

Proposal to allow the Brookline Preservation Commission to act as the Study Committee for the formation of a Green Hill LHD

Green Hill NRD

The history of Green Hill is long, and in the tradition of former Colonial powers, checkered. In 1636 Captain John Underhill was allotted 80 acres in the area known as Green Hill. The artillery officer was sent to Green Hill to disperse the Native American inhabitants of the area. In 1638 Underhill was charged with heresy, forced to sell his holdings and driven to New Hampshire. William Hibbins purchased the property, which was inherited by his wife, who was subsequently condemned and executed as a witch in 1656. Samuel Perkins, who constructed both 25 Cottage Street and 222 Warren Street in the early-1800's, was a West Indies Trader for Perkins & Co., trading slaves from a base in Haiti. Perkins was one of several Boston-based merchants that established estates in the Green Hill area including Isaac Cook, John Lowell Gardner and Ignatius Sargent.

From these plantation economy roots, Green Hill developed into an influential arts colony in the second half of the 19th century, home to leaders in horticulture, landscape design and architecture. This cultural force was led by Charles Sprague Sargent (founder of the Arnold Arboretum), Isabella Stewart Gardner, Frederick Law Olmsted and H.H. Richardson. The homes and landscapes of Green Hill are a collection of the Town's oldest and most architecturally distinguished, shaped by Boston and Brookline's socially and financially elite families as well as nationally recognized leaders in art and design.

Properties under threat of Demolition

- **25 Cottage Street:** The residence at 25 Cottage Street was built for Samuel G. Perkins, a merchant and avid horticulturalist, as a summer home in 1804. It is possible that a small farmhouse built in the late 18th century that existed on this site may have been incorporated into the center of the house at that time. In 1851, the Perkins family sold the home to Waldo Maynard, a member of the merchant firm of Maynard and Waldo, who also used it as a summer home. In 1864, Edward William Hooper purchased the home. Hooper graduated from Harvard in 1859 and became treasurer of the college in 1876. In 1874, after moving to Cambridge, Hooper began renting this home to his friend and former Harvard classmate, Henry Hobson Richardson. When Hooper died, the home was deeded to J.C. Ropes as a trustee for Richardson's widow, Julia. The house remained in the ownership of the Richardson family until 1999. 25 Cottage Street was the home and studio of H.H. Richardson from 1874 to his death in 1886. Beginning with Trinity Church in Boston, Richardson completed most of the major works

of his career while residing at 25 Cottage Street, developing his signature architectural style, Richardsonian Romanesque. This style became popular for public buildings; among his notable designs are the Marshal Field Wholesale Store in Chicago; Allegheny County Courthouse and Jail in Pittsburgh; Sever and Austin Halls at Harvard; as well as many town libraries throughout Massachusetts including Woburn, North Easton, Quincy & Malden. The presence of H.H. Richardson in Brookline had a profound impact on the built environment of the Town. Among the architects who trained in this office and went on to design homes in Brookline were George Shepley, Charles Coolidge, Charles Rutan, Robert Andrews, Herbert Jaques, Alexander Wadsworth Longfellow Jr., and F. Manton Wakefield.

- **222 Warren Street:** The residence at 222 Warren Street was built for Samuel G. Perkins, who resided at 25 Cottage Street. The construction date for the home is uncertain; the rear ell has been tentatively dated to c. 1844 and the home appeared in real estate transactions by 1851. After changing hands several times in the 1850's, the home was purchased by Francis A. White and his wife Caroline Barrett. The couple had four children: the youngest, Sophia Buckland, married John Charles Olmsted in 1899. John and Sophia began their family in a rented house at 16 Warren Street, moving to 222 Warren in 1918 after completing renovations. John Charles had relocated to Brookline in 1884, with his stepfather Frederick Law Olmsted. John Charles was a full partner in FL Olmsted's firm at that time, which grew to include Henry S. Codman and Charles Elliot. After Frederic Law Olmsted's retirement and the death of Codman & Elliot, John Charles and his younger half-brother Frederic Law Olmsted Jr. formed the successor firm, Olmsted Brothers in 1898. John Charles was the senior partner in this firm until his death in 1920. John Charles Olmsted's significant works include the Boston park system, the landscaping and renovation of Fairsted (offices of Frederic Law Olmsted) at 99 Warren Street in Brookline, 12 Fairmount Street, park systems in Portland Maine, Portland Oregon, Seattle and Spokane Washington as well as residential and commercial area designs for Louisville, Dayton and northwest Washington DC to name a few. By the end of his career his commissioned works numbered over 3,500. According to the National Association for Olmsted Parks, he was "a respected leader in the landscape and early planning professions, leaving a profound mark on the land, often unrecognized today... a lasting legacy of public and private designs across the country which melded a picturesque aesthetic and pragmatic planning."
- **39 Cottage Street:** The residence at 39 Cottage Street was designed by Deck House, Inc., constructed in 1971 by builder Peter Morton for Dr. Frederic Hoppin and his wife Caroline. Fred and Caroline Hoppin were very involved in efforts to save the neighboring house at 25 Cottage Street, the home of HH Richardson. In 2012 the home was sold to Mordechai Levin, former owner of 25 Cottage Street and 222 Warren Street. The house has been vacant since that time. Deck House, INC., a prefabricated housing company, was founded in 1959 by William Berkes and Robert Brownell. Both Berkes and Brownell worked for Carl Koch at Techbuilt and Acorn Structures, INC., two of Koch's most successful prefabricated housing ventures, before leaving Acorn Structures to pursue their own vision. Carl Koch, a professor of Architecture at MIT from 1946-1966, was known as a leader in the movement toward prefabricated housing in the late

1940's. Koch was one of the earliest proponents of adaptable living spaces and a lifelong champion of affordable housing. The work of Deck House, INC. clearly follows the vision of Koch, creating homes in the modernist tradition characterized by simple, clean lines, adaptable interior spaces in an affordable, prefabricated package

Preservation History

When 25 Cottage Street was sold in 2020, Brookline's Preservation Planners became aware that the Preservation Restriction that formerly protected the property had been released by its former owner, Mordechai Levin, in 2013. The property, along with the abutting properties at 39 Cottage and 222 Warren were sold to Jeff Birnbaum of Pioneer Construction without any preservation protection in place.

The failure of the 25 Cottage preservation restriction was an unfortunate end to the nearly 8-year struggle on the part of former neighbors Fred and Caroline Hoppin, as well as the Town of Brookline and many Preservation organizations, who had attempted to secure its future by finding a preservation-minded buyer for the property.

Attempts by Preservation Planners to engage with the developer and their legal counsel after the demolition delay was imposed in December have been unsuccessful. In January, Preservation Planners provided the owner with a detailed reuse study completed in 2007 by the Shepley & Bullfinch firm as well as resources for Tax Credits and invited the developer to an initial meeting to discuss preservation options for the properties. The developer preferred not to meet at that time, expressing their intent to develop a plan and present it to Town planners at a later date. In the absence of an open, collaborative relationship with the developer, Preservation Planners began considering other options to secure the preservation of these nationally significant properties. With the support of many advocates, Brookline residents, Town Meeting Members and the Brookline Planning Department, the Preservation Commission began investigating the only available regulatory solution: establishing a local historic district to prevent the demolition of these homes.

Establishing an LHD

Local Historic Districts have 3 purposes under MA General Law 40C:

- To preserve and protect the distinctive characteristics of buildings and places significant to the history of the Commonwealth and its cities & towns
- To maintain and improve the setting of those buildings and places
- To encourage new designs compatible with existing buildings in the district

Local Historic Districts are the oldest and strongest form of protection for historic properties in the United States. Massachusetts' first Historic Districts on Beacon Hill in Boston and the island of Nantucket were found constitutional by the Massachusetts Supreme Judicial Court and enacted by Special Acts of the Legislature in 1955. In 1960, the statewide enabling statute, Mass General Law 40C gave municipalities the power to establish local historic districts.

In 1978, the U.S. Supreme Court decided the landmark case Penn Central Transportation Company v. City of New York. This case established the Constitutionality of imposing local historic preservation controls without owner consent, finding that preservation restrictions serve a legitimate public purpose and do not constitute a "taking" because they do not prevent reasonable economic use of a property. Local Historic Districts do not require owner consent for formation and are not subject to the limitations of zoning restrictions, which must be in place before an application is received to apply to a given case.

Local Historic Districts are not intended to prevent change, rather, the Preservation Commission is tasked with guiding appropriate changes and additions to historic buildings in the districts it oversees. Through the design review process, the Commission works with homeowners, builders, architects and developers to make necessary adaptations that enable a building's continued use while ensuring the preservation of its architectural character and history.

Establishing an LHD Legal Precedent

- Single building LHDs are common, the Wild-Sargent LHD in Brookline is one example.
- Such districts may be imposed with or without the owner's consent. Most recently, in 2019 the Town of Hopkinton established the Aaron & Lucy Claflin House single building LHD while the property was under demolition delay.
- There are four single building districts in the City of Springfield, all passed while a demolition delay was in effect:
 - * Our Lady of Hope LHD
 - * Immaculate Conception LHD
 - * Willys-Overland LHD
 - * National Needle Building Local Historic District
- In ROMAN CATHOLIC BISHOP OF SPRINGFIELD v. CITY OF SPRINGFIELD (2013) the court said of such districts: "By analogy, the Supreme Court has recognized in a different context that landmark laws -- which operate similarly to single-parcel historic districts -- are not necessarily operating in a discriminatory manner when they single out particular parcels for special treatment."

Establishing an LHD Timeline

The establishment of an LHD is a timely process involving deadlines outlined in MGL Chapter 40C and Brookline Town Meeting. Once sufficient support for an LHD is demonstrated, the Preservation Commission must vote to act as the Study Committee to oversee the process. A draft study report must be prepared; this is an in-depth historic analysis of the proposed area as well as research on each individual property. The BPC must approve the submission of the draft study report to MHC and the Planning Board.

No less than 60 days after the submission of the draft study report, the BPC must hold a public hearing. All property owners located in the proposed LHD will be notified, provided information on how to access the draft study report, and invited to participate and ask questions in the public hearing. After considering feedback and comments, the BPC will make any additional revisions and finalize the study report. A warrant article will be submitted to Town Meeting by the BPC. The warrant article must pass Town Meeting by a 2/3 vote.

As is required for any bylaw amendment passed at Town Meeting, the LHD only comes into effect after it is approved by the Attorney General (AG). That usually takes 90 days plus up to 30 days for the Town Clerk to send it to the AG after Town Meeting, for a total of up to 120 days. Lastly, the map of the boundaries of the new LHD must be recorded at the Norfolk County Registry of Deeds.

Establishing an LHD: Tasks

- Outreach
 - Property owners, TMM, Town Boards & Commissions, concerned citizens, preservation organizations
 - Networking for support
 - Educational programs
- Identify boundaries of LHD
 - Interested property owners, endangered historic resources
 - Thematic or Contiguous LHD
- Study Report
 - Draft scope of work
 - Identify funding source
 - Contract
 - Hire consultant
- Warrant Article & Town Meeting