March 28, 2018

Robert Treat Paine Storer III, President
Friends of Stonehurst / Robert Treat Paine Historical Trust
100 Robert Treat Paine Dr.,
Waltham, MA 02452

Dear President Storer,

The New England Chapter, Society of Architectural Historians, supports your opposition to the proposed diversion of a portion of the historic Paine Estate property for use as a school.

The proposal for the diversion ignores the important association of this tract of land with the larger Paine Estate and with Henry Hobson Richardson, architect of the Paine house; Fredric Law Olmsted, landscape architect of the estate; and of the Paine Estate’s association, in turn, with the Lyman Estate — all key components of Waltham’s history. We believe it is also ill-considered because, if successful, such an action would set an unfortunate precedent for the misappropriation, for other than originally intended purposes, of properties that have been dedicated to the public trust in perpetuity. Thus, it could also have a serious chilling effect on such future possible donations throughout the Commonwealth.

Furthermore, in reviewing the history of the property, there appear to be so many safeguards in place, including a perpetual easement under MGL 184 and the SJC’s recent Chapter 97 Westfield ruling, that the School Committee should understand this is not a viable pursuit.

In addition, our membership has noted to us that the property also received an Urban Self-Help Grant. You should be aware that in the case of a much less significant property in Brookline (the former Baldwin school and playground site), last year the acceptance of one of those grants in 1959, together with the Westfield decision, effectively killed a proposal new school for that location. The Urban Self-Help Grant that Brookline had received, which was for the acquisition of a minor part of the total property, included an easement, which had no mapped or described specific bounds relating to the acquired sub-tract, whose language was deemed by Town Counsel to extend to the boundaries of the entire property. (For one reference, see: letter of October 23, 2017; Re: The 9th Elementary School; From: Stephen Wald, of Partridge Snow & Hahn [counsel for opponents]; To: Brookline Board of Selectmen et al.) The town has now dropped consideration of that property.

Best regards,

David Foxe, President on behalf of the Board
New England Chapter, Society of Architectural Historians