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**MINUTES OF PUBLIC MEETING AND PUBLIC HEARINGS  
NEWTON HISTORICAL COMMISSION**

**DATE:** August 26, 2021

**PLACE/TIME:** Via Zoom

<b>ATTENDING:</b>	<b>Peter Dimond, Chairman</b>	<b>Doug Cornelius, Member</b>
	<b>Katie Kubie, Member</b>	<b>Mark Armstrong, Member</b>
	<b>Nancy Grissom, Member</b>	<b>Amanda Stauffer Park, Member</b>
	<b>Jennifer Bentley-Houston, Alt</b>	<b>Katy Hax Holmes, Staff</b>
	<b>Valerie Birmingham, Staff</b>	<b>See Attendance List</b>

**ABSENT:**

The meeting was called to order via Zoom at 7:00 p.m. with Peter Dimond serving as Chair. Voting permanent members were Cornelius, Kubie, Armstrong, Grissom, and Stauffer Park. Grissom left after the conclusion of the first item and Bentley-Houston was designated to vote as an alternate. Valerie Birmingham acted as Zoom host and the meeting was digitally recorded on the Zoom device.

The mayor, city councilors and Commission members acknowledged that this was Katy Hax Holmes' last meeting and thanked her for her work as the Chief Preservation Planner for the City of Newton.

In reference to the first item on the agenda, 29 Greenwood Street, the mayor remarked that she shared the sense of outrage, and she supported the Historical Commission imposing the strongest measure possible and looked forward to working with the Historical Commission to ensure it never happened again.

1. **29 Greenwood Street, LL – Request to Remediate Violation (Ward 8)**  
**Request review of proposed plans to remediate violation**

Franklin Schwarzer, attorney, and Donald Lang, architect, on behalf of the owner, went over the submitted plans with Commission members. Lang discussed how his team had put together a submittal with the objectives that include to repair what was remaining of the historic structure and reconstruct

the structure with as many traditional methods and materials as possible and to construct a historically accurate exterior which would include incorporating and repairing existing elements which had not been discarded, such as the window frames, and measuring and replicating when elements could not be reused. Lang further went over the proposed repair and reconstruction of the structure and submitted materials in more detail with the Commission members.

Staff reported that the proposed plan appeared to preserve remaining material from the original house and rebuild the structure. At the May 27<sup>th</sup> hearing when this property was last discussed, staff reported that the Gershom Hyde House was constructed c.1744, making it one of the oldest residences in Newton. This property was individually listed on the National Register of Historic Places in 1986 and designated a Newton Local Landmark in 2005. The Gershom Hyde House came before the Newton Historical Commission in 2017, 2018 and 2019 for extensions to a Certificate of Appropriateness certificate that was approved in 2017 for restoration of the house and construction of a rear addition. The property changed hands in January of this year and work commenced based on the previously approved plans. An ISD building inspector visited the site on April 27<sup>th</sup> of this year and observed that the historic house had been replaced by new framing. A Stop Work order was issued by ISD for violations of the NHC approval of this project, and work at the site ceased. The work observed at the site was not in keeping with the previously issued Certificate of Appropriateness and was undertaken without a new Certificate of Appropriateness that may have permitted full demolition of the structure.

At the May hearing, the NHC voted to find 7-0 that the work at 29 Greenwood Street was in violation of the Certificate of Appropriateness that was previously issued for this project and that the Stop Work Order imposed by Inspectional Services would remain in effect. The NHC also voted 7-0 to authorize tarping at the site and over dumpsters in accordance with site restrictions imposed by ISD via the Stop Work Order. Lastly, the NHC voted 7-0 to authorize fines on the owner, beginning on the day the second Stop Work Order was imposed, April 30, 2021, in accordance with the Local Landmark ordinance as revised in July 2020.

Dimond asked the representatives of the owner what they were seeking at the hearing. Franklin Schwarzer commented that they did not have a plan set ready and wanted to provide an update and show the Commission the plans they have thus far to receive feedback. Dimond inquired about the foundation and chimney. Schwarzer answered that the approved plans showed a new foundation, which has been poured, that the chimney was to be rebuilt above the roof, and that the plan has incorporated historic elements on the interior which the Commission would likely not have jurisdiction over. Grissom asked about replicating the interior staircase and suggested asking the previous owner about it. Donald Lang answered that the staircase was not there when he visited the site and that he did not think the Preservation Restriction covered the interior, though he would try to look and ask Historic Newton about it. Armstrong asked for clarification on the floor plan, to which Lang clarified the footprint was the same as the original structure as the old frame had been cut off. Cornelius asked about the submitted plans not showing the rear addition. Lang responded that the foundation had been poured and he was brought in to focus on the rebuilding of the historic structure. Cornelius further commented that the large addition was approved as it was realized it would take a lot of time and energy to restore the historic house, and that once the historic house was demolished, the approval of the rear addition was lost, and he was not comfortable without seeing the entire plan.

The meeting was opened to public comment. Councilor Crossley commented on Lang's work plan to put the structure back together, and that it must be an extraordinarily expensive undertaking. She commented that she was angry with what happened and would still like to see better accounting for existing conditions. Councilor Wright commented that the owner's representatives were referring to the structure as restored, but in her opinion, everything is new, and that the use of fiberglass gutters and a veneer chimney was inappropriate. Councilor Lipof commented about using different materials but replicating the dimensions, and remarked the situation was disheartening but commented on Lang's ability and was looking to see plans that get as close as possible to reproducing the house. Further he commented that some of the things being suggested by people are not viable, and that the fine matters, time is costing the owner, and punitive actions cannot be taken by the Commission and there needs to be a resolution. Councilor Malakie inquired about the payment of the fines. Andrew Lee, Assistant City Solicitor, remarked about the status of the fines and payment. Councilor Malakie asked about the reconstruction of the clapboards to which Lang described the intended clapboards, as well as she inquired about how to trust the owner moving forward.

Jared Friedman commented that he was a former occupant of the house and that the proposal was more of a pastiche and that the integrity of the house had been destroyed, and that he was not sure if building in its place is respectful to those who cared about the building. Anne Greer, 31 Greenwood St, remarked that she did not want her silence as an abutter to be construed as conspicuous as they just purchased the house, and wanted to express support to the Commission, but did express concern over the tarping of the historic materials that still exist. Dennis Rieske stated that Donald Lang did a credible job, and it should be conditioned he stay architect of record and provide affidavits. Jay Walter, 83 Pembroke St, remarked that he had submitted a memorandum to the Commission for the record after reviewing the submittal and that the drawings raise as many questions as they answer, and it is not a remediation of demolition. Rena Goetz of Waban remarked that the landmark is gone, and it was disrespectful to the city and community, and that there was no compliance with the Landmark Ordinance. She stated that there was no ability to remediate what had been destroyed and the remediation should be denied. Jared Schwartz, an abutter, commented that he felt eminent domain was a viable option and inquired about if this was an equitable solution, what would stop this occurring in the future, and what is a developer going to pocket in terms of profit after the building is sold. Franklin Schwarzer, attorney for the owner, replied his client was incurring significant financial penalties, they were trying to put the best solution they can conceive forward for the city to get the house back, and he mentioned that councilors were looking at how this could be avoided in the future. Stephen Farrell of Winston Road commented on the petition signed to date at the time of the meeting by 660+ Newton residents and emphasized that the Historical Commission has only designated 26 properties as landmarks. Further, he remarked about what occurred and that the owner knew of the landmark status of the property, and that the house and its history was gone, and the Historical Commission should use its authority and deny the developer's request. Daniel Pincus mentioned the history and landmark report, specifically a remark about the setting, and commented that a reconstruction would be an asset to the neighborhood and the architect has shown a good plan. Donna Podolsky, 14 Greenwood St, commented that she watched the destruction of the house and that how the Historical Commission handled this would set a precedent.

In response to a clarification question regarding eminent domain from Councilor Lipof, Andrew Lee, Assistant City Solicitor, remarked that the Historical Commission was looking at the owner's proposed

plan for remediation to make comments on, and that it was his understanding that the owner was not seeking any action at this time. Franklin Schwarzer, attorney for the owner, confirmed this understanding. Additionally, Assistant City Solicitor Lee stated that eminent domain is not a tool to punish an individual, but the law department was looking into appropriate punitive measures, which are mostly currently in place.

Stauffer Park commented that she felt the Commission was treating it like a normal property than a landmark, and that she would like to achieve a sense from the Commission what it wants to see at the site and from the owner, and that it should be sorted out prior to getting into the details of the submittal. Bentley-Houston commented that she objected to the fact that the windows were being restored, but the gutters are proposed to be fiberglass and chimney veneered and was not sure why the Commission would accept modern materials if the house is to be replicated. Kubie inquired if landmarks were ever unlandmarked because the materials were gone and she did not think of it as a landmark anymore, and that she would like to see a large plaque in front of the site to acknowledge the past of the house. Further, she inquired about if it was possible to no longer allow the addition now that the house was destroyed.

The Commission members discussed next steps, and Assistant City Solicitor Lee remarked that it seemed this should be treated more like a discussion item rather than an action item based on the comments and confirmation stated by the owner's attorney, Franklin Schwarzer stated earlier in the meeting that no action was being requested, and the Commission could choose to hold the item. Cornelius remarked that the owner and his representatives had not actually asked for anything aside from comments, which were provided, and there was nothing further for the Commission to act on. Schwarzer asked the Commission for any additional feedback. Cornelius remarked that it did not make sense to return to the Commission with plans that did not show the entire project. Dimond remarked that submittal was artificial and incongruous to the architectural character of the landmark.

2. **Westfield Road, LL – Request for Certificate of Appropriateness (Ward 3)**  
**Request to revise plan to install hardscaping, landscaping, pool**

Treff Lafleche, architect for the project, went over the proposal with the Commission.

Staff reported that at the July hearing, Treff LeFleche, architect for this project, presented a Certificate of Appropriateness application for revisions to the approved house design and hardscape at this location. Plans for a new house at this location came under NHC review because this site was preserved as a Landmark Preservation Site when it was subdivided from the landmarked lot at 128 Chestnut Street.

Commission members requested information on trees, species, and proposed heights for potential screening of proposed items, and asked for a landscaping plan since the landscape was "going to be pulled out and then replaced" according to the applicant.

Commission members commented that the proposal had no impact on 128 Chestnut Street.

Lorraine Gray, abutter, remarked that she had concerns over the proposal including meeting minimum zoning requirements, the removal, damage and replacement of trees, and impact on drainage. Further, she stated the setting should have landscaping not hardscaping, and some of the character should be preserved.

Dimond made a motion to approve the request for a Certificate of Appropriateness as submitted. Cornelius seconded the motion.

At a scheduled meeting and public hearing on August 26, 2021, the Newton Historical Commission, by a vote of 6-0-0:

RESOLVED to approve a Certificate of Appropriateness for the following proposed changes at Westfield Road, LL: installation of a driveway, retaining walls, vegetation, pool, fencing, and patio based upon the approved plans.

Voting in the Affirmative:      Voting in the Negative:      Abstained:

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

3. **31 Greenwood Street, LL – Request for Certificate of Appropriateness (Ward 8)  
Request to install new hardscaping, porch, mailbox, fence, generator**

Ivan Hernandez, architect, and Anne Greer, owner, discussed the proposal with the Commission.

Staff reported that the new owners of this house were returning to the Commission to clarify their plans and request a Certificate of Appropriateness for a new location for a walkway, a new rear porch, a mailbox, a fence, and a generator. Plans that were presented at the July hearing were incomplete and the Commission requested that the owner return to a future hearing.

Plans for the new barn/house at this location came under NHC review because this site was preserved as an individual Local Landmark when it was subdivided from the larger property at 29 Greenwood Street.

Commission members inquired about the location and screening of the generator, mailbox, and proposed screen porch. The applicant clarified the mailbox's location next to the right-side door, the generator's location to the right side of the deck and that it would be screened with the same fence as the perimeter fence and painted white. Further, Ms. Greer discussed the visibility of the proposed rear screen porch.

At a scheduled meeting and public hearing on August 26, 2021, the Newton Historical Commission, by a vote of 6-0-0:

RESOLVED to approve a Certificate of Appropriateness for the following proposed changes at 31 Greenwood Street: construction of a rear screen porch, cable rail railings on rear deck, relocation of rear stairs, mailbox on the right side of house next to door, fencing, walkway, and generator to the right side of property based on the approved plans.

Voting in the Affirmative:      Voting in the Negative:      Abstained:

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

4. **17 Johnson Place – Demolition Review (Ward 4)**  
**Request to demolish building**

Ward Shifman, applicant, went over the application and proposed plan for the property.

Staff reported that the wood framed house at 17 Johnson Place first appears on the 1874 Hopkins atlas, on land owned by Erasmus D. Johnson. Johnson is also listed as the owner of the property in 1886. The property originally had an Auburn Street address until it was changed to Johnson Place, which is named on the 1917 Bromley Atlas. By 1922 the property was owned by Joseph Fandrey, who permitted the construction of the detached two-car garage in 1925. Joseph Fandrey, an electrician, resided in the dwelling with his wife, Marie, and children. In 1929, Fandrey added a piazza to the front of the house, which was altered shortly thereafter when part of it was removed and added onto for a new first floor bedroom in 1932. The Fandrey family continued to own the property until 1989 when it was sold to Richard Belkin. The same year, a rear bump out was removed, and a large two-story addition was constructed, which arguably doubled the size of the house, and converted the structure into a two-family dwelling. Additionally, at that time the entire house was reshingled in an effort to blend the new construction with the 19<sup>th</sup> century house, and the windows likely replaced. The fieldstone foundation of the original structure differentiates itself from the 1989 addition, which was constructed with a cinder block foundation. In 2019, the Newton Historical Commission reviewed an application for the full demolition of the dwelling's direct abutter, 23 Johnson Place, which shared an owner with 17 in 1874, and voted to not preferably preserve the structure. Staff recommended not preferably preserving this property.

Cornelius remarked that he did not see much historical significance.

Dimond made a motion to preferably preserve the property at 17 Johnson Place. **There was no second to the motion, so the motion did not pass. The property is not preferably preserved.**

5. **164 Spiers Road – Demolition Review (Ward 8)**  
**Request to demolish buildings**

Jennifer Shea, owner, remarked that they wanted to build a beautiful house, and that she did not see any historical significance and remarked about the condition of the house.

Staff reported that located in Oak Hill Park, 164 Spiers Road was constructed in 1948 by owner Keltown Realty Co. and the builder/architect is listed on the permit as Kelly Corporation. The area of Oak Hill Park, which was constructed from 1948 to 1954, was surveyed in 2003, and the report stated it was “Built by the City of Newton as a complete community – the residential neighborhood incorporated a shopping center with supermarket, an elementary school, and playing fields – Oak Hill Park consisted of 412 single-family houses for veterans in a landscape design that emphasizes pedestrian circulation through green spaces...Oak Hill Park was the largest local project of its kind built under Chapter 372 of the Massachusetts Act of 1946, which allowed the city to borrow money beyond its debt limit to build housing for World War II veterans.” No building permits since 1948 were located for the structure. The Postwar traditional ranch structure at 164 Spiers Road continues to reflect its original plan and follows the typical basic design for the residences in the area, which is rectangular in massing, four bays across and two bays deep, with a side gable asphalt roof. In 1951 the property was owned by John Knox (United States Navy) and his wife Betty. Property owners included Robert Miller, an auto mechanic, in 1969 and David Lentz, an employee of Mt. Ida College in 1976. The Newton Historical Commission voted to preferably preserve this dwelling in 2006 and 2008. Staff recommended preferably preserving this property for historic context.

Benjamin Ginsblerg, participant in the hearing, advocated against the structure’s demolition and remarked about the significance of the area’s original development.

Cornelius remarked that the buildings themselves in Oak Hill Park do not have significance. Bentley-Houston remarked that the buildings are part of the city’s past and history. Armstrong commented that the buildings were poorly built, and he would like to preserve more noble structures. Kubie stated the development had strong historical significance. Stauffer Park agreed with Kubie stated the community had historical significance, and Dimond commented it should be preferably preserved.

Dimond made a motion to preferably preserve the property at 164 Spiers Road. Bentley-Houston seconded the motion

At a scheduled meeting and public hearing on August 26, 2021, the Newton Historical Commission, by vote of 4-2:

RESOLVED to preferably preserve the property 164 Spiers Road.

Voting in the Affirmative:      Voting in the Negative:      Recusal:

Peter Dimond, Chair  
Katie Kubie, Member

Doug Cornelius, Member

Amanda Stauffer Park, Member

Mark Armstrong, Member

Jennifer Bentley-Houston, Alternate

6. **7 Stonewood Drive – Demolition Review (Ward 8)**  
**Request to demolish buildings**

Luis Diazgranados, owner, remarked that the house had been through changes and that he was considering a gut renovation and additions, as opposed to demolition.

Staff reported that the lot at 7 Stonewood Drive was created in 1966 and the wood framed dwelling was constructed in 1968 by owner Charles Nardone. Nardone also owned and obtained permits for construction for 10 Stonewood Drive (1967) and 20 Stonewood Drive (1969), however Nardone opted to not use the same architect for the designs. The architect for 7 Stonewood Drive is listed as the firm Halen and Heaney, located at 83 Newbury Street in Boston. Henry Charles Heaney was born in 1917 and obtained a degree in architecture from McGill University in 1952. The 1962 AIA directory notes that Heaney was a former draftsman for the notable Shepley, Bulfinch, Richardson and Abbott firm soon after graduating. Staff could not locate any information regarding the firm on MACRIS. The dwelling's first owner, Alice Fitzgerald, is listed as a retiree in the 1976 directory. In 1987 owners Dennis and Cecile Herman obtained a variance from the Zoning Board of Appeals to construct a rear one-story addition, and again in 2004 for the construction of a sunroom on the right side of the house. Building permits note that changes to portions of the siding, and window and slider door replacements occurred in 2003 and 2010. Staff recommended not preferably preserving this property.

Dimond made a motion to preferably preserve the barn at 7 Stonewood Drive. **There was no second to the motion, so the motion did not pass. The property is not preferably preserved.**

7. **46-48 Athelstane Road – Waiver Request (Ward 6)**  
**Request to waive demo delay**

Boris Sincon, applicant, went over the revised plan with the Commission members.

Staff reported that plans presented at the June 2021 hearing were not approved for a waiver. This item appeared on the July 2021 agenda but the owner did not appear on the Zoom meeting to present plans or answer questions.

At the February 25<sup>th</sup> hearing, staff reported that built in 1927 by Daniel A. Hagen as a two-family house, this is one of several two-family homes on this block that were owned, designed, and constructed by Hagen. Initially living in Dorchester and later at 92 Athelstane, Hagen was a widower and builder from Canada who immigrated to the US in 1922. This typical 1920s architecture is blocky in appearance and is in a relatively unchanged section of Athelstane Road. Early occupants in the house were renters, but by 1946 the unit at #46 was owner-occupied by families headed by engineers, accountants, treasurers, and insurance agents. The house, and its immediate neighborhood, retains the same massing, scale and general appearance as it did when these two -family homes were constructed in the mid-to-late 1920s.

At the June 2021 hearing, Commission members reviewed the proposed replacement plans and found them wanting. Areas that were identified as needing further work: the side-pediment needed a



window; the plans were not depicted in relation to the recently completed project next door; there were windowless walls for no apparent reason; and the building had no architectural cohesion. The owner agreed to revise the plans and attend a future hearing. No vote was taken and the demo-delay on the property was not waived.

Commission members asked what had changed from the previous plan set, and the applicant remarked that windows had been added on the sides and that the color of the garage was changed. Further, Commission members expressed concerns that the elevations, plans, and renderings were not in sync, and all did not match the overall scope of the design, specifically the question of a left side basement bedroom window well. Staff asked if Commission members felt the revised plans reflected the requested changes. The Commission asked to see at a future hearing a submission that matched in terms of plans, elevations and renderings as well as previous iterations of the plans to understand what had been changed by the applicant in response to the Commission's feedback. No vote was taken and the demolition delay on the property was not waived.

8. **96 Lake Avenue – Waiver Request (Ward 6)**  
**Request to waive demo delay**

Tamar Warburg, owner and architect, went over the proposal of a replacement structure with a similar International Style design with the Commission.

Staff reported that This property was preferably preserved at the April NHC hearing and the required four-month period before the owner could request a waiver has elapsed. At the April NHC hearing, staff reported that this International Style house was constructed in 1947 under the ownership of A. Bernard Shore, treasurer, and designed by architect N. O'Sullivan of 131 State Street in Boston, about whom staff found little (both in 2005 and now), except that he was working with Joseph Selwyn on this project. This lot was subdivided off an adjoining one in 1944. This property has not been surveyed. Shore and his family continued to live here through the 1980s. A previous owner submitted this property for full demolition in 2005, and the NHC preferably preserved it as a representative example of post-WWII development in the area and as a rare, architect designed example of this style in Newton. The delay was imposed more than three years ago so the property returned to the Commission for review. This house stands out in this neighborhood for its modern aesthetic and compatibility with this site, as the design is entirely oriented to the water.

Dimond asked for clarification on how the proposed house will appear differently from the street in comparison to the existing house. Warburg further explained the proposal. Commission members remarked it was a thoughtful design and that it went with the style.

Dimond made a motion to waive the demo delay based on plans as presented. Armstrong seconded the motion.

At a scheduled meeting and public hearing on August 26, 2021, the Newton Historical Commission, by vote of 6-0:

RESOLVED to waive the demo delay on 96 Lake Avenue based on plans as presented.

Voting in the Affirmative:      Voting in the Negative:      Recusal:

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

**Administrative Discussion:**

**a) Minutes from July hearing.**

Minutes from the July hearing were unanimously approved by those in attendance at the July hearing.

The meeting was adjourned by unanimous vote.

**Administratively approved Full Demos for the month of August:**

36 Silver Birch Road	7/9/2021	D	7/24/2021
10 Shepherd Park	7/13/2021	D	7/28/2021
240 Old Farm Road	7/19/2021	D	8/13/2021
18 O'Rourke Path	7/27/2021	D	8/11/2021
230 Austin Street	7/29/2021	D	8/13/2021
103 Rosalie Road	7/30/2021	D	8/14/2021
335 Langley Road	8/2/2021	D	8/17/2021
27 Van Roosen Road	8/3/2021	D	8/18/2021
47-49 Chase Street	8/4/2021	D	8/19/2021

Respectfully,

 , NHC