



September 15, 2011

Cindy Stone  
Director

## The Commonwealth of Massachusetts

Historic Newton William Francis Galvin, Secretary of the Commonwealth  
527 Washington Street  
Newton, MA 02458  
Massachusetts Historical Commission

RE: Durant Kenrick Homestead Renovation, Ell Demolition, New Accessible Entry & Classroom Project, Newton, MA. MHC #RC.49888.

Dear Ms. Stone:

Staff of the Massachusetts Historical Commission (MHC) have reviewed the additional information that you provided for the project referenced above.

On July 15, 2011, the MHC determined that the project that includes the demolition of a ca. 1925 porch, garage and shed, and a ca. 1870 attached ell, is an "adverse effect" (950 CMR 71.05(a)) on the State Register-listed property.

Historic Newton has determined that it is not feasible to avoid and preserve significant archaeological features and deposits in the project construction impact area. Destruction of the archaeological features and deposits will have an "adverse effect" (950 CMR 71.05(a)) on the State Register-listed property. Consideration is underway by Historic Newton to reconstruct an archaeological feature in proximity to its original location, but plans for that initiative are not yet finalized. The MHC requests that the location chosen to reconstruct the feature is located in an area that has been sufficiently archaeologically investigated to avoid creating any additional impacts to archaeological resources.

A draft Memorandum of Agreement (MOA) has been developed by the MHC for the project. To assist in finalizing the MOA, it is important that all those with a role in the project are signatories. The MHC requests clarification as to whether the Durant Homestead Foundation Inc. has any role in the state funding aspect of the project, such as a co-applicant for state funding. If not, reference to the foundation in the draft MOA will be deleted.

The MHC would appreciate receiving any written comments on the draft MOA stipulations. The MHC will mail copies of the final MOA to all the MOA signatories. The MHC will request that only the original signed and dated signatory page be returned by each signatory by mail or delivery to the MHC's office. A copy of all the signatory pages will be mailed by the MHC to each MOA signatory (see the Draft MOA, Stipulation 6).

These comments are offered to assist in compliance with MGL c. 9, ss. 26-27C (950 CMR 71). Please contact Edward L. Bell of my staff if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Brona Simon".

Brona Simon  
Executive Director  
State Archaeologist  
Massachusetts Historical Commission

### Enclosure (Draft MOA)

xc w/enclosure:  
Roger C. Avery, Durant Homestead Foundation, Inc.  
Anita Walker, Massachusetts Cultural Council  
Steven J. Chilton, MassDevelopment  
Brian Lever, Newton Planning Department  
Newton Historical Commission  
Michael Steinitz, MHC  
Ross Deckle, MHC  
David B. Landon & Christa M. Beranek, Fiske Center  
Scott Aquilina, Ann Beha Architects

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**MEMORANDUM OF AGREEMENT  
AMONG THE MASSACHUSETTS CULTURAL COUNCIL,  
MASSACHUSETTS DEVELOPMENT FINANCE AGENCY,  
HISTORIC NEWTON, [DURANT HOMESTEAD FOUNDATION, INC.], AND  
MASSACHUSETTS HISTORICAL COMMISSION  
FOR THE DURANT-KENRICK HOMESTEAD RENOVATION PROJECT**

WHEREAS, The Durant-Kenrick House at 286 Waverly Avenue, in Newton, Massachusetts, (“the property”) is listed in the State Register of Historic Places; and

WHEREAS, Historic Newton [*with the Durant Homestead Foundation, Inc.*] (“the proponent”) proposes a renovation project that included the demolition of the ell, porch and garage and the construction of a new accessible entry and classroom building at the property (“the project”); and

WHEREAS, the proponent intends to use a Massachusetts Cultural Facilities Fund grant from the Massachusetts Cultural Council (“MCC”) and the Massachusetts Development Finance Agency (“MassDevelopment”) for the project; and

WHEREAS, the Massachusetts Historical Commission (“MHC”) has determined that the project will have an adverse effect on the property under 950 CMR 71.05(a) through the demolition of portions of the structure, and by new construction that will remove significant archaeological features and deposits;

WHEREAS, the Newton Historical Commission has been invited to consult concerning the adverse effect of the project and to concur in this Memorandum of Agreement (“MOA”);

WHEREAS, no prudent alternatives to the demolition and new construction exist that would avoid the adverse effect of the project; and

NOW THEREFORE, the MHC, MCC, MassDevelopment, and the proponent agree that the project shall be undertaken and implemented in accordance with the following stipulations to mitigate the adverse effects of the project:

**STIPULATIONS**

**1. Maintenance of Archival Record:** Historic Newton and its architectural consultant have compiled archival documentation of the property prior to and after its demolition. Some archival documentation is also held by the Newton Historical Commission. The proponent shall obtain a copy of the architectural documentation presently held by its architectural consultant, shall provide a copy of the documentation to the Newton Historical Commission, and the proponent shall maintain and retain its copy of the documentation in perpetuity. Should it not be possible for the proponent to maintain and retain the documentation in perpetuity, the proponent shall locate a suitable archival repository for the documentation and shall notify the MHC and the Newton Historical Commission of the transfer of the archival documentation to another repository.

**2. Archaeological Monitoring, Treatment, Recording, and Curation of Artifacts, Specimens, and Records:** Simultaneously with the ground preparation aspect of the project for the new construction, the proponent shall have a qualified archaeological consultant implement a suitable archaeological research design and methodology for archaeological monitoring, field excavation and recording, systematic recovery of significant artifacts and specimens, technical reporting, and curation of the archaeological artifacts, specimens, and records, all as approved by the State Archaeologist pursuant to MGL c. 9, ss. 26-27C and 950 CMR 70.

**3. Review of New Construction:** The proponent shall continue to consult with the MHC to finalize the plans and specifications for the new construction; to adopt feasible alternatives to avoid and preserve significant historic elements of the property; and, to adopt design plans and specifications that are consistent with the Secretary of the Interior's *Standards for the Treatment of Historic Properties*.

**4. Review of Project Changes:** The proponent shall provide to the MHC scaled project plans, drawings, and photographs for any project change for the MHC's review, comment, and consultation pursuant to MGL c. 9, ss. 26-27C (950 CMR 71). The proponent shall concurrently provide the same information to the Newton Historical Commission for review and comment.

**5. Amendment of this MOA:** Any signatory party to this MOA may propose that this MOA be amended, whereupon the signatory parties to this MOA will consult to consider such amendment. The amendment will be effective on the date a copy signed by all of the signatories is filed with the MHC.

**6. Execution and Effective Date of this MOA:** This MOA may be executed by signature in counterparts. Each counterpart copy shall constitute an agreement, and all of the counterpart copies shall constitute one fully executed agreement. This MOA shall become effective on the date of the last signature. The MHC shall ensure that each of the signatories and the concurring party each receive a copy of the fully executed MOA.

Execution and acceptance of this MOA and implementation of its terms shall constitute compliance with the requirements of MGL Chapter 9, Section 26-27C as amended, and 950 CMR 71.

**SIGNATORIES**

HISTORIC NEWTON

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Cindy Stone, Director

*[DURANT HOMESTEAD FOUNDATION, INC.]*

By: \_\_\_\_\_ Date: \_\_\_\_\_  
*Roger C. Avery, President]*

MASSACHUSETTS HISTORICAL COMMISSION

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Brona Simon, Executive Director & State Archaeologist

MASSACHUSETTS CULTURAL COUNCIL

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Anita Walker, Executive Director

MASSACHUSETTS DEVELOPMENT FINANCE AGENCY

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Marty Jones, President & CEO

CONCUR:  
NEWTON HISTORICAL COMMISSION

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Donald Lang, Chair