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**MINUTES OF EMERGENCY MEETING
NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION**

DATE: December 10, 2020

PLACE/TIME: Fully Remote
7:00 p.m.

ATTENDING: Jeff Riklin, Chair
Scott Aquilina, Member
Judy Neville, Member
Daphne Romanoff, Member
Jay Walter, Member
Barbara Kurze, Staff

ABSENT: Laurie Malcom, Member
Paul Snyder, Member
John Wyman, Alternate

The emergency meeting to discuss the potential violations of the City of Newton Ordinance Chapter 22 Sec. 22-40 at 959 Chestnut Street and to discuss possible enforcement was called to order at 7:00 p.m. with Jeff Riklin presiding as Chair. Voting permanent members were S. Aquilina, J. Neville, D. Romanoff, and J. Walter. B. Kurze acted as recording secretary and the meeting was recorded on Zoom.

J. Riklin explained the emergency meeting process. J. Walter would summarize his letter and findings from the December 3, 2020 site visit. The owners would have five to ten minutes to present, each abutter and neighbor would have two minutes to comment, the Commission would discuss the matter and then take a vote.

959 Chestnut Street – Certificate of Appropriateness (Violation)

J. Walter summarized his findings from the December 3, 2020 site visit. There were several changes from the approved drawings. Basement windows were added to the right side of the rear ell and more of the foundation was exposed. At the back, the grade dropped more, stairs and walls and a door were added, and the trim details were different. On the front elevation, there was space between the eaves and the window headers and the garage and front house block were not on the same plane. There were new retaining walls. The grades were not final, but would be different from what was approved and needed to be scrutinized. He

could not measure the height of the building and recommended that the Inspectional Services Department confirm the first floor to ridge height. But based on what he observed and the relationship of elements like the windows to the roof, he thought the main house structure was rebuilt taller than the original.

Mario and Gerhard Sinani responded to the items listed in the December 3, 2020 site visit letter. They said the basement windows and exposed foundation were not visible from a public way. The dimensions of the installed windows matched what the Commission had approved; 33-inches by 53-inches. The changes to the window program on the left side of the garage were not visible from a public way and were not a detriment. The gap between the window headers and the frieze board was the result of the 8-inch frieze board that the Commission approved; the original may have been 10 inches. This detail was similar to the frieze board at 960 Chestnut Street and was not a detriment. The owners would submit an as-built drawings for the location of the garage light fixtures and for the rear elevation conditions on the addition which were not visible and were the result of a field decision. They said that the new retaining walls, new walls and stairs at the back, and change to the garage floor were required. The height matched what was approved by the Inspectional Services Department. Commission members stated that the height was required to match what the Commission had approved which was the original building height.

Neighbors and abutters were concerned about the frequent violations, plans not being followed, the number of changes made without approvals, and issues with the building site and construction. The building collapse put the neighbors at risk, the grade was raised in the back, and dirt brought in to raise the grade created a flooding risk. Melissa Brown said that the sight lines had changed, and the building height was increased. She noted that the basement windows were visible from the sidewalk. Councilor Crossley was concerned that the new building could be taller than the original and about the number of changes made without approvals. She noted that elements behind plantings and fences should still be considered visible from a public way if those elements would be visible without the plantings and fences. The back of the property was visible from Ellis Street.

J. Walter said the changes needed to be addressed; the grading changes and height changes were the most significant. The owner needed to come back with accurate as-built drawings that included the height and gradings. S. Aquillina said the Commission needed to determine what was appropriate and required accurate drawings, dimensions, and surveys. The number of changes without approvals was beyond the norm; he was concerned that the abutters had issues as well. D. Romanoff said it was a mistake for the owners not to have hired an architect who would have provided accurate details and understood the field conditions. The Commission needed to make a determination as to what was in violation. J. Neville was concerned that the owners had wanted to demolish the building from the beginning, partly because of concerns with the headroom. The Commission had worked through the process to preserve the main house block similar to what was done with other properties, and had expected that the work on this project would be done according to what was approved.

Staff advised that the Commission needed to make clear motions about the violations and about the Inspectional Services Department enforcement. J. Walter moved to determine that there were existing violations per the December 3, 2020 site visit memo. J. Riklin seconded the motion. There was a roll call vote and the motion passed unanimously, 5-0. J. Walter moved to send the determination of violations to the Inspectional Services Department for enforcement, to request that the Inspectional Services Department survey the height of the main house block, and to request that the Inspectional Services Department conduct enforcement for all the violations. J. Neville seconded the motion. There was a roll call vote and the motion passed unanimously, 5-0.

Materials Reviewed:

December 3, 2020 site visit letter
 Plans approved by Historic October 2019
 Photographs
 Aerial and topo views
 MHC Form B
 October 2019 decision

RECORD OF ACTION:**DATE:** December 15, 2020**SUBJECT:** 959 Chestnut Street – Motion to Determine Existing Violations

At a scheduled meeting on December 10, 2020 the Newton Upper Falls Historic District Commission, by roll call vote of 5-0,

RESOLVED to determine that there are existing violations per the memo from Jay Walter dated 12-3-2020 that describes what he observed during the site visit with Commissioner John Lojek. The violations include: major grading changes, more foundation exposed, basement windows added are different from the approved “Right View” drawing; double hung windows which are wider than what is shown on the approved drawings; window configuration on the garage gable is different from the approved “Left View” drawing; more space between the window heads and roof eave on the front elevation than was approved on the “Front View” elevation; more space between the light fixtures and the top of the garage doors than shown on the approved “Front View” drawing; the trim details of the gable end, door location, windows, exposed basement wall, door, exterior walls, and stairs are not as shown on the approved “Rear View” elevation; new retaining walls on the north side which are not shown on the approved Civil Plan; the first floor height is higher relative to the garage floor than shown on the approved “Front View” elevation; and based on observations at the site, the building is higher than what was approved on the drawings.

Voting in the Affirmative:

Jeff Riklin, Chair

Scott Aquilina, Member

Judy Neville, Member

Daphne Romanoff, Member

Jay Walter, Member

RECORD OF ACTION:**DATE:** December 15, 2020**SUBJECT:** 959 Chestnut Street – Motion to Send Notice of Violation to Inspectional Services Department and Request Enforcement

At a scheduled meeting on December 10, 2020 the Newton Upper Falls Historic District Commission, by roll call vote of 5-0,

RESOLVED to send the notice of violation to the Inspectional Services Department (ISD) for enforcement action and request that ISD confirm the height of the existing buildings compared to what was approved by hiring a licensed surveyor to determine these calculations and to determine the existing grade of the site. And further request that ISD do an instrumented survey to verify the height of the ridges, and the floor heights, and the grades around the building. And that ISD conducts enforcement for all the violations in due time.

Voting in the Affirmative:

Jeff Riklin, Chair
Daphne Romanoff, Member

Scott Aquilina, Member
Jay Walter, Member

Judy Neville, Member

The meeting was adjourned at 8:00 p.m.

Recorded by Barbara Kurze, Senior Preservation Planner