

- (a) Petitions for nomination of buildings, structures, landscapes and places for consideration of designation as a landmark shall only be submitted to the commission, on a form provided by the department of planning and development, by any of the following:

- (1) all record owners of the nominated property;
 - (2) a member of the city council, provided that at least one (1) member of the commission must co-petition the nomination; or
 - (3) the mayor, the director of planning and development, or the commissioner of inspectional services, provided that at least one (1) member of the commission must co-petition the nomination.
- (b) Upon receipt of a petition for nomination, the commission shall schedule a meeting to consider the nomination, which meeting shall be held not less than forty-five (45) days nor more than ninety (90) days from the date of the commission's receipt of the petition. Within fourteen (14) days after the receipt of a petition for nomination, the commission shall send a notice to the city clerk and to each councilor for the ward in which the nominated property is located, record owner(s) of the property by certified mail, and a notice to the immediate abutters by regular mail. The notice shall include the petition for nomination and the date of the commission meeting.
- (c) At this or a subsequent meeting, the commission shall determine whether to accept the nomination and conduct further study of the nominated property. The commission may accept the nomination of buildings, structures, landscapes and places upon an initial determination that such property may meet one or more of the following criteria:
- (1) the property significantly represents an architectural type, style or design distinguished by innovation, rarity, uniqueness, or overall quality of design, detailing, materials or craftsmanship;
 - (2) the property is meaningfully associated with a person or persons who significantly contributed to the cultural, historic, architectural or archeological aspect of the development of the City of Newton, Commonwealth of Massachusetts, or the United States of America;
 - (3) the property's identification as a notable work of an architect, designer, engineer or builder whose work is significant in the history or development of the City of Newton, Commonwealth of Massachusetts or the United States of America; or
 - (4) historic events or activities occurred at the property that have made an outstanding contribution to, or which best represent some important aspect of, the history of the City of Newton, Commonwealth of Massachusetts or the United States of America.
- (d) Upon an initial determination to accept the nomination, the commission shall notify the planning and development board of such acceptance.

Sec. 22-64. Designation.

- (a) If the commission determines to accept the nomination of a property, the commission shall hold a public hearing prior to a vote on whether to designate the property as a landmark. The public hearing shall be held not less than thirty (30) days and not more than ninety (90) days from the date of the commission's determination to accept the nomination. The commission shall give not less than fourteen (14) days' notice of such public hearing by publication in a newspaper of general circulation in Newton and by mailing notice to the record owner(s) of the property by certified mail and notice to abutters by regular mail. The term abutters as used in this paragraph shall mean the record owners (each such owner to be determined from the then current records of the assessing department) of those properties within three hundred (300) feet of the property line of the nominated property. The commission shall also give not less than fourteen (14) days' notice of such public hearing to the mayor, the

planning and development board, and the city clerk.

- (b) At or after the public hearing, the commission by three-quarters (3/4) vote, but in no instance less than four (4) votes in the affirmative, may designate as a landmark any property within the city being or containing a building, structure or landscape which it determines to meet one or more of the following criteria:
- (1) the property significantly represents an architectural type, style or design distinguished by innovation, rarity, uniqueness, or overall quality of design, detailing, materials or craftsmanship;
 - (2) the property is meaningfully associated with a person or persons who significantly contributed to the cultural, historic, architectural or archeological aspect of the development of the City of Newton, Commonwealth of Massachusetts, or the United States of America;
 - (3) the property's identification as a notable work of an architect, designer, engineer or builder whose work is significant in the history or development of the City of Newton, Commonwealth of Massachusetts or the United States of America; or
 - (4) historic events or activities occurred at the property that have made an outstanding contribution to, or which best represent some important aspect of, the history of the City of Newton, Commonwealth of Massachusetts or the United States of America.
- (c) In determining whether to designate a property as a landmark, the commission shall also consider the following conditions:
- (1) that the distinguishing characteristics of significance are for the most part original and intact or capable of restoration;
 - (2) that the property, location and setting is compatible with future preservation and maintenance; and
 - (3) the property's context in relation to the City's policies and adopted plans and the property's surrounding area.
- (d) The planning and development board may make a recommendation which evaluates the relationship of the proposed designation to the City's adopted policies and plans and the effect of the proposed designation on the surrounding area. The planning and development board shall also make recommendations regarding any other planning considerations relevant to the proposed designation. The planning and development board may make recommendations to the commission any time prior to the public hearing.
- (e) Amendment or rescission of any designation shall be upon the request of a person or persons authorized to nominate a property for landmark designation and shall follow the procedures set forth in Sections 22-63 and 22-64. If a request for amendment or rescission of a designation is acted upon unfavorably, no new request for amendment or rescission shall be submitted for the identical property or area for a period of one (1) year from the date of such unfavorable action, except upon a showing of substantial and material newly discovered information.
- (f) Designation of a landmark or amendment or rescission of a previous designation shall include a statement of the reasons for such designation, amendment or rescission relevant to the criteria and conditions set forth in Sections 22-64(b) and (c).
- (g) The Newton Landmark Preservation Sites shall be recorded as follows:

(1) The office of the city clerk shall record with the Middlesex County recorder the legal description of all buildings, lands, sites or areas designated as Newton Landmark Preservation Sites by the commission, and shall send a copy to the commissioner of inspectional services. In addition, the same may be made available to the public in form and fashion as the commission deems appropriate.

(2) Newton Landmark Preservation records.

a) The commission shall keep current and public a list of all properties designated as Newton Landmark Preservation Sites, or included in the State or National Register of Historic Places and make the same available to the public in form and fashion as the commission or city council deems appropriate.

b) The commission will provide the commissioner of inspectional services and the director of planning and development with current lists and maps showing Newton Landmark Preservation Sites and Districts for their use in referring applications to the commission. (Ord. No. T-288, 9-9-93; Ord. No. X-228, 9-18-06)

Sec. 22-65. Additional powers and duties of the commission.

The commission shall have the following powers and duties in addition to those otherwise specified herein:

(a) The commission shall have the authority to provide general preservation plans and guidelines to owners of Newton Landmark Preservation Sites regarding maintenance, restoration, and rehabilitation.

(b) The commission shall have the authority to promote public recognition and appreciation for Newton Landmark Preservation Sites. It shall periodically publish a register of designated and potential Newton Landmark Preservation Sites, along with guidelines and preservation programs available at that time.

(c) The commission shall have the authority to initiate solicitation of gifts and contributions to be made to the city to support the activities and purposes of the commission. The commission shall assist the city staff in the preparation of applications for grant funds made by the city to outside funding sources for the purpose of city landmark preservation. (Ord. No. T-288, 9-9-93)

Sec. 22-66. Review authority.

(a) Except as this division may otherwise provide, unless the commission shall first have issued a certificate of appropriateness, a certificate of non-applicability, or a certificate of hardship, no building, structure, exterior architectural feature or landscape of a landmark shall be altered or demolished nor any building or demolition permit issued therefor by the city or any department thereof. Alterations to the color or paint on exterior surfaces of a building, structure, or exterior architectural feature of a landmark shall require a certificate of appropriateness, a certificate of non-applicability, or a certificate of hardship, only if such color or paint to be altered is identified for preservation by the commission's designation of the landmark.

(b) Any person who desires to obtain a certificate from the commission shall file with the commission an application for a certificate of appropriateness, a certificate of non-applicability, or a certificate of hardship, as the case may be, in such form as the commission may reasonably determine, together with such plans, elevations, specifications, materials, or other information the commission deems necessary to enable it to make a determination on the application. When such an application involves the proposed alteration to or demolition of a Newton Landmark Preservation Site that is located within a local Historic District, the commission shall have the option of delegating its review authority to the local Historic District Commission which has the review authority over that local historic district.

(c) The commission shall issue a certificate of appropriateness to the applicant:

- (1) if the commission determines that the construction, alteration or demolition for which an application of appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the landmark, or
- (2) if prior to the issuance of any disapproval, the commission, as it may, notifies the applicant of the commission's proposed action and includes, as it may, recommendations for changes in the applicant's proposal, which may include recommendations as to appropriateness of design, arrangement, texture, material and similar features, that, if made, would make the application acceptable to the commission and within fourteen days of the receipt of such notice, the applicant files a written modification of his application in conformity with the recommended changes of the commission.

(d) The commission shall issue a certificate of non-applicability to the applicant if the commission determines that an application for a certificate of appropriateness or for a certificate of non-applicability:

- (1) does not involve any exterior architectural feature or landscape of a landmark; or
- (2) involves an exterior architectural feature or landscape of a landmark that is not then subject to review by the commission in accordance with the provisions hereof.

(e) If a certificate of hardship has been applied for, or if the commission determines that the construction or alteration for which a certificate of appropriateness has been applied for is inappropriate, the commission shall issue a certificate of hardship to the applicant if the commission determines that:

- (1) owing to conditions especially affecting the building, structure, landscape, or place involved, but not affecting the landmark's general historic qualities, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant;
- (2) such application may be approved without substantial derogation from the intent and purpose of this ordinance; and
- (3) the application may be approved without substantial detriment to the public welfare.

(f) The commission shall issue a certificate of appropriateness to the applicant if the commission fails to make a determination on an application within the time specified in paragraph three of section 22-67. (Ord. No. T-288, 9-9-93; Ord. No. X-240, 11-6-06)

Sec. 22-67. Factors to be considered by the commission.

In passing upon matters before it, the commission shall consider, among other things:

(a) *In general:*

- (1) the historical and architectural value, and significance of the building, structure, landscape, or place;
- (2) the general design, arrangement, texture, and material of the features involved; and
- (3) the relation of such features to similar features of buildings and structures in the surrounding area.

(b) *In the case of new construction or additions to existing buildings or structures:* the appropriateness of the size, shape, and location of the building or structure, both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity.

(c) *In the case of demolition or removal:*

- (1) whether the demolition or removal of a building or structure of such architectural or historic significance would impair the public interest and the general welfare of the people of the city, town, or state;
- (2) whether the demolition or removal of the building or structure would undermine the purpose and intent of this division and the objectives of local preservation plans;
- (3) whether the building or structure has so deteriorated that preservation or restoration is not structurally or economically feasible, provided that the owner's self-created hardship or failure to maintain the property in good repair shall not qualify as a basis for the issuance of a certificate of hardship.

The commission shall not make any recommendations or requirements except for the purpose of preventing developments incongruous to the historical or architectural characteristics of a building, structure, landscape or site, or their surroundings.

The commission may impose dimensional and set-back requirements in addition to those required by the applicable ordinance or by-law. (Ord. No. T-288, 9-9-93)

Sec. 22-68. Determination.

The commission shall determine promptly, and in all events within forty-five (45) days after the filing of an application for a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship, as the case may be, whether the application involves any exterior architectural features, or landscapes that are subject to approval by the commission. If the commission determines that such application involves any such features or landscapes, the commission shall hold a public hearing on such application, unless such hearing is dispensed with as hereinafter provided in paragraph four of this section.

The commission shall fix a reasonable time for the hearing on any application and shall give public notice of the time, place, and purposes thereof at least fourteen (14) days before said hearing in such manner as it may determine, and shall give notice by mailing, postage prepaid, a copy of said notice to: (a) the applicant, (b) the owners of all adjoining property and other property deemed by the commission to be materially affected thereby as they appear on the most recent real estate tax list of the board of assessors; (c) the planning board; (d) any person filing a written request for notice of hearings, such request to be renewed yearly in December, and (e) such other persons as the commission shall deem entitled to notice.

As soon as convenient after such public hearing but in any event within sixty (60) days after the filing of the application, or within such further time as the applicant may allow in writing, the commission shall make a determination on the application. If the commission fails to make a determination within such period of time, the commission shall thereupon issue a certificate of appropriateness.

A public hearing on an application need not be held if such a hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application may be waived by the commission if the commission determines that the exterior architectural feature, landscape or archeological feature of the landmark is so insubstantial in its effect on the landmark that it may be reviewed by the commission without a public hearing on the application, provided, however, that if the commission dispenses with a public hearing on an application, notice of the application shall be given to the owners of all adjoining property and other property deemed by the commission to be materially affected thereby as above provided, and ten days shall elapse after the mailing of such notice before the commission may act upon such application.

A certificate of appropriateness, a certificate of non-applicability or a certificate of hardship shall be issued upon majority vote of the members of the commission, except in the case of inaction by the commission within the time specified in this section, in which case a certificate of appropriateness shall be automatically issued.

Each certificate of appropriateness, non-applicability or hardship issued by the commission shall be dated and signed by its chairman, vice chairman, secretary, or such other person designated by the commission to sign such certificates on its behalf.

The commission shall file with the city clerk, and with any department of the city having authority to issue building or demolition permits, a copy of notice of all certificates and determinations of disapproval issued by the commission. (Ord. No. T-288, 9-9-93)

Sec. 22-69. Ordinary maintenance.

Nothing in this division shall be construed to prevent: (a) the ordinary maintenance or repair of any building, structure or landscape; (b) the ordinary maintenance, repair or replacement of any exterior architectural feature of a landmark that, with respect to either (a) or (b), does not involve a change in design or material, or the appearance thereof; if such features have been included in the findings of the Landmark Commission at the time of designation; (c) landscaping with plants, trees or shrubs, provided that such landscaping does not affect any significant landscape feature; (d) meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition; (e) any construction or alteration under a permit duly issued prior to the effective date of the landmark ordinances, except as provided herein. (Ord. No. T-288, 9-9-93)

Sec. 22-70. Administrative review.

- (a) There shall be a landmark review commission to review final determinations of the Newton historical commission at the request of any person aggrieved by such determination.
- (b) The landmark review commission shall consist of three (3) members as follows:
 - (1) The current chair of the urban design commission, or their designee selected from the current members of the urban design commission;
 - (2) The current chair of the zoning board of appeals, or their designee selected from the current members of the zoning board of appeals; and
 - (3) A current chair of a historic district commission, or their designee selected from the current members of their respective historic district commission.
 - i. The member from a historic district commission shall serve for a single administrative review under this Section 22-70.
 - ii. The historic district commission from which a member shall be selected shall alternate in the following order: Newton Upper Falls historic district commission; Chestnut Hill historic district commission; Newtonville historic district commission; and Auburndale historic district commission.
- (c) A person aggrieved by a final determination of the Newton historic commission may, within twenty (20) days after the filing of the notice of such determination with the city clerk, file a written request with the commission for a review by the landmark review commission. The review fee of \$500.00 must be paid with the filing of the written request.
- (d) The landmark review commission shall hold a public hearing prior to rendering a finding on the written request for administrative review. The landmark review commission shall give not less than fourteen (14) days' notice of such public hearing by publication in a newspaper of general circulation in Newton and by mailing notice to the record owner(s) of the subject property by certified mail and notice to abutters by regular mail. The term abutters as used in this paragraph shall mean the record owners (each such owner to be determined from the then current records of the assessing department) of those properties within three hundred (300) feet of the property line of the subject property. The commission shall also give not less than

fourteen (14) days' notice of such public hearing to the mayor, the planning and development board, and the city clerk.

- (e) After the public hearing and within forty-five (45) days after the request was filed, the landmark review commission shall file with the city clerk its finding, which shall be binding on the requestor of the administrative appeal and the commission, unless a further appeal is sought in the superior court as provided herein. The forty-five (45) day deadline may be extended by written agreement between the Newton historic commission, the landmark review commission and the requestor.
- (f) The landmark review commission shall hear all pertinent evidence and shall uphold the Newton historic commission's decision unless it finds the action to be arbitrary, capricious, or based on legally untenable grounds.

Sec. 22-71. Judicial review.

Any person aggrieved by a determination of the commission, or by the finding of a person or persons making an administrative review as provided herein, may, within twenty (20) days after the filing of the notice of the aforesaid determination or finding with the city clerk, appeal to the superior court sitting in equity for Middlesex County. The court shall hear all pertinent evidence and shall uphold the determination of the commission unless it finds the action to be arbitrary, capricious, or based on legally untenable grounds, or may remand the case for further action by the commission, or make such other decree as justice and equity may require. The burden of proof shall be on the aggrieved person. The remedy provided by this section shall be exclusive, but the parties shall have all other rights of appeal and exception as in other equity cases. Costs shall not be allowed against the party appealing such determination of the commission unless it shall appear to the court that the appellant acted in bad faith or with malice in making the appeal to the court. (Ord. No. T-288, 9-9-93)

Sec. 22-72. Enforcement.

Middlesex Superior Court sitting in equity shall have jurisdiction to enforce the provisions of this division and any regulations enacted hereunder and the determinations, rulings, and regulations issued pursuant thereto and may, upon the petition of the mayor or of the city council or of the commission, restrain by injunction violations thereof; and, without limitation, such court may order the removal of any building, structure, or exterior architectural feature constructed in violation thereof, or the substantial restoration of any building, structure, exterior architectural feature or landscape of a landmark altered or demolished in violation thereof, and may issue such other orders for relief as may be equitable.

Whoever violates any of the provisions of this division shall be punished by a fine of three hundred dollars (\$300.00). Each day during any portion of which a violation continues to exist shall constitute a separate offense. (Ord. No. T-288, 9-9-93)

Sec. 22-73. Advisory review.

The review process set out in section 22-65 shall be advisory only for properties containing from one through four family dwellings which continue to be owned and occupied by the legal owner-occupants of record as of August 9, 1993, unless full review as set out in section 22-65 is voluntarily agreed to by said owner-occupants. Such advisory review shall cease, and the commission shall have authority to impose the full review set out in section 22-65 when and if such occupancy ceases or when legal or equitable ownership is transferred, whether by sale, an agreement to sell, or a transfer in trust, but excluding the grant of a mortgage. (Ord. No. T-288, 9-9-93; Ord. No. U-1, 2-7-94)

Sec. 22-74. Severability.

The provisions of this division shall be severable. If any of its provisions shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall continue in full force and

Sec. 22-75. Demolition by Neglect.

(a) Purpose and Intent

It is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of landmarked buildings and structures, or the interior portions thereof when such maintenance is necessary to prevent deterioration and decay of the exterior of the building or structure.

(b) Definition

“Demolition by neglect” shall mean neglect in maintaining, repairing, or securing a landmark that results in (i) loss of the character of a documented exterior architectural feature of the building or structure that contributes to its status as a landmark; (ii) deterioration of an exterior feature of the building or structure; or (iii) the loss of the structural integrity of the building or structure.

(c) Owner’s Obligations

The owner of a landmark shall preserve such landmark against decay and deterioration through prompt correction of any of the following defects:

- (1) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports;
- (2) Structural components of ceilings, roofs, floors, ceiling, roof and floor supports or other horizontal structural components which sag, split or buckle due to defective material or deterioration;
- (3) Deteriorated or ineffective waterproofing or weatherproofing of exterior walls, roofs, foundations, or floors, including broken or missing windows or doors, siding, trim, shingles or cladding, or windows left open when weather conditions do not warrant it;
- (4) Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering;
- (5) Any fault or defect in the building which renders it structurally unsafe, whether interior or exterior;
- (6) Deterioration of exterior chimney or chimney support system;
- (7) Deterioration of external plaster, stucco, masonry or mortar;
- (8) Deterioration of rainwater drainage systems whether interior or exterior;
- (9) Deterioration of any documented exterior architectural feature which in the judgment of the commission produces a detrimental effect upon the character of the building;
- (10) Failure to adequately heat the premises to avoid freezing of heating and/or plumbing fixtures, or failure to properly drain heating and/or plumbing systems before the advent of freezing temperatures;
- (11) Failure to adhere to any preservation plan or guideline regarding maintenance provided by the commission pursuant to section 22-65(a); or
- (12) Deterioration of any other elements which, if not adequately maintained, would eventually cause the

building or structure to crack, bulge, buckle, sag, rot, crumble or collapse, in whole or in part.

(d) Any owner who fails to maintain such building or structure in compliance with this section shall be subject to the remedial procedures of subsection (e)(1) as well as the penalties under section 22-72.

(e) (1) Upon receipt of a complaint that an historic landmark is threatened by demolition by neglect, or on the commission's own initiative, the commission shall request the commissioner of inspectional services or his designee to inspect such landmark. If the commissioner of inspectional services concludes that the landmark is threatened by demolition by neglect, he shall make a written report of his findings to the commission.

(2) Upon the receipt of such written finding of the commissioner of inspectional services, the commission shall hold a public hearing after giving such notice as provided under section 22-64(a). If the Commission finds that the landmark is threatened by demolition by neglect, and the owner has not requested and received a hardship exemption under section (g) herein, the Commission may vote to:

a) require the owner to repair all conditions contributing to demolition by neglect by a date certain;

b) secure the building or structure against further deterioration or other loss;

c) provide the owner with a preservation plan and maintenance guidelines as authorized under Sec. 22-65, and require the owner to undertake such plan according to a timeline set by the commission;

d) assess penalties as set forth in section 22-72; and

e) seek such injunctive relief as it deems necessary and appropriate to preserve such landmark in cases where there is imminent danger of the loss of a landmark.

These remedies shall be cumulative and not exclusive.

(3) For purposes of this ordinance, if a landmark threatened by demolition by neglect is located within a local historic district, then reference to "commission" hereunder shall refer to the local historic district commission of the local historic district in which such landmark is located.

(f) Building Permits

The commission shall notify the commissioner of inspectional services or building official in writing of any landmark found to be threatened by demolition by neglect, and shall instruct said commissioner or building official to make a permanent record of such determination in the corresponding property file maintained in the department of inspectional services as required by law. Prior to the issuance of any building permit for the construction, reconstruction, alteration, renovation, repair, removal, demolition, or change of use or occupancy of any landmark, said commissioner or building official shall review the property file and ascertain whether a notice of unremediated violation of this ordinance is on record. To the extent allowed by law, including but not limited to the provisions of the state building code, 780 CMR 111.1 (6th ed.) or its successor, unless the commissioner or building official is satisfied there is no outstanding unremediated violation of this ordinance, he or she shall reject such application for a building permit for such landmark in writing, stating the reasons therefor; provided, however, that he or she shall not reject such application if the work intended to be performed is required by the commission to remediate such violation.

(g) Exemptions

(1) The owner may request exemption from this ordinance if the owner can prove to the commission that maintenance of the landmark will cause substantial hardship according to the standards set forth in

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Section 22-66(e); provided, however, that the owner's self-created hardship shall not qualify as a basis for a hardship exemption.

- (2) In situations where, in the commission's view, it is impracticable to immediately repair an architectural feature, or prohibitively expensive to replace it, then the owner shall remove and store such architectural feature safely, until such time as it becomes financially possible to recreate the feature from the original pieces. The owner shall make temporary repairs in its place to protect the structure and/or provide for the safe use of the landmarked premises. (Ord. No. X-179, 12-19-2006)

NEWTON LOCAL LANDMARKS PROGRAM

29 GREENWOOD STREET

The Newton Historical Commission, with the assistance of preservation planner, Gretchen Schuler, prepared this landmark report, completed in June 1997.

The Newton Landmarks Program has been financed in part with federal funds from the National Park Service, U.S. Department of the Interior, through the Massachusetts Historical Commission, nor does the mention of trade names or commercial products constitute endorsement or recommendation by the Department of the Interior, or the Massachusetts Historical Commission.

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Gershom Hyde House - 29 Greenwood Street

1. Name of Property

- a. *Historic Name:* Gershom Hyde House
- b. *Common Name:* same

2. Location

- a. *Street Address:* 29 Greenwood Street
- b. *Zip Code:* Newton Centre, 02159
- c. *Assessor's #:* 81/051/0017 and 81/051/0018

3. Classification

- a. *Ownership of Property:* private
- b. *Type of Property:* buildings
- c. *National Register Status:* NR IND, NR MRA 1986

4. Function or Use

a. *Historic Functions:* The property was constructed as a residence and was the main farmhouse. The nineteenth century barn also was part of this farm and served a utilitarian function.

b. *Current Functions:* Presently the property, which has been divided into two lots, is privately owned and serves as a residence. Farming has been discontinued..

5. Zoning

The property is in a Single Residence 1 Zoning District which means that there must be a minimum of 25,000 square feet and 140 feet of frontage per dwelling. The house lot has 20,900 sq. ft. and the lot with the barn has 13,500 sq. ft.

6. Description

a. *Neighborhood Description:* Located in the postal address of Newton Centre, the property is south of Route 9 off Dudley Street in a small pocket of Newton that retains somewhat of a rural atmosphere. Although there is a subdivision directly across the street from this property, adjoining properties on the north side of Greenwood Street retain some open space reminiscent of a less densely settled area and the agricultural environment of days past.. Adjacent to the barn lot is a

lot that has several acres with no buildings thereon. Originally this land was part of the Hyde Farm. There are two other eighteenth century houses nearby both of which originally were owned by the Hydes.

b. Architectural Description: The five-bay gabled roof dwelling displays a center chimney plan and Georgian simplicity in design. The house rests on a fieldstone foundation with clapboards close to the ground level. It is two bays deep and has a narrow one bay wide side ell that also extends behind the main block.

(1) Materials:

Foundation: granite/fieldstone

Walls: Wood clapboard *Roof:* Asphalt shingles

Windows: Wood frame 6/6

Ornamentation: Simplicity of design

Vegetation: Mature trees, large shrubbery, rural and undesigned

(2) Verbal Description:

Historical appearance: The dwelling was built around a center chimney with a five-bay, center entrance facade, on a fieldstone foundation with clapboards laid up in a graduated fashion and starting low to the ground. The house retains its massing and scale with the five bays on the main facade evenly spaced across the wall. It is two bays deep, indicating a four room plan built around the center chimney which extends above the roof straddling the ridge. There is one window in each gable peak.

The trim is plain as seen by the unadorned corner posts, the boxed cornice, and the slightly projecting wood frames. Six-over-six sash are set in the projecting unmolded frames. Originally the house had a center entrance of unknown appearance. In keeping with the simplicity of design, age and scale of the house, the door probably was of the simple raised field paneled variety.

The large gable front ca. 1850 barn has clapboard sheathing and rests on a fieldstone foundation. The large barn door is centered and has a long multi-light transom. In the gable peak is a window that is a six-light window with three long lights over three long lights. It appears to be stationary and is the size opening of a six-over-six double hung window. The rake of the roof is similar in scale to that of the house.

Current appearance: The most significance change is the centered entrance that was removed and replaced with a multi-light hipped roof addition in place of the centered bay. It is rectangular with a parged base and multi-light stationery wood window on each of the three sides. The side ell that is one bay wide is two bays deep and also has no elaboration. It is two stories and has a shallow pitch to the shed roof. Built into the L formed by the main block and the side/rear ell is a flat roofed entrance with storm door facing south. It is close to but not obstructing the rear window on the gable end side. There is one second-story window over this projecting entrance addition. The roof of the main house was probably reconstructed when replaced at some point in the mid 1800s. The rake is deeper than would have been found on the original house and is similar to that of the barn which appears to be of mid-nineteenth century construction.

7. *History of Property*

a. *Deed History* Book 8759 Page 554 shows the sale of the property to the present owner by 1957. See deed of 1860 when the property was split into three deeds as shown in Book 849, Page 101. The three parcels were

- 1) homestead farm house lot and ten acres
- 2) thirty-four acre wood lot
- 3) barn lot and field and "half-moon" lot, all twenty and one-half acres.

b. *Development History* From the late 1600s Jonathan Hyde and his descendants settled in this area of Newton south of Boylston Street (Route 9), a part of Newton that remained a farming community longer than other areas and a part that never developed its own village center. In 1711 Greenwood Street and Dudley Road were laid out and soon thereafter farms were established along Dudley and Greenwood as well as Dedham and Brookline Streets. Timothy (b. 1689) built 9 Burdean Road (extant) which is near 29 Greenwood Street. His brother John Hyde Jr. lived at 336 Dudley Street also an early eighteenth century farmhouse. The traditional date for this property is ca. 1744 when Gershom Hyde (1719-1754) is thought to have established a farm at this location. Surrounding land including all land between 336 Dudley and 9 Burdean (just off Greenwood Street) was owned by the Hydes.

Gersom Hyde died without a will and the property eventually passed to his nephew, Thaddeus Hyde (1751-1821) and finally to his son, Thaddeus (1791-1857). In 1860 the Hyde farm was sold to Edward Wales of Needham in three lots, described above in Deed Information.

Edward and Phebe Wales had been married in 1842. They moved here in the 1860s and Wales sons, George (1845-1918) and William, started a small fruit preserving business at this location. By 1884 the business had prospered such that George and William Wales moved to the corner of Mill and Cedar Streets and developed a house, carriage shed and jam factory which was in an old clapboard three-story barn. All three buildings that comprised the Wales Brothers property were demolished in 1997. The business that began here locally was well known and sold to stores in the region and nationally. Edward Wales' widow, Phebe Wales remained here in this house until her death when the property was sold to Louis Vignoles in the early 1900s. The property at that time included nine acres, a house and two barns. Vignoles and heirs were here until 1948 after which the property changed hands a couple of times until ca. 1957 when Dr. Edward Friedman purchased the property and continued the long term ownerships for this property for the past forty years.

8. *Significance of Property*

a. *Period of Significance* For the purposes of the Landmark consideration the period of significance for this property extends from its construction date in ca. 1744 throughout the Hyde family ownership during which time the family farmed in the area and contributed to the agricultural history of Newton. Also included in the period of significance is the Wales ownership for the continued farming use and the interesting development of the jam business.

b. *Historical Significance* Members of the Hyde family were important early settlers and were responsible for the development of several local farms. Also the connection with the Wales Bros. Early business days is historically significant.

c. *Architectural Significance* The house is one of twelve pre-1800 houses remaining in Newton of which only a few were built before 1750, including this property. The house retains the massing and scale of its eighteenth century origins and more important is its context which retains some of the rural atmosphere that once articulated the use of the property and the social and economic lives of its inhabitants.

d. *Landmark Designation Criteria* The Gershom Hyde House meets criteria for landmark designation as set forth in Section 22-93 of Newton's Ordinance T-288. The property is:

- individually listed on the National Register of Historic Places;
- importantly associated with the agricultural development of Newton as one of the few remaining examples of a farm with some remaining context;

- historically and architecturally significant for its representation of an eighteenth century farmhouse;
- at a location and setting which continues to be used and preserved;
- representative of the original design retaining most of its original fabric.

9. *Recommendations*

a. *Preservation Recommendations* The property has been maintained and materials needing replacement appear to have been replaced with similar materials. The removal of the center entrance has compromised the architectural integrity. Thus the primary recommendation would be to restore the entrance if one wanted to reclaim the full historical and architectural integrity of the property.

b. *Important Features* The simplicity of design and of building materials are key features. Also important to this property is the remaining context not often found in Newton today.

10. *Standards for Design Review*

a. *General Standards* All projects affecting the property should be evaluated by considering the effect that proposed changes would have on the general design, arrangement, texture, material and color of the features involved and the relationship of such features to the surrounding area. In the case of additions, the appropriateness of size, shape and location of the additions is of critical concern. The Secretary of Interior's Standards for Rehabilitation should provide a baseline for review of changes to a landmark property.

b. *Specific Standards* The Gershom Hyde House is one of the only remaining farmhouses that retains its rural setting with related outbuilding. Thus one of the most significant qualities to protect is the setting.

Exterior Walls

- No new openings should be considered for the main and side facades of the main block;
- No existing openings should be filled so that the original opening is not recognizable. Thus a change in an existing opening should be done in such a fashion as to still read as an opening.

- Wood clapboards should be used to replace sheathing with replication of exposure to the weather;

Windows

- All windows that retain their wood six-over-six sash should be preserved. If replacement is necessary, the configuration and dimensions of mullion profile are important;
- Original window design and arrangement of openings should be retained.
- Deteriorated and missing window elements and architectural features should be replaced with material and elements which match the original in material, color, texture, size, shape, profile, configuration and detail of installation.

Entrances/Doors

- The original entrance has been altered and removed. Replacement should be done according to physical evidence or according to appropriateness of design for an eighteenth century dwelling.

Roof

- Roof shape should be preserved. The use of asphalt shingles is acceptable. Replacement with wood shingles would enhance the property.
- All replacement gutters should be wood while downspouts may be synthetic if of a high grade and with a carefully chosen profile.

Additions

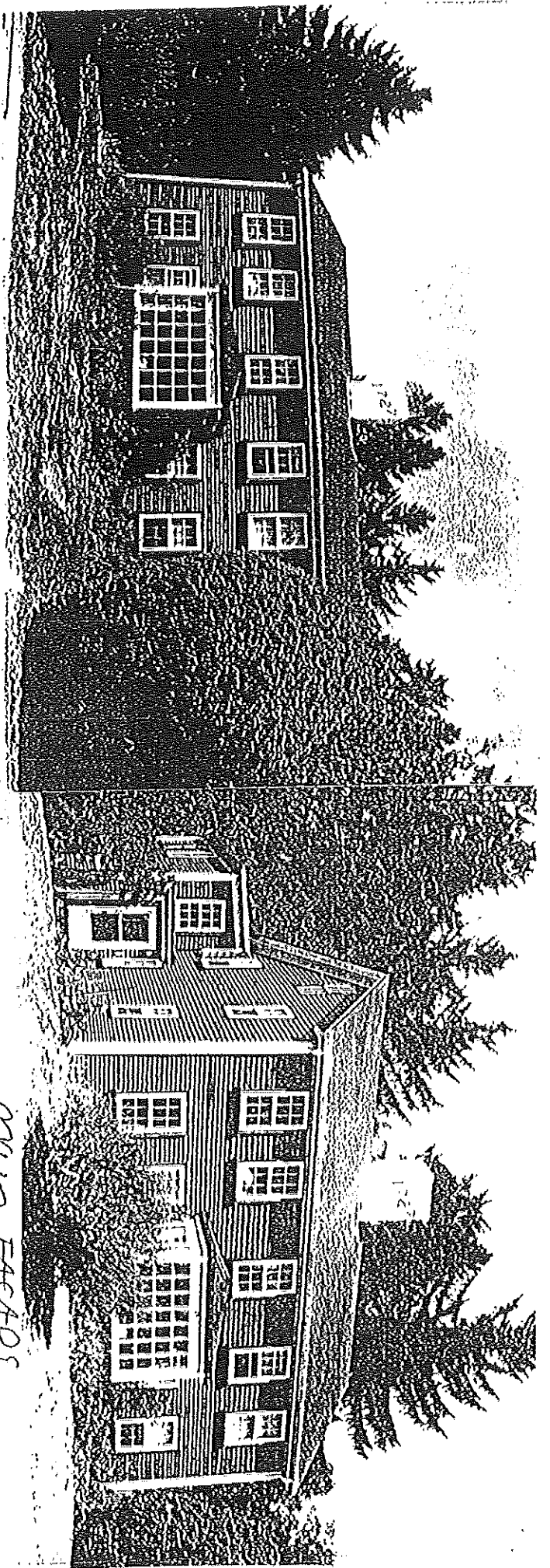
- Location of an addition is an important decision to retain the massing and scale. No further additions should be made to the main facade nor the sides. An addition on the west side or the rear would be appropriate and in keeping with the way in which eighteenth century farmhouses evolved.

- Material of an addition should be similar to those of the existing building and addition.

11. Notification

The following properties are considered abutters for the purposes of notification. Owners of these properties should receive notice when this property is considered for landmark designation and for any future review under the Landmark Ordinance.

<u>ADDRESS</u>	<u>S/B/L</u>
5 Cynthia Street	82/009/0021
6 Cynthia Street	82/007/0059
133 Dudley Street	81/051/0016
48 Greenwood Street	82/007/0059
unknown address	81/051/0019



Main Elevation

Main Facade

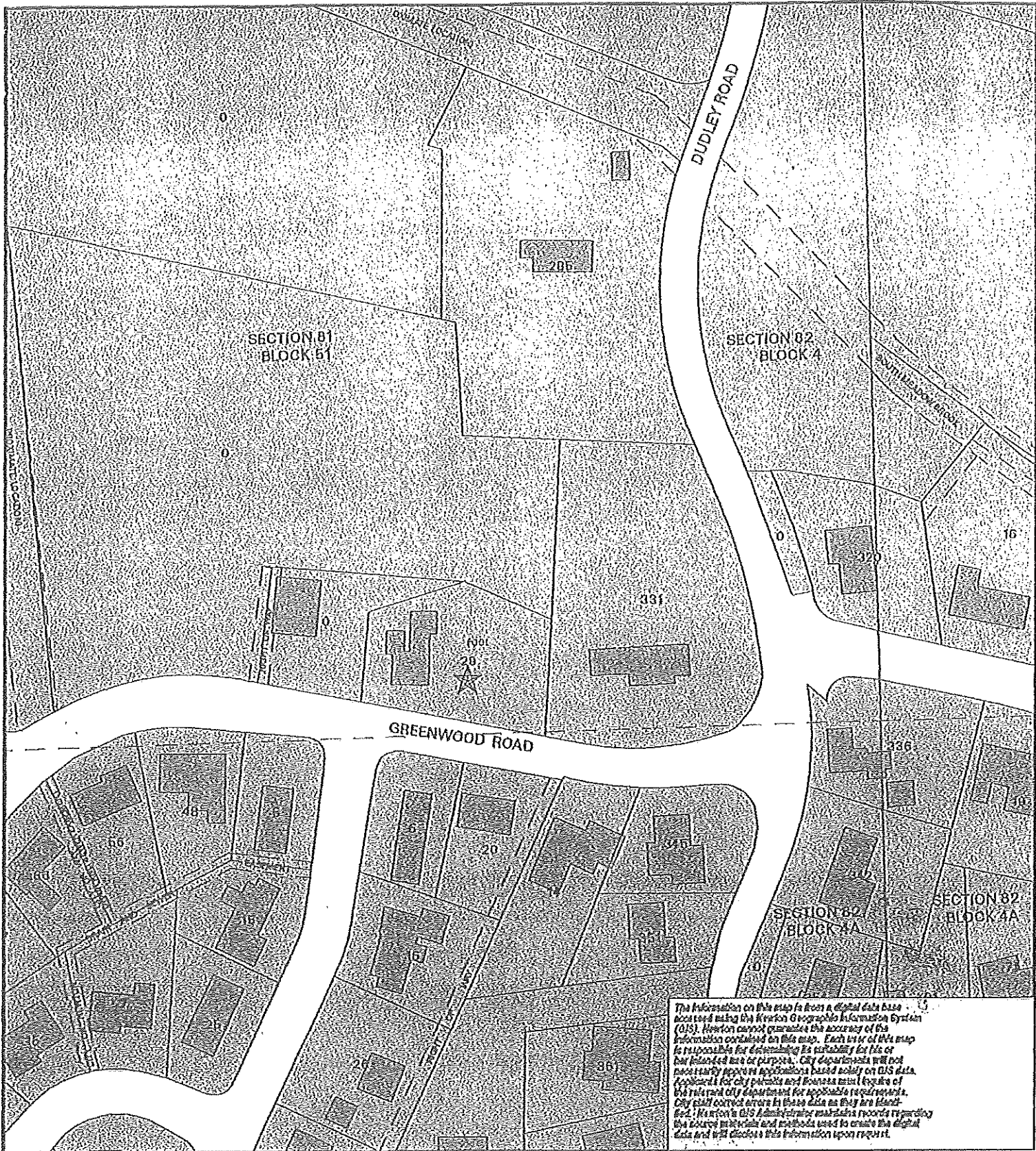
Barn



29 Greenwood Street

Front + Side Elevations





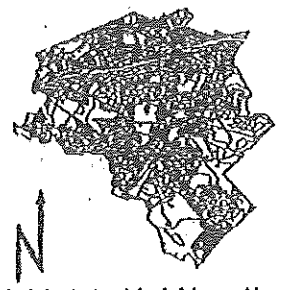
Newton Assessor's Sheet

Map Produced on: July 23, 1997

Property boundaries from Newton Assessor's property maps
 Zoning or land use information from Assessor's CAMA database
 Map projection & coordinate system: Massachusetts State Plane - NAD83

CITY OF
NEWTON
 MASSACHUSETTS
 ASSESSING DEPARTMENT
 1000 COMMONWEALTH AVE.
 NEWTON CENTRE, MA 02459

Scale: 1" = 126 ft.

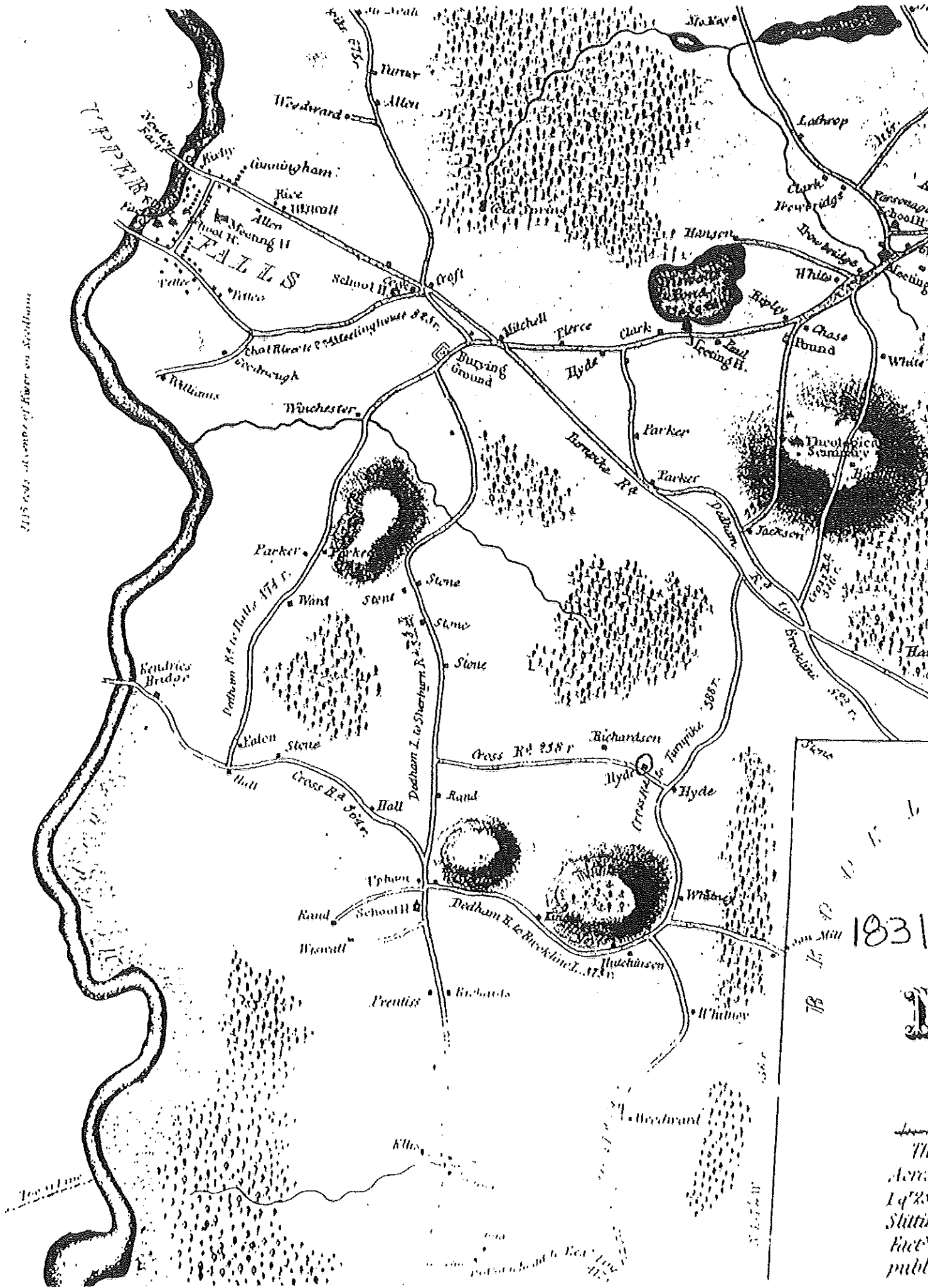


Parcels labeled with Address Number

HISTORIC PHOTOGRAPHS AND MAPS

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215 rods - amount of fiber on Scotland



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publ

1848

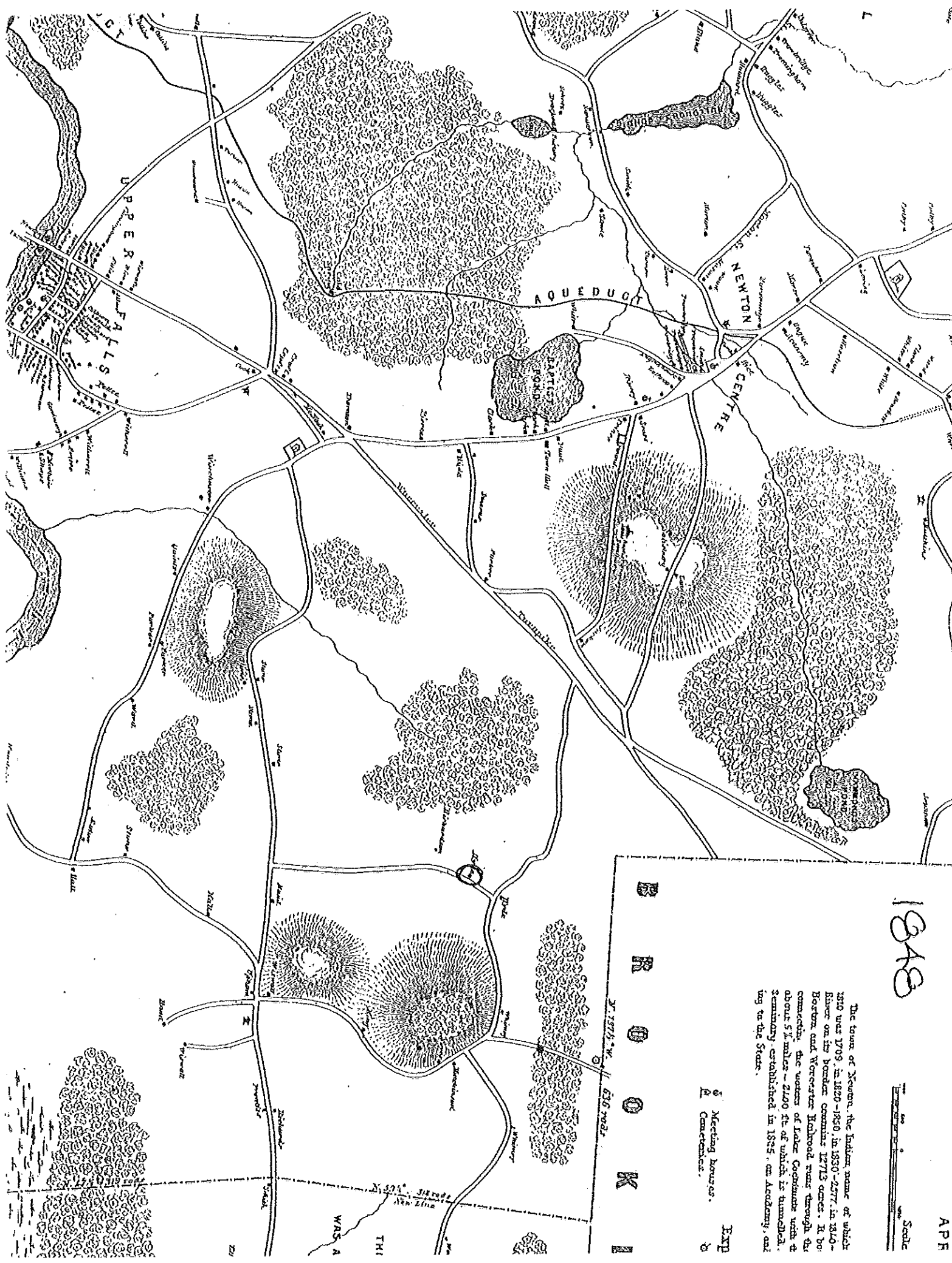
Scale
1 inch = 1 mile

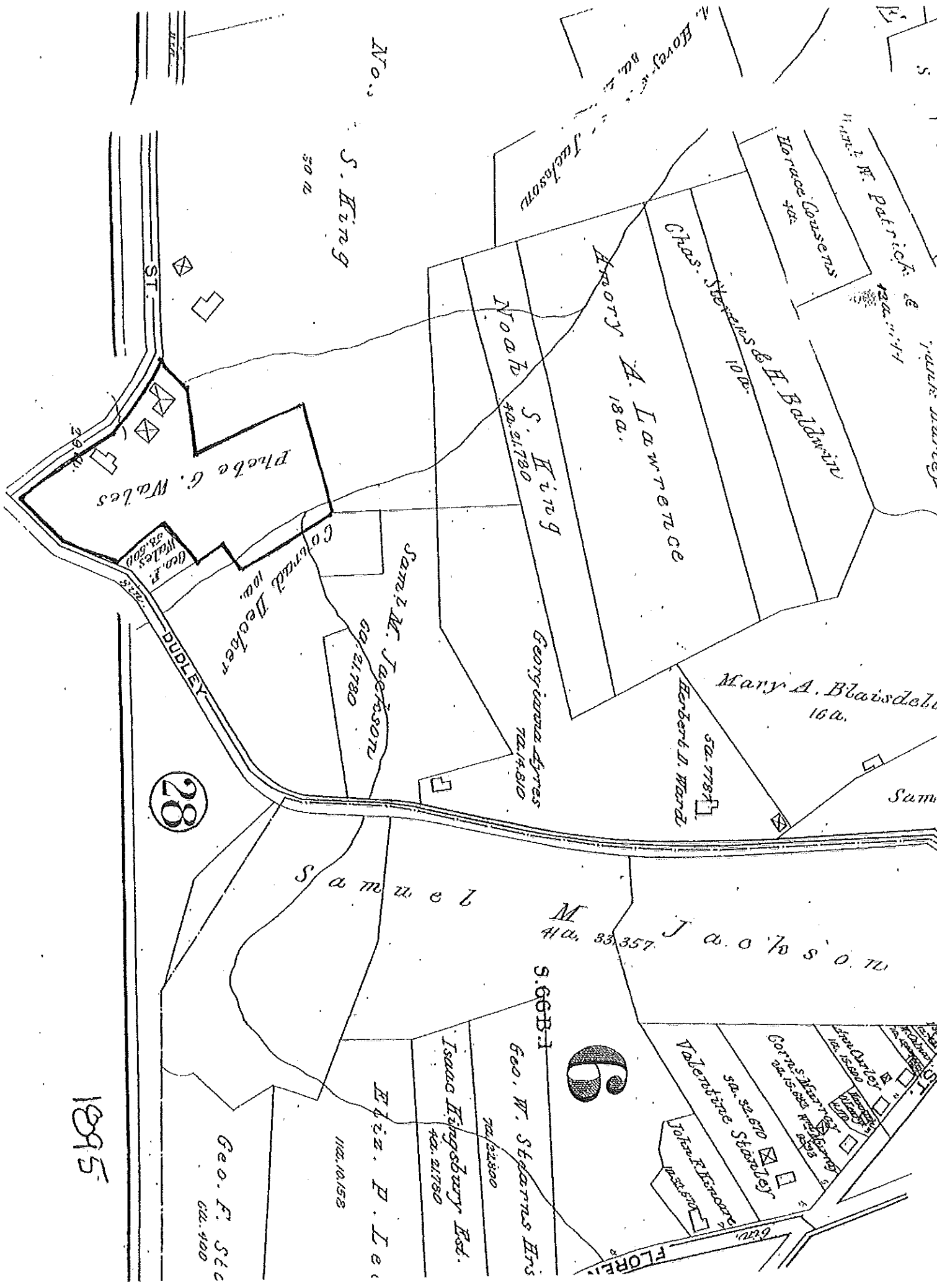
APR

The town of Newton, the Indian name of which was 1709, in 1820-1830, in 1830-1877, in 1840-1870, and Worcester Railroad runs through the town, the western of Lake Cochrane with a capacity of about 5 1/2 miles - 2,100 ft. of which is tunnelled, and established in 1835, an Academy, and

Exp
Meeting houses.
A Cemeteries.

B
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1848
N. 1921 W. 1 536 702.





1895

28

B

No. S. King
302

Phoebe G. Wales

Conrad Decker
104

Sam'l M. Jackson
104 21780

Noah S. King
40 21780

Georgia Ayres
72 14810

Henry A. Lawrence
18a

Chas. Stearns & E. Baldwin
10a

Horace Conners
5a

Wm. F. Patrick & Family
12a 11-14

Mary A. Blaisdell
16a

Berbert L. Ward
5a 7787

Samuel

M
41a 33,357

Joseph

S. GAGE

Geo. W. Stearns Hrs
7a 14810

Isaac Kingsbury Hrs.
4a 21780

Eliza P. Lee
11a 10152

Geo. F. Stearns
6a 400

Valentine Stanley
5a 32,670

Geo. Stearns Hrs
2a 15,522

Geo. Stearns Hrs
1a 15,522

FLORENCE

[https://catalog.archives.gov/id/
63791106](https://catalog.archives.gov/id/63791106)

FORM B - BUILDING

MASSACHUSETTS HISTORICAL COMMISSION
80 BOYLSTON STREET
BOSTON, MA 02116

AREA	FORM NO.
	OH-31

Town Newton, Mass. M.R.A.
Newton/Oak Hill

Address 29 Greenwood St

Historic Name Gershon Hyde House

Photo (3"x3" or 3"x5", black and white) Indicate address of property on back of photo. Staple to left side of form.

Use: Present dwelling

Original dwelling

DESCRIPTION

Date c.1744

Source Jackson Homestead Public #14

Style Mid-Georgian

Architect unknown

Exterior Wall Fabric clapboard

Outbuildings none

Sketch Map: Draw map showing property's location in relation to nearest cross streets and/or geographical features. Indicate all buildings between inventoried property and nearest intersection(s). Indicate north

Major Alterations (with dates) 20th c.

enclosure of entrance by porch

Condition very good

SEE ATTACHED MAP

Moved no Date less than

Acreage 20,900 sq. ft. one acre

Setting suburban along early highway

UTM REFERENCE 19.320090.4686330

USGS QUADRANGLE Newton, MA

SCALE 1:25,000

Recorded by H. White

Organization Newton Historical Comm.

Date 3/86

NATIONAL REGISTER CRITERIA STATEMENT (if applicable)

As one of few remaining Georgian farmhouses in the city, and a representative example of a type prevalent locally from 1690-1780, the Gershom Hyde meets Criterion C of the National Register of Historic Places.

ARCHITECTURAL SIGNIFICANCE Describe important architectural features and evaluate in terms of other buildings within the community.

The Hyde house is a 2½-story gable-roofed house based on a two room center hall plan. A massive center chimney rests on the ridge. The outer windows of the five-bay facade organization are grouped in pairs, with the center window aligned with the entrance. Windows are 6/6 and the windows of the upper story are framed into the cornice. The house rests upon a low granite foundation and is devoid of ornamentation except for the narrow corner boards. Later additions include the rear ell and enclosed entrance porch.

HISTORICAL SIGNIFICANCE Explain the role owners played in local or state history and how the building relates to the development of the community.

The Gershom Hyde house (c.1744) was built along an early road, which had been laid out in 1711 and ran from "...our meeting house to the Roxbury line unto the road that goeth to Dedham."

Gershom Hyde (1719-1754) may have been the original occupant of this dwelling. Hyde's uncle John, Jr. lived at nearby 336 Dudley Road, and his father resided at present-day 9 Burdean Road. Gershom died, leaving no will. A 1766 Town Meeting Record indicates that Gershom Hyde's heirs owned the land bounded by the South Ministerial Woodlot, which was located next to 29 Greenwood Street at the corner of Dudley Road and Greenwood Street. A nephew of Gershom Hyde, Thaddeus Hyde (1751-1821) is listed as an owner of the house. The heirs of Thaddeus sold the house and 53 acres to Edward Wales in 1860.

In 1867 Geo. and Wm. Wales started a small fruit preserving business. By 1884 it had outgrown their quarters, and a new factory was built near the corner of Cedar and Mill St. in Newton Centre. The preserves they produced were sold in major U.S. cities and abroad.

BIBLIOGRAPHY and/or REFERENCES

Newton's Older Houses: Oak Hill, Jackson Homestead Publication #14, 1983.

**United States Department of the Interior
National Park Service**

**National Register of Historic Places
Inventory—Nomination Form**

For NPS use only

received 7/22/86
date entered _____

Continuation sheet

Item number

Page

Multiple Resource Area
Thematic Group

Name Newton MRA
State Middlesex County, MA

Nomination/Type of Review

Entered in the
National Register

Date/Signature

81. Hyde, Gershom, House

for Keeper

Delores Byers 9/4/86

Attest

82. Jackson House

Entered in the
National Register

for Keeper

Delores Byers 9/4/86

Attest

83. Jackson, Samuel, Jr.,
House

Entered in the
National Register

for Keeper

Delores Byers 9/4/86

Attest

84. Jennison, Joshua, House

Entered in the
National Register

for Keeper

Delores Byers 9/4/86

Attest

85. Judkins, Amos, House

Entered in the
National Register

for Keeper

Delores Byers 9/4/86

Attest

86. King House

Entered in the
National Register

for Keeper

Delores Byers 9/4/86

Attest

87. Kingsbury House

Entered in the
National Register

for Keeper

Delores Byers 9/4/86

Attest

88. Kistler House

Entered in the
National Register

for Keeper

Delores Byers 9/4/86

Attest

89. Merriam, Galen, House

Entered in the
National Register

for Keeper

Delores Byers 9/4/86

Attest

90. Mount Pleasant

Entered in the
National Register

for Keeper

Delores Byers 9/4/86

Attest

EG001E40

NATIONAL REGISTER OF HISTORIC PLACES
EVALUATION/RETURN SHEET

Hyde, Gershom, House (Newton MRA)
Middlesex County
MASSACHUSETTS

Working No. _____
Fed. Reg. Date: JUL 23 1986 2/3/87
Date Due: 6/21/86 - 9/6/86
Action: ACCEPT 7-4-86
 RETURN _____
 REJECT _____
Federal Agency: _____

*Received
National Register*

- resubmission
- nomination by person or local government
- owner objection
- appeal

Substantive Review: sample request appeal NR decision

Reviewer's comments:

Recom./Criteria _____
Reviewer _____
Discipline _____
Date _____
_____ see continuation sheet

Nomination returned for: _____ technical corrections cited below
_____ substantive reasons discussed below

1. Name

2. Location

3. Classification

Category	Ownership Public Acquisition	Status Accessible	Present Use
----------	---------------------------------	----------------------	-------------

4. Owner of Property

5. Location of Legal Description

6. Representation in Existing Surveys

Has this property been determined eligible? yes no

7. Description

Condition		Check one	Check one
<input type="checkbox"/> excellent	<input type="checkbox"/> deteriorated	<input type="checkbox"/> unaltered	<input type="checkbox"/> original site
<input type="checkbox"/> good	<input type="checkbox"/> ruins	<input type="checkbox"/> altered	<input type="checkbox"/> moved date _____
<input type="checkbox"/> fair	<input type="checkbox"/> unexposed		

Describe the present and original (if known) physical appearance

- summary paragraph
- completeness
- clarity
- alterations/integrity
- dates
- boundary selection

8. Significance

Period Areas of Significance—Check and justify below

Specific dates Builder/Architect

Statement of Significance (*in one paragraph*)

- summary paragraph
- completeness
- clarity
- applicable criteria
- justification of areas checked
- relating significance to the resource
- context
- relationship of integrity to significance
- justification of exception
- other

9. Major Bibliographical References

10. Geographical Data

Acreege of nominated property _____

Quadrangle name _____

UTM References _____

Verbal boundary description and justification

11. Form Prepared By

12. State Historic Preservation Officer Certification

The evaluated significance of this property within the state is:

_____ national _____ state _____ local

State Historic Preservation Officer signature

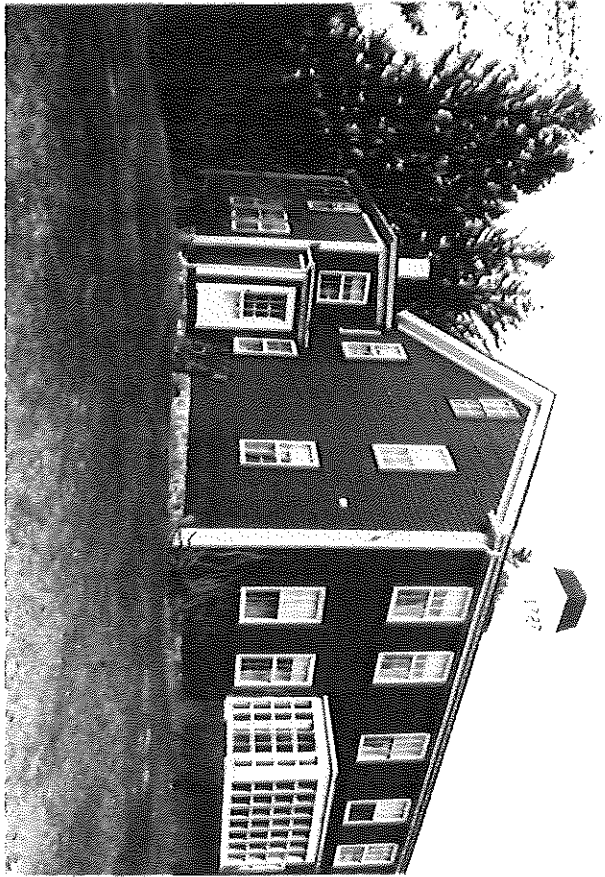
title date

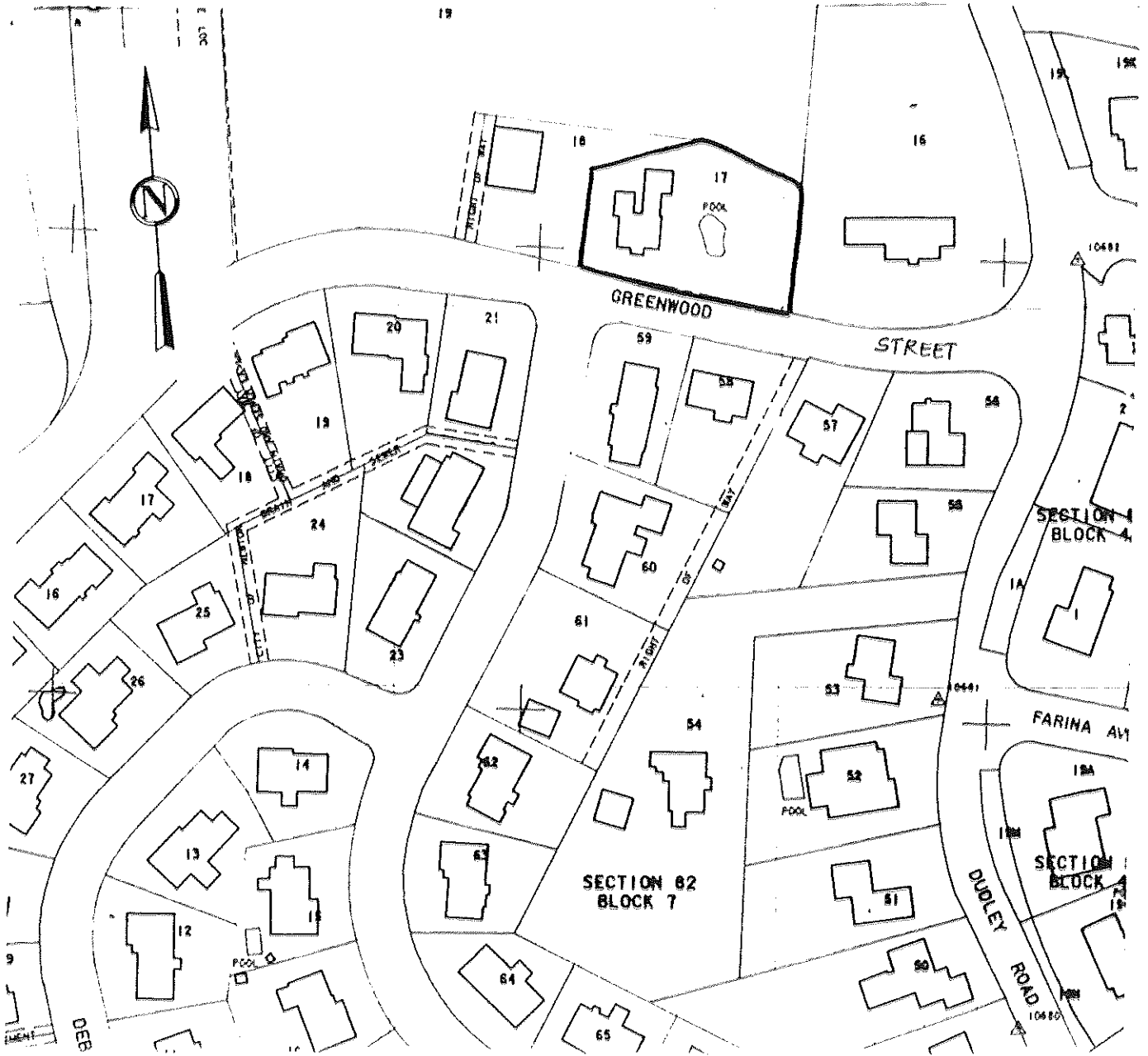
13. Other

- Maps
- Photographs
- Other

Questions concerning this nomination may be directed to _____

Signed _____ Date _____ Phone: _____






City of Newton Assessor's Maps, Sheet 140
 Metric Series, 1979
 Scale: UTM grid line interval = 100 meters (328 feet)

Newton, Mass. M.R.A.
 29 Greenwood Street, Oak Hill
 81-51-17

Hub, Gorman, Reese

- 29 Greenwood St, Oak Hill -
- Roll #16 (25)

Greenwood St, Oak Hill

Displaying title 36, up to date as of 10/26/2023. Title 36 was last amended 10/10/2023. 



New Agency Features: It is now possible to filter **search results** and **recent changes** by agency or agencies. It is also possible to subscribe to the eCFR changes from single or multiple agencies. Consult the **reader aid pages** to learn more.

Title 36 — Parks, Forests, and Public Property
Chapter I — National Park Service, Department of the Interior
Part 60 — National Register of Historic Places

§ 60.15 Removing properties from the National Register.

- a Grounds for removing properties from the National Register are as follows:
 - 1 The property has ceased to meet the criteria for listing in the National Register because the qualities which caused it to be originally listed have been lost or destroyed, or such qualities were lost subsequent to nomination and prior to listing;
 - 2 Additional information shows that the property does not meet the National Register criteria for evaluation;
 - 3 Error in professional judgment as to whether the property meets the criteria for evaluation; or
 - 4 Prejudicial procedural error in the nomination or listing process. Properties removed from the National Register for procedural error shall be reconsidered for listing by the Keeper after correction of the error or errors by the State Historic Preservation Officer, Federal Preservation Officer, person or local government which originally nominated the property, or by the Keeper, as appropriate. The procedures set forth for nominations shall be followed in such reconsiderations. Any property or district removed from the National Register for procedural deficiencies in the nomination and/or listing process shall automatically be considered eligible for inclusion in the National Register without further action and will be published as such in the FEDERAL REGISTER.
- b Properties listed in the National Register prior to December 13, 1980, may only be removed from the National Register on the grounds established in paragraph (a)(1) of this section.
- c Any person or organization may petition in writing for removal of a property from the National Register by setting forth the reasons the property should be removed on the grounds established in paragraph (a) of this section. With respect to nominations determined eligible for the National Register because the owners of private property object to listing, anyone may petition for reconsideration of whether or not the property meets the criteria for evaluation using these procedures. Petitions for removal are submitted to the Keeper by the State Historic Preservation Officer for State nominations, the Federal Preservation Officer for Federal nominations, and directly to the Keeper from persons or local governments where there is no approved State Historic Preservation Program.
- d Petitions submitted by persons or local governments where there is no approved State Historic Preservation Program shall include a list of the owner(s). In such cases the Keeper shall notify the affected owner(s) and the chief elected local official and give them an opportunity to comment. For approved State programs, the State Historic Preservation Officer shall notify the affected owner(s) and chief elected local official and give them an opportunity to comment prior to submitting a petition for removal. The Federal Preservation Officer shall notify and obtain the comments of the appropriate State Historic Preservation Officer prior to forwarding an appeal to NPS. All comments and opinions shall be submitted with the petition.
- e The State Historic Preservation Officer or Federal Preservation Officer shall respond in writing within 45 days of receipt to petitions for removal of property from the National Register. The response shall advise the petitioner of the State Historic Preservation Officer's or Federal Preservation Officer's views on the petition.
- f A petitioner desiring to pursue his removal request must notify the State Historic Preservation Officer or the Federal Preservation Officer in writing within 45 days of receipt of the written views on the petition.
- g The State Historic Preservation Officer may elect to have a property considered for removal according to the State's nomination procedures unless the petition is on procedural grounds and shall schedule it for consideration by the State Review Board as quickly as all notification requirements can be completed following procedures outlined in § 60.6, or the State Historic Preservation Officer may elect to forward the petition for removal to the Keeper with his or her comments without State Review Board consideration.
- h Within 15 days after receipt of the petitioner's notification of intent to pursue his removal request, the State Historic Preservation Officer shall notify the petitioner in writing either that the State Review Board will consider the petition on a specified date or that the petition will be forwarded to the Keeper after notification requirements have been completed. The State Historic Preservation Officer shall forward the petitions to the Keeper for review within 15 days after notification requirements or Review Board consideration, if applicable, have been completed.
- i Within 15 days after receipt of the petitioner notification of intent to pursue his petition, the Federal Preservation Officer shall forward the petition with his or her comments and those of the State Historic Preservation Officer to the Keeper.

- j The Keeper shall respond to a petition for removal within 45 days of receipt, except where the Keeper must notify the owners and the chief elected local official. In such cases the Keeper shall respond within 90 days of receipt. The Keeper shall notify the petitioner and the applicable State Historic Preservation Officer, Federal Preservation Officer, or person or local government where there is no approved State Historic Preservation Program, of his decision. The State Historic Preservation Officer or Federal Preservation Officer transmitting the petition shall notify the petitioner, the owner(s), and the chief elected local official in writing of the decision. The Keeper will provide such notice for petitions from persons or local governments where there is no approved State Historic Preservation Program. The general notice may be used for properties with more than 50 owners. If the general notice is used it shall be published in one or more newspapers with general circulation in the area of the nomination.
- k The Keeper may remove a property from the National Register on his own motion on the grounds established in paragraph (a) of this section, except for those properties listed in the National Register prior to December 13, 1980, which may only be removed from the National Register on the grounds established in paragraph (a)(1) of this section. In such cases, the Keeper will notify the nominating authority, the affected owner(s) and the applicable chief elected local official and provide them an opportunity to comment. Upon removal, the Keeper will notify the nominating authority of the basis for the removal. The State Historic Preservation Officer, Federal Preservation Officer, or person or local government which nominated the property shall notify the owner(s) and the chief elected local official of the removal.
- l No person shall be considered to have exhausted administrative remedies with respect to removal of a property from the National Register until the Keeper has denied a petition for removal pursuant to this section.



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

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TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

Newton Historical Commission Demolition Review Decision

Date: 4/7/20

Zoning & Dev. Review Project# 19020006

Address of structure: 31 Greenwood, LL - Certificate of Appropriateness

Type of building: Barn

If partial demolition, feature to be demolished is demolish and rebuild

The building or structure:

- is is not in a National Register or local historic district not visible from a public way.
- is is not on the National Register or eligible for listing.
- is is not importantly associated with historic person(s), events, or architectural or social history
- is is not historically or architecturally important for period, style, architect, builder, or context.
- is is not located within 150 feet of a historic district and contextually similar.

is **NOT HISTORICALLY SIGNIFICANT** as defined by the Newton Demolition Delay Ordinance.
Demolition is not delayed and no further review is required.

is **HISTORICALLY SIGNIFICANT** as defined by the Newton Demolition Delay Ordinance (See below).

The Newton Historical Commission staff:

APPROVES the proposed project based upon materials submitted see below for conditions (if any).
Demolition is not delayed, further staff review may be required.

DOES NOT APPROVE and the project requires
Newton Historical Commission review (See below).

The Newton Historical Commission finds the building or structure:

is **NOT PREFERABLY PRESERVED**
Demolition is not delayed and no further review is required.

is **PREFERABLY PRESERVED - (SEE BELOW).**

Delay of Demolition:

is in effect until _____

has been waived - see attached for conditions

Determination made by: Katy Hax-Holmes, NHC

Final review of construction plans required before permit is issued

Owner of Record:

Please Note: if demolition does not occur within two years of the date of expiration of the demolition delay, the demolition will require a resubmittal to the Historical Commission for review and may result in another demolition delay.



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
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Barney S. Heath
Director

RECORD OF ACTION

DATE: April 7, 2020

SUBJECT: 31 Greenwood Street

At a scheduled meeting and public hearing on March 26, 2020, the Newton Historical Commission, by a vote of 7-0:

RESOLVED to approve a Certificate of Appropriateness for 31 Greenwood Street based on revised plans.

Voting in the Affirmative: Voting in the Negative: Recused:

Nancy Grissom, Chairman
Peter Dimond, Member
Doug Cornelius, Member
Amanda Stauffer Park, Member
Mark Armstrong, Member
Katie Kubie, Member
Jennifer Bentley-Houston, Alternate

Title Reference: Owner of Property: 29 Greenwood Street LLC
Deed recorded at: Middlesex (South) Registry of Deeds
Book 58761 , Page 585
Date 3/27/2012

Katy Hax Holmes, NHC

Katy Hax Holmes, Staff

Newton Historical Commission
1000 Commonwealth Avenue, Newton, Massachusetts 02459
Email: kholmes@newtonma.gov
www.ci.newton.ma.us