Historic District
Study Committee

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MAYOR

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Incorporated 1873
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PRELIMINARY REPORT

on a

PROPOSED HISTORIC DISTRICT IN NEWTON UPPER FALLS, MASSACHUSETTS

Prepared and Respectfully Submitted

by the

NEWTON HISTORIC DISTRICT STUDY COMMITTEE

Sheldon M. Drucker (Chairman

Thelma E. Fleishman (Secretary)

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George Stephen

Newton, Massachusetts
February 1975

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SUMMARY OF PRELIMINARY REPORT ON PROPOSED DISTRICT IN NEWTON UPPER FALLS

In October, 1973, the Newton Historic District Study Committee was appointed by the Mayor under the Historic Districts Act (G.L. c. 40 C) and charged with investigating the possibility of establishing such districts in Newton.

Although Newton has no obvious historical center, substantial numbers of buildings of architectural and historical significance remain in the two former mill villages at the Upper and Lower Falls. The Committee, therefore, started its investigations in these two areas.

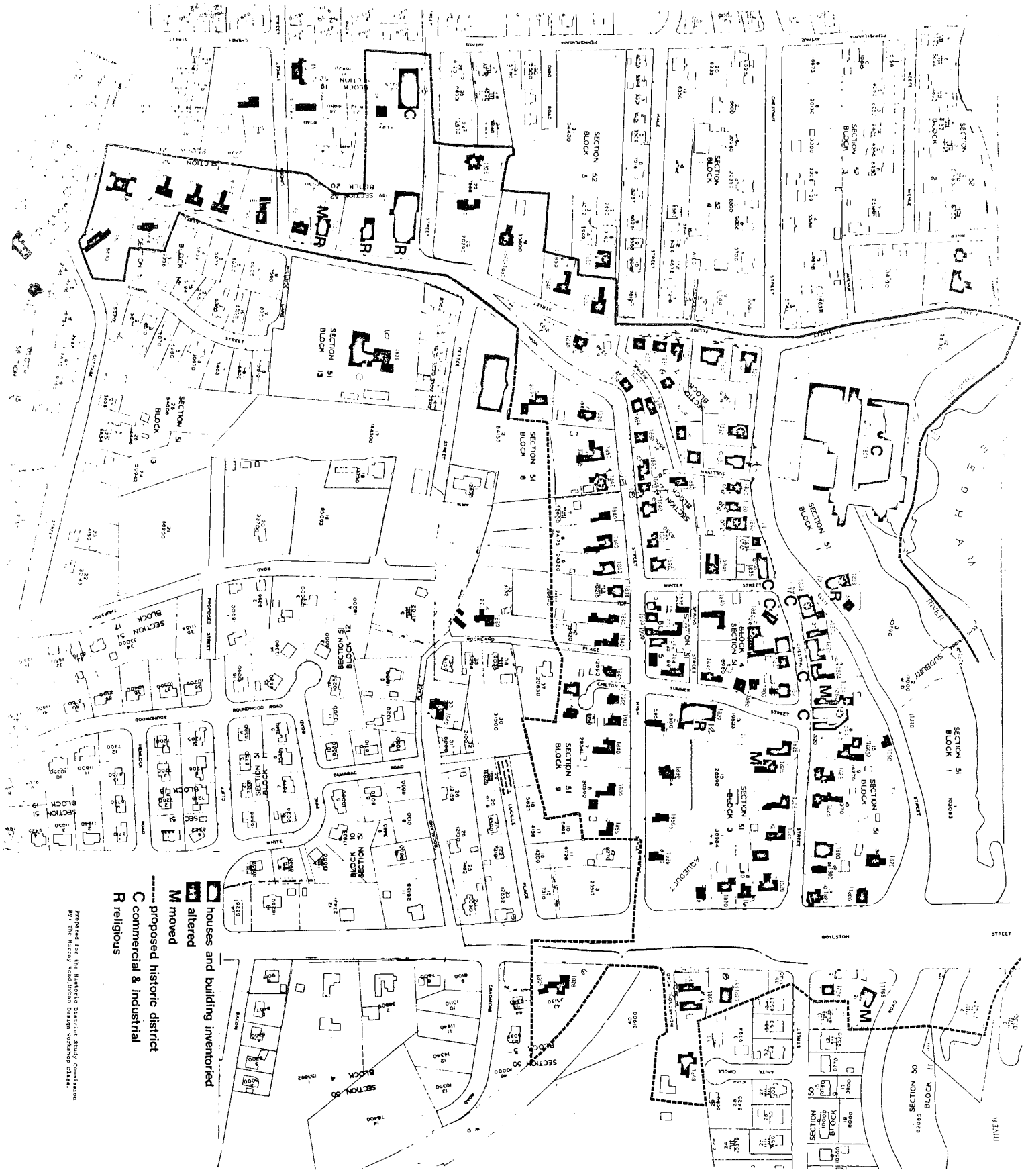
With the help of volunteers and information from various City Departments and the Jackson Homestead, inventory forms for nearly 200 buildings were completed. For many reasons it was decided to propose part of Upper Falls as the first Historic District in the City.

The general lay-out of the proposed district is typical of an early New England mill village. Newton Upper Falls lies in a bend in the Charles River, and its history from 1688 until well into the present century is closely tied to the industrial activity associated with the two dams. The village grew more quickly than the rest of Newton and became, and to some extent remains, a largely self-contained community.

The proposed boundaries can be justified geographically and historically, and they enclose an area in which it would be possible to administer the provisions of the Law efficiently.

The District would be administered by an Historic District Commission appointed by the Mayor with the approval of the Board of Aldermen. This Commission would consist of seven members and three alternates, appointed for three year staggered terms. One member would be a property owner resident in the district.

The Design Controls and Guidelines are intended, at no extra cost, to prevent further architectural deterioration of the exterior of the buildings; to restore, as far as is practical, the exteriors to their original appearance, and to ensure that any additions or new buildings will not be incompatible with the character of the neighborhood. To this end, controls are suggested for exterior siding, roofs, windows, shutters, and blinds, the color of paints, landscaping, shopfronts, and signs.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R religious
Prepared for the Historic Districts Study Commission
By: The Activity Modification Design Workshop Class.
BOYLSTON STREET
SUDBURY RIVER
CHARLES RIVER

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PRELIMINARY REPORT ON PROPOSED HISTORIC DISTRICT IN NEWTON UPPER FALLS

INTRODUCTION

A growing concern for the environment in the past few years has lead to the recognition of the importance of preserving not only endangered natural resources, but man-made features of historic and aesthetic value as well. Communities all over the country have become increasingly aware that preservation of a sense of the past is not incompatible with planning for the future, and various methods of historic preservation are being attempted at local, state, and national levels.

The Commonwealth of Massachusetts has recognized the need of its cities and towns to preserve evidence of their historic heritage. Historic Districts were created in 1955 on Beacon Hill and Nantucket by Special Acts of the Legislature, and this was followed by the Historic Districts Act (C. 312 of 1960), now G.L. c. 40 C as amended by C. 359 of 1971. This allows appropriate districts to be established by all Massachusetts communities to protect areas which have special significance in their development. The legality of Historic Districts has been upheld by the Supreme Judicial Court, and to date approximately 30 cities and towns have adopted some form of preservation.

Historic Districts have three purposes:

1) To preserve and protect the distinctive characteristics of buildings and places significant in the history of the Commonwealth and its cities and towns.

2) To maintain and improve the settings of these buildings and places.

3) To encourage new designs compatible with existing buildings in the district.

The Board of Aldermen of the City of Newton has responded to the Historic District Act. Acting on a petition filed by the Jackson Homestead, the Historical Commission and Newton Conservators Incorporated, an Historic District Study Committee was authorized by the Board of Aldermen. Seven members were appointed by the Mayor in October, 1973, for the purpose of seeking out appropriate areas of historic significance to the City, and recommending these areas to the Board for establishing Historic Districts. By so acting, the Mayor and the Board of Aldermen have recognized that:

(i) Such districts could provide Newton with a living sense of its past and its own special characteristics which give the City its individuality,

(ii) these districts could limit wanton destruction of historical and architectural legacies of our predecessors and assure that at least some of the best of these could offer future generations visual examples of our historical and cultural heritage, and

(iii) in a deeply practical vein, historic districts could afford residents within a district protection from both decreased land values because of deterioration and neighborhood blight, and from unreasonable increase in land values because of wild speculation when the possibility of a change in land use is present.

REASONS FOR CHOICE AND METHODS OF INVENTORY

Shortly after the Newton Historic District Study Committee began its activities in November, 1973, it became clear where investigations could most profitably begin, despite the city's uniqueness in having no "center" or dominant focal point where early settlement began, and where sites and buildings of historical significance traditionally tend to cluster. In Newton these

sites were scattered, as the city started and developed as a collection of villages; and though Newton Centre, by virtue of the first Common and the buildings and activities that developed around it, might, in the first quarter of the 19th century, have had some claim to pre-eminence, this was lost when the Town Hall moved to West Newton. On the other hand, at Upper and Lower Falls on the Charles River, the two mill villages, where industrial activity began in the late 17th century, flourished and expanded from the 1820's until well into the present century, and many signs of the early activity and later prosperity remain. Thus, as it was impossible to do an inventory of the whole City, the Committee unanimously decided to start with these two villages.

For some years Lower Falls has been the subject of an urban renewal project. By the time the Committee was appointed much that was valuable historically had been razed, and it was too late for the Newton Redevelopment Authority to change its plans in order to preserve the remaining structures. An inventory was done, and although buildings of historical and architectural merit were noted, the Committee decided to proceed no further in this area for the present.

Perhaps one reason that change has come slowly to Upper Falls is that this village has long been cut off from the rest of Newton by the Worcester Turnpike (Route 9). The streets retain their original dimensions and, except on the periphery, there are few modern intrusions. Although, a few years ago, this area was subjected to a concentrated code-enforcement program, enough of a 19th century atmosphere remains to warrant preservation. The present zoning alone will not guarantee the maintenance of the status quo. Although in a small section single family homes alone are permitted, in the remaining residential area town houses are allowed by permit, and in the business districts apartment buildings as of right. Clearly, if this neighborhood is not to lose its uniqueness, the site plan approval which the Board of Aldermen exercise in some

instances needs to be supplemented by some form of design control. The Committee had no hesitation in deciding to consider Upper Falls as a possible district.

Inventory forms were completed for about 150 buildings; some were done by volunteers who were not members of the Committee, and some had been completed a few years ago by the Jackson Homestead (Newton's Historic Centre and Community Museum), whose work on the older homes in the City, i.e. those built before 1855, has been a valuable resource. The Committee's task was greatly facilitated by the cooperation of many City Departments: the Engineering Department supplied maps; the Building Department gave us access to their files for checking additions and alterations; the Planning Department's records provided a mass of data, dates of construction, lot sizes, owners, etc.; and a member of their staff was responsible for some of the photography as well as helping with the production of the map.

DESCRIPTION*

Newton Upper Falls is situated in one of the many curves of the Charles River, and that stretch from the Elliot Street Bridge to the Quinobequin reservation north of Route 9, which will form the western boundary of the proposed district, is particularly beautiful and historically interesting. It includes part of Hemlock Gorge, one of the first acquisitions of the Metropolitan Park Commission in the 1890's; Echo Bridge (1) and the Sudbury Aqueduct (which traverses the district), more famous, perhaps, when they were built than today, and the Silk Mill and Metropolitan Circular Dams (2) - modern successors to earlier structures. This is all owned and maintained by the Metropolitan District Commission. To the north Route 9 (Boylston Street) is a four lane State

*Numbers in parentheses denote locations on map

Highway which separates at least three significant buildings from the rest of the district.

The general lay-out of Upper Falls is fairly typical of a New England mill village: the workers houses were placed conveniently near the mills and the larger homes of the more affluent further away, and for the most part, on the hill with a view over the river. There are few architectural gems, but many examples of a large variety of 19th century architectural styles abound. There is much of interest, e.g., Otis Pettee's old stone barn (3) built to house silkworms and mentioned in Ripley's Believe It or Not, a half house, and two early 19th century churches. And if there has been considerable alteration in many cases, not all of it has been destructive, in addition to which the trend, in the last year or two, seems to be towards restoration.

HISTORICAL BACKGROUND

The unique concept of a multi-villaged community operating as one town began very early in Newton's history. For more than two centuries, five villages were the key areas contributing to the development of the present city; of these Newton Upper and Lower Falls are the only two that have retained their original names. The first land grant was made in Upper Falls in 1634, but the first settlers in the areas were John Kenrick in 1658 and John Woodward in 1681. Their large farms bordered the present village on the south and north. However, agriculture was to play a secondary role in the development of the village.

On the Charles River, which formed the western boundary, was one of the major waterfalls of its sluggish 80 mile course. Here John Clark, in 1688, built the original dam and the first mill, a sawmill, on the river in Newton.

This was the first of the industries that would be identified with the village for almost three centuries.

For the next 100 years, as was customary, the water rights and the mills they powered were shared by many owners. Though snuff, fulling, and scythe mills were added, it was not until 1778 that the water privilege began to be developed intensively. In that year Simon Elliot of Boston became the first non-Newton resident to invest in Upper Falls, and by 1782 he had bought the old sawmill, a grist mill, and all the water rights. He replaced the old enterprises with four large snuff mills, a wire mill, a screw factory, and an annealing and blacksmith shop.

In 1814, his son, General Simon Elliot, who had inherited a share of the property, sold it to the Perkins brothers, one of whom, Thomas Handasyd, was married to his sister. The Perkins, with virtually unlimited capital, were able to remove these buildings and build a large cotton mill which began operations in 1821. This building and others (later used in the manufacture of silk goods) still stand, housing a restaurant, various offices and small industries. A considerable number of houses was built for the employees of the cotton mills in 1831, and many of them still line Elliot and Chestnut Streets in the vicinity of the old mills. (4)

At the lower dam, Jonathan Bixby, in 1782-83, bought a saw mill from Thomas Parker and also erected a rolling mill for the manufacture of scythes. In 1799, the property was purchased by Rufus and David Ellis, who, as the Newton Ironworks Company, began manufacturing iron. A nail factory followed in 1809, and in 1813 a cottonmill. These buildings were subsequently used for various businesses, including paper making, until destroyed by fire in 1907. The land was cleared of all industrial activity when acquired by the Metropolitan Park Commission.

Several of the houses built for the workmen still front on Boylston Street (5); the colonnaded Ellis house (6), built in 1790 and remodeled in 1828, continues to occupy a lofty perch on Boylston Hill. A substantial section of the Jonathan Bixby house (7), built before 1750, was relocated on Quinobequin Road, and still serves as a residence. Likewise, the old Manufacturers Hotel (8) on Boylston Street (1829), used by visitors to the mills and as a stage coach stop on the route to New York, is still lived in.

Otis Pettee, patron industrial saint of Upper Falls, arrived in the village in 1819 as superindendent of the Ellis cotton mill. In 1823, he served in a similar capacity for the Elliot Manufacturing Company. In 1832, he struck out on his own and built a large plant for the manufacture of cotton machinery on Mechanic Street. This was almost totally destroyed by fire in 1839; nevertheless in 1840 he bought the entire property of the Elliot Manufacturing Company and operated both industries. Workers' cottages built by Pettee (9) in the vicinity of the Pettee Machine Works 140 years ago, still serve as residences in the village. Sunnyside (10), Pettee's own mansion, commanded a fine view of the village from the hill just east of the junction of High, Oak, and Elliot Streets. It has been extensively altered, and is now the Stone Institute, a home for older women.

The population of Newton as a whole increased slowly during the 19th century. The coming of the railroads between 1834 and 1886 changed its character, as the closer ties with Boston led it to assume the role of a bedroom community. Nevertheless, the population in 1850 was only 5258 (U.S. Census). Of this number, 1300, or 25%, lived in Upper Falls. This village experienced a boom at this time and, unlike those surrounding it, had become a self-supporting community with most of its people employed in the local mills, which also became an attraction for European immigrants.

The bustling industrial activity of the 1800's created other demands. Hardly were schools built than they became over-crowded; seven were built in that turbulent century. A private school also operated for a short time on High Street in the 1830's. One of the older public schools (11) still stands in its original location at 1028 Chestnut Street. This sturdy two storied edifice served as a school between 1836 and 1855 and now houses shops and apartments.

Between 1820 and 1850, four churches were established in the village, and two of the original buildings are still houses of worship. The First United Methodist Church on Summer Street (12) is the oldest Methodist Church in Newton. It was originally built jointly by the Newton Factories (successors to the Newton Ironworks Co.) and the Elliot Manufacturing Company, for the Upper Falls Religious Society (unitarian) and was acquired by the Methodists in 1832. It is the second oldest church building in Newton.

The Second Baptist Church on Ellis Street (13) began as a joint Congregational Baptist venture in 1832 and re-organized in its present form in 1835. The first Roman Catholic Church in Newton was organized here in about 1843 and their earliest building was erected on Chestnut Street in 1867. This was razed several years ago after the present Mary Immaculate of Lourdes Church (14) was built at the corner of Elliot and Oak Streets in 1909. A church built by the Universalists in 1842 (15) is today a two-family house in its original location at 51/53 High Street. In the 1880's a church known as the "Church of Yahweh" (16) was established by the Second Adventists on Boylston Street. This was later disbanded and the building, once a store, is now a dwelling at 1276 Boylston Street.

The village stores, usually small and owner-operated, have always offered a variety of wares. Otis Pettee ran what is believed to have been the first

store in the early 1820's; called "the back store," it is thought to have been located on Elliot Street in the rear section of the present restaurant-apartment building at No. 344. In a small building nearby, the first Post Office in the village (1825) was also run by Mr. Pettee. The second Post Office (17) was in one of the oldest business blocks still standing in the village, namely, where the antique stores now are at the junction of Chestnut and Ellis Streets. This building is also believed to be the oldest wooden business block still in use in the city.

The first fire company in the community (the second in Newton) was organized in 1820, and, as Mechanic No. 4 Engine, was housed from 1842 until 1879 at 91 High Street (18). The building still stands and is used as a dwelling.

JUSTIFICATION OF DISTRICT BOUNDARIES

1. The Charles River, at this point, divides Newton from Needham and forms an appropriate boundary on the west.

2. At first glance it may seem illogical to include the few structures on the north side of Boylston Street, because of their isolation from the rest of the district. However, it was decided to do so not only because of their historical and architectural value, but also because of the possibility, however remote, that exists of widening the highway, or at least the ramp and the bridge to improve access to Wellesley Office Park. The Committee felt that these buildings and the old Cobb House should be given every possible protection.

3. Except where it is extended to include the stone barn and the caretaker's house, the proposed southern boundary is Elliot Street. South of this, far fewer original buildings remain; in some instances they have been replaced by apartment buildings and there is a sizeable industrial district.

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FINAL REPORT

on a

PROPOSAL TO CREATE AN HISTORIC DISTRICT IN NEWTON UPPER FALLS

submitted by the

NEWTON HISTORIC DISTRICT STUDY COMMITTEE

Sheldon M. Drucker (Chairman)

Thelma E. Fleishman (Secretary)

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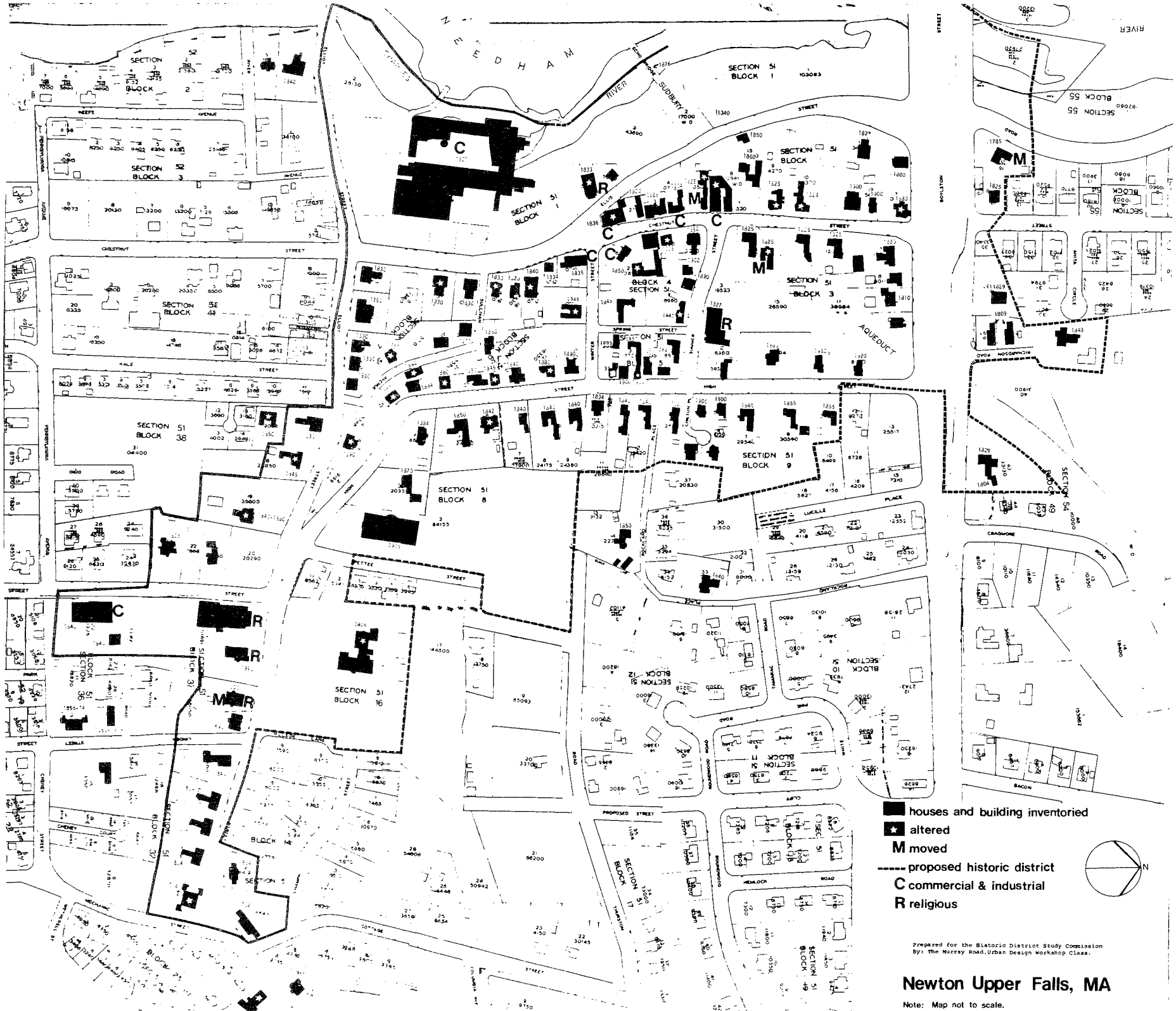
George Stephen

Newton, Massachusetts
August 1975


houses and building inventoried
altered
M moved
proposed historic district
C commercial & industrial
R religious
N
Prepared for the Historic District Study Commission
By: The Murray Road, Urban Design Workshop Class.
Newton Upper Falls, MA
Note: Map not to scale.

INTRODUCTION

The ordinance creating the Newton Historic District Study Committee under the provisions of General Laws, Chapter 40C, as amended by Chapter 359 of the Acts of 1971, the Historic Districts Act, was passed by the Board of Aldermen (#262-73) on June 19, and approved by the Mayor on June 21, 1973.

Seven members were appointed to the Committee by Mayor Mann in September, and confirmed by the Board of Aldermen in November, 1973. The Committee met informally in October of that year, and since then there have been about thirty regular meetings and working sessions, numerous walks, and many hours in the field. A public meeting, attended by over fifty people, was held in Upper Falls in June, 1974.

The choice of part of Upper Falls as the City's first Historic District was a relatively easy one. In contrast to what has happened in Lower Falls there have been few changes here, particularly in the area bounded by Boylston and Elliot Streets, and High Street and the Charles River. Modern intrusions are minimal, and despite the Concentrated Code Enforcement Program (1968 - 1969), enough of the nineteenth century atmosphere remains to warrant preservation.

Inventory forms were completed for over one hundred structures, boundaries were determined, and in March of this year a Preliminary Report was submitted to the Massachusetts Historical Commission and to the Newton Planning Board. Their opinions and recommendations, as well as those of the City Planning and Law Departments, are discussed below.

Following the procedure prescribed in General Laws, Chapter 40C, the Committee held a public hearing in the War Memorial Auditorium on Tuesday, June 24, 1975. The hearing was advertised in three local newspapers and notices were sent to all property owners and residents in the proposed district, and to nonresident property owners.

In addition, an informational package was distributed a few days prior to the hearing. This contained a summary of the Preliminary Report, a map of the proposed district, a copy of the proposed design controls and guide lines, as well as general information on the administration and possible effects of an historic district compiled by the Planning Department. The Planning Department review of the proposal was available at the hearing. It was attended by about forty people, most of whom were residents and property owners in the proposed district. The recommendations of those present, including a representative of the Upper Falls Improvement Association, are also noted below.

SUMMARY OF THE COMMITTEE'S RECOMMENDATIONS

Having followed the procedures provided by the Historic Districts Act to this point, the Committee now respectfully requests that the Board of Aldermen enact ordinances that would:

1. create an Historic District within the recommended boundaries in Newton Upper Falls, and

2. empower the Newton Historical Commission, acting as an Historic District Commission, to administer the District.

The Committee's detailed recommendations follow.

REASONS FOR CHOICE OF UPPER FALLS

The first dam on the site of the present Silk Mill Dam was built in 1688, and, as in numerous other New England mill communities, the resulting industrial activity set the pattern for the development of the village at Upper Falls. For the first one hundred years the water privileges were owned almost exclusively by the Clarks and Parkers who lived in the village and, for the most part, provided what were then considered essential services - a saw mill, a grist mill, and a mill for fulling cloth. Nothing remains of either the mills or the homes of those who owned and used them.

In 1778 Simon Elliot, a tobacconist of Boston, bought the mills, dam and water power. The Elliots, father and son, were related by marriage to the Perkins family whose investments in Upper Falls did much to promote the rapid industrial growth of the nineteenth century; in 1850, twenty-five percent of Newton's population lived in Upper Falls. In the early 1820s, all the existing mill buildings were replaced by a large cotton factory (Mill Falls Restaurant building) with Otis Pettee as manager. Pettee went on to become owner not only of this, but of the machine shops that preceded the Saco-Lowell shops on South Meadow Brook. He built Sunnyside (the Stone Institute) as a home for himself, the stone barn (for silkworms) on Oak Street, and adjacent cottage on Cliff Road, and many houses for the mill workers in the 1830s and 1840s. Many of these, located conveniently close to the mills, have been destroyed (mainly on the Mill Falls parking lot), but some remain on Elliot Street and around the corner on Chestnut Street.

Meanwhile, downstream from the present Metropolitan Circular Dam, a sawmill was started by Jonathan Bixby in 1738. This was the forerunner of another mill complex dominated, in the early years, by Rufus and David Ellis. All the mill buildings on the Newton side of the river have been destroyed; however, part of Bixby's house remains (744 Quinobequin Road), the Ellis home (1235 Boylston Street) still stands, and St. Elizabeth's Hall (260 Elliot Street) was once the home of Frederick Barden, the owner of a mill at the lower dam.

As the industrial activity developed, Upper Falls grew. Spacious houses began to appear on High and Chestnut Streets overlooking the Charles River, and churches, schools and stores were built. The Methodist Church on Summer Street is the second oldest church building in Newton, the Second Baptist Church on Ellis Street dates from the 1830s, and Elliot Hall, now a two-family house on High Street, was built by the Universalists in 1842. An old school building (1028 Chestnut Street) has been converted to other uses, and the building housing the antique stores at the junction of Chestnut and Ellis Streets is believed to be the oldest wooden store building in Newton still enjoying its original use.

Though many of these buildings have been altered, the general outlines of the original facades are still in evidence so that, together with the almost unchanged street patterns, a flavor of the early nineteenth century remains. The Committee recommends that this be preserved.

PROPOSED BOUNDARIES

In the Preliminary Report the Committee recommended boundaries identical to those shown on the accompanying map, except that the Stone Institute, the commercial block corner of Pettee and Elliot Streets, and the Emerson School were not included. Their inclusion was recommended by the Massachusetts Historical Commission; the Committee agrees to this recommendation. The Stone Institute property which could be subdivided is in a Private Residence District, the commercial block is a nonconforming use in a Residence D District; inclusion in the Historic District would not restrict any future use, but would ensure some measure of control over the design of any possible new building. The same safeguards are desirable for the school, in case it is ever declared surplus; in the meantime, certificates on nonapplicability could be issued to the City if any exterior alterations should become necessary.

There are four houses on Pettee Street whose inclusion in the District now seems logical, because they face the school and abut the Stone Institute. They have not been inventoried, and cannot, in any case, be included without a public hearing. The Committee, therefore, recommends to the future Historic District Commission that the public hearing held to establish the rules and regulations be utilized also to extend the district to include them.

The Planning Board questioned the inclusion of the mill complex because parts of it are relatively new and there have been extensive alterations. However, both the Massachusetts Historical Commission and the Planning Department approve its inclusion, and the Committee voted that it remain.

COMPOSITION OF THE COMMISSION

The Committee recommends the following:

1. That the present Historical Commission retain its powers and duties under General Laws, Chapter 40, Section 8D, but that its composition be change by ordinance so that its membership satisfies the requirements specified by General Laws, Chapter 40C, for the Historic District Commission. The reasons for the suggested merger are:

   a. The duties of the two Commissions are closely related and in some cases overlap. Merging them would enable one agency to perform the duties of both Commissions.

   b. It would avoid the proliferation of City agencies and be more economical.

   c. It would reduce the difficulty of finding qualified people willing to serve on the Commission.

   d. It has worked well and efficiently in other cities such as Cambridge and Springfield.

2. That the Commission consist of seven members appointed by the Mayor for three-year staggered terms, and in accordance with General Laws, Chapter 40C:

   a. One shall be appointed from two nominees submitted by the Jackson Homestead.

   b. One shall be appointed from two nominees submitted by the Boston Society of Architects.

   c. One shall be appointed from two nominees submitted by the Board of Realtors serving Newton.

   d. At least one member shall be either a resident or a resident property owner in the District.

3. That there be seven alternate members appointed by the Mayor for three-year staggered terms of whome at least one shall be a resident of, or a property owner in, the District.

It is further recommended that the suggestion contained in the guidelines of the Massachusetts Historical Commission that a landscape architect, an architectural historian, a member of the Conservation Commission and a lawyer would be useful members of the Commission, be considered with regard to the alternate members. This would provide the body of experts to advise and help the residents as recommended by the Planning Department.

The Planning Department has recommended that at least two regular members of the Commission be resident or property owners in the District, and at the public hearing similar views were expressed by at least two speakers. The Committee, nevertheless, adheres to its recommendation for one regular and one alternate member for reasons which follow:

1. Four of the seven members are already prescribed by law. This limits the Mayor's power of appointment. Experience has shown that the efficient functioning of volunteer agencies depends on the members who have the time and are willing to devote it to the day-to-day affairs of the board or commission. With this in mind it seems that the field of choice should remain as broad as possible. Executive secretaries are a luxury Newton cannot afford.

2. The Historical Commission has City-wide responsibilities and its composition should reflect this. Even if the Historic District Commission is set up as a separate agency, it is hoped that additional historic districts will be created in the near future in other parts of the City. Two regular members from Upper Falls could create a confusing precedent.

Another suggestion made at the public hearing (and at the public meeting held in June, 1974) was that residents of the District be allowed to screen all appointees to the Commission. This appears to be impractical. However, it may be possible to work out some mechanism whereby some Upper Falls organization could submit nominees in the same manner as those bodies specified by law.

ADOPTION OF RULES AND REGULATIONS

The Law Department memorandum states that the Commission could adopt rules and regulations under the Administrative Procedures Act (General Laws, Chapter 30A), the Zoning Enabling Act (General Laws, Chapter 40A, Sections 17 and 18), and adaptation of either or both, or any other set of procedures which are "fair and not contrary" to Chapter 40C.

The Committee recommends that the Commission adopt its rules and regulations according to Chapter 30A. This would mandate the additional public hearing recommended by the Planning Department.

DESIGN CONTROLS AND GUIDE LINES

In the Committee's Preliminary Report no recommendation was made for the adoption of any of the exemptions from Commission review allowed by Chapter 40C. The Planning Department recommends that this decision be reviewed. The opinion of the Law Department is that if the ordinance subjected everything to review, no exemptions could be allowed by the rules and regulations of the Commission. If, however, the ordinance were vague enough, the Commission would be able to decide which exemptions, if any, to adopt.

If exemptions are written into the ordinance, the Commission would be legally bound to accept them, but would not be precluded from adopting others.

The Committee recommends that the ordinance exclude the following features from review:

1. Temporary structures where these will be in position for less than four weeks.
2. Temporary two-dimensional signs of four square feet or less.
3. Light fixtures, except the free-standing variety.

4. White and grey paint, and other colors to be established by the Commission.

5. Slate grey and black roofs.

6. Storm and screen doors and windows of a color matching that of the inner windows or surrounding trim.

7. Window boxes and air conditioners.

8. Sidewalks and terraces.

ACTION ON APPLICATIONS

General Laws, Chapter 40C, Section 11 states that the Commission shall make a determination on an application within sixty days of its submission "... or such lesser period as the ordinance or by-law may provide." The Committee recommends that this period be thirty days.

APPEALS

Section 12 of General Laws, Chapter 40C provides an aggrieved applicant with the right of appeal to the Superior Court. Statute 1974, Clause 68 which amends Section 12 provides a review procedure by a "person of competence" designated by the regional planning agency of which the city or town is a member. In the case of Newton this would be the Metropolitan Area Planning Council.

The majority of the Committee opposed the acceptance of this amendment, and it is not recommended in the Preliminary Report. However, some members felt that some intermediate level of appeal is necessary. The Law Department is of the opinion that General Laws, Chapter 40C precludes the creation of a local intermediate level of review, and rules out the possibility of using an agency such as the Zoning Board of Appeals.

The Planning Department strongly recommends the acceptance of the amendment to Section 12.

No formal recommendation can be made by the Committee as opinion is divided; of the five members present when the vote was taken, two were in favor, one against, and two undecided.

Reasons against the adoption were:

1. There is no guarantee that the arbitrator will have knowledge of Newton, its history, or architecture in general.

2. If the only recourse is to the Court, applicants would be less likely to appeal the Commission's decisions.

3. It is unnecessary, as there has been only one appeal since the passage of the Historic Districts Act in 1963.

Reasons for the adoption were:

1. There is no reason to suppose that a judge would be better qualified in the fields of history and architecture than the Metropolitan Area Planning Council arbitrator.

2. It would be quicker and cheaper.

3. It would restrain the Commission from arbitrary and capricious decisions.

4. Even if never used, it should be available.

All members agreed, however, that if the Commission were flexible enough, and worked with the residents of the District, it was unlikely that there would be any occasion to use any appeal procedure.

A proposed ordinance is appended.

PROPOSED ORDINANCE

CITY OF NEWTON

AN ORDINANCE

Establishing a NEWTON HISTORIC DISTRICT COMMISSION

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEWTON AS FOLLOWS:

NEWTON HISTORIC DISTRICT COMMISSION

Section 1. Establishment, Membership, etc.

There is hereby established under the Historic Districts Act, General Laws, Chapter 40C to be governed by and operated in accordance with the provisions relative thereto of the General Laws or any special act or amendment thereto, a Newton Historic District Commission, consisting of seven (7) members to be appointed by the Mayor with the approval of the Board of Aldermen including one (1) member from two (2) nominees submitted by the Jackson Homestead, one (1) architect from two (2) nominees submitted by the Chapter of the Boston Society of Architects covering Newton, one (1) member from two (2) nominees submitted by the Newton Board of Realtors*, one (1) resident in the Historic District(s) who should have no connection with any of the above categories; the remaining members will be appointed at large. There shall also be appointed not more than seven (7) alternate members to be selected at large provided that one (1) alternate member shall be a resident of the district(s).** When the Commission is first established, two (2) members and two (2) alternate members shall be appointed for a term of one (1) year, two (2) members and two (2) alternate members shall be appointed for a term of two (2) years, and three (3)

*If within thirty days after submission of a written request for nominees to any of the organizations herein names no such nominations have been made, the Mayor may proceed to appoint the Commission without nomination by such organization.

**Each member or alternate member of said Commission shall be a resident of the City, and such member removing his residence from the City shall be considered thereby to have resigned his membership of the Commission.

members and three (3) alternate members shall be appointed for a term of three (3) years, and their successors shall be appointed in like manner for terms of three (3) years. In the event any member shall be absent or unable to act for any reason, the Chairman shall designate an alternate member to act.

Section 2. Boundaries of Historic District

There is hereby established under provisions of and in accordance with the Historic Districts Act, one historic district to be known as the Newton Upper Falls Historic District, bounded and described as shown on the map entitled, "Newton Upper Falls Historic District" attached to and made a part of this ordinance.

Section 3. Powers and Duties

The Commission shall have in addition to the powers and duties of an historic district commission the following further powers and duties, subject to appropriation or receipt of money gifts, and may in exercise of any of its powers or duties accept and expand such gifts and employ clerical and technical assistants or consultants:

(1) to conduct a survey of Newton buildings and sites for the purpose of determining those of historic significance architecturally or otherwise;

(2) to propose from time to time as it deems appropriate the establishment, in accordance with the provisions of the Historic Districts Act, of additional historic districts and changes in historic districts;

(3) to cooperate with, consult and advise the Planning Department, the Redevelopment Authority, and other City agencies and departments in matters involving historic sites, buildings and districts; and

(4) to offer assistance to and advise owners of historic buildings in any historic district on problems of preservation.

Section 4. Rules and Regulations

The Commission shall adopt rules and regulations for the conduct of its business, not inconsistent with the provisions of the Historic Districts Act. Such rules and regulations shall be adopted in accordance

with the procedure provided in Chapter 30A of the General Laws. A copy of the fules and regulations and any amendment thereto shall be filed with the City Clerk.

Section 5. Certificate of Appropriateness; Time for Decision; Exclusions

The Commission shall render a decision under the provisions of the Historic Districts Act within thirty (30) days after the filing of an application for a certificate of appropriateness, a certificate of nonapplicability, or a certificate of hardship, or within such further time as the applicant may in writing allow.

The Commission shall have no jurisdiction to review the following categories of exterior architectural features:

(1) structures erected for a period of four (4) weeks or less;

(2) two dimensional signs of four (4) square feet or less;

(3) terraces, walks, driveways, and sidewalks so long as such structure is substantially at grade level;

(4) storm doors and windows and screens if color matches that of the inner windows or surrounding trim; window boxes, window air conditioners and lighting fixtures, except for free-standing lighting fixtures;

(5) paint if grey or white; and

(6) roof materials, if slate grey or black.

Section 6. Severability

In case any section, paragraph or part of this ordinance be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

City of Newton, Massachusetts

City Hall 1000 Commonwealth Avenue 02159
PLANNING DEPARTMENT CHARLES J. THOMAS, DIRECTOR 617 244 4700
Newton Upper Falls Historic District Commission
William L. Whitney, Chairman

PRELIMINARY REPORT

on a

PROPOSED EXPANSION OF NEWTON UPPER FALLS HISTORIC DISTRICT

Prepared and Respectfully Submitted

by the

NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION

William L. Whitney (Chairman)

Duscha S. Scott (Secretary)

Elsie M. Husher (Chairman, Newton Historical Commission)

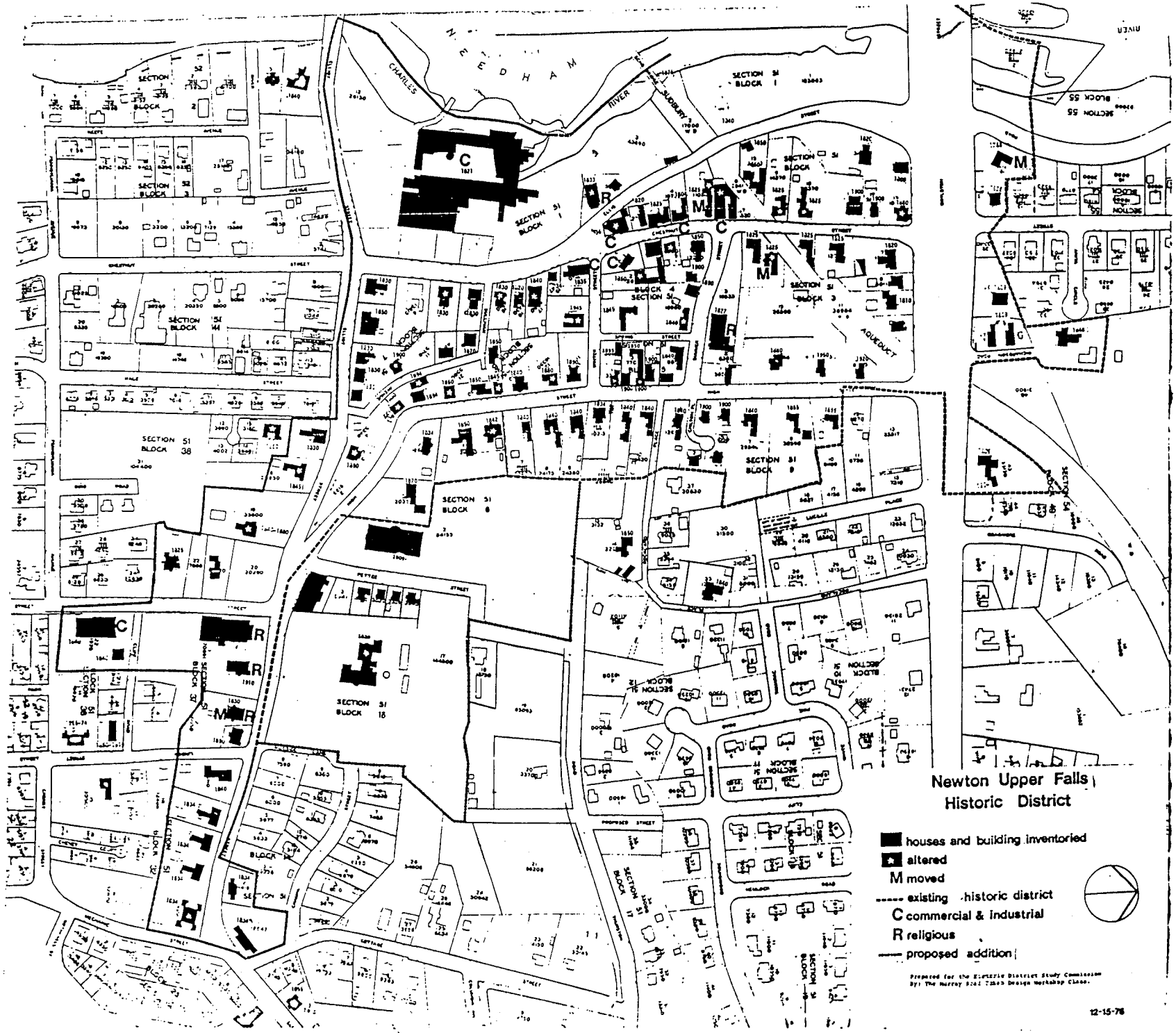
Sheldon M. Drucker

Charles H. Schwab

Kenneth S. Vlass

Dennis C. Rieske

Newton, Massachusetts
February , 1977


NEEDHAM
CHARLES
RIVER
SUDBURY
STREET
AQUEDUCT
Newton Upper Falls
Historic District
houses and building inventoried
altered
M moved
existing historic district
C commercial & industrial
R religious
proposed addition
12-15-76

Introduction

As the need for and justification of an Historic District in Newton Upper Falls was determined by the initial process establishing the District, this Preliminary Report will address itself to the merits of the Extension of the boundaries of the District and of the individual buildings contained therein. Reference is made to the Preliminary Report on a Proposed Historic District in Newton Upper Falls, Massachusetts, attached.

Description of Proposed Expansion

The proposed extension of the Historic District consists of eight parcels of land bordering the central and southeast portions of the District in and around the intersection of Elliot and Pettee Streets. Two of the parcels contain the Stone Institute and the Ralph Waldo Emerson Elementary School, both institutional "anchors" in the Upper Falls community. A third contains the "Prospect Block," a commercial building, while the remaining five parcels accommodate four residential buildings and a vacant lot.

The Ralph Waldo Emerson School is located at 5 High Street, but the major portion of its street frontage faces on Pettee Street. Constructed in 1904, it is a three story brick structure, Gothic in style. The school is named for Emerson, the great American essayist, philosopher, and poet who came to the Village of Newton Upper Falls in 1833 to establish a home with his mother. This building is the third on the site, preceded by Prospect School #1 (1855), and Prospect School #2 (1859). It is presently used as both an elementary school and a branch of the Newton Free Library.

The Stone Institute and Newton Home for the Aged commands a hilltop position overlooking Elliot Street at number 277. It was built as the home of industrialist Otis Pettee. Pettee is described by historian Henry K. Rowe in the Tercentenary History of Newton as "one of the principle factors in the development of Newton". Pettee was the superintendent of the Elliot Manufacturing Company from 1823 to 1831, when he left to start his own cotton machinery manufacturing company. He was instrumental in the construction of the railroad line from Brookline to the Upper Falls.

The original mansion, known as "Sunnyside", was in typical New England farm house style. This was later altered to reflect Victorian taste and in 1889 was described in King's Handbook of Newton as: "An antique letter mansion crowned by a little spire". It is now the Stone Institute and Home for Aged People, established by the philanthropy of James W. Stone at the end of the 19th Century, "for the support of aged and respectable men and women in indigent circumstances.

The four residential structures in the proposed extension are of lesser architectural and historic significance, although dating from the turn of the century or before, but are of the scale and general character appro-

priate to the surrounding District. Their inclusion is proposed primarily due to their location between the Emerson School and the Stone Institute, and the unfortunate effect on those properties and the nearby sections of the District of any uncontrolled change in these four structures or the use of the lots they occupy. Inclusion of the entire proposed extension would produce a logical and natural edge to the District, as can be seen on the attached map.

This report and the included inventories have been prepared by the Newton Upper Falls Historic District Commission with the help of its alternate members. It should be noted this group includes all members of the Study Committee for the original District. The inventories were established by personal inspection by members of the Commission, and by reference to the following documents:

City of Newton Records (Schools)
City of Newton Atlases, 1874, 1886, 1895
M. F. Sweetser's King's Handbook of Newton, Massachusetts
Dr. Samuel F. Smith's History of Newton
Henry K. Rowe's Tercentenary History of Newton
Jackson Homestead Publication Newton's Older Houses, Newton Upper Falls
Kenneth W. Newcomb's Old Upper Falls Village (unpublished)

The extension is proposed as an addition to the existing Newton Upper Falls Historic District, and all rules, procedures, and personnel pertaining to the District as a whole will pertain also to the extension.

Included for reference:

1. Preliminary Report on a Proposed Historic District in Newton Upper Falls, Massachusetts. by the Newton Historic District Study Committee, February, 1975.

2. Final Report on a Proposed Historic District in Newton Upper Falls, prepared by the Newton Historic District Study Committee, August, 1975.

3. City of Newton Ordinance No. 102, December 15, 1975.