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III. CITY OF SOMERVILLE, MASSACHUSETTS
IV. OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
(i) JOSEPH A. CURTATONE
(ii) MAYOR

HISTORIC PRESERVATION COMMISSION

ALTERATION TO A HISTORIC PROPERTY STAFF REPORT

Site / District(s): **140 Highland Avenue** **c. 1890 – Barnes-Luce House LHD, NRIND, NRMRA**
Case: **HPC 2014.093**

Applicant Name: **Michael Guigli, Owner**
Applicant Address: **140 Highland Avenue, Somerville MA 02143**

Date of Application: October 31, 2014
Legal Notice: *Remove chimney*

Staff Recommendation: Deny Certificate of Appropriateness
Date of Public Hearing: December 16, 2014

I. Building Description

Architectural Description: 140 Highland Avenue is an intact Stick Style/Queen Anne Style residence, one of the few such unaltered examples in Somerville. 140 Highland Avenue is an excellent of Queen Anne style. A variety of dormers, bays, porches, and chimneys contribute to the building's asymmetrical appearance. Gables are set into a steep hipped roof punctuated by a half round window in a central gable. The entry is sheltered by a brace-supported shed-roofed porch.

Historical Context/Evolution of Structure or Parcel: The property's first owner was Walter S. Barnes who was involved in the 'paper boxes' business in Boston.



The property is primarily associated with public servant Robert Luce. It was his residence during the peak of his career as a state representative and congressman. Retaining integrity of location, design, materials, workmanship, feeling, and association, 140 Highland Avenue fulfills criteria B and C of the National Register of Historic Places on the local level.

From the Form B which relies heavily on Representative Men of Massachusetts:

'140 Highland Avenue's most distinguished resident was politician Robert Luce, who lived in the house between 1903 and his death in 1945. The Honorable Robert Luce won the admiration of his peers as well as the citizens of Massachusetts as a statesman in the broadest sense. Robert Luce, born in Maine on December 2, 1862, moved with his family to Somerville in 1874. Upon graduation from Harvard in 1882, Luce associated himself

with several Boston newspapers and periodicals. In 1888, he started the Press Clipping Bureau, which became his main concern. In 1908, he passed the bar examination and soon engaged in the practice of law. He soon gained a reputation as one of the most eloquent and learned speakers in Massachusetts, and entered politics in 1826. After nine terms as state representative from Somerville, Luce was elected Lieutenant Governor in 1911 during his state review. Luce was known as an advocate of public welfare issues.

'In the U. S. House of Representatives, where he served from 1919 to 1934 and 1936 to 1940, Mr. Luce became the ranking member of the committees on banking, world war veterans and library. He was a regent of the Smithsonian Institute from 1929 to 1931.

'Number 140 Highland Avenue is an excellent example of Queen Anne style. Gables are set into a hipped roof punctuated by a half round window in a central gable. The long steeply pitched gable roof is typical of the Victorian tendency toward exaggerated features. It was the last home of the Honorable Robert Luce.

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'The Honorable Robert Luce won the admiration of his peers as well as the citizens of Massachusetts as a statesman in the broadest sense. His integrity and ability in public affairs is recognized throughout the state. Robert, born in Maine on December 2, 1862, moved with his family to Somerville in 1874. A descendant of Edward Doty who came over on the Mayflower, Robert, upon graduating from the new High School in 1877 was destined to bring credit to his name. Entering Harvard University in 1878, he became one of the founders of the Harvard daily newspaper. He also distinguished himself in his studies, receiving honorable mention at his graduation in 1882. The following year he went on to receive his A.M. Many years later, Mr. Luce was awarded and L.L.D. from Bates College. Upon graduation from Harvard, he associated himself with several Boston newspapers and periodicals. In 1888, he started the Press Clipping Bureau which became his main concern. A man who was constantly seeking to improve himself, he passed the bar examination in 1908 and engaged in the practice of law soon after. He was a contributory author with his article on "Elections" to the Encyclopedia Americana. The books authored by him include: "Writing for the Press", "Electric Railways", and "Going Abroad", which have been published in many editions.

'As a lecturer much in demand, he gained a reputation as one of the most eloquent and learned speakers in Massachusetts. He so distinguished himself during his nine terms as representative from Somerville, that Robert Luce was elected Lieutenant Governor in 1911. His public career was one exemplified by service to his city and state. He served on many important committees and was known as an advocate of public welfare issues.

'In 1912, when the Progressives split; the Republican Party, he was defeated along with a ll other Republicans on the state ticket. From that time until he was elected to the House of Representatives in Washington (1919), he served on the Massachusetts Retirement Board and other commissions. Also, he spent much of his time writing books on legislative procedures and principles, four volumes called "The Science of Legislation."

'In Congress, where he served from 1919 to 1934 and 1936 to 1940, Mr. Luce became the ranking member of the committees on banking, world war veterans and library. He was a regent of the Smithsonian Institute from 1929 - 1931. An intellectual man, an honest man, and to some degree a stubborn man, he believed that once he was elected to a seat in Congress, he was entitled to exercise his judgment on what was best for the nation's welfare, irrespective of what his constituents at home might think. This tended to make him intolerant of local opinion and indifferent to personal solicitation. It frequently endangered his political career and once, in 1934, when he tenaciously clung to his conservative views, interrupted it. But two years later, he returned and retired from Congress in 1940.

'At the age of 83, Congressman Luce died and then Majority Leader John W. McCormack best summed up his life by saying that Luce was one of the most intellectual men I have ever known, and he was intellectually honest.

'Both Somerville and the nation had a man who exemplified a fine character which contributed to its development.'

II. Project Description

Proposal of Alteration: Brief Description of Work:

A. West Chimney Removal:

- a. Remove entire 'non-original' chimney cap and remaining 'original' chimney inside the building from roof line to basement slab and cover roof opening with red slate to match existing 'original' slate. This request was granted in 2008 by the SHPC. Work can only be done when 2nd floor unit is vacant. This work was denied a Certificate of Appropriateness in May 2013.

B. Replace waste stack penetration with copper.

Other work proposed falls into the category of repairs and maintenance or are exempt from Commission review and should receive a Certificate of Non-Applicability for the following:

1. Replace damaged existing slates as needed;
2. Repair and replace copper hips and valleys;
3. Repoint the east chimney; and
4. Repaint.

III. Findings for a Certificate of Appropriateness

1. Prior Certificates Issued/Proposed:

2004.20	C/NA, Denied		1. Replace wood gutters with copper on main roof.
2005.25	C/NA		1. Repair and replace damaged and missing copper downspouts with in-kind materials and style.
2008.31	continued - C/A, C/NA	12/24/08	1. Remove a secondary chimney to below the roofline (C/A); 2. Remove remaining portion of the chimney from the interior (C/NA); and 3. Install new slate and copper ridge where needed to match original (C/A).
2008.80	C/A, C/NA	12/24/08	1. Remove 4 white vinyl clad windows on 1st floor (C/A); 2. Install 4 wood replacement windows to match original sash configuration (C/A); 3. Install storm windows over the 4 replacement windows and match to existing storm windows (C/NA) and 4. Repair in-kind front porch ceiling and floor to match existing (C/NA).

Precedence: Chimneys are frequently reconstructed as the mortar fails. Chimney removal is against HPC Guidelines. Since 2001, two buildings have received Certificates of Appropriateness – 30 Day Street because the chimney was minimally visible; and 140 Highland Avenue where building was an asymmetrical Queen Anne so the loss of the chimney would be less drastic, the chimney was a poor reconstruction, not considered character-defining and would be replaced with decorative red slates to match the existing roof pattern. This last was not undertaken within a year of the issuance of the Certificate and was not re-approved. See the meeting minutes for both meetings below for details regarding the proposed removal of the west chimney.

From the December 2008 Minutes: HPC 2008.31 - In June 2008, Mike Guigli presented the following. *The chimney has leakage problem; flashing has to be redone. The mortar is falling inside the chimney and would require a significant effort to repair. The chimney serves two oil burners. These will be replaced with high efficiency furnaces which will be vented out the rear of the building. The lower 6 courses are spalling due to moisture. A carrying girder sits on a portion of the chimney. The chimney no longer serves a purpose and he would like to remove it. Lally columns would replace the chimney to support the girder. The spalling is not due to rising damp because there is no water in the basement. It is*

due to moisture that comes down the chimney and has no outlet other than evaporation through the bricks. The chimney base is full of damp ash and soot. To fix the chimney would be prohibitive.

***Ryan Falvey** asked if they thought of installing a metal sleeve in the chimney. **Mike Guigli** replied that the new furnaces would be vented out the side of the building and that he would rather spend \$30,000 on heating rather than on the chimney. **Susan Fontano** suggested that he look at replicating the chimney in a brick veneer. **Michael Guigli** said that the other chimney would be repointed but this chimney was badly constructed and not the original one seen in the historic photo.*

***DJ Chagnon** noted that the chimney still contributes to the over all character of the building while **Michael Payne** stated that it did not add as much value to the building as it would if both chimneys retained their original aspect. **Michael Guigli** said that he felt that the rebuilt chimney detracted from the appearance of the building. **Michael Payne** then noted that if the second chimney were removed, the remaining one would have even more importance than it currently does; matching slates would have to be found. **DJ Chagnon** suggested that they should get an estimate of the cost to rebuild the chimney as well as the estimate for the slates. The visual impact of having both chimneys would be very strong. It was pointed out that the house was a Queen Anne and asymmetry was characteristic. **Michael Guigli** said that any owner knows that the fewer roof penetrations the better. The units would gain closet space. **Michael Guigli** said that he would remove the roofing tar from the existing slates and replace some of the windows that had been insensitively installed if he could remove the chimney. He did not want to do the work of looking for the slates unless he had some assurance from the Commission that he would be able to remove the chimney. A straw vote was taken to show how those Commissioners present felt regarding the proposal. He then agreed to **continue** the hearing so that he could undertake further research on the relative costs and availability of materials.*

***Michael Guigli** has now located the slate and demonstrated a color match to the existing slates and has a contractor that will undertake the chimney removal and slate work needed.*

***Kevin Allen** made a motion, seconded by **Ryan Falvey**, to grant a **Certificate of Appropriateness** to remove a secondary chimney to below the roofline and install new slate where needed to match original. The vote was unanimous ((**Michael Payne**, **DJ Chagnon**, **Ryan Falvey**, **Susan Fontano**) 4-0-1 (**Dick Bauer** abstaining)).*

From the May 2013 Minutes: HPC 2013.019

***Michael Guigli** presented. He would like the Commission to reissue the Certificate of Appropriateness issued in 2008. Because he needs to have the second floor empty, he has not been able to do the work and does not have a timeframe yet for when the work could be done.*

***Dick Bauer** said he was reluctant to discuss a hypothetical case since the chimney was not currently leaking and its potential removal was not planned any time soon. The Applicant had ample time to do the work and had not chosen to do so.*

*The Commission voted unanimously ((**Jillian Adams**, **Dick Bauer**, **George Born***, **Ryan Falvey**, **Abby Freedman**) 5-0-1(**Eric Parkes**)) to deny without prejudice the request to reissue the Certificate of Appropriateness #2008.031 to remove the chimney on the west side of the building.*

From the January 2014 Minutes: HPC 2013.095

***Michael Guigli** presented. He gave an update on the previously approved work on the slate roof of the porch and the turret room. He would like to remove an unused chimney that had been rebuilt and did not resemble the other visible chimney. He would like to close up the thermal envelope. The chimney is a heat vent. The base of the chimney is deteriorating the Carrying beam next to the chimney is cracked. The mortar is OK but the flashing is questionable. **Michael Guigli** said that his father was a mason. If the*

chimney was not wanted he should just take it down to the roofline and not rebuild it. He would like to install the decorative red slate, make the needed roof repairs and close it up. Both chimneys were non-functioning. He would like to conserve energy. His heating bills were not low. The chimney would cost \$10-15,000 to rebuild. It would be over the top to rebuild it. He could just throw roofing cement on it but wants to do a better job than that.

Alan Bingham asked why he didn't just rebuild the chimney from the roof line. *Michael Guigli* responded that there was no added value to it for him. He just did not feel it was worth it. *Jillian Adams* noted that it was common for such buildings to have multiple chimneys and that the house would look lopsided without it. *Abby Freedman* commented that his stewardship was good. She agreed with Jillian Adams on the effect of the chimney removal on the character, massing and form of the building. They both noted that bring the chimney up to its original height would do a lot for the way the building looks. *Dick Bauer* read the standards for Hardship and stated that these standards are difficult to meet. The commission then held a short discussion on the relative differences between modern and historic brick citing size and texture as the most important. It was noted that the chimney is highly visible from the public right of way. Alan Bingham said that he thought in the long run, it would be financially better to keep the chimney.

The Commission voted unanimously ((Jillian Adams, Dick Bauer, Alan Bingham, Ryan Falvey, Abby Freedman, Eric Parkes, and Todd Zinn*)6-0) to deny the request for a Certificate of Appropriateness because the removal of the chimney, a character defining feature did not meet Historic District Guidelines and was considered detrimental to the historic district.*

2. Considerations:

- *What is the visibility of the proposal?* The proposal is visible from the public right of way.
- *What are the Existing Conditions of the building / parcel?* The west chimney has been rebuilt without any of the architectural detail of the east chimney and not to the same height. The slate roof has most of the original slates and the pattern of size, color and placement is clear.

The primary purpose of the Preservation Ordinance is to encourage preservation and high design standards in Local Historic Districts, in order to safeguard the architectural heritage of the City. Guidelines have been developed to ensure that rehabilitation efforts, alterations, and new construction all respect the design fabric of the districts and do not adversely affect their present architectural integrity.

A. The design approach to each property should begin with the premise that the features of historic and architectural significance described in the Study Committee report must be preserved. In general, this tends to minimize the exterior alterations that will be allowed. The chimneys are not mentioned on the survey form but are clearly visible in the historic picture.

B. Changes and additions to the property and its environment that have taken place over the course of time are evidence of the history of the property and the neighborhood. These changes to the property may have developed significance in their own right, and this significance should be recognized and respected (LATER IMPORTANT FEATURES will be the term used hereafter to convey this concept).

There are no other changes to the building proposed beyond completing the slate roof patterning across the entire west side.

C. Whenever possible, deteriorated material or architectural features should be repaired rather than replaced or removed.

The proposal is to remove rather than rebuild the chimney and to replace the slate roof with matching slates in the existing pattern.

D. When replacement of architectural features is necessary, it should be based on physical or documentary evidence of the original or later important features.

There is no intent to replace the existing architectural feature once it is removed.

E. Whenever possible, new materials should match the material being replaced with respect to their physical properties, design, color, texture and other visual qualities. The use of imitation replacement materials is discouraged.

There is no intent to match the existing architectural feature once it is removed.

F. The Commission will give design review priority to those portions of the property which are visible from public ways or those portions which it can be reasonably inferred may be visible in the future.

The chimney is visible from Highland Avenue.

B. Roofs

1. *Preserve the integrity of the original or later important roof shape.* There will be no change to the shape of the roof.
 2. *Retain the original roof covering whenever possible. If the property has a slate roof, conserve the roof slates. Slate is a near-permanent roofing material, and deterioration is generally caused by rusted roofing nails.* However, the main roof is slate and will continue to be maintained.
 3. *Whenever possible, replace deteriorated roof covering with material that matches the old in composition, color, size, shape, texture and installation detail.* The roof covering will be replaced as needed to match the existing.
 4. *Preserve the architectural features that give the roof its distinctive character, such as cornices, gutters, iron filigree, cupolas, dormers and brackets. Downspouts should be inconspicuously located and should be painted to match the color of the siding.* The proposal is to remove the existing west chimney and replace it with slate shingle to match the existing. See photo below.
- *Does the proposal coincide with the appropriate Specific Guidelines as set forth in the Design Guidelines?* The proposal does not meet all the HPC Guidelines for repair rather than replacement of in-kind historic materials in that the chimney which is a character defining feature will be removed, however the roof plane and its historic slate covering will be maintained.

Existing chimneys are an important architectural detail that in most cases contribute to the architectural integrity of the structure and overall roof form. The chimneys on a historic building form the backbone of its structure; they indicate the building's interior layout and the uses of the rooms inside. Certain chimney styles are associated with particular styles of 18th and 19th century buildings. The style and shape of a chimney, as well as the form of its bricks, may reflect the aspirations of the building's original owners.

III. Recommendations

The Staff recommendation is based on a complete application and supporting materials, as submitted by the Applicant, and an analysis of the historic and architectural value and significance of the site, building or structure, the general design, arrangement, texture, material and color of the features involved, and the relation of such features of buildings and structures in the area, in accordance with the required findings that are considered by the Somerville Historic District Ordinance for a Historic District Certificate. This report may be revised or updated with new a recommendation or findings based upon additional information provided to Staff or through more in depth research conducted during the public hearing process.

Staff determines that the alteration for which an application for a Historic Certificate has been filed is appropriate for and compatible with the preservation and protection of the 140 Highland Avenue Local Historic District; therefore **Staff recommends that the Historic Preservation Commission do not grant Michael Guigli a Certificate of Appropriateness to remove the existing west chimney because it does not meet all the HPC Guidelines.**





LIEUT.-GOVERNOR'S HOME, HIGHLAND AVENUE