



Town of Brookline

Massachusetts

Brookline Preservation Commission

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June 15, 2016

Mr. Jesse Geller, Chairman
Brookline Zoning Board of Appeals

Re: 40 Centre Street Comprehensive Permit Application

Dear Mr. Geller,

I understand that the zoning board of Appeals, in discussing the 40B project at 40 Centre Street, wanted to know why the Preservation staff and Commission had not nominated this building for the National Register. I would like to clarify the review process that was conducted on the project, and the National Register nomination policy administered by the Massachusetts Historical Commission.

Demolition Review

The Preservation Commission and staff review demolition of buildings in Brookline. If a building is deemed to have historic merit, the Commission has the option of placing a stay of demolition for up to 12 months (or up to 18 months for National Register properties) to allow the Town and the owner to discuss alternatives to demolishing the building.

Last summer, the previous owner of 40 Centre Street, Mr. Warren Becker, submitted a demolition review application to the Planning Department, which preservation planners found to be initially significant.

On August 11, 2015, the Preservation Commission conducted a public hearing for 40 Centre Street and upheld the initial findings of significance. The Commission imposed a 12-month stay, which expires on August 11, 2016. Mr. Becker did not apply to have the stay lifted, which would have entailed working with the Commission to discuss alternatives to demolishing the building. Once the stay expires, the current property owner, Mr. Robert Roth, is allowed to apply to the Building Department for a demolition permit.

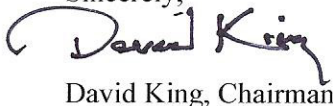
The Commission is aware of claims made at the ZBA public hearing that staff should have nominated this property for National Register listing to afford the site additional protections during the comprehensive permit process. It is not entirely clear that this building, though a fine work of architecture, is an appropriate candidate for the National Register, but nevertheless, the argument that the staff could have protected the building by placing it on the register is incorrect for the following reasons:

A) The Massachusetts Historical Commission's (MHC) long-standing policy for private property nominations requires a letter of support from the property owner. The MHC will not process a nomination from a municipality if it does not receive support from the property owner. The Town has learned this lesson directly: In 2015, the Town contracted a preservation consultant to perform the extensive research required to file a nomination form directly with the National Park Service, bypassing the MHC's policy. Although the NPS recommended approval of the nomination, MHC steadfastly refuses to process the nomination because of expressed lack of support from the property owner. MHC's letter June 1, 2016 to the NPS is attached for your reference.

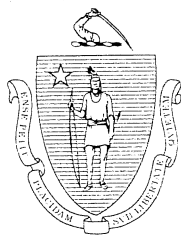
B) As the Town has discovered in two recent c.40B cases—Hancock Village and 21 Crowninshield, National Register-eligibility and State Register listing, respectively, has not had any impact on the preservation of the existing structures or site designs.

I hope that this overview clarifies that the Preservation Commission did try to prevent the demolition of 40 Centre Street, and that the property could not have been placed on the National Register because the owner would not have allowed this, and even if the property had been on the Register, this would not have protected it from being demolished for a 40B project.

Sincerely,

A handwritten signature in black ink that reads "David King". The signature is written in a cursive style with a large, sweeping initial "D".

David King, Chairman



The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

June 1, 2016

J. Paul Loether, Chief
National Register of Historic Places
National Park Service
1849 C St., NW
Washington, DC 20240

RE: Hancock Village, Brookline and Boston

Dear Mr. Loether:

I am writing to respond to your letters dated March 2 and May 25, 2016 regarding the National Register nomination form for Hancock Village, located in both Brookline and Boston. In your letter, you request that the nomination be scheduled for the next State Review Board meeting. And, more specifically, you ask whether this nomination will be considered at the June 8, 2016 State Review Board meeting. It will not.

The Massachusetts Historical Commission's long-standing policy for nominations of private property nominations requires a letter of support from the property owner. To date, the Massachusetts Historical Commission (MHC) has not received a letter of support from the property owner. The MHC's policy recognizes an owner's right to object to listing. The MHC has received a copy of the owner's letter to Stephanie Toothman, Keeper of the National Register, dated March 18, 2016, in which he fully supports the MHC's policy not to move forward with the nomination of his property. In that letter, the owner has requested that "the National Park Service decline to involve itself in the ongoing dispute between the Town and the Owner, and that it upholds the State Historic Preservation Officer's determination not to pursue this matter." I would appreciate receiving a copy of your response to the owner's letter.

The MHC hereby declines to process the nomination, since the owner is not supportive of its designation with respect to the National and State Registers of Historic Places.

Because this is private property, in accordance with the Massachusetts Historical Commission's policy, the nomination cannot proceed until a letter of support from the property owner has been received.

Sincerely,

A handwritten signature in cursive script that reads "Brona Simon".

Brona Simon
Executive Director
State Historic Preservation Officer
Massachusetts Historical Commission

xc: see attached

xc: Marissa Barrett, Brookline Preservation Commission
Rosanne Foley, Boston Landmarks Commission
Tonya Loveday, Boston Landmarks Commission
Mel Kleckner, Brookline Town Administrator
Marc Levin, Chestnut Hill Realty
Representative Edward F. Copping
Alison Steinfeld, Director, Brookline Planning and Development
Patrick Andrus, National Register of Historic Places