

CITY OF NEWTON
IN BOARD OF ALDERMEN
ZONING AND PLANNING COMMITTEE REPORT
THURSDAY, JUNE 20, 2002

Present: Yates (Chairman) Ald. Sangiolo, Johnson, Lappin, and Baker

Absent: Ald. Lennon, Gentile, and Mansfield

Also present: Ald. Bullwinkle, Schnipper, Linsky, Parker, Merrill, Bryson, Lipsitt, Gerst, Stewart, Fischman, and Lipof

#196-02 NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION
submitting pursuant to MGL Chapter 40C, Section 3, a recommendation that ARTICLE III. HISTORICAL COMMISSIONS AND DISTRICTS of the City of Newton Revised Ordinances, 2001, be amended by establishing a local historic district in Auburndale

NOTE: The sole purpose of the meeting was to hold a public hearing on the item of the Newton Upper Falls Historic District Commission acting as a Study Committee on the proposed Auburndale Historic District. Commission Chairman Paul O'Shaughnessy presented the Study Committee recommendation that the District be established. He explained the extensive process the Committee had followed reviewing data compiled by the advocates of the district, recommending changes and additions and, finally, after a public hearing on May 9, 2002, voting to recommend the establishment of the district, with the strong suggestion that guidelines for the appearance of properties in the district be developed in draft form before the Board votes on the establishment of the district. The Committee had attempted to oversee such a process, but had been unable to do so. They were convinced that the District should be established but felt that clear, detailed guidelines were essential to its proper operation as well as its approval by the Board.

Gretchen Schuler, former Newton Preservation Planner, had been hired as a consultant by the Lasell Neighborhood Association, the principal advocates of the District. She oversaw the collection of data on individual parcels and organized the information into the application that was first submitted to the Massachusetts Historic Commission. The MHC approved the package as documenting a valid potential historic district and thus authorized its submittal to the Newton Planning and Development Board (which approved it) and its adoption and approval by the Study Committee. Ms. Schuler presented a detailed slide show of the historic character of the properties in the proposed district and explained the boundaries of the district which were based on a combination of groups of properties of the same age, physical boundaries, and the historic merit of the

properties. The proposed district includes two Federal Register Historic Districts, and at least two properties listed individually on the National Register of Historic Sites. The proposed district includes 300 properties. After Ms. Schuler finished her presentation and answered questions from the Aldermen, the public hearing on the item was opened up. A two-thirds majority of those owners of property in the district spoke in favor of the district or raised their hands when asked to do so. When Lasell's 13% of the property in the district was considered, the amount of support dwindled to a clear but smaller majority of the property in the proposed district. Many supporters and opponents made the same points as others on their sides. This report will attempt to summarize the issues raised as means of beginning the Committee discussion.

1. Neighborhood Character. The proponents said that the establishment of the district would preserve the physical Character of the neighborhood. Opponents said other city laws would do so. The access of the site to Route 128 and the Mass. Turnpike and accessibility of both the Green Line and the Commuter Rail make it extremely subject to development pressures. Some individual properties have been demolished and replaced with Monster Homes that disrupt the neighborhood character for their size or type or both. Lasell has made some physical changes to its campus that many in the neighborhood, including some that oppose the district, find objectionable.
2. Control of Lasell's appearance. There was general consensus among neighborhood residents that Lasell had acted badly in removing some features of the Landscape and adding new structures or adding inappropriate siding to existing buildings. Speakers drew different conclusions from this data. Some supporters cited it as a perfect reason for the district. Others said that the proposed district had in fact precipitated the development as the school tried to avoid having its hands tied. At least one speaker felt that Lasell had gone as far as it could, and imposing restrictions on the whole neighborhood that would have little or no effect on the school was pointless. Lasell pointed out that Boston College's campus is not in the Chestnut Hill Historic District and that the buildings it owns in the CHHD are residential structures adapted for academic use and that is why the CHHD has not been a detriment to the school. Lasell Dean of Institutional Affairs Ruth Schuman and Lasell Historic Preservation Consultant Michael Delacey asserted that no other college has historic district controls on its main campus and that alternative mechanisms have been used to provide historic protection to historic schools without unduly tying their hands. District proponents denied the assertion and claimed that Lasell's actions in demolishing Bragdon Hill etc. made the neighborhood unwilling to trust voluntary agreements with them.
3. Proper Boundaries and Process. Mr. DeLacy said that the process for studying the proposed District had been rushed and not done in accordance with Mass. Historic Commission guidelines and as a result, the district was too large, too diffuse and improper. The Mass. Historic Commission had in fact approved the application and the boundaries as submitted.

4. Effect on property values. Many of the homeowners who opposed the district said that it would lower their property values and that they would find it hard to sell their homes with the restrictions imposed by the district. They further stated that some of the LNA leaders were bailing out by selling their properties before the district was in place. Some of the leaving properties said that they were in fact leaving for other reasons, that they felt obliged to sell their homes to people who valued them and the district as it was just as they had been able to buy their homes from previous owners who loved the historic quality of the neighborhood. At least one new property owner spoke in favor of the district and stated that it was the very historic qualities that the district was attempting to preserve that led her to buy it.

5. Bureaucratic burden. Some opponents felt that the historic district process would impose a financial and process burden on them. They would be forced to purchase more expensive historic materials, hire architects and lawyers to present their cases, and be subject to the whims of non-elected officials with no recourse. Some District proponents who claimed to have been skeptical of the process first had attended meetings of the Upper Falls Historic District Commissioners and found that the Commission went out of their way to avoid extra costs or undue burdens and the architects and other professionals on the Commission offered extremely valuable advice on how to improve property in a financially and historically appropriate way. Each Commission has two residents, two members of the Newton Historic Commission, a realtor, and an attorney and alternates to all positions. Commission decisions can be appealed to the Metropolitan Area Planning Council who will appoint a three-member panel to hear appeals in Newton City Hall. Appeals to Court are available after that. Some of the opponents had a basic philosophical objection to any loss of their property rights. They felt that Newton's general ordinances were sufficient to safeguard the neighborhood's character.

The names of Speakers are attached. Written testimony was previously distributed to the Board.

The hearing adjourned after approximately three and one-half hours of testimony.

Respectfully submitted,

Ald. Brian Yates, Chairman