

Members Present: Steve Wagner (SW), John Thompson (JT), Phyllis Halpern (PH), Al Aydelott (AA), Alan Fobes (AF), Henry Stone (HS), Kathryn Scadden (KS),

Staff Present: John Field (JF), Town Manager Leon Gaumont

Others Present: Select Board member Laurie Bent, Planning Board members Leslie Glynn & Alicia Primer, former Selectman Michael Harrity

Location: online

Link to Recording: <https://weston.vod.castus.tv/vod/?video=7bac014d-a68b-4968-98b4-95ad9b28e8d5&nav=programs%2FHistorical%20Commission%20-%20Weston%20MA>

SW called the meeting to order at 3:02 pm and read an open meeting law disclaimer from the Governor regarding remote meetings.

Agenda Item:

1. **Public Comments:** None
2. **Town Meeting Warrant Articles**
 - a. **Louisa's Wall**

The Historical Commission held this special meeting to discuss warrant articles for the upcoming Town Meeting. Of primary concern is the Article 28, the "Conveyance of Louisa's Wall Parcel at Case Estates (101 Wellesley Street.) The article reads as follows:

"To authorize the Select Board to convey a parcel of land, containing approximately 1652 S.F. ± of land and containing the tall, large-boulder wall known as "Louisa's Wall," said parcel of land as approximately shown on a plan entitled "Subdivision Plan Case Estates Wellesley Street & Alphabet Lane Weston, Massachusetts," dated April 9, 2021, prepared by R.E. Cameron & Associates, Inc. (Sheet 1 of 2), on file with the Town Clerk, being a portion of the property conveyed to the Town by a deed dated June 6, 2016, recorded with the Middlesex South District Registry of Deeds in Book 67393, Page 247, such conveyance to be made subject to a restriction obligating the new owner to maintain the wall in accordance with its historic nature; and, further, to appropriate a sum of money for the restoration of Louisa's Wall to be paid on such terms and conditions as the Select Board shall deem appropriate, and to enter into such agreements and execute such instruments to effectuate the transaction subject of this vote; or take any other action relative thereto. Article 28

Explanation: The buyer of this small parcel is the owner of the abutting property, 101 Wellesley Street. This individual notified the Town in September 2020 that a portion of Louisa's Wall had collapsed and was in immediate need of repair or further damage would occur. The only viable access to complete the repairs was via 101 Wellesley Street so, believing the lot line bisected the wall, the Town agreed to share equally in the cost of the repairs, subject to Town Meeting approval. A licensed contractor completed the repairs and was paid by the abutter. A subsequent, detailed survey revealed that the entire wall was owned by the Town. This article proposes to sell the land and wall to the abutter, who shall have an on-going obligation to maintain the wall. Because the abutter fully paid for the repairs, the transaction will involve a \$10,000 payment to the abutter to reimburse him for one-half of the cost of those repairs.

A two-thirds vote is required to approve this article.

Background: Louisa's Wall is unique. It is likely the only 100-year-old, 10 foot high, 4 foot wide, 240-foot dry laid stone wall in New England. Contrary to initial understanding, it is located completely on town-owned land that is part of the Case Estates. On the other side is the private property of James Mannix, 101 Wellesley Street. The town side of the wall including a wood gate can currently only be accessed by the public from a path off the Legacy Trail.

Condition: Some deterioration on Town side has existed for several years. Recent deterioration on Mannix side was repaired by Mannix with Town permission.

Discussion:

Michael Harrity provided information about his lengthy and in-depth involvement with aspects about the wall and the Case Estates. He explained that in the fall of 2020 a portion of Louisa's wall collapsed. Because of the size of the stones in the wall, repairs required equipment which could only access the wall via the abutting property at 101 Wellesley Street. The abutter's survey indicated that the properties' boundary line was down the middle of Louisa's wall, so a splitting of the repair cost was discussed, subject to appropriate approvals. To prevent further

damage over the winter, the abutter, Mannix, engaged a contractor to undertake the needed over-\$20,000 in repairs which were completed by the low, qualified bidder. Harrity had expected that the town would split the cost of these repairs with a \$10,000 cap. After the town's surveyor discovered that the wall is actually located on town property only, the idea has been to transfer the wall to the abutter with a preservation deed restriction that would require him to maintain it in good structural condition and sound state of repair. He said that this restriction would carry to future owners, and that town would have the right to review repairs. K & P Law has drafted the Historic Preservation Restriction language. Harrity doesn't believe the restriction should be too specific so it was left with a generalized description of the required maintenance. He wished that he had apprised the Historical Commission of the proposed status change of the wall earlier.

PH remarked that on the town side, the wall is in a much poorer condition than previously noted, with areas that are falling down at the far ends, and in between where the "hen's teeth" are missing. Much repair work on the town side is needed before anything else happens at the site.

Leslie Glynn described the wall as an iconic structure for which the town should maintain ownership. She suggested that the town should showcase it by strengthening the existing path through the rhododendron garden from the Legacy Trail. It is not just any wall; it carries with it Case Estate history as a birthday present from Marion Case to her sister, Louisa. Therefore, this wall is important to women's history, and we should take pride in that and our ownership of it.

AA asked where the boundary line would move in the purported conveyance. He said the town has an overriding interest in community ownership. This is the only wall like it anywhere, so its preservation is unlike preservation of a historic house in town. AA speculated that the plan to convey the Wall to the abutter arose because the town lacks the staff to inspect and repair the wall.

JT spoke up for the idea of a footpath from the Legacy Trail over to the Wall for access to it. He also suggested that once a year the public be allowed access to the far side of the Wall.

SW observed the town could possibly consider selling the wall, but more information is needed beforehand. After all, Harvard University had owned the land and wall for many years prior to 2006, so it has not been in the town's possession long. He believes that preservation of the wall is the priority and that ownership comes second. What is the best way to preserve it? He suggested that this transfer is not ready for town meeting.

AA noted that the HC needs time to review the language of the restriction. He is concerned that the only remedy for a future violation of the restriction is to take a violator to court. Harrity responded that the town would have the right to make repairs and to charge the owner.

Alicia Primer commented that the language in this restriction is inaccurate and incomplete. The town should not rush this proposal through. She noted that the Planning Board held a discussion on this last night and voted 5 to 0 to ask the Select Board to pass over this warrant article, and to reconsider it after multiple questions have been answered. Should the Select Board not pass over, the Planning Board voted to oppose the article.

Glynn suggested although the current owners have great historical respect for the wall, future owners may not, especially with the current wording on the PR. SW suggested we look into the cost to repair the wall facing the town side now. Glynn added there is an expert historic wall consultant in Vermont who could provide a diagnosis of the wall's existing structural condition.

JT suggested that the restriction be written to require a return of the wall if a future abutter does not follow his obligations in the restriction to maintain it.

KS said that opening up access to the wall for the public is important. Rather than have a designated administrator checking the wall's condition, if there are problems in the future, we would be notified by passers-by.

SW asked about the timing to work with the Select Board over the restriction. Harrity responded that there is no obligation to close in any particular time frame. Specific changes to the restriction are one question, but obviously if people are interested in owning the wall, that may not appeal to them. All that is happening here is that the town would be approving the sale and that the buyer would have obligations. Is there a path to improve this?

Adrienne Giske asked if DPW would perform wall maintenance. Harrity responded that maintenance execution would be the Select Board's decision, who could then appoint the Commission to administer it.

AA followed up on JT's earlier point by asking whether the restriction could allow the town a right of first refusal for the wall should the property be sold in the future.

PH noted that HC member Henry Stone, who couldn't attend today's meeting, sent a note saying that while it is tempting to turn over future financial and maintenance burden of this huge wall to the neighbor, who is to say that future neighbors will be as responsible as the current ones? How will the town assure future proper care and access?

Laurie Bent echoed Harrity's apology for not having looped the Historical Commission into the discussion about the Wall before the Warrant was written. She hoped that there can be focus on the process here. She and Leon Gaumond excused themselves at 4:00 pm to attend a Select Board meeting.

Glynn noted that the abutter repaired only his side of the wall because that is what he sees. If the Commission thinks that the Wall should be sold, the parameters for the restriction must be right. The Planning Board has worked hard on descriptions/specifications for stone walls in recent years, and is happy to share that information.

SW said that repairing the damage to the Wall on the town side before anything else happens is currently his biggest red flag.

Harrity said that he's heard several good suggestions to improve the restriction language, especially regarding potential return of the property to the town due to poor future maintenance or right of first refusal. Another issue would be that town should have the right to repair the wall on its side. How would the town accomplish repair of the wall on town side? The area is in an Activity and Use Limited Area, so work there must be filed with the DEP. Protocol will require that any activity there be overseen by a licensed professional.

Glynn opined that all these issues and facets need to be considered and discussed – all reasons why this article should be passed over.

MOTION: Alan Fobes moved that the Commission ask the Select Board to pass over Article 28 at Town Meeting. KS seconded. All voted in favor of request.

After further discussion, SW questioned whether the Commission should stand up at town meeting to oppose this should the Select Board not pass over the article. He appreciates the work done so far but believes that there should be a better more cohesive package. Harrity asked how this package can go forward. SW and AA assured Harrity that the Commission will pick up this work.

Glynn suggested that we bring in an expert, for example, someone from the Stone Trust in Vermont to inventory and appraise the Wall. This would be like "an existing conditions report" or "a needs study" to provide a road map going forward. She suggested that renovation of the rhododendron garden could be considered as an additional, separate asset.

AA thanked Harrity for his presentation and for listening to the Commission's comments.

b. Other Warrant articles

PH wondered whether someone should stand up at town meeting in support of Article 23 regarding approval of WAHFI's request for funds for affordable housing on Birch Lane. SW expects that the nature of this town meeting will preclude that.

No further discussion.

Meeting adjourned at 4:20pm Respectfully

Submitted by Kathryn Scadden and Phyllis Halpern