MINUTES OF PUBLIC MEETING AND PUBLIC HEARINGS
AUBURNDALE HISTORIC DISTRICT COMMISSION

DATE: September 26, 2017
PLACE/TIME: City Hall, War Memorial Auditorium
7:00 p.m.

ATTENDING: Italo Visco, Chair
Richard Alfred, Member
Patricia Baker, Member
Patricia Bottomley, Member
Nancy Grissom, Member
Martin Smargiassi, Member
Barbara Kurze, Commission Staff
Ouida Young, Associate City Solicitor

The meeting was called to order at 7:00 p.m. with Italo Visco presiding as Chair. Voting permanent members were R. Alfred, P. Baker, P. Bottomley, N. Grissom and M. Smargiassi. B. Kurze acted as recording secretary and the meeting was digitally recorded on an H2 Zoom recording device.

63 Hawthorne Avenue – Certificate of Appropriateness
Owner Kirsten Kelley presented an application to expand the existing driveway area.

Materials Reviewed:
Site plan
Photographs
MHC Form B

I. Visco commented that the expansion would have a minimal visual impact; the grade would screen the additional vehicles parked in that area. N. Grissom motioned to approve the application. R. Alfred seconded the motion. The motion was passed unanimously, 6-0.

RECORD OF ACTION:
DATE: September 27, 2017

SUBJECT: 63 Hawthorne Avenue - Certificate of Appropriateness

At a scheduled meeting and public hearing on September 26, 2017 the Auburndale Historic District Commission, by vote of 6-0,

RESOLVED to issue a Certificate of Appropriateness for the application at 63 Hawthorne Avenue to expand the driveway area.

Voting in the Affirmative:
Italo Visco, Chair   Richard Alfred, Member  Patricia Baker, Member
Patricia Bottomley, Member  Nancy Grissom, Member  Martin Smargiassi, Member

17 Leighton Road – Certificate of Appropriateness
Owner Mitchell King and architect George Schnee presented an application to amend the plans for the previously approved rear addition and deck project. The scope of work and the footprint were greatly reduced. The small portico roof on the left side would be removed. The materials would be the same as what was previously approved.

Materials Reviewed:
Site plan
Plans
Elevations
Photographs
Product information
Application approved October 2015
MHC Form B

I. Visco agreed that the proposed footprint was smaller; the revised design fit in well with the house and would have less impact on the neighbor. He noted that the side portico roof was visible but thought that removing it was okay. M. Smargiassi agreed that the modifications were appropriate. Councilor Amy Sangiolo commented that she was in favor of the project. N. Grissom motioned to approve the changes. M. Smargiassi seconded the motion. The motion was passed unanimously, 6-0.

RECORD OF ACTION:
DATE: September 27, 2017
SUBJECT: 17 Leighton Road - Certificate of Appropriateness

At a scheduled meeting and public hearing on September 26, 2017 the Auburndale Historic District Commission, by vote of 6-0,

RESOLVED to issue a Certificate of Appropriateness for the changes to the previously approved project for a rear addition and deck as presented at 17 Leighton Road, including the removal of the side portico.
33 Hancock Street – Certificate of Appropriateness

Owner David Geffen presented an application to install three two-foot-square air conditioning condensers at the right side of the house which would be screened with plantings. He asked if the Commission could review a proposed change to the front railing system and approve the project administratively. The vinyl railing around the porch area would be removed and a wood railing would be installed at the stair.

Materials Reviewed:
Site plan
Product information

I. Visco said that screening with plantings was fine but a wood fence with plantings would be better. The plantings should provide year-round coverage and be low to the ground. N. Grissom said the plantings should be permanently green. R. Alfred said the Commission should not review the railings as that would be a bad precedent. Commission members agreed that the owner should present the railing details at a future meeting. N. Grissom motioned to approve the condensers with a condition regarding screening and a recommendation to consider the screening used at the Durant-Kenrick Homestead. P. Baker seconded the motion. The motion was passed unanimously, 6-0.

RECORD OF ACTION:

DATE: September 27, 2017
SUBJECT: 33 Hancock Street - Certificate of Appropriateness

At a scheduled meeting and public hearing on September 26, 2017 the Auburndale Historic District Commission, by vote of 6-0, 
RESOLVED to issue a Certificate of Appropriateness for the project as presented at 33 Hancock Street to install three air conditioning condensers on the right side of the house with the requirement that the units will be screened by plantings. The Commission recommended looking at the way condensers were screened at the Durant-Kenrick Homestead at 286 Waverley Avenue in Newton.

Voting in the Affirmative:
Italo Visco, Chair Richard Alfred, Member Patricia Baker, Member
Patricia Bottomley, Member Nancy Grissom, Member Martin Smargiassi, Member

16 Williston Road – Certificate of Appropriateness

Owner Howard Merkowitz presented an application to expand a previously approved driveway project. The extra parking area would mean more room for guests and not having to park under the tree.

Materials Reviewed:
Site plan sketch
Photographs
Application approved September 2011
MHC Form B

Commission members said the project was appropriate. Councilor Amy Sangiolo supported the project. N. Grissom motioned to approve the project as presented. P. Bottomley seconded the motion. The motion was passed unanimously, 6-0.

**RECORD OF ACTION:**
**DATE:** September 27, 2017
**SUBJECT:** 16 Williston Road - Certificate of Appropriateness

At a scheduled meeting and public hearing on September 26, 2017 the Auburndale Historic District Commission, by vote of 6-0,

**RESOLVED** to issue a Certificate of Appropriateness for the project as presented at 16 Williston Road to expand the driveway area.

**Voting in the Affirmative:**
Italo Visco, Chair   Richard Alfred, Member   Patricia Baker, Member
Patricia Bottomley, Member  Nancy Grissom, Member  Martin Smargiassi, Member

**70 Studio Road, Lasell College – Certificate of Appropriateness**
This was continued from the August meeting. The applicants hired a court stenographer to record the review. Attorney Daniel Dain, Brian Lever of Epsilon Associates and Diane Parker of Lasell College presented an application to install two 70-foot-tall field lights in Grellier Field. Copies of the presentation were distributed to the members of the Commission; the presentation was also emailed to Stephen Buchbinder. D. Dain presented a timeline of events related to the application and review process. He said the Commission had failed to make a determination at the August meeting and because there was no formal extension in writing on the part of Lasell College and because 45 days had passed without a Commission determination, Lasell College was entitled to a constructive grant of a Certificate of Hardship. Lasell College agreed to present the application while maintaining their rights to a constructive grant.

B. Lever confirmed that the applicants were requesting a Certificate of Hardship based on the merits of the application and a constructive grant of a Certificate of Hardship. He noted that two of the streets adjoining 70 Studio Road were private streets (Forest Avenue and Studio Road) and that Aspen Avenue was outside of the historic district; the Commission only had jurisdiction over what was visible from a public way. The College planned to install two additional field lights which would be outside of the district. The 70-foot-tall field light poles would be galvanized steel and have two racks of light fixtures that would be three feet wide and 13 and half feet across. A Certificate of Hardship was being requested because of the unusual nature of the project: the athletic field and field light poles were modern features and there were complicated jurisdictional factors because two of the poles were in the district and two were outside the district. The applicants showed views from inside the field and Aspen Avenue and renderings of the field light poles from Aspen Avenue and Studio Road. D. Parker presented a landscape plan to replace all of the older, thinner trees with thicker, fast-growing evergreen trees which would initially be eight to nine feet tall.
Materials Reviewed:
Project overview
Site maps
Lighting plan
Photographs
Mock ups
Product information
MHC Form B

Letters:
• 8-25-2017 from Diane Parker, Lasell College to the Newton City Clerk
• 8-30-2017 from Brian Lever, Epsilon to Barbara Kurze and the Auburndale HDC
• 9-11-2017 from Diane Parker, Lasell College to the Auburndale HDC
• 9-13-2017 from Schlesinger and Buchbinder, LLP to the Auburndale HDC

Newton Ordinances – Historical Provisions

M. Smargiassi said both field lights were visible from Aspen Avenue and asked for a drawing that showed the height of the poles relative to the existing topography and the street; he wanted to see a section or elevation drawing that showed the real relationship as perspectives could be deceiving. He also wanted to see lighting plans to understand the light intensity. B. Lever said that they did not have a perspective that showed topography; illumination studies were done but he did not have those available at the meeting. I. Visco commented that the poles might be hard to see, especially at night when the lights were off, but when the lights were on they would have a significant impact on the character of the residential and there would be light reflection and light spilling off the site. Part of the historic neighborhood was the quiet, scenic, rustic quality and field light illumination was not a characteristic of the nature of the district. D. Parker said that the proposal met the Light Trespass Ordinance. I. Visco agreed that the Commission did not have jurisdiction over what was only visible from a private way but scrutiny would be more intense on important elevations that were very visible from a public way.

There was discussion whether the Commission had jurisdiction over illumination. B. Lever said the Commission had jurisdiction over the free-standing light poles but believed that illumination in general was outside of the jurisdiction of the Commission. R. Alfred said he was confused about the letter read by D. Dain which concluded that “a Commission shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects or architectural characteristics of the surroundings and of the district.” He asked if Lasell College was taking the position that the lights would be congruous to the historical nature of the district. B. Lever said that the field and the lights were modern features; the college did not think the lights would be congruous to the historical nature of the district which was why they requested a Certificate of Hardship. B. Lever confirmed that Lasell College was asking for a Certificate of Hardship for the procedural issue and for a Certificate of Hardship for the merits of the project.

I. Visco commented that it was unusual for the Commission to deal with legal matters, as well as with lighting and the illumination; but there had been occasions where the Commission had reviewed lights put in front of buildings. For example, the Commission had requested that Lasell College install more shielded and protected lighting at 74 Grove Street because of the impact on the ambience of the residential street. He thought that this application was related and noted that there was a lot of law around issues of lighting, shielding of
lighting, shadows of buildings, etc. Lighting was somewhat intangible, but it did impact the neighborhood and the question was whether this project was appropriate or if it was a negative. R. Alfred was surprised that the College was taking the position that lighting was outside the jurisdiction of the Commission; there were many instances and applications from the College where the Commission had discussed lighting, including when B. Lever was on Staff, and the College never previously took the position that lighting was outside the jurisdiction of the Commission. B. Lever said that the free-standing light poles were within the jurisdiction of the Commission and R. Alfred replied that within that jurisdiction was the light emitted from the fixtures as it would impact the historic nature of the District. B. Lever said he had not seen a precedent for the light that was emitted. I. Visco said that the Commission had had discussions about the character of the light that was emitted; as lighting technology changed, so did the character of the light, and in that sense the Commission had been concerned with lighting that was appropriate to the rest of the neighborhood and that was not too intense, too focused or the wrong color. The discussion was not that cut and dried and he wanted to be fair as to what the Commission had reviewed and what they were interested in. He appreciated the time that Lasell College had put into presenting the project on its merits but he thought it was hard for something so very modern to co-exist with the historic district. The Commission had approved a number of building projects for the College and he thought Lasell College had upped the quality of the architecture and done a good job of fitting the projects into the historic neighborhood. The College deserved to have a field and to play in the NCAA; that was not a detriment. R. Alfred said he viewed the project in the context of the historic character of the neighborhood. M. Smargiassi noted that he was newer to the Commission but as an architect had submitted projects to the Commission and had worked on other historic preservation projects. He did not think the application had all of the information needed to make a determination; he would like to see lighting plans, an analysis of light intensity and a section.

Michael Scott of Nutter, McLennan and Fish said that he represented Bruce Leslie and other property owners and that they had filed an appeal on September 13th in response to the Lasell College’s allegations that a Certificate of Hardship had been issued on August 25, 2017. They disagreed that such a certificate was issued but filed the appeal in an abundance of caution; they did not think the appeal was warranted as it could only be filed when there was a decision by the Commission that had been recorded by the City Clerk’s office. He stated that the field lights were not in keeping with the nature of the historic district and would have a negative impact, and that Lasell College did not make a case for substantial hardship. The purpose of the historic district was to preserve the historic characteristics and qualities, and to protect from inappropriate development and changes that diminished the properties and streetscapes. The proposed field lights would be seven-stories tall and would be the tallest structures in the historic district where most buildings were not taller than three stories. The field lights were physically imposing and would introduce an unreasonable intrusion of light; there was no precedence for this type of structure, and the lights were not compatible with the nature of the district. He did not think the light emitted from the fixtures could be separated from the fixtures in terms of jurisdiction. M. Scott presented photographs of homes and properties that would be affected by the field lights, a crane installed at Grellier Field that represented the height of the proposed field lights, and similar lights at the Newton Highlands playground. The surrounding neighborhood was primarily residential and the proposed lights were not compatible with or appropriate to the adjacent buildings and structures or to the nature of the historic district. He noted that the ordinance stated that the Commission should consider the appropriateness of the size and shape of building and structures in relationship to the land area where they would be situated and to buildings and structures in the area. He added that a Certificate of Hardship would have to show that the field lights would not affect the district in general and that failure to approve the lights would result in substantial hardship; he argued that the field lights would affect the district
in general and that Lasell College had not been clear about what the hardship would be. Grellier Field had been available for use since 1988 and he did not think that continuing the use as they had been would be a hardship. M. Scott asked the Commission to deny the application.

Abutters raised concerns about possible excessive lighting. They were also concerned about increased noise, traffic and issues with parking. Several abutters did not think that the proposed plantings would be tall enough to screen the field lights. Councilor Amy Sangiolo did not think there was a case for hardship and said that the field lights would be a detriment to the character of the historic district. Lasell College had a robust sports program but this project went beyond their mission. She thought that the college had other options and urged the Commission to vote against the proposed field lights. Councilor Lenny Gentile commented that one of the light poles would be situated on a hill and so would appear taller. He noted that he was seated near the applicants in the August meeting and that D. Parker clearly agreed to host the next meeting. Everyone left the August meeting in good faith that there would be a site meeting where the Commission members could walk the site and that there would also be a meeting at a hall provided by Lasell College. He was not sure how Lasell College could claim that they did not agree to an extension. L. Gentile passed out documents related to parking rules and regulations. I. Visco said he understood parking was a serious issue but it was not part of the jurisdiction of the Commission.

I. Visco appreciated that people were interested in what the Commission was trying to accomplish and recognized that Lasell College was also trying to accomplish something important to them. He asked for additional comments from the public and from Lasell College. A neighbor said she was concerned that property values would go down if the field lights were installed. B. Lever noted that the renderings produced by Eck MacNeely Architects were done at person height and he disputed that the photograph shown by an abutter was representative. The abutter acknowledged that the photo was taken on the Grellier Field property during a site walk-through but commented that the field lights would be visible above the tops of mature evergreens. D. Parker noted that there was a draft Memorandum of Understanding (MOU) with the Mayor’s Office which detailed limitations on the use and hours of operation for the field lights. Abutters expressed concern that the MOU would not be legally binding and that there would not be any way to enforce the MOU.

O. Young noted that B. Lever clarified at the beginning of the meeting that Lasell College was asking for a Certificate of Hardship and asked Lasell College to confirm this. She then asked that the record show that D. Dain was nodding his head. O. Young said that there would need to be a second motion for a constructive grant of a Certificate of Hardship on the grounds that the Commission did not take action in sufficient time. D. Dain confirmed that Lasell College was asking for two votes: 1) a constructive grant of a Certificate of Hardship; and 2) a separate determination for a Certificate of Hardship based on the merits of the application. O. Young recommended that the first motion be for the substantive presentation for the Certificate of Hardship based on the merits and that the second motion be on the constructive grant of a Certificate of Hardship.

R. Alfred moved to deny the Lasell College application for a Certificate of Hardship on the merits of the application to construct the two field lights at Grellier Field as presented and discussed. The basis was that the field light poles, including the light structures at the top of each pole and the illumination from those lights, were incongruous with the historical nature and architectural characteristics of the historic district. Lasell College had not established a case for hardship that overcame these inconsistencies with the nature of the Auburndale Historic District. N. Grissom seconded the motion. The motion was passed unanimously, 6-0. I. Visco polled the Commission members and they did not have anything to add or take away from the motion.
O. Young confirmed that there also needed to be a vote on the constructive grant of a Certificate of Hardship as Lasell College maintained that the Commission failed to review the application for a Certificate of Hardship in an appropriate time frame. R. Alfred moved to deny the constructive grant of a Certificate of Hardship to construct the lights within the Auburndale Historic District as specified in the application presented by the College. The basis was the same as the previous motion. O. Young added that the issue was whether there was a belief on behalf of the Commission that there was an agreement to continue; there may not have been something in writing or verbally, but the Commission should include this in the motion if they thought this was the case. R. Alfred said he was not present at the August meeting and would accept an amendment from a Commission member who was present at that meeting. I. Visco said that the belief of what occurred at the August meeting was that it seemed both sides of the discussion were negotiating as to how the discussion would continue, that there was agreement that the activity would continue and that Lasell College would cooperate in that. There seemed to be agreement that the discussion would go ahead as there seemed to be nodding and there was no disagreement during the discussion. It seemed like there was a plan but then Lasell College came back after the August 8th meeting to counter it. N. Grissom agreed with the amendment that the Commission members who were present at the August meeting had the belief that Lasell College was agreeing to a continuation to a September meeting date. R. Alfred said that the presentation and quote from B. Lever did not change that perception and that the letter as read by D. Dain did not speak to a disagreement. I. Visco said that the Commission had asked the applicants to continue in previous meetings and had never asked for it in writing. The applicants were in agreement because otherwise the project might not get approved. The Commission took the approach that they were working together to get a good answer. N. Grissom seconded the motion. The motion was passed unanimously, 6-0. The attorney for the abutters requested a copy of the transcript from the court stenographer.

RECORD OF ACTION:
DATE: September 29, 2017
SUBJECT: 70 Studio Road, Lasell College - Certificate of Hardship

At a scheduled meeting and public hearing on September 26, 2017 the Auburndale Historic District Commission, by vote of 6-0,

RESOLVED to deny Lasell College’s request for a Certificate of Hardship on the merits of the application to construct two 70-foot field lights at Grellier Field, 70 Studio Road, Lasell College as presented and discussed. The basis for the denial is that the field light poles, including the light structures at the top and the light emanating from such structures, are incongruous with the nature of the Auburndale Local Historic District and that a case for hardship was not established. Individual Commission members did not have anything to add or take away from motion.

Voting in the Affirmative:
Italo Visco, Chair Richard Alfred, Member Patricia Baker, Member
Patricia Bottomley, Member Nancy Grissom, Member Martin Smargiassi, Member

RECORD OF ACTION:
DATE: September 29, 2017  
SUBJECT: 70 Studio Road, Lasell College - Certificate of Hardship – Constructive Grant

At a scheduled meeting and public hearing on September 26, 2017 the Auburndale Historic District Commission, by vote of 6-0,

RESOLVED to deny Lasell College’s request for a constructive grant of a Certificate of Hardship to construct two 70-foot field lights at Grellier Field, 70 Studio Road, Lasell College as presented and discussed. The basis for the denial is: 1) that the field light poles, including the light structures at the top and the light emanating from such structures, are incongruous with the nature of the Auburndale Local Historic District and that a case for hardship was not established; and 2) the Commission members who were present at the August 8, 2017 meeting believed that Lasell College had agreed to a continuation to a September meeting date because there was a conversation about the desire by some members to have a site view and whether the Commission could hold the meeting at the College. Lasell College representatives had not objected to the continuation. In previous applications filed with the Commission by Lasell College, the Commission has requested the College continue working with the Commission on a particular application and the College has agreed to do so without submitting an agreement to continue in writing.

Voting in the Affirmative:
Italo Visco, Chair  Richard Alfred, Member  Patricia Baker, Member
Patricia Bottomley, Member  Nancy Grissom, Member  Martin Smargiassi, Member

The meeting was adjourned at 9:06 p.m.

Recorded by Barbara Kurze, Senior Preservation Planner.