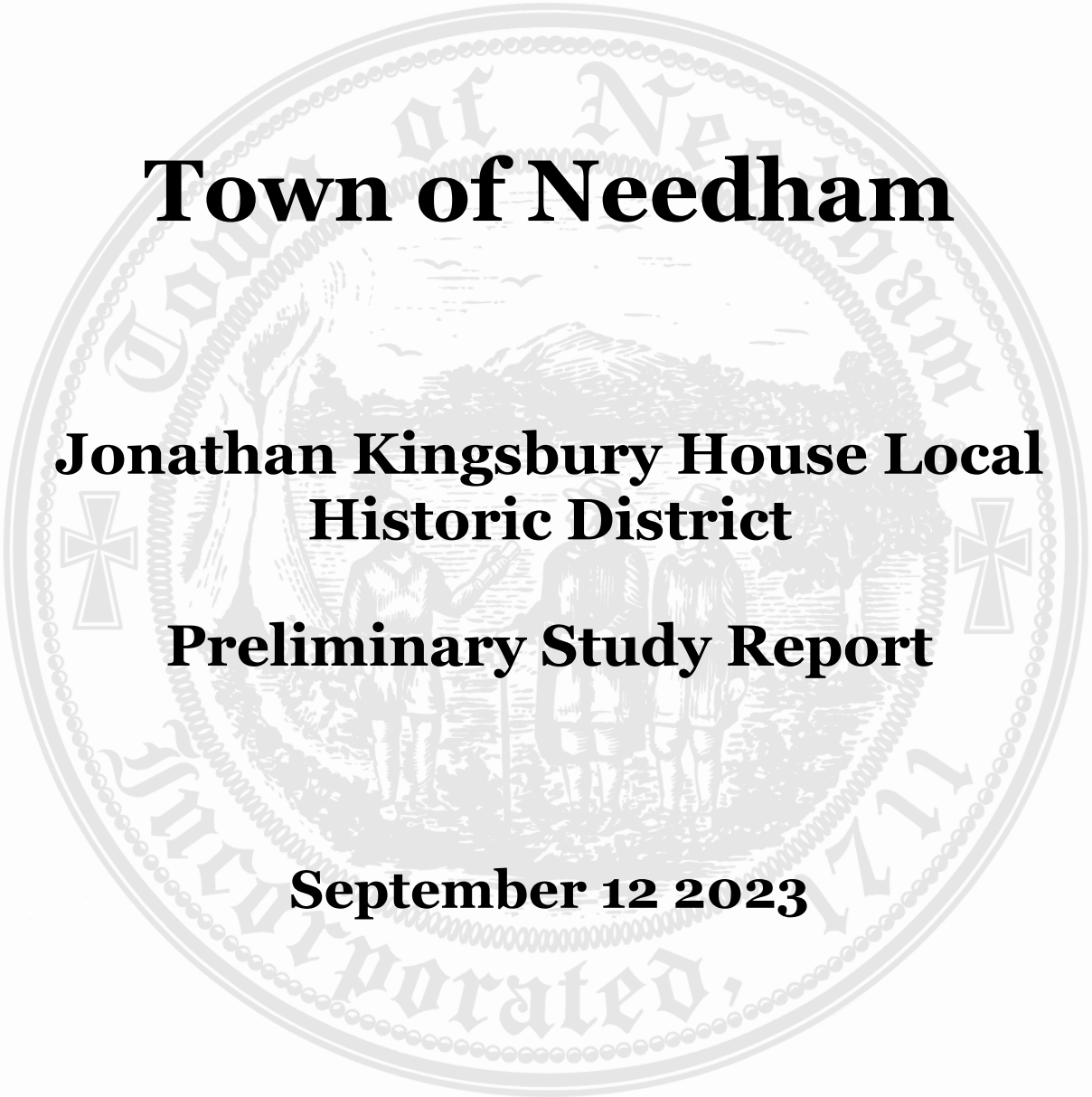




Town of Needham

Jonathan Kingsbury House Local Historic District

Preliminary Study Report

September 12 2023

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Summary Sheet

Contact Information

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- Phone Number: 781-455-7500 x204

Single Parcel Local Historic District Study Committee

- Alison Borrelli, Chair (Greater Boston Association of Realtors)
- Kimberly McCollum, Clerk (At-Large)
- Adam Block (Planning Board)
- Robert Dermody (American Institute of Architects)
- Gloria Greis (Needham History Center and Museum)
- Maurice Handel (District Resident)
- Don Lankiewicz (Historical Commission)

Expected Date of Public Hearing

- November 16, 2023

Expected Date of Town Meeting Vote

- May 6, 2024

Total Number of Properties included in the Proposed Local Historic District

- One – 3 Rosemary Street, Needham, MA 02494

Conclusion of Preliminary Study Report

- Adoption of proposed by-law and establishment of the Jonathan Kingsbury House Local Historic District

Introduction

For more than 60 years, towns in the Commonwealth of Massachusetts have been creating local historic districts as a means to protect their historic houses and neighborhoods from demolition and insensitive change. During that time, local historic districts have proved to be one of the strongest forms of historic preservation, helping save thousands of significant properties across Massachusetts.

The historic district movement began in the United States in 1931, when the city of Charleston, South Carolina, enacted a local ordinance designating an “Old and Historic District” administered by an architectural review board. Following a 1936 amendment to the Louisiana Constitution, the Vieux Carré Commission was created in 1937 to protect and preserve the historic French Quarter in New Orleans. The regulations of these districts provided that no changes could be made to the exterior architectural features of buildings, structures, and sites visible from a public street without the review and approval of a historic district commission. These first districts served as models for similar efforts to protect local historic properties across the country.

Massachusetts first made use of this tool for historic preservation in 1955. Special Acts of the legislature created the first local historic districts on Beacon Hill and on Nantucket. Special Act Districts in Lexington and Concord were established between 1956 and 1960. In 1960, a statewide enabling statute, known as the Historic Districts Act, Massachusetts General Law, Chapter 40C, was enacted to empower municipalities to establish their own local historic districts. Under MGL Chapter 40C, a two-thirds majority city council or town meeting vote can establish the means for creating a local historic district and establishing a local historic district commission to administer it.

Over 100 communities in Massachusetts now have local historic districts, which vary greatly in size and in the number of historic properties each contains. Some are very large, such as the Provincetown Historic District, which contains more than 1,000 properties, and the local historic district for Nantucket, which includes the entire island. Yet a local historic district in Massachusetts under MGL Chapter 40C can contain “one or more parcels of land, or one or more buildings or structures on one or more parcels or lots of land.” More than any other community, Somerville has taken advantage of this part of MGL Chapter 40C to create more than 260 local historic districts consisting of only one parcel. Fewer single-parcel local historic districts have been established in Brookline, Huntington, Lincoln, Sharon, Springfield, West Springfield, and Wellesley. Wellesley created its first two single-parcel historic districts in 2011.

Currently, Needham has no local historic districts of any size, but the town does have two National Historic Register Districts—the Needham Town Hall Historic District and the McIntosh Corner Historic District. Needham also has a number of structures individually listed on the National Register of Historic Places, including Echo Bridge, the Emery Grover Building, Needham Street Bridge, the Amos Fuller House (220 Nehoiden Street), the Robert Fuller House (3 Burrill Lane), the Davis Mills House (945 Central Avenue), the Israel Whitney House (963 Central Avenue), the Townsend House

(980 Central Avenue), the Tolman-Gay House (1196 Central Avenue), the James Smith House (706 Great Plain Avenue), the Joshua Lewis House (178 South Street), and the Kingsbury-Whitaker House (53 Glendoon Road).

This federal designation is essentially honorary and provides no practical protection from demolition. Additionally, work on such properties would only be reviewed if it involved Federal permitting, licensing, or funding.

Beyond this, the current town Demolition Delay By-law (2.11.5) permits the Needham Historical Commission to delay demolition for six months for structures listed on the town Inventory of Historic Houses, though there is no way to prevent the eventual demolition of those structures of historical significance to the town. Thus, there is a need to create a stronger form of protection for historic properties by way of a new by-law to establish local historic districts. Such districts would provide additional protections to covered homes relative to the existing by-law, specifically the ability for a historical district commission to deny demolition of a home within the bounds of a historic district.

Local historic districts provide for review of changes to historic properties. Instead, they allow for a process of public review and the thoughtful consideration of proposed changes, to make certain the changes are in keeping with the history and integrity of the protected properties. Just as important, local historic districts benefit the whole town by preserving the town's unique cultural heritage and fostering community pride. They help maintain the town's architectural integrity and promote environmental sustainability. By encouraging the adaptive reuse and rehabilitation of existing structures, local historic districts reduce the need for new construction and the associated consumption of resources. These advantages contribute to the overall livability, economic vitality, and cultural richness of the town.

This Preliminary Study Report presents a rationale for establishing a single-parcel local historic district at 3 Rosemary Street, the Jonathan Kingsbury House built in 1779. The house, which is on the town Inventory of Historic Houses, is the oldest and historically most important house standing in Needham Heights. It represents the Heights' largest landowner and one of its most significant families. Establishing this single property as a local historic district recognizes and preserves it as an integral part of the town's legacy and a treasured asset deserving of protection from demolition and inappropriate alteration.

Methodology

The Single Parcel Local Historic District Study Committee was formed by the Select Board on January 10, 2023 to consider designating the property located at 3 Rosemary Street as a single parcel historic district. The Select Board appointed all seven members of the Committee.

The formation of this Committee was the result of an effort begun two years ago, in 2021, by the Needham Historical Commission who has a longstanding interest in preserving houses on the Town and State historical inventory lists. The volunteering property owners also desire to preserve the unique characteristics of the subject property dating back to its construction 244 years ago in 1779, as one of the oldest remaining original homes of Needham. The current property owners, who have lived in the house for 36 years, desire such a designation which is not believed to negatively impact any neighboring property.

Research on the subject property has been conducted by the Needham History Center and Museum, the Needham Historical Commission in addition to previous and current property owners. Authors also researched the house for Old Homes of Needham, published in 1953 and Images of America – Needham, published in 1997.

The Committee intends to conduct a public hearing to engage the community for any feedback on the proposal to create a single parcel local historical district for the subject property. The notice of hearing will be published in the local newspaper, local digital news sites, shared on town social media sites and emailed to town meeting members.

The Committee intends to hold a public hearing in November 2023 and place the proposed district by-law before Town Meeting in May 2024.

Significance

The proposed district is comprised of the house and grounds at 3 Rosemary Street in Needham, known as the Jonathan Kingsbury House and built in 1779.

The Kingsburys were one of the first families settled in Needham. The earliest attested land grants within the land area that would become Needham are to John Kingsbury of Dedham, dated to 1636 and 1637. There were four Kingsburys among the 40 men who signed the Petition to the General Court that separated Needham from Dedham in 1711.

Jonathan Kingsbury, Jr (1744-1816) was a great-grandson of the John mentioned above. He built the house in 1779 to accommodate his large and growing family. Jonathan Jr. owned a sawmill in the nearby Rosemary Meadows. He was a Colonel in the Needham Militia East Company, mustered to Lexington and Menotomy in April 1775, and serving over the next several years at Dorchester Heights and Boston, and was discharged in May 1778. He also served the Town as its Representative in General Court for five years, Justice of the Peace, Selectman (12 years), Town Clerk (three years), Town Treasurer (13 years), and Assessor (15 years); some of these offices were served concurrently.

Descendants of Jonathan Kingsbury, Jr, also served the town in many important capacities over the years. There were members of the Kingsbury family living in Needham well into the 20th century.

Old maps and deed records show that the property originally extended for 132 acres, across Webster Street and down Rosemary Street; it was subdivided by inheritance and sale over the years to its present size. The Kingsbury family owned extensive property in the area now known as Needham Heights, roughly covering the land bounded by Nehoiden Street, Great Plain Avenue, Highland Avenue, and Manning Street. Within these boundaries are there are four historic Kingsbury houses still standing, and several more that have been demolished over the years. The Jonathan Kingsbury House is the oldest of these extant houses, and the oldest standing house in Needham Heights.

The house is a standard five-bay center-entry colonial, typical of Needham residential building in this time. The main house block and original ell are still intact, and sit on their original foundation. There has been an extension to the ell to form the garage (mid-20th century), a back porch (1940s), and modern additions to widen the ell toward the back of the property. Of these, only the garage extension is visible from the street. The house originally faced Webster Street, but the addition of a fireplace and chimney in the 1950s shifted the main entrance to the Rosemary Street side, and altered the appearance of the house. This chimney was removed a few years ago, and the Webster Street façade was restored to its original appearance, although it no longer functions as an entrance.

The chimneys, clapboards, windows, and shape of the current house are consistent with its historic appearance. The interior has been extensively altered, though there are preserved historic materials (especially on the second floor). Overall, the house is well-

maintained and in good shape. Its physical systems have been modernized, and solar panels were added to the roof, after consultation with the Needham Historical Commission.

The house is not included in the National Register of Historic Places (NRHP), and there is no record of whether an application to the NRHP was made for this house.

Although this home is not listed in the National Historic Register, this home is one of a shrinking number of historic homes in Needham. Since 1976, 24 18th century homes on the Town's historic inventory have been demolished. Only 96 remain today.

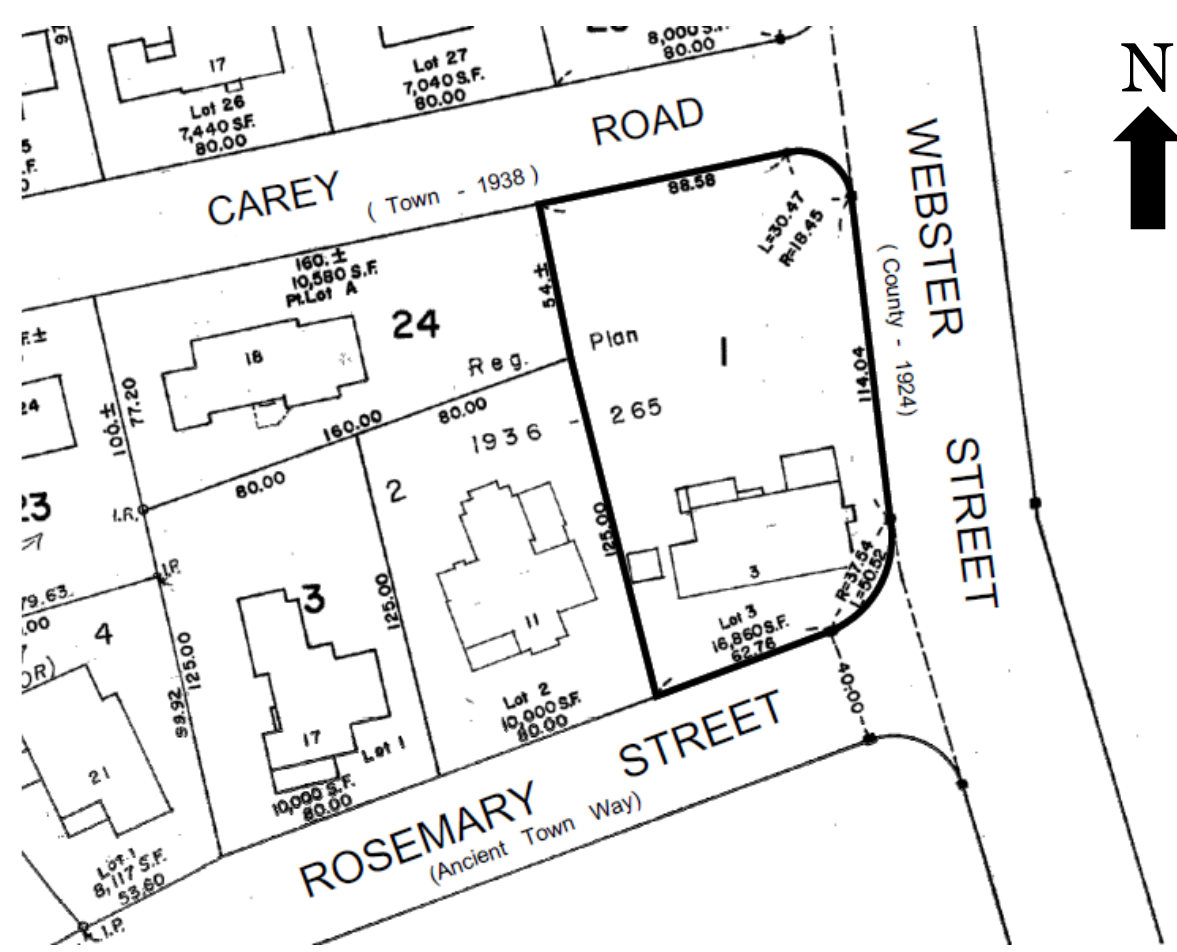
Justification of the Boundaries

The proposed district boundaries are comprised of the current lot lines, as surveyed, of 3 Rosemary Street.

The reason these boundaries are being proposed is that they do not affect rights or options available to the immediate abutters of the proposed district. That means that only the current owners of the only property in the proposed district, and the included structures on that property, are affected by the change in status and will be subject to the restrictions that will be in place when the district is approved. That also means that any potential reduction in value and a potential delay in any future sale of 3 Rosemary Street will not apply to any other properties.

This property was suggested for a Single Parcel Local Historic District given the relatively contemporary homes situated around the proposed property.

Map of the Proposed District



Property Street Address Index

1. 3 Rosemary Steet, Needham, MA 02494

Street Address	Parcel ID	Historic Name	Date of Construction	Architectural Style	MHC ID
3 Rosemary St	1990620000100000	Jonathan Kingsbury House	1779	Colonial	NEE.7

Options and Recommendations for the By-Law

The Needham Single Parcel Local Historic District Study Committee recommends that Town Meeting adopt this draft by-law, establishing a Local Historic District Committee and the Jonathan Kingsbury House Local Historic District, as presented in this report. This report notes the single-parcel nature of the proposed district, strong support of the property owners, and broader desire among residents to take steps to preserve historic homes.

The draft by-law, in line with Massachusetts Historical Commission best practice, is derived from a proven template used successfully in other municipalities to create their historic district committees and historic districts.

The draft by-law:

- Draws heavily from relevant Massachusetts General Law and peer community by-laws incorporating local historic districts and historic district committees
- Would create a proposed single parcel historic district which is strictly voluntary and has the consent of the homeowners
- Must be adopted by Town Meeting
- Can only be amended by Town Meeting
- Will establish a Historical District Commission responsible for approving or disapproving proposed demolition or structural alteration of homes within established historic districts
- Will not permit the Commission to consider interior arrangements or architectural features not subject to public view from a public way

The Committee recommends moving forward with a public hearing on the proposed by-law and historic district in November 2023, following submission of the Preliminary Study Report to the Massachusetts Historical Commission.

Draft Local Historic District By-Law

Preamble

The Town of Needham hereby establishes a Local Historic District, to be administered by an Historic District Commission as provided for under Massachusetts General Laws Chapter 40C, as amended.

1. Purpose

The purpose of this By-law is to aid in the preservation and protection of the distinctive characteristics and architecture of buildings and places significant in the history of the Town of Needham, the maintenance and improvement of their settings and the encouragement of new building designs compatible with the existing architecture.

2. Definitions

The terms defined in this section shall be capitalized throughout this By-law. Where a defined term has not been capitalized, it is intended that the meaning of the term be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context. As used in this By-law the following terms shall have the following meaning:

ALTERATION, TO ALTER

The act or the fact of rebuilding, reconstruction, restoration, replication, removal, demolition, and other similar activities.

BUILDING

A combination of materials forming a shelter for persons, animals or property.

CERTIFICATE

A Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship as set forth in this By-law.

COMMISSION

The Historic District Commission as established in this By-law.

CONSTRUCTION, TO CONSTRUCT

The act or the fact of building, erecting, installing, enlarging, moving and other similar activities.

DISPLAY AREA

The total surface area of a SIGN, including all lettering, wording, designs, symbols, background and frame, but not including any support structure or bracing incidental to the SIGN. The DISPLAY AREA of an individual letter SIGN or irregular shaped SIGN shall be the area of the smallest rectangle into which the letters or shape will fit. Where SIGN faces are placed back to back and face in opposite directions, the DISPLAY AREA shall be defined as the area of one face of the SIGN.

DISTRICT

The Local Historic District as established in this By-law consisting of one or more DISTRICT areas.

EXTERIOR ARCHITECTURAL FEATURE

Such portion of the exterior of a BUILDING or STRUCTURE as is open to view from a public way or ways, including but not limited to architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.

PERSON AGGRIEVED

The applicant; an owner of adjoining property; an owner of property within the same DISTRICT area; an owner of property within 100 feet of said DISTRICT area; and any charitable corporation in which one of its purposes is the preservation of historic places, structures, BUILDINGS or districts.

SIGNS

Any symbol, design or device used to identify or advertise any place of business, product, activity or person.

STRUCTURE

A combination of materials other than a BUILDING, including but not limited to a SIGN, fence, wall, terrace, walk or driveway.

TEMPORARY STRUCTURE or BUILDING

A BUILDING not to be in existence for a period of more than two years. A STRUCTURE not to be in existence for a period of more than one year. The COMMISSION may further limit the time periods set forth herein as it deems appropriate.

3. District

The DISTRICT shall consist of one or more DISTRICT areas as listed in Section 13 (Appendices) of this By-law.

4. Commission

4.1 The DISTRICT shall be overseen by a COMMISSION consisting of between five to seven members to be appointed by the Select Board. one member initially to be appointed for one year, two for two years, and two for three years, and each successive appointment to be made for three years.

4.2 The COMMISSION shall include, if possible, one member from two nominees solicited from the Needham History Center and Museum, one member from two nominees

solicited from the chapter of the American Institute of Architects covering Needham; one member from two nominees of the Greater Boston Association of Realtors covering Needham; and one property owner from within at least one of the DISTRICT areas.

If within thirty days after submission of a written request for nominees to any of the organizations herein named insufficient nominations have been made, the Select Board may proceed to make appointments as it desires.

4. 3 The Select Board may appoint up to four alternate members to the COMMISSION. Each alternate member shall have the right to act and vote in the place of one regular member should such regular member be absent from a meeting or be unwilling or unable to act or vote. Said alternate members shall initially be appointed for terms of two or three years, and for three year terms thereafter.

4.4 Each member and alternate member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed.

4.5 Meetings of the COMMISSION shall be held at the call of the Chair, at the request of two members and in such other manner as the COMMISSION shall determine in its Rules and Regulations.

4.6 A majority of the appointed membership of the COMMISSION shall constitute a quorum.

5. Commission Powers and Duties

5.1 The COMMISSION shall exercise its powers in administering and regulating the CONSTRUCTION and ALTERATION of any STRUCTURES or BUILDINGS within the DISTRICT as set forth under the procedures and criteria established in this By-law. In exercising its powers and duties hereunder, the COMMISSION shall pay due regard to the distinctive characteristics of each BUILDING, STRUCTURE and DISTRICT area.

5. 2 The COMMISSION may adopt, and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this By-law or M.G.L. Chapter 40C, setting forth such forms and procedures as it deems desirable and necessary for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of applications for CERTIFICATES, fees, hearing procedures and other matters. The COMMISSION shall file a copy of any such Rules and Regulations with the office of the Town Clerk.

5.3 The COMMISSION, after a public hearing duly posted and advertised at least 14 days in advance, may adopt and from time to time amend guidelines which set forth the designs for certain EXTERIOR ARCHITECTURAL FEATURES which are, in general, suitable for the issuance of a CERTIFICATE. No such design guidelines shall limit the right of an applicant for a CERTIFICATE to present other designs to the COMMISSION for approval.

5.4 The COMMISSION shall at the beginning of each fiscal year hold an organizational meeting and elect a Chair, a Vice Chair, and Clerk, and file notice of such election with the office of the Town Clerk.

5.5 The COMMISSION shall keep a permanent record of its resolutions, transactions, decisions and determinations and of the vote of each member participating therein.

5.6 The COMMISSION shall undertake educational efforts to explain to the public and property owners the merits and functions of a DISTRICT.

6. Alterations and Construction Prohibited Without a Certificate

6.1 Except as this By-law provides, no BUILDING or STRUCTURE or part thereof within a DISTRICT shall be CONSTRUCTED or ALTERED in any way that affects the EXTERIOR ARCHITECTURAL FEATURES as visible from a public way, unless the COMMISSION shall first have issued a CERTIFICATE with respect to such CONSTRUCTION or ALTERATION.

6.2 No building permit for CONSTRUCTION of a BUILDING or STRUCTURE or for ALTERATION of an EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT and no demolition permit for demolition or removal of a BUILDING or STRUCTURE within a DISTRICT shall be issued by the Town or any department thereof until a CERTIFICATE as required under this By-law has been issued by the COMMISSION.

7. Procedures for Review of Applications

7.1 Any person who desires to obtain a CERTIFICATE from the COMMISSION shall file with the COMMISSION an application for a CERTIFICATE of Appropriateness, of Non-Applicability or of Hardship, as the case may be. The application shall be accompanied by such plans, elevations, specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the COMMISSION to enable it to make a determination on the application.

7.2 The COMMISSION shall determine within fourteen (14) days of the filing of an application for a CERTIFICATE whether said application involves any EXTERIOR ARCHITECTURAL FEATURES which are within the jurisdiction of the COMMISSION.

7.3 If the COMMISSION determines that an application for a CERTIFICATE does not involve any EXTERIOR ARCHITECTURAL FEATURES, or involves an EXTERIOR ARCHITECTURAL FEATURE which is not subject to review by the COMMISSION under the provisions of this By-law, the COMMISSION shall forthwith issue a CERTIFICATE of Non-Applicability.

7.4 If the COMMISSION determines that such application involves any EXTERIOR

ARCHITECTURAL FEATURE subject to review under this By-law, it shall hold a public hearing on the application, except as may otherwise be provided in this By-law. The COMMISSION shall hold such a public hearing within forty-five (45) days from the date of the filing of the application. At least fourteen (14) days before said public hearing, public notice shall be given. Such notice shall identify the time, place and purpose of the public hearing. Concurrently, a copy of said public notice shall be mailed to the applicant, to the owners of all adjoining properties and of other properties deemed by the COMMISSION to be materially affected thereby, all as they appear on the most recent applicable tax list, to the Planning Board, to any person filing a written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the COMMISSION shall deem entitled to notice.

7.4.1 A public hearing on an application for a CERTIFICATE need not be held if such hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application for a CERTIFICATE may be waived by the COMMISSION if the COMMISSION determines that the EXTERIOR ARCHITECTURAL FEATURE involved, or its category, is so insubstantial in its effect on the DISTRICT that it may be reviewed by the COMMISSION without a public hearing. If the COMMISSION dispenses with a public hearing on an application for a CERTIFICATE, notice of such application shall be given to the owners of all adjoining property and of other property deemed by the COMMISSION to be materially affected thereby as above provided, and ten (10) days shall elapse after the mailing of such notice before the COMMISSION may act upon such application.

7.5 Within sixty (60) days after the filing of an application for a CERTIFICATE, or within such further time as the applicant may allow in writing, the COMMISSION shall issue a CERTIFICATE or a disapproval. In the case of a disapproval of an application for a CERTIFICATE, the COMMISSION shall set forth in its disapproval the reasons for such disapproval. The COMMISSION may include in its disapproval specific recommendations for changes in the applicant's proposal with respect to the appropriateness of design, arrangement, texture, material and similar features which, if made and filed with the COMMISSION in a subsequent application, would make the application acceptable to the COMMISSION.

7.6 The concurring vote of a majority of the members shall be required to issue a CERTIFICATE.

7.7 In issuing CERTIFICATES, the COMMISSION may, as it deems appropriate, impose certain conditions and limitations, and may require architectural or plan modifications consistent with the intent and purpose of this By-law.

7.8 If the COMMISSION determines that the CONSTRUCTION or ALTERATION for which an application for a CERTIFICATE of Appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the DISTRICT, the COMMISSION shall issue a CERTIFICATE of Appropriateness.

7.9 If the CONSTRUCTION or ALTERATION for which an application for a

CERTIFICATE of Appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, or in the event of an application for a CERTIFICATE of Hardship, the COMMISSION shall determine whether, owing to conditions especially affecting the BUILDING or STRUCTURE involved, but not affecting the DISTRICT generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this By-law. If the COMMISSION determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation, the COMMISSION shall issue a CERTIFICATE of Hardship.

7.10 The COMMISSION shall send a copy of its CERTIFICATES and disapprovals to the applicant and shall file a copy of its CERTIFICATES and disapprovals with the office of the Town Clerk and the Building Commissioner. The date of issuance of a CERTIFICATE or disapproval shall be the date of the filing of a copy of such CERTIFICATE or disapproval with the office of the Town Clerk.

7.11 If the COMMISSION should fail to issue a CERTIFICATE or a disapproval within sixty (60) days of the filing of the application for a CERTIFICATE, or within such further time as the applicant may allow in writing, the COMMISSION shall thereupon issue a CERTIFICATE of Hardship Due to Failure to Act.

7.12 Each CERTIFICATE issued by the COMMISSION shall be dated and signed by its chairman or such other person designated by the COMMISSION to sign such CERTIFICATES on its behalf.

7.13 A PERSON AGGRIEVED by a determination of the COMMISSION may, within twenty (20) days of the issuance of a CERTIFICATE or disapproval, file a written request with the COMMISSION for a review by a person or persons of competence and experience in such matters, acting as arbitrator and designated by the Metropolitan Area Planning Council. The finding of the person or persons making such review shall be filed with the Town Clerk within forty-five (45) days after the request, and shall be binding on the applicant and the COMMISSION, unless a further appeal is sought in the Superior Court as provided in Chapter 4OC, Section 12A. The filing of such further appeal shall occur within twenty (20) days after the finding of the arbitrator has been filed with the office of the Town Clerk.

8. Criteria for Determinations

8.1 In deliberating on applications for CERTIFICATES, the COMMISSION shall consider, among other things, the historic and architectural value and significance of the site, BUILDING or STRUCTURE; the general design, proportions, detailing, mass, arrangement, texture, and material of the EXTERIOR ARCHITECTURAL FEATURES involved; and the relation of such EXTERIOR ARCHITECTURAL FEATURES to similar features of BUILDINGS and STRUCTURES in the surrounding area.

8.2 In the case of new CONSTRUCTION or additions to existing BUILDINGS or STRUCTURES, the COMMISSION shall consider the appropriateness of the scale, shape and proportions of the BUILDING or STRUCTURE both in relation to the land area upon which the BUILDING or STRUCTURE is situated and in relation to BUILDINGS and STRUCTURES in the vicinity. The COMMISSION may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable statute or by-law.

8.3 When ruling on applications for CERTIFICATES on solar energy systems as defined in Section 1A of Chapter 40A, the COMMISSION shall consider the policy of the Commonwealth of Massachusetts to encourage the use of solar energy systems and to protect solar access.

8.4 The COMMISSION shall not consider interior arrangements or architectural features not subject to public view from a public way.

9. Exclusions

9.1 The COMMISSION shall exclude from its purview the following:

9.1.1 Temporary BUILDINGS, STRUCTURES or SIGNS subject, however, to conditions pertaining to the duration of existence and use, location, lighting, removal and similar matters as the COMMISSION may reasonably specify.

9.1.2 Terraces, walks, driveways, sidewalks and similar STRUCTURES, provided that any such STRUCTURE is substantially at grade level.

9.1.3 Storm windows and doors, screen windows and doors, and window air conditioners.

9.1.4 The color of paint.

9.1.5 The color of materials used on roofs.

9.1.6 Signs of not more than two (2) square feet in DISPLAY AREA in-connection with use of a residence for a customary home occupation or for professional purposes, provided only one such sign is displayed in connection with each residence and if illuminated is illuminated only indirectly; and one sign in connection with the nonresidential use of each BUILDING or STRUCTURE which is not more than six (6) square feet in DISPLAY AREA, consists of letters painted on wood without symbol or trademark and if illuminated is illuminated indirectly.

9.1.7 The reconstruction, substantially similar in exterior design, of a BUILDING, STRUCTURE or EXTERIOR ARCHITECTURAL FEATURE damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

9.2 Upon request the COMMISSION shall issue a CERTIFICATE of Non-Applicability with respect to CONSTRUCTION or ALTERATION in any category not subject to review by the COMMISSION in accordance with the above provisions.

9.3 Nothing in this By-law shall be construed to prevent the ordinary maintenance, repair or replacement of any EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT which does not involve a change in design, material or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any CONSTRUCTION or ALTERATION under a permit duly issued prior to the effective date of this By-law.

10. Categorical Approval

The COMMISSION may determine from time to time after a public hearing, duly advertised and posted at least fourteen (14) days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Needham, that certain categories of EXTERIOR ARCHITECTURAL FEATURES, STRUCTURES or BUILDINGS under certain conditions may be CONSTRUCTED or ALTERED without review by the COMMISSION without causing substantial derogation from the intent and purpose of this By-law.

11. Enforcement and Penalties

11.1 The COMMISSION shall determine whether a particular activity is in violation of this By-law or not, and the COMMISSION shall be charged with the enforcement of this By-law.

11.2 The COMMISSION, upon a written complaint of any resident of Needham, or owner of property within Needham, or upon its own initiative, may seek to institute any appropriate action or proceedings in the name of the Town of Needham to prevent, correct, restrain or abate violation of this By-law. In the case where the COMMISSION is requested in writing to enforce this By-law against any person allegedly in violation of same and the COMMISSION declines to act, the COMMISSION shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefore, within twenty one (21) days of receipt of such request.

11.3 Whoever violates any of the provisions of this By-law shall be punishable by a fine of up to \$300.00 for each offense. Each day during any portion of which such violation continues to exist shall constitute a separate offense.

11.4 The COMMISSION may designate the Building Commissioner of the Town of Needham to act on its behalf and to enforce this By-law under the direction of the COMMISSION.

12. Validity and Separability

The provisions of this By-law shall be deemed to be separable. If any of its provisions, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this By-law shall continue to be in full force and effect.

13. Appendices

Appendix 1: Jonathan Kingsbury House Local Historic District

The Jonathan Kingsbury House Local Historic District shall be a DISTRICT area under this By-law. The location and boundaries of the Jonathan Kingsbury House Local Historic District are defined and shown on the Local Historic District Map of the Town of Needham, Sheet 1-2024 which is a part of this By-law. Sheet 1 is based on the 2023 Assessor's Map. The delineation of the DISTRICT area boundaries is based on the parcel boundaries then in existence and shown therein, except as otherwise apparent on Sheet 1.

Local Historic District Map of the Town of Needham, Sheet 1-2024:

Recorded in the office of the Needham Town Clerk.

Digital Images

Historic photographs courtesy of Maurice and Elizabeth Handel

Circa 1880



Circa 1911



Circa 1940



Circa 1987



Circa 1990



Contemporary photographs courtesy of Alison Borrelli, dated September 4th 2023.





