

City of Newton



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Community Preservation Committee

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MEMORANDUM

TO: The Honorable Board of Aldermen
FROM: Community Preservation Committee
DATE: 28 March 2007, revised 12 June 2007

**RE: Recommendation for CPA Funding for the
Durant Kenrick Homestead Project**

PROJECT TITLE: Durant Kenrick Homestead, 286 Waverley Avenue

CPA CATEGORY: Historic Preservation

CPA FUNDS:

Requested: \$2.71M
Recommended: \$1.27M for Phase II
\$1.44M for Phase I + legal fee of \$7.3K (Docket Item #120-07)

PROJECT DESCRIPTION

The Newton History Museum and the Newton Historical Society jointly submitted a request for CPA funds in the amount of \$2.71M to support the full restoration and transformation of the Durant Kenrick Homestead, constructed in 1732, into a fully-functioning, actively-interpreted historic house museum. The total project budget of \$4.56M would include a \$300K endowment donated by the Durant Homestead Foundation, \$1.38M raised through community fundraising/capital campaign, \$100K from the Riley Foundation, and \$77.5K from previously-awarded CPA funds, in addition to the current CPA funds requested.

The CPA funds requested through the current application would provide seed funding which would enable the Historical Society to accept the generous offer from the Durant Kenrick Homestead to donate the Homestead, including the Georgian style house, its lot (26,354 s.f.), antique collections, the adjacent open lot (24,639 s.f.), and the \$300K endowment to the Newton Historical Society. The house, its lot, and adjacent open lot at the corner of Waverly Avenue and Kenrick Street are valued at \$2.51M¹ and the collections are valued at \$217.35K.²

¹ Source: Eric Reenstierna Associates, "A Self-Contained Report of a Complete Appraisal of a Historic House, a Vacant Lot, and an Easement – The Durant-Kenrick Homestead, 286 Waverley Avenue and Kenrick Street, Newton, MA", July 25, 2006.

² "Collections Appraisal Report", no author, no date, located as an attachment to the "Application for Community Preservation Funding – Historic Preservation Restrictions and Seed Capital Funding to Ensure Full Accessibility for the Durant Kenrick Homestead", October 3, 2006.

The scope of the Historical Society's project includes an extensive restoration and rehabilitation of the property, an addition of a new ell and classroom space to replace the existing early-20th century ell, and the establishment of a \$2.58M endowment. The rehabilitation and ell addition, with the installation of an elevator and lift, would make both floors of the museum and grounds accessible, which may make this property the first historic house museum in Massachusetts to achieve this level of accessibility.

In addition to the capital improvements, this project would support the joint vision of the Historical Society and the Newton History Museum to collaboratively create museum programming that would actively interpret the cultural, social, and physical history of the house, grounds, and surrounding neighborhood.

BRIEF HISTORY OF PROPERTY

The Homestead was constructed in 1732 by the Durant Family as a gentleman's farmhouse and originally sat on approximately 91 acres of land, which stretched from current-day Newton into the Brighton neighborhood of Boston. The Durant Family is significant in Newton's history, particularly in regard to civic involvement both preceding and during the Revolutionary War period.

*As tensions with Britain grew in the early 1770s, Edward Durant was selected to serve on every committee that drafted the town's responses to political emergencies in the province. In January of 1772, Durant led a select committee of his fellow townsmen -- Charles Pelham, William Phillips, Noah Hyde, and Durant's business partner Alexander Shepard -- in preparing Newton's response to "the present unhappy situation this country is reduced to, by some late attacks made on our constitutional rights and privileges." In their written report, presented to and approved by the town, Durant's committee resolved "that no good man can be silent and inactive in the cause of liberty at this alarming period. . . ."*³

In addition to Edward Durant's civic leadership in this period, as described above, three of Durant's sons participated in Battles of Lexington and Concord on April 19, 1775.

In 1790, the Durant Family sold the Homestead to the Kenrick Family who created and operated an extensive nursery on the property until 1850.

*The landscape history at the Durant-Kenrick House is a long and important story . . . Its greatest significance, however, is the story of its nursery . . . Through this nursery came some of the most popular fruit on the market today . . . At the forefront of horticultural interests, William Kenrick rode the wave of the mulberry mania and crashed mightily with the best of them. Today the remains of the nursery and their horticultural offerings tower over the residential subdivisions that swept through the property . . . Aging copper beeches, oaks, and other ornamentals still stand testament to the Kenrick Nursery . . . Today barely two acres remain with the Durant Kenrick house, yet this small parcel is linked to the larger neighborhood where the larger landscape themes are just as evident.*⁴

The house is one of the earliest intact historic homes in Newton. It is individually listed on the National Register of Historic Places and is a Local Landmark. The house not only boasts intact historic features on the exterior, but also has an intact 18th century interior with a museum-quality collection of antique furniture, household articles, and documents.

*The plan of the building approached the Georgian ideal, just coming into fashion, of a two-room deep house (known as a double pile plan), with chimneys between the front and rear rooms . . . and a central hall with staircase that gave access to all rooms separately. . . The house is among the earliest known examples in the region of a center hall plan and of a gambrel roof on a wooden house. The ample room size and high ceilings further attest to the sophistication of the structure for the time.*⁵

³ Fuhrer, Mary, "Edward and Mary Durant Family", 2006.

⁴ Brockway, Lucinda A., "Brief Landscape History/Site and Landscape Analysis, Durant-Kenrick House and Property.", August 7, 2006.

⁵ Grady, Anne, "Durant-Kenrick House: Architectural Evaluation.", no date.

BACKGROUND

In early 2005, the Durant Homestead Foundation considered selling the adjacent open lot due to a dwindling endowment, rising costs, and limited capacity to open the property to the public. However, through active negotiations with the Newton Historical Society and Newton History Museum, the Foundation offered to donate the property and an endowment to the Newton Historical Society. The Foundation agreed to postpone consideration of the sale of the open lot while the Historical Society conducted a needs assessment, created a capital improvement plan, and raised funds.

After completing the CPA-funded needs assessment and creating a program for renovation and restoration, the Historical Society and Newton History Museum are now in the process of fundraising for both the capital improvements and the endowment.

FINDINGS OF STATUTORY ELIGIBILITY

The CPA funds for Phase II are being requested, as follows: \$1.27M to purchase a preservation restriction on the adjacent open lot at the corner of Waverly Avenue and Kenrick Street.

Capital Improvements to House and Site

As outlined by the architects, McGinley Kalsow & Associates, the scope of work for the capital improvements include **preservation** and **restoration** of the underlying structure, roof, windows, and interior finishes. The scope also includes **rehabilitation** to the house and site necessary to make the facility accessible in accordance with the Americans with Disabilities Act and the Massachusetts Architectural Access Board regulations and compliant with the Massachusetts State Building code. In addition to facilitating code compliance, the rehabilitation work is also necessary to make the facility fully functioning for its intended use as an historic house museum.

MGL c.44B allows the use of CPA funds for the acquisition, preservation, restoration, and rehabilitation of historic resources. The property clearly meets the Act's definition of historic resource because it is individually listed on the National Register of Historic Places, thus also listed on the State Register. Its historic significance is also recognized by the City of Newton through its designation as one of the City's first Local Landmarks in 1993.

In addition to the preservation and restoration elements of the scope of work, the rehabilitation elements also comply with the statute. "Rehabilitation" is defined in Section 2 of MGL c.44B as follows (emphasis added):

. . . the remodeling, reconstruction and making of extraordinary repairs to historic resources, open spaces, lands for recreational use and community housing for the purpose of making such historic resources, open spaces, lands for recreational use and community housing functional for their intended use, including but not limited to improvements to comply with the Americans with Disabilities Act and other federal, state or local building or access codes. With respect to historic resources, rehabilitation shall have the additional meaning of work to comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties codified in 36 C.F.R. Part 68.

In regard to compliance of the work with the Secretary of the Interior's Standards for Rehabilitation, no analysis has been put forth to date. The CPC would rely on a qualified professional to confirm compliance in this regard. This issue has been addressed in the CPC's recommended terms of funding.

Preservation Restriction on Open Lot

Purchasing the preservation restriction is also in compliance with MGL c.44B in that the Act allows for the acquisition of real property and real property interest for a CPA purpose, in this case the purpose of historic preservation. The subject lot, which is adjacent to the house lot, meets the statutory definition of historic resource in that it has been determined by the local historic preservation commission to be significant in the history of the city, through the letter from John S. Rodman, chair of the Newton Historical Commission, dated 9/7/2006 (see application, second section "Community Support").

The Act defines "acquire" as ". . . obtain by gift, purchase, devise, grant, rental, rental purchase, lease or otherwise. . .". Furthermore, the Act defines "real property interest" as ". . . a present or future legal or equitable interest in or to real property, including easements and restrictions,"

Section 12 (a) of the Act states:

*A **real property interest** that is purchased with monies from the Community Preservation Fund shall be bound by a **permanent deed restriction** that meets the requirements of [chapter 184](#), limiting the use of the interest to the purpose for which it was acquired. The deed restriction shall **run with the land and shall be enforceable** by the city or town or the commonwealth.*

The preservation restriction would permanently protect this historic landscape from any future development, would be held by the City, and would require approval by the Newton Historic Commission for future modifications to the site.

FINDINGS OF COMPLIANCE WITH NEWTON'S CPA GOALS

The Durant Kenrick Homestead project would achieve several of Newton's overarching and historic preservation CPA goals, as described in more detail to follow.

Overarching Goals

The project achieves all but one of the overarching CPA goals as listed in the Community Preservation Plan FY07. The one goal the project does not achieve is serving more than one CPA category, as the project is only for historic preservation. The overarching goals the project will achieve are described below.

Contribute to the preservation of Newton's unique character, boost the vitality of the community, and enhance the quality of life for its residents.

The preservation of this historic site and house not only contributes to the character of the immediate neighborhood, but to the community as a whole as one of the oldest antique houses existing in Newton today on grounds that provide a glimpse of its historic context – a house surrounded by a 90+ acre nursery – so divergent from what the neighborhood has become.

In addition, the proposed programming to actively interpret the history of the house, property, and neighborhood; adult workshops on historic house and landscape restoration; and extensive engagement of Newton public school students as part of their standard curriculum provide valuable benefits to the community.

Demonstrate the highest cost/benefit value relative to other proposals.

FY07 proposals for CPA funding range from \$8,030 (Bronze Door Restoration) to \$2.71M for the Durant Kenrick Homestead project. Although this project is the most expensive proposal before the CPC in this funding round, the project's aspirations and merits far surpass the typical CPA project. This project would create a new community resource that, with a public use easement as a condition of funding, would be permanently open to the public no less than 100 days annually. The Durant Kenrick Homestead provides an extraordinarily rare opportunity to preserve and interpret Newton's colonial past like no other resource in Newton.

Leverage other private and public funds.

The ambitious budget being proposed by the applicants projects its ability to acquire over \$1.37M through community fundraising/capital campaign. The project has already secured commitments for \$300K from the Durant Homestead Foundation and \$100K from the Riley Foundation. The Historical Society has already hired a professional fundraiser to coordinate an extensive capital campaign. The capital campaign is projected to cost \$148K.

Please note that one of the financing scenarios that was originally proposed by the applicants was a "community assessment" on neighborhood properties, based on the golf course precedent. This scenario is no longer part of the proposal due to the various complications involved in enacting such an assessment and the fact that the assessment could not be levied in perpetuity.

Preserve a resource or opportunity that would otherwise be lost.

The opportunity to secure the preservation of the house, its lot, and the adjacent land as a fully-functioning and actively-interpreted historic house museum would be lost if CPA funding is not granted as "the first dollars in". The CPA funding would be used to not only leverage the substantial additional funds required for this project, but also to provide firm ground for the project so that the Historical Society can accept the generous donation of the house, land, and collections from the Durant Homestead Foundation.

Show that a project is the most reasonable available option to achieve the objective.

Through the initial \$77.5K grant from CPA, the applicants hired a team of experts in the field of historic preservation to assess the property's needs and develop a restoration/rehabilitation plan for creation of an historic house museum. In addition, the professional team was lead by a team of volunteers who are noteworthy in their own right for their expertise in historic preservation and museum sciences including: Jane O'Hern, Paul Eldrenkamp, Larry Bauer, Russel Feldman, Jay Walter, John Rodman, Susan Abele, and Cindy Stone. It is upon this plan that the applicants based its thorough and thoughtful proposal.

Demonstrate strong community support.

The application included numerous letters stating strong support for the proposal. The letters were submitted from the following organizations/individuals: Durant-Kenrick Neighborhood Steering Committee and Friends of Durant Kenrick, Chestnut Hill Association, Marietta Marchitelli, Board Member of the Newton Historical Society, Newton Corner Neighborhood Association, Newton Historical Commission, abutters Carl and Suzanne Cohen, Farlow Hill Neighborhood Association, and the Newton School Committee. In addition, the League of Women Voters submitted an analysis generally supporting the project, stating that "This seems to be the kind of one-time opportunity for which the Community Preservation Act was designed." The League qualifies this support with a number of specific questions and comments regarding the proposed use of the building as a house museum and the financing scenarios.

Serve to equitably distribute CPA funds throughout the City.

Out of the more than 50 projects that have been funded with CPA funds in Newton, only three projects are located in near vicinity to the neighborhood of the Durant Kenrick Homestead: Newton Corner Library, Farlow/Chaffin Park, and East Parish Burying Ground. The FY07 applications also include projects in West Newton, Newton Centre, as well as citywide projects.

Historic Preservation Goals

The Durant Kenrick Homestead proposal achieve four out of the six historic preservation goals set forth in the Community Preservation Plan. The two goals it does not meet are either not applicable (as in the case of goal 1 – preserving a municipally owned resource) or not available (as in the case of

goal 6 – address goals raised in the Citywide Preservation Plan). The four goals the project will achieve are described in more detail below.

Support the preservation and restoration of privately owned properties that are on the National/State historic registers, or that have been landmarked. . .

This project would clearly preserve and restore a privately owned property that is both on the National and State historic registers and is a local landmark.

Encourage protection of resources that retain their historical integrity, in terms of location, context, design, style, workmanship, and materials.

As the "*Architectural/Historical Evaluation of House*" by Anne Grady, Architectural Historian, makes clear, the historic fabric from the Colonial era, as well as changes from subsequent historic eras are intact and retain historical integrity. In addition, the house retains historical integrity in regard to its location (being located in its original siting) and its historic context – that of being surrounded by a large nursery - is preserved to the greatest extent possible at this time, with the preservation of the adjoining open lot.

Enable access to the resource by the public, including access by disabled residents.

The applicant's plans for opening the resource to the public as a fully-functioning, actively-interpreted house museum, plus the rehabilitation plans to provide handicap access to both main levels of the house and the grounds clearly achieve this goal.

Support the objectives and priorities of the local historic preservation organizations, such as the Newton Historical Society, the Newton History Museum . . .

The applicants for this project are the Newton Historical Society and the Newton History Museum. In addition, the Newton Historic Commission has expressed strong support for the project and stated that it is a priority.

RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE

The Community Preservation Committee is pleased to strongly recommend funding the Durant Kenrick Homestead project. The CPC has carefully and thoroughly reviewed and evaluated this application for CPA eligibility under MGL c.44B and for consistency with Newton's CPA goals. The CPC held a public hearing in November 2006 and deliberated over the course of four working sessions held from November through March.

With this docket item the CPC intends to recommend \$1.27M in return for a preservation restriction on the adjacent open lot at the corner of Waverly Avenue and Kenrick Street. This recommendation is framed as a "challenge grant", as the release of funding would be tied, through the agreement, to matching funds obtained by the Newton Historical Society through an extensive capital campaign.

Therefore, the Community Preservation Committee voted unanimously on March 28, 2007 to recommend phase Ii funding for the Durant Kenrick Homestead preservation project as a grant in the amount of \$1.27M.

The CPC further recommends that the funds be appropriated under the control of the Newton History Museum (Jackson Homestead) and that the following nine (9) terms be incorporated in the agreement between the City and the Newton Historical Society:

1. That the funds be used for the preservation, restoration, and rehabilitation scope as described by McGinley Kalsow & Associates in "*The Durant Kenrick Homestead: A Program for Renovation and Restoration by the Newton Historical Society.*"

2. That after CPA funds have been approved for appropriation by the Board of Aldermen for this project, the grant recipient be required to submit a project status report to the Community Preservation Committee, or its designee, on a quarterly basis until project completion.
3. That prior to release of any CPA funds, the final scope of work be certified by a qualified professional, at the expense of the grant recipient, for compliance with *The Standards for Rehabilitation stated in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties codified in 36 C.F.R. Part 68*. A written record of the certification be submitted to the Community Preservation Committee, or its designee, prior to release of CPA funds.
4. That all zoning relief and waivers from the Massachusetts State Building Code and the Massachusetts Architectural Access Board be received. Records of such relief and waivers be submitted to the Community Preservation Committee, or its designee.
5. That prior to release of any CPA funds, the property at 286 Waverley Avenue be bound by a preservation restriction and/or instruments as follows:
 - a. Requiring that the property be open to the public on a regular basis in perpetuity.
 - b. Prohibiting modifications to the interior of the historic house (not including new construction) except upon approval by the Newton Historic Commission, or its designee, in perpetuity.
 - c. Prohibiting modifications to the site, including the entire exterior of the historic house and any new construction except upon approval by the Newton Historic Commission, or its designee, in perpetuity.⁶
6. That prior to the release of any CPA funds, the grant recipient secure funding in an amount not less than \$635,000 of \$635,000 for phase I, and \$265,000 for phase II.⁷
7. That the project commence no later than two years after appropriation of CPA funds unless the grant recipient receives an extension of time from the Director of Planning and Community Development.
8. That the project be complete no later than 4 years after appropriation of CPA funds unless the grant recipient receives an extension of time from the Director of Planning and Community Development.
9. That promptly after substantial completion of project, the grant recipient submits to the Community Preservation Committee a final development project cost statement. Any portion of the grant not used for the purposes states herein be returned to the Newton Community Preservation Fund.

⁶ Note: The exterior preservation restriction is intended to strengthen the property's existing protections under the Local Landmark Ordinance, which only protects historic elements that are visible from a public way.

⁷ For the entire project, including both phases I and II, funds to be raised from the community before CPA funds are released total \$900,000.