ORDINANCE #1213

Final Publication Number 2817. First Publication in the Chronicle on December 10, 1998.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Eight.

AN ORDINANCE

In amendment to the ordinance entitled "The Zoning Ordinances of the City of Cambrid

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter 2.78 of the Municipal Code of the City of Cambridge entitled "Historical Buildings and Landmarks" is amended by inserting the following subsection at the end of Section 2.78.050:

D. The Old Cambridge Historic District is extended pursuant to provisions of the Historic Districts Act, Massachusetts General Laws Chapter 40C, by the addition thereto of properties located on Arsenal Square, Concord Avenue, and Garden Street and the portions of said streets bounded as shown on the map entitled "Proposed Arsenal Square Extension of the Old Cambridge Historic District Extension, April 3, 1998" incorporated in this chapter in full. As so extended, the Old Cambridge Historic District remains in full effect and such extended district shall be subject to the provisions of M.G.L. Chapter 40C and this Section. In making determinations concerning properties in the extension, the Commission shall be guided by the terms of the Revised Final Report on the Proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the Proposed Landmark Designation of 22, 24, and 26-28 Garden Street, issued July 27, 1998.

In City Council January 11, 1999.
Passed to be ordained by a yea and nay vote:-
Yeas 9; Nays 0; Absent 0.

ATTEST:-

D. Margaret Drury
City Clerk

C. C. 106

City of Cambridge

MASSACHUSETTS

In City Council 1/9, 1999

Unfinished Business # 14 Amend Ch. 2.78

YEA	NAY	ABSENT	PRESENT	
✓				Ms. Kathleen L. Born
✓				Ms. Henrietta Davis
✓				V. Mayor Anthony Galluccio
✓				Mr. Kenneth E. Reeves
✓				Ms. Sheila T. Russell
✓				Mr. Michael A. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
✓				Ms. Katherine Triantafillou
✓				Mayor Francis H. Duehay

9 0 0 0

ORDINANCE #1213

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City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Eight.

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In City Council January 11, 1999.
Passed to be ordained by a yea and nay vote:-
Yeas 9; Nays 0; Absent 0.

ATTEST:-

D. Margaret Drury
City Clerk

Temple Bar renovates Nick's spot, eyes opening this month

Pub replaces Nick's Beef and Beer on Mass. Ave.

he owners of Grafton Street are paring a new Cambridge restau- the Temple Bar, for a late Jan- opening.

ocated between Harvard and er squares at 1688 Mass. Ave., 35-seat Temple Bar will occupy former site of Nick's Beef and , the venerable retreat across Harvard Law School.

Ve hope that Temple Bar will nue the neighborhood tradition Nick's held for 28 years — a ortable staple where you go to friends after school, after work, drink or for a good and satisfy- eal," said Patrick Lee, one of ners.

e Grafton Street in Harvard e, Temple Bar is named for a ng urban district in Dublin which is well known for its warm and inviting pubs and lively customers.

The 3,000-square-foot restaurant is being designed by architect Peter Niemetz and his associate, Joe Garufi. It features a restaurant-wide mural depicting a Dublin street scene, retractable folding front doors that open out to the street in good weather, and a 40-foot copper-top bar.

"We want this to be a place where our neighborhood regulars can satisfy their very personal tastes," Lee said in a prepared statement to the press.

The bar will be open nightly until 1 a.m.

Temple Bar will be open seven days a week for lunch, dinner and late night. According to Lee, entrees will be priced $5.95 to $12.95. The menu runs the gamut from appetizers like "Rabbit Tenders," the "Dongiuien Spud" (a baked potato served with bacon, sour cream, scallions, mushrooms and cheddar cheese), "Wedge and Berries" (a fruit and cheese platter), to the "Temple Platter," a platter of sesame seared tuna with smoked oysters, cherrystones, caviar and house-cured smoked salmon.

The Temple Bar will also be open for Sunday brunch beginning in mid-February. The kitchen at the Temple Bar will be supervised by chef Bootsy Mullan, a Charlestown native and son of an Irish immigrant, who returns to Boston from New Orleans where he worked with Paul Prud'homme at K-Paul.

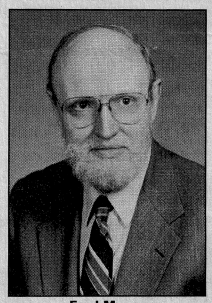
ate realtors elect Meyer president

Meyer, owner of Universi- l Estate in Cambridge, has ected president-elect of the husetts Association of Re- or 1999.

resident-elect, Meyer will ate at all levels of the asso- s decision-making process, nt the association at impor- etings and business func- nd serve as a spokesperson ssociation on various real dustry-related matters.

will also perform the du- he association's president sence. He automatically s a member of the MAR e Committee and Board ors as a result of his elec-

ves on the MAR Finance ee and has been active on association's Government Personnel and Legal Af- mittees in recent years. becoming president-elect, rst vice president in 1998,



Fred Meyer

served as the MAR secretary from 1996 to 1997, and was the state association's greater Boston region vice president in 1994 and 1995. He was a MAR state director from 1988 to 1991 and again in 1993.

Meyer is a former treasurer and clerk of the Greater Boston Real Estate Board and a past president of the GBREB's Residential Association of Realtors. He is a former chairman of his local board's membership committee and its continuing education task force and has served on GBREB's Finance and Standard Forms Committee in recent years.

The recipient of the Greater Boston Real Estate Board's Realtor of the Year Award in 1990, Meyer has earned his Graduate, Realtors Institute, Certified Residential Specialist, and Certified Real Estate Brokerage Manager professional designations.

A graduate of Yale University, Meyer also attended Harvard University Law School and Harvard's Divinity School before starting his real estate career in 1963.

IN BRIEF

Feds salute bank

The U.S. Treasury recently presented Cambridge Savings Bank with the Community Development Financial Institutions Fund's Bank Enterprise Award.

It was in recognition of the bank's financial support of Cambridge-based Working Capital, an organization that helps small businesses through micro-lending.

In a ceremony in Washington, D.C., Sue Hickey, vice president of community reinvestment, and Margaret Keady, vice president of community lending, accepted the award on behalf of the bank.

The bank assisted Working Capital by providing funds to staff an administrator for the program. The bank also provides matching loans and bank volunteers.

"We are proud to be recognized for our extensive efforts to maximize economic growth through partnerships in the local community," said Kevin Fitzgerald, bank president.

REAL ESTATE TRANSACTIONS

ADDRESS	PRICE	DATE	SELLER	BUYER
Crawford St U-1-5	125000	12/15/98	Dorothea M Farrell	Mr. William A Mancini
Hancock St U-173-6	215000	12/15/98	Edward W Beuchert Ii	Mr.& Mrs. Martina David-ault
112 Inman St	416000	12/18/98	Stanley J Clark	Mr. Chetan Sanghvi
115 2nd St U-121	280000	12/18/98	Erik P Kondo	Mr.& Mrs. Danny Wong
140-4 Pearl St U-3	240000	12/15/98	Kenneth H Cox	Mr. Stephen C Miller
15 Milton St U-1	207500	12/18/98	Gabrielle Farrington	Mr. Kenneth B Loman
159-61 Hancock St U-5	196000	12/18/98	Yeh Chin Hse	Mr.& Mrs. Steven J Hutchinson
179 Chestnut St U-3	179000	12/18/98	Alfred Chandler Iii	Ms. Yvonne Ilton
21-23 Leonard Ave U-1	280000	12/18/98	Michael Lund	Mr. Jamey N Marcheses
23-25 Cameron Ave	395000	12/17/98	Paula M O'leary Ex	Mr.& Mrs. Keith C Long
273-5 Concord Ave	535000	12/18/98	Lucy Lentine	Mr. J Scott Tellier
33-41 Walden St U-1e	205000	12/15/98	Duncan C Mc Callum	Ms. Andrea M Pollack
352-4 Pearl St	212500	12/18/98	Frederick Carvalho	Mr.& Mrs. Ross N Hoffman
354 Hurley St	180000	12/15/98	Edilma Farietta	Mr. Peter D Mac Dougall
49-51 Hayes St	282000	12/18/98	Margaret Vickers	Ms. Martha Werman
6-8 Traymore St	400000	12/15/98	Nicholas V Drago Ex	Mr. Seymour A Danberg
863 Massachusetts Ave U-44	152000	12/15/98	Ghaleb Sater	Ms. Karen A Perry
98 Fresh Pond Pkwy	500000	12/18/98	Mary H Bland	Mr.& Mrs. H Paul Zellweger
10-12 Holworthy Pl	415000	12/22/98	H Paul Zellweger	Ms. Jordana Hart
1643 Cambridge St U-35	140000	12/22/98	Namhi Park	Mr. Eric R Keto
186 Walden St	305000	12/21/98	Steven Kandarian Ex	Mr.& Mrs. Darell W Fields
20 Fayette St U-1	250000	11/25/98	Tim Wai Kwong	Mr. John T Wroclawski
22 Corporal Mc Ternan U-1	264000	12/22/98	David F Moore	Mr. David P Halstead
263-5 Hurley St U-2	102000	12/21/98	Janie E Simmons	Ms. Donna M Keefe
30 Essex St	425000	12/21/98	Julia Sheehan	Mr.& Mrs. Joshua Smith
34 2nd St	397000	12/22/98	Owen A Andres	Mr. Jay Wasserman
42 Union St U-2	130000	12/22/98	George W Booth	Mr. David Canfield
55-57 Magee St	273000	12/21/98	Jeffrey R Brown	Ms. Stefanie Van Pelt
655 Concord St U-402	237000	12/21/98	Richard J Kelly	Mr. Robert W Bjorge
71-73 Norfolk St U-2	299000	11/25/98	Charles R Myer	Ms. Caitlin Corbett
75 Griswold St	280000	11/27/98	James T Mc Davitt	Mr.& Mrs. Won Kyung Pak

LEGAL NOTICES

SUMMONS
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT
MIDDLESEX DIVISION
DOCKET NO. 98D4541AN-1
SUMMONS BY PUBLICATION
D. Smith, Plaintiff(s) v.
L. Smith, Defendant(s)
above named Defendant(s):
plaint has been presented to this by the Plaintiff(s) Steven D. Smith, g an Annulment

e required to serve upon Steven D. - plaintiff(s) - for plaintiff(s) - whose ss is 26 Cambridge Terr. Cam- 02140 your answer on or before 8, 1999. If you fail to do so, the will proceed to the hearing and ad- tion of this action. You are also re- d to file a copy of your answer in the of the Register of this Court at bridge.

ess, Sheila E. McGovern, Esquire, Justice of said Court at Cambridge, 16th day of December, 1998.

e A. Cardin
ng Register of Probate Court

#739078
bridge Chronicle, 12/31/98, 1/7, 1/99

RNER SUMMONS
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT
MIDDLESEX DIVISION
DOCKET NO. 98D3362DV1
SUMMONS BY PUBLICATION
liet F. Turner, Plaintiff(s) v.
cholas Owumi, Defendant(s)
the above named Defendant(s):
Complaint has been presented to this ourt by the Plaintiff(s), Juliet F. Turner wumi, seeking Divorce

ou are required to serve upon Juliet F. urner Owumi, - plaintiff(s) for plaintiff(s) whose address is 141 Washington St. 5 Cambridge, MA 02139 your answer in or before March 22, 1999. If you fail to o so, the court will proceed to the hear- ng and adjudication of this action. You re also required to file a copy of your an- wer in the office of the Register of this Court at Cambridge.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, this 24th day of November, 1998.

Marie A. Gardin
Acting Register of Probate Court

AD #748977
Cambridge Chronicle, 1/14, 1/21, 1/28/99

UDAG NOTICE
LEGAL NOTICE
AREA FOUR
NEIGHBORHOOD COALITION
REQUEST FOR PROPOSALS
FY 1999-2001
PROJECT REQUIREMENTS
Two Hundred Fifty Thousand Dollars ($250,000.00) from federal Urban Development Action Grant (UDAG) funds is available for the two-year cycle FY 1999-2001. Neighborhood meetings developed the following priorities for use of the funds: affordable housing projects; employment opportunities such as job training programs; human service/community development projects such as improving parks and playgrounds, tree planting, improving community facilities, or providing educational enrichment.

All funds must benefit low/moderate income households in Area Four. Projects should expand the opportunities for existing residents to remain in the neighborhood and/or increase the community's enjoyment of the neighborhood. The City will monitor the entire proposal process. Grantees will be required to submit a six-month progress report to the Area Four Neighborhood Coalition.

Area Four includes all streets between Massachusetts Avenue on the South and Hampshire Street on the North, from Prospect Street on the West to Grand Junction Railroad on the East. All funds must be expended during fiscal years 1999-2001 (July 1, 1999 to June 30, 2001).
SUBMISSION
The Area Four Neighborhood Coalition encourages submission of innovative proposals from community members. Further, the Coalition will assist community members who desire help in developing their proposal. For further information about the initial submission, for specific information on the needs of the neighborhood, or to see past proposals, please contact Venita Mathias at the Community Development Department (349-4603).

PROPOSAL CONTENT

1. Describe the project including goals and objectives (include a one-paragraph summary).
2. Outline administrative procedures, eligibility requirements, and outreach techniques.
3. Describe how the project benefits low/moderate income residents of Area Four.
4. Describe benefits received by the neighborhood. For example, housing units improved, neighborhood residents employed, open space added, transportation and parking improved, economic development aided.
5. Include a line item budget for the entire project. If additional funds (above the federal UDAG requested) are to be used, identify the amounts and sources. Include in-kind services. In addition, please include a budget for your entire organization. If equipment is purchased, identify who will own it and how it will be maintained and stored.
6. Describe how you will measure progress towards achieving your goals and how you will monitor expenditures.
7. If applicable, describe agreements made with other agencies which may be involved in the project.
8. Identify by role and title the person(s) responsible for administering the grant (list contact person and address).
9. Describe previous experience in performing proposed activity, if any.
10. Attach list of Board members, if any, where they live, and their relationship to Area Four. Attach list of any staff who live in Area IV.

Proposals **must** be received by February 15, 1999. Proposals should be forwarded to:
Area Four Neighborhood Coalition
c/o Venita Mathias
Community Development Department
57 Inman Street, 3rd floor
Cambridge, MA 02139
AD #743684
Cambridge Chronicle, 1/14/99

WALLACE ESTATE
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
MIDDLESEX, SS DIVISION
DOCKET NO. 98P5964EP
ESTATE OF Linda C. Wallace also known as Linda Clark Wallace
LATE OF Cambridge
IN THE COUNTY OF MIDDLESEX
NOTICE
A petition has been presented in the above captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that James Woodward Wallace of Cambridge in the County of Middlesex be appointed executor/executrix with/without giving surety on his/her/their bond(s).
If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 a.m. in the forenoon on January 26, 1999.
In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.
WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twenty third day of December in the year of our Lord one thousand nine hundred ninety eight.
Marie A. Gardin
Acting Register of Probate Court

AD #749762
Cambridge Chronicle, 1/14/99

WILLOW STREET LICENSE
LEGAL NOTICE
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS
Notice is hereby given that William Sanchez has applied for a Used Car Dealer Class II license at 46 Willow Street, Second floor, for an office only.

A hearing will be held on Tuesday evening, January 26, 1999 at six o'clock, in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, Basement Conference Room, Cambridge, MA 02139.

Benjamin Barnes
Kevin Fitzgerald
Henry Breen
License Commission

AD #749769
Cambridge Chronicle, 1/14/99

YOUVILLE NOTICE
LEGAL NOTICE
PUBLIC NOTICE
The Joint Commission on Accreditation of Healthcare Organizations will conduct an accreditation survey of Youville Hospital and Rehabilitation Center on February 2-4, 1999.
The purpose of the survey will be to evaluate the organization's compliance with the nationally established Joint Commission standards. The survey results will be used to determine whether, and the condition under which accreditation should be awarded the organization.

Joint Commission standards deal with organization quality of care issues and the safety of the environment in which care is provided. Anyone believing that he or she has pertinent and valid information about such matters may request a public information interview with the Joint Commission's field representatives at the time of the survey. Information presented at the interview will be carefully evaluated for relevance to the accreditation process. Requests for a public information interview must be made in writing and should be sent to the Joint Commission no later than five working days before the survey begins. The request must also indicate the nature of the information to be provided at the interview. Such requests should be addressed to:

Division of Accreditation Operations
Accreditation Service Specialist
Joint Commission on Accreditation of Healthcare Organizations
One Renaissance Boulevard
Oakbrook Terrace, IL 60181

The Joint Commission will acknowledge such requests in writing or by telephone and will inform the organization of the request for any interview. The organization will, in turn, notify the interviewee of the date, time, and place of the meeting.

AD #753320
Cambridge Chronicle, 1/14/99

ZONING AMENDMENTS
LEGAL NOTICE
PUBLIC NOTICE
RELATIVE TO ZONING
CITY OF CAMBRIDGE
MASSACHUSETTS
OFFICE OF THE CITY CLERK
Notice is hereby given that in accordance with the provisions of Chapter 40, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on **Wednesday, February 24, 1999 at 5:30 p.m.** in the **Sullivan Chamber, City Hall, 795 Massachusetts Avenue, 2nd floor,** Cambridge, Massachusetts, to amend the Zoning Ordinance of the City of Cambridge as follows:
1) Change provisions of PUD-3 district to increase requirement for open space and provide for publicly beneficial active recreational use.
A) Insert a new 13.45: - The minimum ratio of open space to the total area of the development parcel as defined in Article 2.000 and Section 5.22 shall be 50 percent.
B) Eliminate existing 13.45.1 and substitute existing 13.45.2. Open space shall include parks, landscaped areas open to the sky, playgrounds, and active recreational uses.
C) 13.45.2 Limitation on Construction Below Existing Grade. No portion of a building of a building or structure, including parking structures, shall be located below the existing mean grade of the ground adjacent to the proposed building or structure prior to construction except as may be required to reasonably accommodate necessary utility systems and building foundations (e.g. elevator shafts, foundation pilings, etc.)
D) 13.43.1 For maximum ratio of floor area to total area of development substitute 2 for 3.

2) Change requirements for open space in the Office 3A district
A) In Table 5.2 Column (7) minimum ratio of usable open space to lot areas substitute 50% for existing 10% requirement.
B) Add footnote e. to Office 3A, Limitation on Construction Below Existing Grade. No portion of a building or structure, including parking structures, shall be located below the existing mean grade of the ground adjacent to the proposed building or structure prior to construction except as may be required to reasonably accommodate necessary utility systems and building foundations (e.g. elevator shafts, foundation pilings, etc.)
C) Add footnote F. to Office 3A Open space shall include parks, plazas, landscaped areas open to the sky, playgrounds, and active recreational uses.
D) Column 1 Maximum ratio of Floor Area to Lot Area: Substitute 2 for 3
3) Change existing 1B-1 district bounded the centerlines of Binney Street, Third Street, Doc Linksey Way and Second Street to Office 3-A.
Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.
All persons interested in this matter may matter may appear at this time and be heard.

For the Committee,
Councillor Henrietta Davis, Chair
AD#754478
Cambridge Chronicle, 1/14, 2/4, 2/11/99

215 GREEN STREET
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPT. OF THE TRIAL COURT
Miscellaneous Case No. 250764
pursuant to Mass. G.L.c.240 sec. 15
Return Day: February 15, 1999
NOTICE
Plaintiffs: George Michailow and Valentina Andreyevna Kuryleva
Concerning property at: A certain parcel land with building thereon being at present 215 Green street, Cambridge, Massachusetts, being shown as Lot 81 on a plan recorded with Middlesex South District Deeds in Plan Book 29, Plan 9.
TO: Hjalmar Nelson, deceased, formerly of Undersaker, in the Kingdom of Sweden or his heirs, devisees, or legal representatives
This action concerns an undischarged mortgage given by Claudia Michailow and Andrei Karpow to Hjalmar Nelson being dated October 13, 1964 and duly recorded in the Middlesex South District Registry of Deeds in Book 10662, Page 162; you may be an interested party.
To object or defend you (or your Attorney) must file a written appearance and an answer under oath setting forth your objections or defense in the Office of the Recorder of said Court in Boston or at the local Registry of Deeds on or before the above return day.
Otherwise a default will be recorded and the complaint will be taken as confessed and you will be forever barred from contesting said complaint or from having or enforcing any claim or claims adverse to the plaintiffs in the above described land arising out of said mortgage.
Witness, PETER W. KILBORN, CHIEF JUSTICE, of the Land Court the thirtieth day of December, 1998.
Attest with seal of said Court.

CHARLES W. TROMBLY, JR.
Recorder

Counsel for Plaintiffs: James D. Hill, Esq., 573 Mass. Ave., Cambridge, MA 02139

A true copy
ATTEST:

Charles W. Trombly, Jr.
Recorder

AD #750202
Cambridge Chronicle, 1/14/99

LEGAL NOTICES

AUDIT BIDS

LEGAL NOTICE
REQUEST FOR PROPOSAL

The Cambridge Housing Authority, 675 Massachusetts Avenue, Cambridge, MA 02139, is soliciting quotations from qualified independent auditors for three separate annual audits of Public Housing, Leased Housing and related programs for the fiscal years ending March 31, 1999, 2000 and 2001. An annual Financial and Compliance Audit covering the entire operations of the CHA, under the Single Audit Act Amendments of 1996 including requirements of OMB circular A-133 and any more recent OMB Supplements is requested, in accordance with government audit standards.

To assist the prospective bidder, a factsheet is available detailing the size, complexity and types of programs administered by the Cambridge Housing Authority. Interested bidders may obtain this factsheet from Bolaji Atewologun, Director of Fiscal Affairs, at (617) 864-3020.

Acceptable audit service and audit cost proposals must be received no later than 4:00 PM, February 5, 1999 and be submitted in SEPARATE SEALED ENVELOPES. Audit services proposals will be evaluated and ranked based on mandatory and technical criteria described in the available factsheet. Service proposals will then be reviewed in conjunction with audit cost proposals to determine the proposal representing the best value to the authority.

AD#754479
Cambridge Chronicle, 1/14/99

BRANCH NOTICE

LEGAL NOTICE

Cambridgeport Bank, Cambridge, Massachusetts has petitioned the Federal Deposit Insurance Corporation for permission to establish a branch office at 110 Cambridge Park Drive, Cambridge, Massachusetts 02140. Any person wishing to comment on this application may file his or her comments in writing with the Regional Director (DOS) of the Federal Deposit Insurance Corporation at its regional office, 15 Braintree Hill Office Park, Braintree, MA 02184 not later than January 29, 1999. The non-confidential portions of the application are on file in the regional office and are available for public inspection during regular business hours. Photocopies of the non-confidential portion of the application file will be made available upon request.

AD #753109
Cambridge Chronicle, 1/14/99

Cassim Estate

LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT
MIDDLESEX, SS DIVISION
DOCKET NO. 98P11316P
NOTICE

In the **ESTATE OF** Helga Cassim

To all persons interested in the estate of Helga Cassim of Cambridge in the County of Middlesex.

A petition has been presented in the above captioned matter praying that the Court establish an Estate Plan "more fully described in petition dated December 24, 1998.

IF YOU DESIRE TO OBJECT THERETO, YOU OR YOUR ATTORNEY MUST FILE A WRITTEN APPEARANCE IN SAID COURT AT MIDDLESEX PROBATE AND FAMILY TRIAL COURT, 208 CAMBRIDGE STREET,CAMBRIDGE, MA 02141

BEFORE TEN O'CLOCK IN THE FORENOON (10:00 A.M.) ON FEBRUARY 1, 1999.

Wills only: In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within thirty (30) days after the return day (or such other time as the court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

Witness, Sheila E. McGovern,
First Justice of Said Court.
Date December 31, 1998

Marie A. Gardin
Acting Register of Probate Court

AD #754641
Cambridge Chronicle, 1/14/99

CHARLES SQUARE LICENSE

LEGAL NOTICE
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under Chapter 138, as amended, that Charles Sq. Hotel Health Club, Inc., Brian F. Fitzgerald, Manager, holder of an All Alcoholic Beverages as a Restaurant license at 5 Bennett Street, has applied for an extension of its inactive license.

A hearing will be held on Tuesday evening, January 26, 1999 at six o'clock, in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, Basement Conference Room, Cambridge, MA 02139.

Benjamin Barnes
Kevin Fitzgerald
Henry Breen
License Commission

AD #750016
Cambridge Chronicle, 1/14/99

CORNER DELIGHT LICENSE

LEGAL NOTICE
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that Ponto De Encontro, Inc. d/b/a Corner Delight, Ulymar Dias Maia, Manager, has applied for a Common Victualler license to be exercised on the first floor at 1093 Cambridge Street. Said license if granted would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises, and to have a total occupancy of 24 persons. Said license if granted would be exercised from 6:00 a.m. to 9:00 p.m. seven days.

This applicant has also applied for an Entertainment license to include one t.v. and background music only.

A hearing will be held on Tuesday evening, January 26, 1999 at six o'clock, in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, Basement Conference Room, Cambridge, MA 02139.

Benjamin Barnes
Kevin Fitzgerald
Henry Breen
License Commission

AD #749768
Cambridge Chronicle, 1/14/99

CRUTCHFIELD CONSERVATORSHIP

LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
CONSERVATORSHIP
MIDDLESEX DIVISION
DOCKET O. 98P5697CV.
NOTICE

To Doris Crutchfield of Cambridge in said County, and her heirs apparent or presumptive. A petition has been presented to said Court alleging that said Doris Crutchfield has become incapacitated by reason of mental weakness to care properly for her property and praying that Paul Alpert of Boston in the County of Suffolk or some other suitable person be appointed conservator of her property.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on January 27, 1999.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twenty-ninth day of January, the year of our Lord one thousand nine hundred and ninety eight.

Marie A. Gardin
Acting Register of Probate

AD #754338
Cambridge Chronicle, 1/14/99

EL CRECO LICENSE

LEGAL NOTICE
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under Chapter 138, as amended, that Demetra, Inc. d/b/a El Greco Restaurant and Pizza House, James Saropoulos, Manager, holder of a Wine and Malt Beverages as a Restaurant license at 251-255 Cambridge Street, has applied for a change of d/b/a to Old Firehouse Grille, change of manager to Evangelos Sterianos, transfer of stock, change of premise description, and change of officers and directors.

The current Officers and Directors are: Emmanuel Saropoulos, President and Director; Demetra Saropoulos, Treasurer and Director; and James Saropoulos, Clerk and Director.

The proposed Officers and Directors are: Antonio Figueiredo, President and Director; Gloria Sterianos, Vice President and Director; Evangelos Sterianos, Clerk and Director.

The current Stockholders are: Emmanuel Saropoulos.

The proposed Stockholders are: Antonio Figueiredo and Gloria Sterianos.

The current premise description is: Dining room and kitchen on first floor.

The proposed premise description is: the facilities will be a restaurant with two front entrances and one rear exit. There will be two dining rooms in front, a kitchen in the back on first floor, storage in basement, service bar in back.

This applicants has also applied for a pledge of license and stock to James Saropoulos.

This applicant has also applied for an Entertainment license to include live entertainment for soft music with viola mandolino, one t.v., one radio and background music.

A hearing will be held on Tuesday evening, January 26, 1999 at six o'clock, in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, Basement Conference Room, Cambridge, MA 02139.

Benjamin Barnes
Kevin Fitzgerald
Henry Breen
License Commission

AD #750017
Cambridge Chronicle, 1/14/99

GARAGE LICENSE

LEGAL NOTICE
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that Dyson Development LLC, Alan Fox, Project Superintendent, has applied for a Garage and Gasoline license at 2427 Massachusetts Avenue for a parking garage for seven vehicles and the keeping and storage of seventy gallons of gasoline in tanks of cars only.

A hearing will be held on Tuesday evening, January 26, 1999 at six o'clock, in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, Basement Conference Room, Cambridge, MA 02139.

Benjamin Barnes
Kevin Fitzgerald
Henry Breen
License Commission

AD #750010
Cambridge Chronicle, 1/14/99

GREEK CUISINE LICENSE

LEGAL NOTICE
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under Chapter 138, as amended, that Steve's Restaurant II, Inc. d/b/a Steve's Greek Cuisine, Christos Kourtidis, Manager, holder of an All Alcoholic Beverages as a Restaurant license at 1172-1178 Cambridge Street, has applied for a transfer of its license to Sweet Lily Corporation d/b/a Sweet Chili Restaurant, Veeraded Kridaratikorn, Manager, at said address.

The Officers and Directors are: Penjan Kridaratikorn, President; Veeraded Kridaratikorn, Treasurer, Clerk, and Director; Somsak Sirikan, Director.

The Stockholders are: Penjan Kridaratikorn and Mookda Suppanisanuwong.

The premise description is: Kitchen, dining room and service bar on first floor, storage in basement, egresses on first floor.

This applicant has also applied for a pledge of license to Steve's Restaurant II, Inc.

This applicant has also applied for an Entertainment license to include background music, one t.v., and one radio only

A hearing will be held on Tuesday evening, January 26, 1999 at six o'clock, in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, Basement Conference Room, Cambridge, MA 02139.

Benjamin Barnes
Kevin Fitzgerald
Henry Breen
License Commission

AD #750015
Cambridge Chronicle, 1/14/99

Historic Buildings and Landmarks

LEGAL NOTICE
CITY OF CAMBRIDGE
AN ORDINANCE

In amendment to the ordinance entitled "The Zoning Ordinances of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter 2.78 of the Municipal Code of the City of Cambridge entitled "Historical Buildings and Landmarks" is amended by inserting the following subsection at the end of Section 2.78.050:

D. The Old Cambridge Historic District is extended pursuant to the provisions of the Historic Districts Act, Massachusetts General Laws Chapter 40C, by the addition thereto of properties located on Arsenal Square, Concord Avenue, and Garden Street and the portions of said streets bounded as shown on the map entitled "Proposed Arsenal Square Extension of the Old Cambridge Historic District Extension, April 3, 1998" incorporated in this chapter in full. As so extended, the Old Cambridge Historic District remains in full effect and such extended district shall be subject to the provisions of M.G.L. Chapter 40C and this Section. In making determinations concerning properties in the extension, the Commission shall be guided by the terms of the **Revised Final Report on the Proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the Proposed Landmark Designation of 22, 24, and 26-28 Garden Street,** issued July 27, 1998.

In City Council January 11, 1999.
Passed to be ordained by a yea and nay vote:-
Yeas 9; Nays 0; Absent 0.
ATTEST:-
D. Margaret Drury
City Clerk

Ad #753742
Cambridge Chronicle, 1/14/99

ILHAS LICENSE

LEGAL NOTICE
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that Fernando & Darline Melo d/b/a Pizzeria & Restaurant As Ilhas, Fernando Melo, Manager, has applied for a Common Victualer license to be exercised on the first floor at 1261 Cambridge Street. Said license if granted would allow food and non-alcoholic beverages to be sold, served and consumed on said premises, and to have a total occupancy of 32 persons. Said license if granted would be exercised from 11:00 a.m. to 12:00 a.m. seven days.

This applicant has also applied for an Entertainment license to include one t.v. and background music only.

A hearing will be held on Tuesday evening, January 26, 1999 at six o'clock, in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, Basement Conference Room, Cambridge, MA 02139.

Benjamin Barnes
Kevin Fitzgerald
Henry Breen
License Commission

AD #750011
Cambridge Chronicle, 1/14/99

Ince Estate

LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
ESSEX, SS. PROBATE COURT
NO. 97P5833EP
NOTICE OF FIDUCIARY'S ACCOUNT

TO ALL Persons interested in the estate of Frank V. Ince (late) of Cambridge in said County:

You are hereby notified pursuant to Mass.R.Civ.P. Rule 72 that the First and Final account(s) of Audrey B. Ince as Executrix of said estate has been presented to said Court for allowance.

If you desire to preserve your right to file an objection to said account(s), you or your attorney must file a written appearance in said Court at Cambridge on or before the eleventh day of February, 1999, the return day of this citation. You may upon written request by registered or certified mail to the fiduciary or to the attorney for the fiduciary obtain without cost a copy of said account(s). If you desire to object to any item of said account(s), you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciary pursuant to Mass.R.Civ.P. Rule 5.

WITNESS, SHEILA E. MCGOVERN Esquire, First Judge of Said Court, this fifth day of January, 1999.

AD #754640
Cambridge Chronicle, 1/14/99

LABORATORY BIDS

LEGAL NOTICE
CITY OF CAMBRIDGE
PURCHASING DEPARTMENT

Sealed bids will be received at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass., until 11:00 o'clock A.M. **JANUARY 26, 1999** at which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge:

WATER DEPARTMENT LABORATORY SERVICES (1)

The City of Cambridge reserves the right to waive any minor informalities or to reject any or all bids if it is in the City's best interest to do so.

Specifications may be obtained at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass.

Each bid must be in a sealed envelope plainly marked "Bid for 'Designate Item'" and addressed to Gail A. Cohen, Purchasing Agent, City Hall, Cambridge, Massachusetts.

Gail A. Cohen
Purchasing Agent

AD #754336
Cambridge Chronicle, 1/14/99

MANHOLE BIDS

LEGAL NOTICE
INVITATION TO BID

The City of Cambridge, Massachusetts, the Awarding Authority, invites sealed bids for the project:

FY99 Separation of Common Manholes, Contract #1
Cambridge Park Drive and Willard Street Areas
Project #BMF-128

Nature and scope of work: **Construction of sanitary sewers, storm drains and structures to eliminate common manholes and achieve sewer separation. Term of contract: One (1) year.**

Bidders are advised that this project will be funded in part by the Massachusetts Water Pollution Abatement Trust (the "Trust").

Bidding procedures shall be in accordance with M.G.L. c. 30, 39M, as most recently amended, and all other applicable laws.

The estimated project value is: **$450,000.00**

Plans and specifications will be available from 8:30 a.m. to 5:00 p.m., Monday through Friday, at the Purchasing Department, City Hall, 795 Massachusetts Avenue, Room 303, Cambridge, MA 02139 beginning **Wednesday, January 13, 1999** upon payment of a nonrefundable fee of $50.00 for each set in the form of a check made payable to the City of Cambridge. For the mailing of the plans and specifications, the bidder must prepay a mailing and handling fee of $10.00 per set. **NO PARTIAL SETS WILL BE DISTRIBUTED.**

The contract documents may be examined at the Office of the Purchasing Agent, room 303, City Hall, 795 Massachusetts Avenue, Cambridge, MA 02139, or at the plan room of Dodge Reports, 24 Hartwell Avenue, Lexington, MA 02173. Sealed general bids will be received at the Purchasing Department, City Hall, 795 Massachusetts Avenue, Room 303, Cambridge, MA 02139 until **Thursday, January 28, 1999 at 2:30 PM** at which time all general bids will be publicly opened and read aloud.

All general bids shall be accompanied by a bid deposit in the form of a certified, cashier's or treasurer's check) **NO CASH)** issued by a responsible bank or trust company made payable to the City of Cambridge or a bid bond, in an amount not less than five percent (5%) of the value of the bid.

The successful general bidder will be required to furnish a Performance Bond and a Labor and Material (Payment) bond each in the amount of one hundred percent (100%) of the contract sum. Bonds shall be obtained from a surety licensed to do business in the Commonwealth of Massachusetts and the form shall be satisfactory to the City of Cambridge.

The City of Cambridge reserves the right to reject any or all general bids if it is in the public interest to do so.

No less than the minimum wage rates as set forth in the schedule contained in the Contract Documents must be paid on this project.

Attention is called to the following programs and ordinances of the City of Cambridge:

1. Supplemental Equal Employment Opportunity Anti-Discrimination and Affirmative Action Program;
2. Minority Business Enterprise (MBE) and Women's Business Enterprises (WBE) policies of the Commonwealth of Massachusetts and the City of Cambridge are applicable to the total dollars paid to the SRF loan funded portion of the contract. The goal for this project is a minimum of eleven (11) percent MBE participation and five (5) percent WEB participation by state-certified MBEs and WBEs. The bidder shall submit completed MBE/WBE forms (EEO-DEP-190 & EEO-DEP-191) with the bid. Failure to comply with the requirements of this paragraph may be deemed to render a proposal non-responsive. No waiver of any provision of this section will be granted unless approved by the **Department of Environmental Protection.**
3. Cambridge Employment Plan: minority/women/resident hiring ordinance.

Copies of the above are bound in the bid documents and are integral portions of the conditions of the contract with which each contractor and sub-contractor **must** comply.

A pre-bid conference for all bidders will be held as follows:

Date:
Thursday, January 21, 1999
Time: **2:30 PM**
Place:
Public Works Department Conference Room
147 Hampshire Street
Cambridge, MA 02139

Gail A. Cohen
Purchasing Agent

#749765
Cambridge Chronicle, 1/14/99

MILLIE'S CAFE LICENSE

LEGAL NOTICE
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that Calla Lily Caterers, Inc. d/b/a Millie's Cafe, Richard Piasecki, Manager, has applied for a Common Victualer license to be exercised on the first floor at 75 Sidney Street. Said license if granted would allow food and non-alcoholic beverages to be sold, served and consumed on said premises, and to have a total occupancy of 86 persons. Said license if granted would be exercised from 7:30 a.m. to 5:00 p.m. Monday through Friday.

A hearing will be held on Tuesday evening, January 26, 1999 at six o'clock, in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, Basement Conference Room, Cambridge, MA 02139.

Benjamin Barnes
Kevin Fitzgerald
Henry Breen
License Commission

AD #750012
Cambridge Chronicle, 1/14/99

MOSES ESTATE

LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL
WITHOUT SURETIES
MIDDLESEX, SS DIVISION
DOCKET NO. 98P5933EP

ESTATE OF George J. Moses also known as George James Moses
LATE OF Cambridge
IN THE COUNTY OF MIDDLESEX

NOTICE

A petition has been presented in the above captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that James G. Moses of Norfolk in the County of Norfolk be appointed executor without giving surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 a.m. in the forenoon on January 27, 1999.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twenty eighth day of December in the year of our Lord one thousand nine hundred ninety eight.

Marie A. Gardin
Acting Register of Probate Court

AD #747792
Cambridge Chronicle, 1/14/99

ORDINANCE #2815

LEGAL NOTICE
CITY OF CAMBRIDGE
In the Year One Thousand, Nine Hundred Ninety Nine
AN ORDINANCE

In amendment to the "Zoning Ordinances of the City of Cambridge."
Be it ordained by the City Council of the City of Cambridge as follows:
A.Amend the Text of the Zoning Ordinance of the City of Cambridge by creating a new Special District 2 as follows and inserting it in the appropriate location in Article 17.000
17.20-Special District 2
17.21-Scope
This Section 17.20 regulates development in Special District 2 as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided this Section 17.20, all requirements of and regulations applicable to the Residence B District shall apply equally to the Special District 2.
17.22-Purpose
It is the intent of this Special District 2 to encourage the establishment of residential uses in the district in a form and density compatible with the adjacent residential neighborhood. However, given the significant presence of non residential uses in the district, provision is made for the conversion of those existing non residential uses to other non residential uses more compatible with their residential neighbors, with the intent that all non residential uses will, over time, be replaced by permitted residential uses.
17.23-Use Regulations
The uses allowed in the Residence B District shall be equally allowed in Special District 2 except as modified by the following additional provisions.
17.23.1-Additional Permitted Residential Uses
Multifamily Dwelling, Section 4.31 g, shall be permitted, subject to the special permit requirements for Townhouse development in a Residence B district.
17.23.2-Permitted Non Residential Uses.
17.23.21 The following non residential uses, not otherwise permitted in a Residence B district, shall be permitted as-of-right in this Special District 2 provided the conditions set forth in Section 17.23.2 are met. Nevertheless, for purposes of the Zoning Ordinance, Special District 2 shall be considered a residential district.
(1) Section 4.34 - Office and Laboratory Use, Paragraph a (medical professional), Paragraph b (non medical professional), Paragraph c (agency office), Paragraph (general office)
(2) Section 4.35 - Retail Business and Consumer Service Establishments, Paragraph q (arts and crafts studio).
(3) Section 4.36 - Open Air or Drive-In Retail and Service, Paragraph a (sale of flowers, garden supplies, and commercial greenhouses).

17.23.22 The above non residential Uses shall be permitted to occupy a non residential building in existence as of September 1, 1998 provided the current use of the building, if occupied, is any use prescribed in Section 4.34 (office and laboratory use), Section 4.35 (retail business and consumer service establishments), Section 4.36 (open air and drive-in retail and service), Section 4.37 (light industry), or Section 4.38 (heavy industry). Where the building is unoccupied it may be occupied with permitted non residential uses provided the building has not been occupied by a residential use in the three years immediately preceding the time of application for a certificate of occupancy for the new non residential use.
17.24 - Dimensional Requirements
The dimensional requirements of the Residence B district shall apply to the Special District 2, except as modified by the provisions set forth below.
17.24.1-Maximum FAR
(1) The FAR applicable in the Residence B district (0.5) for the first 5,000 square feet of lot area shall apply in the Special District 2 to the entire lot regardless of size. Footnote (j) in Table 5-1 shall not apply in this Special District 2.
(2) Notwithstanding the limitations in paragraph (1) above, where it is proposed to reuse a non residential structure in existence as of September 1, 1998 for permitted residential uses, the following Gross Floor Area shall be permitted:
a) The Gross Floor Area that is the result of the application of the FAR otherwise permitted in the district, or the Gross Floor Area of the structure in existence at the time of application, whichever is greater.
b) Additional Gross Floor Area may be added to the non residential structure without limit provided all construction creating additional Gross Floor Area is located within the limits of the existing structure.
3)Where it is proposed to demolish an existing non residential structure in order to construct a Gross Floor Area greater than that permitted by the application of an FAR of 0.5, for the purpose of converting the structure entirely to permitted residential uses, the total Gross Floor Area contained in the non residential structure shall be limited to the new residential structure with a maximum FAR of 0.75.
17.24.2- Minimum Lot Area for Dwelling Unit
(1) The Minimum Lot Area for Dwelling Unit applicable in the Residence B District (2500 square feet) for 5,000 square feet of lot area shall apply in the Special District 2 to the entire lot regardless of size. Footnote (j) in Table 5-1 shall not apply in this Special District 2.
(2) Where is is proposed to reuse a non residential structure in existence as of September 1, 1998 for permitted residential uses, the number of units permitted in the structure shall be that number permitted in Paragraph (1) above or that number of units which is the Gross Floor Area of the structure as permitted in Section 17.24.1(2) above divided by 1200 square feet, whichever is greater.

(3) Where it is proposed to demolish an existing non residential structure in order to construct a Gross Floor Area greater than that permitted by the application of an FAR of 0.5, for the purpose of converting the structure entirely to permitted residential uses, the number of units permitted in the structures shall be the Gross Floor Area of the structure as permitted in Section 17.24.1 (3) above divided by 1200 square feet.
17.24.2-Other Dimensional Requirements

(1) The provisions of Section 5.53 relative to multiple buildings on a lot in Residence B districts shall not apply in Special District 2.
(2) Where it is proposed to convert an existing non residential structure to residential use, and where that structure covers 50% or more of its lot, the Minimum Ratio of Useable Open Space to Lot Area would be reduced to the ratio existing on the site at the time or conversion, if any. However, if the land area required for provided parking outside the building, including required setbacks, is less than the area of land that has no structure in it, the remainder of the open land shall have any paving material (asphalt, concrete, or gravel) removed, topsoil of a minimum two-foot depth shall be added, and the space shall be landscaped with trees, shrubs, and/or grass up to the maximum percentage of the lot required to be Useable Open Space in the Ordinance.
B. And the Map of the Zoning Ordinance of the City of Cambridge by striking the existing designation Industry A-1 (IA-1) and substituting therefor the new designation Special District 2 (SD-2) for that area in North Cambridge described in the Frankelton, et al Petition.

Passed to a second reading at the City Council meeting on January 11, 1999 and on or after January 25, 1999 and on or after January 25, 1999 the question comes on passing to be ordained.
ATTEST:-

D. Margaret Drury
City Clerk

AD#754774
Cambridge Chronicle, 1/14/99

Chamber donates computers

The Chamber of Commerce Community Outreach Committee recently met with school officials to recognize the efforts of the Chamber's computer donation program.

The donation was a result of a volunteerism forum sponsored by the Community Outreach Committee in March. One-hundred companies shared experience, expertise and advice on community involvement while offering ideas on how to best address community needs.

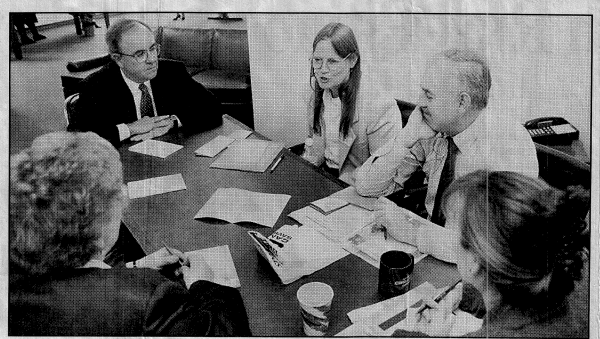
The goal is to provide Cambridge public schools with computers donated by the business community. To date, 46 components have been donated to the program. Thirty-seven have been distributed within the school system in areas such as Rindge School of Technical Arts, the Harrington School and the Kennedy School.

Alif Muhammad, acting executive director of RSTA, began the event with a tour and an historical account of the facility, crediting its students for their work from programming to construction of the facility. Following the tour, the group discussed what other areas that the business community could help to promote the students' education and training.

School Superintendent Bobbie D'Alessandro voiced concern about further training for teachers as well as the students, particularly in areas that will have direct effect on their career paths.

Ned Robertson, regional president of BankBoston in Harvard Square, added the idea of having professionals switch places with teachers so both can experience each other's role for their own benefit as well as being able to share their new knowledge and/or training with the students.

To learn more about the computer donation program or to donate, call Kate Russell at the Chamber of Commerce at 876-4134.



Officials from Cambridge Savings Bank, Homeowner's Rehab Inc. and Just A Start recently got together to work on ways to assist people in purchasing homes. Pictured here are (clockwise from top) Kevin Fitzgerald, Cambridge Savings Bank; Deb Hall, HRI; Joe Youngworth, Just A Start; Rachel Aronson, Germaine Lawrence School; and Marion O'Brien, Cambridge Savings Bank. For information on low-interest loans and homebuying tips, call Cambridge Savings Bank, 864-8700, Homeowner's Rehab Inc., 868-4858, or Just A Start, 494-0444.

Buzzy's opens in Central Sq.

Buzzy's Fabulous Roast Beef has opened in Central Square in the old home of the Harvard Donut Shop.

Unlike the Boston Buzzy's, Central Square will serve a full hot breakfast, lunch and dinner. The store is open from 7 a.m. to 2 a.m., not 24 hours like in Boston.

Buzzy's in Central Square has 54 seats in 2,600 square feet, including space that was formerly used by Cheapo Records. Cheapo has moved into a basement space nearby.

Although owners had hoped to open by early summer, construction and permitting took longer than expected, according to Mike Pothier, district manager.

Once the restaurant has a full staff, Pothier hopes to be open until 2 a.m. on Fridays and Saturdays as well.

Buzzy's first opened in the 1960s at Charles Circle on the Boston side of the Longfellow Bridge. It is known for inexpensive food and late night traffic. The business is owned by Russell Frye of Boston, who is the third owner.

House of Blues helps homeless, fights crime

House of Blues staff and friends served an eight-course dinner to 300 homeless people from the New England Shelter for Homeless Veterans and local shelters over Thanksgiving weekend.

Blues musician Ronnie Earl donated his time and performed for the crowd.

On Sunday, Nov. 29, the House of Blues hosted a "Hate Crimes Awareness Gospel Brunch" which raised over $1,500 for the Matthew Shepard fund, the family of James Byrd Jr. and Boston's Gay and Lesbian Advocates and Defenders.

Shepard was 22 when he was beaten and tortured and left to die for no reason other than he was a homosexual. Byrd, 49, was beaten unconscious, chained to the back of a pickup truck and dragged for miles over rural roads outside the town of Jaspar for no reason other than he was African-American.

One-hundred-fifty people attended the performances and listened to the gospel songs sung by the Beaman Singers Choir from New York.

"We are continuing our focus to live up to the vision of our mission statement, which reads, in part, 'to promote racial and spiritual harmony through love, peace, truth, righteousness and non-violence,'" said Aidan Scully, House of Blues general manager.

BUSINESS NOTES

HR Council meets

The Human Resources Council will hold its monthly meeting Thursday, Jan. 14, at the Royal Sonesta Hotel, Cambridge.

The program, "When Cash is Not Enough — How to Design Reward and Staffing Systems to Reflect Organizational Change," will be presented by Tom Wilson, president of the Wilson Group, and will highlight the findings from a major study of high performing companies.

The program will include the HRC Exchange from 4:30 to 5:30 p.m., networking from 5:30 to 6:30 p.m., and the presentation from 6:30 to 8:30 p.m.

The cost is $45 for council members and $55 for non-members. To register, call (781) 453-0884.

Bank hosts 'Community Speaks'

Cambridge Savings Bank recently brought together 20 representatives of local nonprofit organizations for the first Community Speaks seminar.

The bank invited the groups to its Arlington Heights Banking Center for a fundraising workshop to encourage an exchange of community information and to present CSB's special loan programs.

Hosted by CSB vice president of community reinvestment Sue Hickey and vice president of community lending Margaret Keady, the seminar featured guest speaker Hillary Smith of the Unitarian Universalist Funding Program.

Bank president Kevin Fitzgerald welcomed the participants and emphasized the bank's commitment to nonprofit agencies in its community. Keady and David Holt, vice president of commercial lending, discussed the neighborhood and affordable housing loan programs.

Bar appoints pair

Two Cambridge residents have been appointed by Massachusetts Bar Association president Camille F. Sarrouf to serve on the association's section councils.

Appointed were Laurence D. Pierce, Access to Justice Section Council; and Wendy B. Jacobs, Property Law Section Council.

Pierce is with Choate, Hall and Stewart in Boston, and Jacobs is with Foley, Hoag and Eliot in Boston.

MAPS holds election

The board of directors of the Massachusetts Alliance of Portuguese Speakers elected a new slate of officers for 1998-1999 at its annual reorganization meeting on Nov. 17 in Cambridge.

Robert Perry of Melrose was elected president, replacing outgoing president Isaac Machado of Somerville, Michael Coelho of Arlington is the new vice president, replacing Vanessa Torres of Boston. Norberto Felix of Tewksbury will remain as treasurer and Mary Ann Lomba of Dorchester as secretary of the board.

REAL ESTATE TRANSACTIONS

ADDRESS	PRICE	DATE	SELLER	BUYER
Meahcam Rd U-7a	219,000	11/20/98	Prasnna Kaikini	Mr.& Mrs. Charles P O'brien
10 Rogers St U-102	420,000	11/17/98	Charles W Gordon Jr	Mr.& Mrs. Thomas Wolf
106 Foster St	600,000	11/17/98	Priscilla J Choate	Mr.& Mrs. Clark S Binkley
173 Hancock St U-4	60,000	11/18/98	Chris Georgopoulos	Mr. George Christakis
174 Putnam Ave U-3	243,500	11/23/98	Michael E Carroll	Mr. Everett R Orbon
184 Harvey St	200,000	11/05/98	Helen B Sullivan	Mr. Gerard Mazzeo
192 Hamilton St	160,000	11/17/98	Patricia K Nelson	Mr. Timothy G Garvey
192 Hamilton St	80,000	11/17/98	Karl W Kokinakis	Mr. Timothy G Garvey
212+ Fayerweather St	435,000	11/17/98	Peter K Jenkins	Mr. Daniel Levitt
2192 Massachusetts Ave U-1-3	134,000	11/20/98	1-3 Mass Ave Tr	Ms. Madeleine R Cousineau
22-24 Park Ave	375,000	11/20/98	Lividoti Nominee Tr	Ms. Kathleen M Murphy
253 Norfolk St U-3	275,000	11/17/98	Chocolate Factory Tr	Mr. Mark A Carter
3 Yerxa Rd U-1	175,000	11/19/98	Yerxa Rd Tr	Mr. William L Kubicek
3 Yerxa Rd U-2	182,500	11/17/98	Yerxa Rd Condo Tr	Ms. Linda B Jones
325 Franklin St U-1	485,000	11/18/98	Davenport Dev Inc	Mr. Curtis Rudbart
369 Harvard St U-4	204,000	11/20/98	Andrea T Green Ex	Mr. Michael J Reidy
50 Foster St	380,000	11/20/98	John K Grady	Mr.& Mrs. Alexander Grinnell
51 Mount Pleasant St U-3	210,000	11/19/98	Anthea Dokidis	Mr. Andrew Mc Lean
53-55 Belmont St	375,500	11/23/98	William C Wood	Ms. Susana Depaz
73 Francis Ave	820,000	11/17/98	Letitia Upton	Mr.& Mrs. Barry R Bloom
8-10 Saint Mary Rd	214,300	11/19/98	Howard J Randall Ex	Ms. Phyllis Randall

COM/Gas online

COM/Gas customers can use the Internet to access a range of services and programs at the company's Web site, www.comgas.com.

Customers can contact COM/Gas 24 hours a day, receiving up-to-date information, requesting gas service at a new address, and signing up for an automated payment program or a home heating protection plan.

The site contains information about residential and commercial and industrial rates, conservation programs, home safety, and COM/Gas community programs. There are several interactive features available, including the ability to purchase a gift certificate online using a credit card.

Norton Beverage Co.
Choice wines, liquors, Spirits at Fabulous Savings
Wine Tastings 2451 Mass Ave., Cambridge • 354-7600 Free Delivery
Mon-Sat 9am-11pm
VOTED CAMBRIDGE'S #1 LIQUOR STORE
OPEN SUNDAYS AT NOON THRU NEW YEARS
Absolut $22.99 1.75 L | Pete's Wicked $18.99 All Types 24 12oz. Bottles | Carlo Rossi $7.99 4.0 L
C.C. $16.99 - $5.00 MIR $11.99 1.75 L | Bud $16.99 30 pk | Beringer $4.99 - $1.00 MIR $3.99 White Zinfandel 750ml
DuBoeuf 3/$20.00 Beaujolais Nouveau 750ml | Kenwood $9.99 Chardonnay 750ml | Corbett Canyon 3/$10.00 White Zinfandel 750ml
Dunnewood 750ml Merlot.....$7.99 Cabernet. & Chardonnay...$6.99 | Gossamer Bay 3/$9.99 Chard, Cab, Merlot 1.5 L | Ecco Domani $7.99 Pinot Grigio, Merlot 750ml
Bailey's $15.99 Irish Cream 750ml | Drambuie $19.99 750ml | Kahlua $13.99 750ml
Sam Adams $19.99 All Types 24 12oz. Bottles | St. Pauli Girl $18.99 2 12pk Bottles | Guinness Pub Draft Cans 4 pk..... $5.99 Case.....$27.99
Cider Jack 6 pk.....$5.99 Case.....$19.99 | Korbel $9.99 Champagne 750ml | Bacardi $9.99 Limon 750 ml
Heineken $18.99 & Amstel Light 24 12oz. Bottles | Molson $14.99 Golden & Ice 2 12pk Bottles | Andre 3/$10.99 Champagne 750ml
Kendall Jackson $9.99 Chardonnay 750ml | Mouton Cadet $6.99 Red & White 750ml | Luna Di Luna $7.99 Pinot Grigio, Chardonnay 750 ml
Johnnie Walker Red $28.99 1.75 L | Seagram 7 $13.99 - $3.00 MIR $10.99 1.75 L | Gordon's $12.99 Vodka 1.75 L
Not responsible for typographical errors. Prices subject to change without notice. THE LOTTERY

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Evaluating coach Rick Pitino's gospel of success

GROWING OLDER
BY RICHARD GRIFFIN



He is one of the most dynamic public speakers in America. His oratorical skills enable him to hold an audience rapt for a long time. Compelling human-interest stories, intense personal experiences, and inside information about his field help make his talks engrossing.

The speaker I refer to is Rick Pitino, president and head coach of the Boston Celtics. With awe and envy I recently watched him amuse and instruct a largely male audience at a breakfast meeting in Boston.

With virtually complete control of the team and a reputation as one of the finest coaches in America, Pitino is currently riding high even though his current team has not yet reached the top ranks of the National Basketball Association.

As an inspirational speaker, Pitino's main message is the same as the title of his book: "Success Is a Choice." If you want to be successful, he says, "you have to outwork everyone." That's why, when he recruits people for his enterprises, Rick Pitino looks for PHDs — "poor, hungry, driven people."

He regaled us with stories of his players past and present who either have the above qualities or do not. About a current Celtic, Coach Pitino revealed that the player stays focused on injuries rather than hard work. Pitino's punch line — "He loves having surgeries" — brought down the house.

From his coaching days at Providence College, he told about transforming a freshman, Billy Donovan, from a slow, overweight, and inaccurate shooter into the finest guard in America. By calling him "Billy the Kid, the Fastest Gun in the East," and in making him feel extraordinary, Pitino made Donovan believe in himself and work hard enough to fulfill his potential.

Pitino says everyone has to choose: "Your job can be a job or a passion." He leaves no doubt which his is. He relishes getting up each morning and facing the challenges of the day.

But you cannot be successful by simply boosting yourself. "You're not extraordinary unless you can lift up the people around you." And he offers this advice: "Listen four times as much as you speak."

This latter point he learned from his own mistakes. He told about going after a top recruit when he coached at the University of Kentucky. Pitino flew to the young man's home and sat down with his family members to explain at length why he should come to Kentucky.

On leaving for the trip home, Pitino confided to a skeptical assistant that he had lost the recruit. Why? Because he had done all the talking, not allowing the young man's parents to say anything about their hopes for their son. It was a mistake Pitino has never made again.

Finally, Pitino left us with his philosophy about time. It is summed up in the title of a book that he recommends — "The Precious Present." You cannot live in the past; you can only learn from it. Nor can you live in the future; you can only plan for it. Our passion should be to enjoy the present time, he says.

I've never had to cope with much success in the Pitino sense of the word.

Among the dozens of people at the breakfast, I seemed to be the oldest. The others were either younger alums or parents of current students at my high school. Most of them seemed to be eating the speech up.

So was I. Rick Pitino made it hard not to believe in his gospel of success. And, to give him credit, he said explicitly that he puts God and family before basketball and other enterprises.

However, from the perspective of advancing years, I must take issue with much else in Rick Pitino's approach to life. How can any of us who have learned from long life believe so uncritically in success? We have seen too much ever to put our faith in a gospel that so exalts coming out on top.

Does not experience show that many factors other than hard work contribute to desirable outcomes? Some people benefit from good luck; others, through no fault of their own, are dogged by misfortune.

For me and for many other people my age, the very definition of success has undoubtedly changed over the years. Take, for example, my friend Hugh Sturrock, a 75-year-old resident of Melrose. Asked if he considers himself successful, he answers: "Very good health, good family, good friends, I've been blessed."

That comes close to my own thinking. I've never had to cope with much success in the Pitino sense of the word. Measured against the standards of the world, my achievements have been modest indeed.

But, with age, I have come to appreciate more deeply the values that my friend Hugh cites. Just being a survivor counts for something. So do enduring human relationships. And the quest for spiritual insight rates more highly with me than worldly success ever could.

Chronicle columnist Richard Griffin is an author and consultant who lives on Howland Street.

Do you have a comment for Richard, or an idea for a future column? Richard can be reached via e-mail at rbgriff180@aol.com.

LEGAL NOTICES

DESMOND ESTATE
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL
WITHOUT SURETIES
MIDDLESEX, SS DIVISION
DOCKET NO. 98P5561EP
ESTATE OF Catherine T. Desmond Also Known as Catherine Theresa Desmond
LATE OF Cambridge
IN THE COUNTY OF MIDDLESEX
NOTICE
A petition has been presented in the above captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Edward J. O'Connell of Boston in the County of Suffolk be appointed executor/executrix without giving surety on his/her/their bond(s).

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 a.m. in the forenoon on January 5, 1999.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twentyseventh day of November in the year of our Lord one thousand nine hundred ninety eight.

Marie A. Gardin
Acting Register of Probate Court

AD #729403
Cambridge Chronicle, 12/10/98

MANHOLE BIDS
LEGAL NOTICE
CITY OF CAMBRIDGE
PURCHASING DEPARTMENT
Sealed bids will be received at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass., until 11:00 o'clock A.M. **DECEMBER 24, 1998** at which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge:

MANHOLE FRAMES & COVERS (1)
LEASE OF VOICE MAIL SYSTEM
(FILE NO. 3348A) (1)

The City of Cambridge reserves the right to waive any minor informalities or to reject any or all bids if it is in the City's best interest to do so.

Specifications may be obtained at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass.

Each bid must be in a sealed envelope plainly marked "Bid for 'Designate Item'" and addressed to Gail A. Cohen, Purchasing Agent, City Hall, Cambridge, Massachusetts.

Gail A. Cohen
Purchasing Agent

AD #731903
Cambridge Chronicle, 12/10/98

MCCARTHY ESTATE
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL
WITHOUT SURETIES
MIDDLESEX, SS DIVISION
DOCKET NO. 98P5466EP
ESTATE OF Dorothea C. McCarthy Also Known As Dorothea Colette McCarthy
LATE OF Cambridge
IN THE COUNTY OF MIDDLESEX
NOTICE
A petition has been presented in the above captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Dorthea M. McCarthy of Arlington in the County of Middlesex be appointed executrix without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 a.m. in the forenoon on December 30, 1998.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twenty third day of November in the year of our Lord one thousand nine hundred ninety eight.

Marie A. Gardin
Acting Register of Probate Court

AD #726809
Cambridge Chronicle, 12/10/98

N. POINT PARK HEARING
LEGAL NOTICE
CITY OF CAMBRIDGE
MASSACHUSETTS
CONSERVATION COMMISSION
NOTICE OF PUBLIC HEARING
Public notice is hereby given that the Cambridge Conservation Commission will hold a public hearing on **Monday, December 21, 1998 at 7:30 p.m.**in the **Third Floor Conference Room, City Hall Annex, 57 Inman Street,** Cambridge, Massachusetts, on a Notice of Intent filed in accordance with the provisions of the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, s. 40).

The Notice of Intent is for **Construction of the MDC's North Point Park (Central Artery/Tunnel Contract C29A1),** in Cambridge, Massachusetts. The proposed work falls within wetland resource areas associated with the Charles River's Lower Basin. Work includes repair of existing rip rap seawalls; creation of a parkland water feature with connection to the River; creation of a new boat ramp and associated interim access road; installation of a floating dock, playground equipment, landscaping, walkways, other site amenities; and utility installation/relocation. The project also includes construction of the North Point Roads and associated utilities. These roads were the subject matter of a previous Order of Conditions issued by the Cambridge Conservation Commission in 1990 (DEP File # 123-79).

A copy of this Notice of Intent is on file at the Conservation Commission office at City Hall Annex, 57 Inman Street, 2nd Floor, Cambridge, Massachusetts. Interested persons may appear at the public hearing to be heard.

Julia Bowdoin
Conservation Commission Director
(617) 349-4680

AD #730562
Cambridge Chronicle, 12/10/98

ORDINANCE 2811
LEGAL NOTICE
CITY OF CAMBRIDGE
FIRST PUBLICATION NO. 2811
IN THE YEAR ONE THOUSAND, NINE HUNDRED NINETY EIGHT.
AN ORDINANCE
In amendment to the ordinance entitled "Municipal Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter 2.78 of the Municipal Code of the City of Cambridge entitled "Historical Buildings and Landmarks" is amended by inserting the following subsection at the end of Section 2.78.050:

D. The Old Cambridge Historic District is extended pursuant to provisions of the Historic Districts Act, Massachusetts General Laws Chapter 40C, by the addition thereto of properties located on Arsenal Square, Concord Avenue, and Garden Street and the portions of said streets bounded as shown on the map entitled "Proposed Arsenal Square Extension of the Old Cambridge Historic District Extension, April 3, 1998" incorporated in this chapter in full. As so extended, the Old Cambridge Historic District Extension remains in full effect and such extended district shall be subject to the provisions of M.G.L. Chapter 40C and this Section. In making determinations concerning properties in the extension, the Commission shall be guided by the terms of the **Revised Final Report on the Proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the Proposed Landmark Designation of 22, 24, and 26-28 Garden Street,** issued July 27, 1998.

Passed to a second reading at the City Council meeting held on December 7, 1998 and on or after December 21, 1998 the question comes on passing to be ordained.

ATTEST:-
D. Margaret Drury
City Clerk

AD #732840
Cambridge Chronicle, 12/10/98

ORDINANCE 2812
LEGAL NOTICE
CITY OF CAMBRIDGE
FIRST PUBLICATION NO. 2812
IN THE YEAR ONE THOUSAND, NINE HUNDRED NINETY EIGHT
AN ORDINANCE
In amendment to the ordinance entitled "Municipal Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

That Title 5 entitled "Business Licenses and Regulations be amended by adding a new chapter 5.50 entitled "Standardizing the Placement and Maintenance of Newsracks."

Passed to a second reading at the City Council meeting held on December 7, 1998 and on or after December 21, 1998 the question comes on passing to be ordained.

ATTEST:-
D. Margaret Drury
City Clerk

NOTE: Pursuant to the provisions of General Laws, Chapter 40, Section 32A, Tercentenary Edition, the ordinance as aforesaid which exceeds in length eight octavo pages of ordinary book print may be summarized for publication in a newspaper of general circulation in the city with the further provision that said Zoning Ordinance may be examined and obtained at the City Clerk's Office during office hours and that any objection to its invalidity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting or the second publication.

AD #732841
Cambridge Chronicle, 12/10/98

PORTER SQUARE BIDS
LEGAL NOTICE
MASSACHUSETTS BAY TRANSPORTATION AUTHORITY
THROUGH
TRANSIT REALTY ASSOCIATES, LLC
INVITATION TO BID
LEASE OF CONCESSION SPACE
PORTER SQUARE STATION
CAMBRIDGE, MASSACHUSETTS
To Interested Parties:

Pursuant to the provisions of Massachusetts General Laws, Chapter 161A, Section 5(c), the Massachusetts Bay Transportation Authority (MBTA), through Transit Realty Associates, LLC (TRA), invites interested parties to submit sealed bids for a five (5) year lease with one (1) five (5) year option for approximately 250 +/- square feet of concession and storage space at Porter Square Station, Red Line, Cambridge, MA. Proposals MUST be submitted on the MBTA's proposal form, and time/date stamped by TRA no later than 11:00 a.m. on Thursday, January 7, 1999, second floor, 20 Winthrop Square, Boston MA. Bids will be publicly opened and read aloud at 11:05 a.m. on January 7, 1999. A copy of the Invitation To Bid may be obtained from the MBTA by contacting:

Transit Realty Associates, LLC
20 Winthrop Square - 2nd Floor
Boston, Massachusetts 02110
Attention: Jack Neuwirth
Telephone: (617) 482-2525
Fax: (617) 482-0210

The minimum bid price accepted is twelve thousand dollars ($12,000.00) per year. The MBTA reserves the right to reject any and all proposals. Failure to submit a complete and accurate proposal or to conform to all instructions given in the Invitation to Bid may result in proposal being rejected.

AD #729268
Cambridge Chronicle, 12/10/98

REG. 98-31
LEGAL NOTICE
CITY OF CAMBRIDGE
TRAFFIC, PARKING AND TRANSPORTATION
REGULATION NO. 98-31
By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following.

Regulation No. 66-1 Schedule 6 D, "PARKING PROHIBITED AT ALL TIMES ON CERTAIN SIDES OF CERTAIN STREET, TOW AWAY (HANDICAPPED PERSONS & DISABLED VETERANS) is hereby amended by adding the following:

Thornlike St., South Side, 83' West of Sciarappa St. to 103' West of Sciarappa St.

Pine St., West Side, 83' South of Washington St. to 103' South of Washington St.

And urther by removing:

Sacramento St., North Side, 395' East of Mass. Ave. to 415' E of Mass. Ave.

Thisregulation shall take effect 1 December 998.

PROMULGATED DATE 12 Nov 1998

Susan E. Clippinger
Director

AD #730295
Cambridge Chronicle, 12/10, 12/17, 12/24/98

REG 98-31
LEGAL NOTICE
CITY OF CAMBRIDGE
TRAFFIC, PARKING AND TRANSPORTATION
REGULATION NO. 98-31
By fore of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic regulations of the city of Cambridge by adding the following regulation

Regulation No. 66-1 Schedule 10 **Title "PARKING TIME LIMITED ON CERTAIN SIDES OF CERTAIN STREETS" is hereby amended by adding the following:**

Vassar St., West Side, 90' South of Mass. Ave. to 300' South of Mass. Ave. 2 Hours 8 AM - 6PM Except Sunday

This regulation shall take effect 29 December 1998.

PROMULGATED DATE 1 Dec 1998

Susan E. Clippinger
Director

AD #731806
Cambridge Chronicle, 12/10, 12/17, 12/24/98

To place your legal notice call
1-800-624-7355 or fax to 781-453-6650.

MENU

The following menus will be served at congregate meal sites run by Somerville-Cambridge Elder Services. Reservations must be made by 10 a.m. on the previous day. The suggested donation is $1.50 per meal.

Thursday, Dec. 10 — Lentil spinach soup, crackers, oven fried chicken leg, red bliss potatoes, cranberry sauce, Scali bread, pudding.

Friday, Dec. 11 — Salisbury steak, mushroom gravy, mashed potatoes, winter squash, rye bread, fresh fruit.

Monday, Dec. 14 — Chicken leg Marsala, green beans, mashed potatoes, whole wheat bread, applesauce.

Tuesday, Dec. 15 — Cream of tomato soup, crackers, fiesta fish or sliced turkey with gravy, O'Brien potatoes, multigrain bread, fresh fruit.

Wednesday, Dec. 16 — Roast pork, peach glaze, green beans almondine, sweet potato, twist roll, eclair or unfrosted carrot cake.

Thursday, Dec. 17 — Swedish meatballs, gravy, oven roasted potatoes, broccoli, oatmeal bread, Jell-O.

Friday, Dec. 18 — Chili, baked potato, Italian bread, fig bar or citrus sections.

All meals are served with milk. Skim milk and low-sugar desserts are available and need to be ordered with the site manager. Menu subject to change.

Chamber donates computers

The Chamber of Commerce Community Outreach Committee recently met with school officials to recognize the efforts of the Chamber's computer donation program.

The donation was a result of a volunteerism forum sponsored by the Community Outreach Committee in March. One-hundred companies shared experience, expertise and advice on community involvement while offering ideas on how to best address community needs.

The goal is to provide Cambridge public schools with computers donated by the business community. To date, 46 components have been donated to the program. Thirty-seven have been distributed within the school system in areas such as Rindge School of Technical Arts, the Harrington School and the Kennedy School.

Alif Muhammad, acting executive director of RSTA, began the event with a tour and an historical account of the facility, crediting its students for their work from programming to construction of the facility. Following the tour, the group discussed what other areas that the business community could help to promote the students' education and training.

School Superintendent Bobbie D'Alessandro voiced concern about further training for teachers as well as the students, particularly in areas that will have direct effect on their career paths.

Ned Robertson, regional president of BankBoston in Harvard Square, added the idea of having professionals switch places with teachers so both can experience each other's role for their own benefit as well as being able to share their new knowledge and/or training with the students.

To learn more about the computer donation program or to donate, call Kate Russell at the Chamber of Commerce at 876-4134.



Officials from Cambridge Savings Bank, Homeowner's Rehab Inc. and Just A Start recently got together to work on ways to assist people in purchasing homes. Pictured here are (clockwise from top) Kevin Fitzgerald, Cambridge Savings Bank; Deb Hall, HRI; Joe Youngworth, Just A Start; Rachel Aronson, Germaine Lawrence School; and Marion O'Brien, Cambridge Savings Bank. For information on low-interest loans and homebuying tips, call Cambridge Savings Bank, 864-8700, Homeowner's Rehab Inc., 868-4858, or Just A Start, 494-0444.

BUSINESS NOTES

HR Council meets

The Human Resources Council will hold its monthly meeting Thursday, Jan. 14, at the Royal Sonesta Hotel, Cambridge.

The program, "When Cash is Not Enough — How to Design Reward and Staffing Systems to Reflect Organizational Change," will be presented by Tom Wilson, president of the Wilson Group, and will highlight the findings from a major study of high performing companies.

The program will include the HRC Exchange from 4:30 to 5:30 p.m., networking from 5:30 to 6:30 p.m., and the presentation from 6:30 to 8:30 p.m.

The cost is $45 for council members and $55 for non-members. To register, call (781) 453-0884.

Bank hosts 'Community Speaks'

Cambridge Savings Bank recently brought together 20 representatives of local nonprofit organizations for the first Community Speaks seminar.

The bank invited the groups to its Arlington Heights Banking Center for a fundraising workshop to encourage an exchange of community information and to present CSB's special loan programs.

Hosted by CSB vice president of community reinvestment Sue Hickey and vice president of community lending Margaret Keady, the seminar featured guest speaker Hillary Smith of the Unitarian Universalist Funding Program.

Bank president Kevin Fitzgerald welcomed the participants and emphasized the bank's commitment to nonprofit agencies in its community. Keady and David Holt, vice president of commercial lending, discussed the neighborhood and affordable housing loan programs.

Bar appoints pair

Two Cambridge residents have been appointed by Massachusetts Bar Association president Camille F. Sarrouf to serve on the association's section councils.

Appointed were Laurence D. Pierce, Access to Justice Section Council; and Wendy B. Jacobs, Property Law Section Council.

Pierce is with Choate, Hall and Stewart in Boston, and Jacobs is with Foley, Hoag and Eliot in Boston.

MAPS holds election

The board of directors of the Massachusetts Alliance of Portuguese Speakers elected a new slate of officers for 1998-1999 at its annual reorganization meeting on Nov. 17 in Cambridge.

Robert Perry of Melrose was elected president, replacing outgoing president Isaac Machado of Somerville. Michael Coelho of Arlington is the new vice president, replacing Vanessa Torres of Boston. Norberto Felix of Tewksbury will remain as treasurer and Mary Ann Lomba of Dorchester as secretary of the board.

REAL ESTATE TRANSACTIONS

ADDRESS	PRICE	DATE	SELLER	BUYER
Meahcam Rd U-7a	219,000	11/20/98	Prasnna Kaikini	Mr.& Mrs. Charles P O'brien
10 Rogers St U-102	420,000	11/17/98	Charles W Gordon Jr	Mr.& Mrs. Thomas Wolf
106 Foster St	600,000	11/17/98	Priscilla J Choate	Mr.& Mrs. Clark S Binkley
173 Hancock St U-4	60,000	11/18/98	Chris Georgopoulos	Mr. George Christakis
174 Putnam Ave U-3	243,500	11/23/98	Michael E Carroll	Mr. Everett R Orbon
184 Harvey St	200,000	11/05/98	Helen B Sullivan	Mr. Gerard Mazzeo
192 Hamilton St	160,000	11/17/98	Patricia K Nelson	Mr. Timothy G Garvey
192 Hamilton St	80,000	11/17/98	Karl W Kokinakis	Mr. Timothy G Garvey
212+ Fayerweather St	435,000	11/17/98	Peter K Jenkins	Mr. Daniel Levitt
2192 Massachusetts Ave U-1-3	134,000	11/20/98	1-3 Mass Ave Tr	Ms. Madeleine R Cousineau
22-24 Park Ave	375,000	11/20/98	Lividoti Nominee Tr	Ms. Kathleen M Murphy
253 Norfolk St U-3	275,000	11/17/98	Chocolate Factory Tr	Mr. Mark A Carter
3 Yerxa Rd U-1	175,000	11/19/98	Yerxa Rd Tr	Mr. William L Kubicek
3 Yerxa Rd U-2	182,500	11/17/98	Yerxa Rd Condo Tr	Ms. Linda B Jories
325 Franklin St U-1	485,000	11/18/98	Davenport Dev Inc	Mr. Curtis Rudbart
369 Harvard St U-4	204,000	11/20/98	Andrea T Green Ex	Mr. Michael J Reidy
50 Foster St	380,000	11/20/98	John K Grady	Mr.& Mrs. Alexander Grinnell
51 Mount Pleasant St U-3	210,000	11/19/98	Anthea Dokidis	Mr. Andrew Mc Lean
53-55 Belmont St	375,500	11/23/98	William C Wood	Ms. Susana Depaz
73 Francis Ave	820,000	11/17/98	Letitia Upton	Mr.& Mrs. Barry R Bloom
8-10 Saint Mary Rd	214,300	11/19/98	Howard J Randall Ex	Ms. Phyllis Randall

COM/Gas online

COM/Gas customers can use the Internet to access a range of services and programs at the company's Web site, www.comgas.com.

Customers can contact COM/Gas 24 hours a day, receiving up-to-date information, requesting gas service at a new address, and signing up for an automated payment program or a home heating protection plan.

The site contains information about residential and commercial and industrial rates, conservation programs, home safety, and COM/Gas community programs. There are several interactive features available, including the ability to purchase a gift certificate online using a credit card.

Buzzy's opens in Central Sq.

Buzzy's Fabulous Roast Beef has opened in Central Square in the old home of the Harvard Donut Shop.

Unlike the Boston Buzzy's, Central Square will serve a full hot breakfast, lunch and dinner. The store is open from 7 a.m. to 2 a.m., not 24 hours like in Boston.

Buzzy's in Central Square has 54 seats in 2,600 square feet, including space that was formerly used by Cheapo Records. Cheapo has moved into a basement space nearby.

Although owners had hoped to open by early summer, construction and permitting took longer than expected, according to Mike Pothier, district manager.

Once the restaurant has a full staff, Pothier hopes to be open until 2 a.m. on Fridays and Saturdays as well.

Buzzy's first opened in the 1960s at Charles Circle on the Boston side of the Longfellow Bridge. It is known for inexpensive food and late night traffic. The business is owned by Russell Frye of Boston, who is the third owner.

House of Blues helps homeless, fights crime

House of Blues staff and friends served an eight-course dinner to 300 homeless people from the New England Shelter for Homeless Veterans and local shelters over Thanksgiving weekend.

Blues musician Ronnie Earl donated his time and performed for the crowd.

On Sunday, Nov. 29, the House of Blues hosted a "Hate Crimes Awareness Gospel Brunch" which raised over $1,500 for the Matthew Shepard fund, the family of James Byrd Jr. and Boston's Gay and Lesbian Advocates and Defenders.

Shepard was 22 when he was beaten and tortured and left to die for no reason other than he was a homosexual. Byrd, 49, was beaten unconscious, chained to the back of a pickup truck and dragged for miles over rural roads outside the town of Jaspar for no reason other than he was African-American.

One-hundred-fifty people attended the performances and listened to the gospel songs sung by the Beaman Singers Choir from New York.

"We are continuing our focus to live up to the vision of our mission statement, which reads, in part, 'to promote racial and spiritual harmony through love, peace, truth, righteousness and non-violence,'" said Aidan Scully, House of Blues general manager.

Norton Beverage Co.
Choice wines, liquors, Spirits at Fabulous Savings
Wine Tastings 2451 Mass Ave., Cambridge • 354-7600 Free Delivery
Mon-Sat 9am-11pm
VOTED CAMBRIDGE'S #1 LIQUOR STORE
OPEN SUNDAYS AT NOON THRU NEW YEARS

Absolut $22.99 1.75 L
Pete's Wicked $18.99 All Types 24 12oz. Bottles
Carlo Rossi $7.99 4.0 L
C.C. $16.99 - $5.00 MIR $11.99 1.75 L
Bud $16.99 30 pk
Beringer $4.99 - $1.00 MIR $3.99 White Zinfandel 750ml
DuBoeuf 3/$20.00 Beaujolais Nouveau 750ml
Kenwood $9.99 Chardonnay 750ml
Corbett Canyon 3/$10.00 White Zinfandel 750ml
Dunnewood 750ml Merlot.....$7.99 Cabernet, & Chardonnay...$6.99
Cossamer Bay $9.99 Chard, Cab, Merlot 1.5 L
Ecco Domani $7.99 Pinot Grigio, Merlot 750ml
Bailey's $15.99 Irish Cream 750ml
Drambuie $19.99 750ml
Kahlua $13.99 750ml
Sam Adams $19.99 All Types 24 12oz. Bottles
St. Pauli Girl $18.99 2 12pk Bottles
Guinness Pub Draft Cans 4 pk.....$5.99 Case.....$27.99
Cider Jack 6 pk.....$5.99 Case.....$19.99
Korbel $9.99 Champagne 750ml
Bacardi $9.99 Limon 750 ml
Heineken $18.99 & Amstel Light 24 12oz. Bottles
Molson $14.99 Golden & Ice 2 12pk Bottles
Andre 3/$10.99 Champagne 750ml
Kendall Jackson $9.99 Chardonnay 750ml
Mouton Cadet $6.99 Red & White 750ml
Luna Di Luna $7.99 Pinot Grigio, Chardonnay 750 ml
Johnnie Walker Red $28.99 1.75 L
Seagram 7 $13.99 - $3.00 MIR $10.99 1.75 L
Gordon's $12.99 Vodka 1.75 L
Not responsible for typographical errors. Prices subject to change without notice. THE LOTTERY

Metropolitan Fuel Corporation
Weil McLain 3-Section Boiler $2650.
275 Gallon oil tank installed $795.
Concord warm air furnace "LUF 80A 84/95D" $1895.
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Evaluating coach Rick Pitino's gospel of success

GROWING OLDER
BY RICHARD GRIFFIN



He is one of the most dynamic public speakers in America. His oratorical skills enable him to hold an audience rapt for a long time. Compelling human-interest stories, intense personal experiences, and inside information about his field help make his talks engrossing.

The speaker I refer to is Rick Pitino, president and head coach of the Boston Celtics. With awe and envy I recently watched him amuse and instruct a largely male audience at a breakfast meeting in Boston.

With virtually complete control of the team and a reputation as one of the finest coaches in America, Pitino is currently riding high even though his current team has not yet reached the top ranks of the National Basketball Association.

As an inspirational speaker, Pitino's main message is the same as the title of his book: "Success Is a Choice." If you want to be successful, he says, "you have to outwork everyone." That's why, when he recruits people for his enterprises, Rick Pitino looks for PHDs — "poor, hungry, driven people."

He regaled us with stories of his players past and present who either have the above qualities or do not. About a current Celtic, Coach Pitino revealed that the player stays focused on injuries rather than hard work. Pitino's punch line — "He loves having surgeries" — brought down the house.

From his coaching days at Providence College, he told about transforming a freshman, Billy Donovan, from a slow, overweight, and inaccurate shooter into the finest guard in America. By calling him "Billy the Kid, the Fastest Gun in the East," and in making him feel extraordinary, Pitino made Donovan believe in himself and work hard enough to fulfill his potential.

Pitino says everyone has to choose: "Your job can be a job or a passion." He leaves no doubt which his is. He relishes getting up each morning and facing the challenges of the day.

But you cannot be successful by simply boosting yourself. "You're not extraordinary unless you can lift up the people around you." And he offers this advice: "Listen four times as much as you speak."

This latter point he learned from his own mistakes. He told about going after a top recruit when he coached at the University of Kentucky. Pitino flew to the young man's home and sat down with his family members to explain at length why he should come to Kentucky.

On leaving for the trip home, Pitino confided to a skeptical assistant that he had lost the recruit. Why? Because he had done all the talking, not allowing the young man's parents to say anything about their hopes for their son. It was a mistake Pitino has never made again.

Finally, Pitino left us with his philosophy about time. It is summed up in the title of a book that he recommends — "The Precious Present." You cannot live in the past; you can only learn from it. Nor can you live in the future; you can only plan for it. Our passion should be to enjoy the present time, he says.

I've never had to cope with much success in the Pitino sense of the word.

Among the dozens of people at the breakfast, I seemed to be the oldest. The others were either younger alums or parents of current students at my high school. Most of them seemed to be eating the speech up.

So was I. Rick Pitino made it hard not to believe in his gospel of success. And, to give him credit, he said explicitly that he puts God and family before basketball and other enterprises.

However, from the perspective of advancing years, I must take issue with much else in Rick Pitino's approach to life. How can any of us who have learned from long life believe so uncritically in success? We have seen too much ever to put our faith in a gospel that so exalts coming out on top.

Does not experience show that many factors other than hard work contribute to desirable outcomes? Some people benefit from good luck; others, through no fault of their own, are dogged by misfortune.

For me and for many other people my age, the very definition of success has undoubtedly changed over the years. Take, for example, my friend Hugh Sturrock, a 75-year-old resident of Melrose. Asked if he considers himself successful, he answers: "Very good health, good family, good friends. I've been blessed."

That comes close to my own thinking. I've never had to cope with much success in the Pitino sense of the word. Measured against the standards of the world, my achievements have been modest indeed.

But, with age, I have come to appreciate more deeply the values that my friend Hugh cites. Just being a survivor counts for something. So do enduring human relationships. And the quest for spiritual insight rates more highly with me than worldly success ever could.

Chronicle columnist Richard Griffin is an author and consultant who lives on Howland Street.

Do you have a comment for Richard, or an idea for a future column? Richard can be reached via e-mail at rbgriff180@aol.com.

LEGAL NOTICES

DESMOND ESTATE
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
MIDDLESEX, SS DIVISION
DOCKET NO. 98P5561EP
ESTATE OF Catherine T. Desmond Also Known as Catherine Theresa Desmond
LATE OF Cambridge
IN THE COUNTY OF MIDDLESEX
NOTICE
A petition has been presented in the above captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Edward J. O'Connell of Boston in the County of Suffolk be appointed executor/executrix without giving surety on his/her/their bond(s).

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 a.m. in the forenoon on January 5, 1999.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twentyseventh day of November in the year of our Lord one thousand nine hundred ninety eight.

Marie A. Gardin
Acting Register of Probate Court

AD #729403
Cambridge Chronicle, 12/10/98

MANHOLE BIDS
LEGAL NOTICE
CITY OF CAMBRIDGE
PURCHASING DEPARTMENT
Sealed bids will be received at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass., until 11:00 o'clock A.M. **DECEMBER 24, 1998** at which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge:

MANHOLE FRAMES & COVERS (1)
LEASE OF VOICE MAIL SYSTEM
(FILE NO. 3348A) (1)

The City of Cambridge reserves the right to waive any minor informalities or to reject any or all bids if it is in the City's best interest to do so.

Specifications may be obtained at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass.

Each bid must be in a sealed envelope plainly marked "Bid for 'Designate Item'" and addressed to Gail A. Cohen, Purchasing Agent, City Hall, Cambridge, Massachusetts.

Gail A. Cohen
Purchasing Agent

AD #731903
Cambridge Chronicle, 12/10/98

MCCARTHY ESTATE
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
MIDDLESEX, SS DIVISION
DOCKET NO. 98P5466EP
ESTATE OF Dorothea C. McCarthy Also Known As Dorothea Colette McCarthy
LATE OF Cambridge
IN THE COUNTY OF MIDDLESEX
NOTICE
A petition has been presented in the above captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Dorthea M. McCarthy of Arlington in the County of Middlesex be appointed executrix without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 a.m. in the forenoon on December 30, 1998.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twenty third day of November in the year of our Lord one thousand nine hundred ninety eight.

Marie A. Gardin
Acting Register of Probate Court

AD #726809
Cambridge Chronicle, 12/10/98

N. POINT PARK HEARING
LEGAL NOTICE
CITY OF CAMBRIDGE
MASSACHUSETTS
CONSERVATION COMMISSION
NOTICE OF PUBLIC HEARING
Public notice is hereby given that the Cambridge Conservation Commission will hold a public hearing on **Monday, December 21, 1998 at 7:30 p.m.**in the **Third Floor Conference Room, City Hall Annex, 57 Inman Street,** Cambridge, Massachusetts, on a Notice of Intent filed in accordance with the provisions of the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, s. 40).

The Notice of Intent is for **Construction of the MDC's North Point Park (Central Artery/Tunnel Contract C29A1),** in Cambridge, Massachusetts. The proposed work falls within wetland resource areas associated with the Charles River's Lower Basin. Work includes repair of existing rip rap seawalls; creation of a parkland water feature with connection to the River; creation of a new boat ramp and associated interim access road; installation of a floating dock, playground equipment, landscaping, walkways, other site amenities; and utility installation/relocation. The project also includes construction of the North Point Roads and associated utilities. These roads were the subject matter of a previous Order of Conditions issued by the Cambridge Conservation Commission in 1990 (DEP File # 123-79).

A copy of this Notice of Intent is on file at the Conservation Commission office at City Hall Annex, 57 Inman Street, 2nd Floor, Cambridge, Massachusetts. Interested persons may appear at the public hearing to be heard.

Julia Bowdoin
Conservation Commission Director
(617) 349-4680

AD #730562
Cambridge Chronicle, 12/10/98

ORDINANCE 2811
LEGAL NOTICE
CITY OF CAMBRIDGE
FIRST PUBLICATION NO. 2811
IN THE YEAR ONE THOUSAND, NINE HUNDRED NINETY EIGHT.
AN ORDINANCE
In amendment to the ordinance entitled "Municipal Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter 2.78 of the Municipal Code of the City of Cambridge entitled "Historical Buildings and Landmarks" is amended by inserting the following subsection at the end of Section 2.78.050:

D. The Old Cambridge Historic District is extended pursuant to provisions of the Historic Districts Act, Massachusetts General Laws Chapter 40C, by the addition thereto of properties located on Arsenal Square, Concord Avenue, and Garden Street and the portions of said streets bounded as shown on the map entitled "Proposed Arsenal Square Extension of the Old Cambridge Historic District Extension, April 3, 1998" incorporated in this chapter in full. As so extended, the Old Cambridge Historic District Extension remains in full effect and such extended district shall be subject to the provisions of M.G.L. Chapter 40C and this Section. In making determinations concerning properties in the extension, the Commission shall be guided by the terms of the **Revised Final Report on the Proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the Proposed Landmark Designation of 22, 24, and 26-28 Garden Street,** issued July 27, 1998.

Passed to a second reading at the City Council meeting held on December 7, 1998 and on or after December 21, 1998 the question comes on passing to be ordained.

ATTEST:-
D. Margaret Drury
City Clerk

AD #732840
Cambridge Chronicle, 12/10/98

ORDINANCE 2812
LEGAL NOTICE
CITY OF CAMBRIDGE
FIRST PUBLICATION NO. 2812
IN THE YEAR ONE THOUSAND, NINE HUNDRED NINETY EIGHT
AN ORDINANCE
In amendment to the ordinance entitled "Municipal Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

That Title 5 entitled "Business Licenses and Regulations be amended by adding a new chapter 5.50 entitled "Standardizing the Placement and Maintenance of Newsracks."

Passed to a second reading at the City Council meeting held on December 7, 1998 and on or after December 21, 1998 the question comes on passing to be ordained.

ATTEST:-
D. Margaret Drury
City Clerk

NOTE: Pursuant to the provisions of General Laws, Chapter 40, Section 32A, Tercentenary Edition, the ordinance as aforesaid which exceeds in length eight octavo pages of ordinary book print may be summarized for publication in a newspaper of general circulation in the city with the further provision that said Zoning Ordinance may be examined and obtained at the City Clerk's Office during office hours and that any objection to its invalidity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting or the second publication.

AD #732841
Cambridge Chronicle, 12/10/98

PORTER SQUARE BIDS
LEGAL NOTICE
MASSACHUSETTS BAY TRANSPORTATION AUTHORITY
THROUGH
TRANSIT REALTY ASSOCIATES, LLC
INVITATION TO BID
LEASE OF CONCESSION SPACE
PORTER SQUARE STATION
CAMBRIDGE, MASSACHUSETTS
To Interested Parties:

Pursuant to the provisions of Massachusetts General Laws, Chapter 161A, Section 5(c), the Massachusetts Bay Transportation Authority (MBTA), through Transit Realty Associates, LLC (TRA), invites interested parties to submit sealed bids for a five (5) year lease with one (1) five (5) year option for approximately 250 +/- square feet of concession and storage space at Porter Square Station, Red Line, Cambridge, MA. Proposals MUST be submitted on the MBTA's proposal form, and time/date stamped by TRA no later than 11:00 a.m. on Thursday, January 7, 1999, second floor, 20 Winthrop Square, Boston MA. Bids will be publicly opened and read aloud at 11:05 a.m. on January 7, 1999. A copy of the Invitation To Bid may be obtained from the MBTA by contacting:

Transit Realty Associates, LLC
20 Winthrop Square - 2nd Floor
Boston, Massachusetts 02110
Attention: Jack Neuwirth
Telephone: (617) 482-2525
Fax: (617) 482-0210

The minimum bid price accepted is twelve thousand dollars ($12,000.00) per year. The MBTA reserves the right to reject any and all proposals. Failure to submit a complete and accurate proposal or to conform to all instructions given in the Invitation to Bid may result in proposal being rejected.

AD #729268
Cambridge Chronicle, 12/10/98

REG. 98-31
LEGAL NOTICE
CITY OF CAMBRIDGE
TRAFFIC, PARKING AND TRANSPORTATION
REGULATION NO. 98-31
By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following.

Regulation No. 66-1 Schedule 6 D, "PARKING PROHIBITED AT ALL TIMES ON CERTAIN SIDES OF CERTAIN STREET, TOW AWAY (HANDICAPPED PERSONS & DISABLED VETERANS) is hereby amended by adding the following:

Thorndike St., South Side, 83' West of Sciarappa St. to 103' West of Sciarappa St.

Pine St., West Side, 83' South of Washington St. to 103' South of Washington St.

And further by removing:

Sacramento St., North Side, 395' East of Mass. Ave. to 415' E of Mass. Ave.

This regulation shall take effect 1 December 1998.

PROMULGATED DATE 12 Nov 1998

Susan E. Clippinger
Director

AD #730295
Cambridge Chronicle, 12/10, 12/17, 12/24/98

REG 98-31
LEGAL NOTICE
CITY OF CAMBRIDGE
TRAFFIC, PARKING AND TRANSPORTATION
REGULATION NO. 98-31
By fore of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic regulations of the city of Cambridge by adding the following regulation

Regulation No. 66-1 Schedule 10 **Title "PARKING TIME LIMITED ON CERTAIN SIDES OF CERTAIN STREETS" is hereby amended by adding the following:**

Vassar St., West Side, 90' South of Mass. Ave. to 300' South of Mass. Ave. 2 Hours 8 AM - 6PM Except Sunday

This regulation shall take effect 29 December 1998.

PROMULGATED DATE 1 Dec 1998

Susan E. Clippinger
Director

AD #731806
Cambridge Chronicle, 12/10, 12/17, 12/24/98

To place your legal notice call
1-800-624-7355 or fax to 781-453-6650.

MENU

The following menus will be served at congregate meal sites run by Somerville-Cambridge Elder Services. Reservations must be made by 10 a.m. on the previous day. The suggested donation is $1.50 per meal.

Thursday, Dec. 10 — Lentil spinach soup, crackers, oven fried chicken leg, red bliss potatoes, cranberry sauce, Scali bread, pudding.

Friday, Dec. 11 — Salisbury steak, mushroom gravy, mashed potatoes, winter squash, rye bread, fresh fruit.

Monday, Dec. 14 — Chicken leg Marsala, green beans, mashed potatoes, whole wheat bread, applesauce.

Tuesday, Dec. 15 — Cream of tomato soup, crackers, fiesta fish or sliced turkey with gravy, O'Brien potatoes, multigrain bread, fresh fruit.

Wednesday, Dec. 16 — Roast pork, peach glaze, green beans almondine, sweet potato, twist roll, eclair or unfrosted carrot cake.

Thursday, Dec. 17 — Swedish meatballs, gravy, oven roasted potatoes, broccoli, oatmeal bread, Jell-O.

Friday, Dec. 18 — Chili, baked potato, Italian bread, fig bar or citrus sections.

All meals are served with milk. Skim milk and low-sugar desserts are available and need to be ordered with the site manager. Menu subject to change.

FIRST PUBLICATION NO. 2811

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Eight.

AN ORDINANCE

In amendment to the ordinance entitled "Municipal Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter 2.78 of the Municipal Code of the City of Cambridge entitled "Historical Buildings and Landmarks" is amended by inserting the following subsection at the end of Section 2.78.050:

D. The Old Cambridge Historic District is extended pursuant to provisions of the Historic Districts Act, Massachusetts General Laws Chapter 40C, by the addition thereto of properties located on Arsenal Square, Concord Avenue, and Garden Street and the portions of said streets bounded as shown on the map entitled "Proposed Arsenal Square Extension of the Old Cambridge Historic District Extension, April 3, 1998" incorporated in this chapter in full. As so extended, the Old Cambridge Historic District remains in full effect and such extended district shall be subject to the provisions of M.G.L. Chapter 40C and this Section. In making determinations concerning properties in the extension, the Commission shall be guided by the terms of the Revised Final Report on the Proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the Proposed Landmark Designation of 22, 24, and 26-28 Garden Street, issued July 27, 1998.

Passed to a second reading at the City Council meeting held on December 7, 1998 and on or after December 21, 1998 the question comes on passing to be ordained.

ATTEST:- D Margaret Drury

D. Margaret Drury
City Clerk

Exhibit 1: Proposed Ordinance Amending Chapter 2.78, Article I, of the City Code to Extend the Old Cambridge Historic District.

Chapter 2.78 of the Municipal Code of the City of Cambridge entitled "Historical Buildings and Landmarks" is amended by inserting the following subsection at the end of Section 2.78.050:

D. The Old Cambridge Historic District is extended pursuant to provisions of the Historic Districts Act, Massachusetts General Laws Chapter 40C, by the addition thereto of properties located on Arsenal Square, Concord Avenue, and Garden Street and the portions of said streets bounded as shown on the map entitled "Proposed Arsenal Square Extension of the Old Cambridge Historic District Extension, April 3, 1998" incorporated in this chapter in full. As so extended, the Old Cambridge Historic District remains in full effect and such extended district shall be subject to the provisions of M.G.L. Chapter 40C and this Section. In making determinations concerning properties in the extension, the Commission shall be guided by the terms of the **Revised Final Report on the Proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the Proposed Landmark Designation of 22, 24, and 26-28 Garden Street**, issued July 27, 1998.

Cambridge Historical Commission
July 27, 1998

Councillor Davis then invited public testimony.

Tony Platt, alternate member of the Historical Commission, noted that this area is one of the major gateways into the center of the city. This protection is extremely important.

Councillor Davis then invited testimony in opposition. There was none.

Councillor Davis then invited questions from the members of the Ordinance Committee.

Councillor Sullivan asked why the Historical Commission is recommending one alternative over the other. Councillor Sullivan said that the matter started with the proposed demolition of one of the three houses. The proposal to landmark them saves three properties. However, the extension of the Historical District protects Arsenal Square.

Councillor Russell asked about the compromise with the owners, Adams Realty Trust. Mr. Sullivan stated that they reached an agreement with Adams Trust to restore the three properties and to have accessory parking behind. The Historical Commission then supported Adams Realty Trust in its successful application for a variance for the accessory parking.

Councillor Born asked if the buildings are being built in accord with the plans presented at the meetings in the basement of the Bunting Institute. Mr. Sullivan described the current building plans which the Historical Commission has approved. He stated that this is going to be a first-class renovation project which will be a credit to the City.

Councillor Born asked if the abutters were satisfied. Frank Westheimer, 3 Berkeley Street, stated that he is very pleased with the agreement. It is a fine compromise. The fact that he is the only neighbor present is further evidence of the satisfaction of the neighbors and abutters.

Edward Gulesarian, owner of Adams Realty Trust, stated that the agreement is a win-win for everybody involved.

Councillor Born congratulated the parties in their hard work.

Councillor Davis thanked all those involved in reaching this agreement.

Councillor Sullivan moved that the proposed amendment be referred to the City Council with the recommendation that the City Council amend Section 2.78.050 of the Municipal Code to extend the Historical District as recommended by the Historical Commission. The motion passed on a voice vote without objection.

Councillor Sullivan moved that the City Clerk write to all involved in the negotiations to express the appreciation and thanks of the City Council. The motion passed without objection.

Councillor Davis thanked all those present for their attendance. The meeting was adjourned at 5:55 p.m.

For the Committee,

Councillor Henrietta Davis, Chair

City of Cambridge

In City Council December 7, 1998

The Ordinance Committee held a public hearing on November 10, 1998, beginning at 5:33 p.m. in the Sullivan Chamber/Ackermann Room for the purpose of discussing a recommendation from the Historical Commission on its revised Final Report on the Proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the Proposed Landmark Designation of 22-28 Garden Street.

Present at the hearing were Councillor Henrietta Davis, Chair of the Committee, Mayor Francis H. Duehay, Councillor Kathleen Leahy Born, Councillor Sheila T. Russell, Councillor Michael A. Sullivan and City Clerk D. Margaret Drury. Also present were Charles Sullivan, Executive Director of the Historical Commission, Nancy Glowa, First Assistant City solicitor, Alison Crump, Chair of the Historical Commission and Tony Platt, Alternate Member of the Historical Commission.

Councillor Davis convened the hearing and explained the purpose. Because Mayor Duehay had to leave to go to the School Committee meeting, Councillor Davis invited him to speak first.

Mayor Duehay stated that he is very familiar with this proposal. He spoke in support of the proposal and stated that the Historical Commission, the surrounding community and the Sheraton Commander have done a wonderful job and have come up with an excellent solution.

Councillor Davis then invited a presentation from Charles Sullivan, Historical Commission. Mr. Sullivan reviewed the history of the proposal. It first came before the Ordinance Committee in 1995. There were objections by the owner of the properties at issue, Adams Realty. The committee requested that the parties meet to try to come to an agreement. With the help of City Manager Robert Healy who held the meetings, the Historical Commission, the abutters and Adams Realty Trust, owners of the properties at 22-28 Garden Street and the Sheraton Commander were able to reach an agreement.

There are two proposals, one is to designate the three properties as landmarks, but the Historical Commission's preferred alternative is to extend the Historic District to include nine properties. This requires an amendment to Section 2.78.050 of the Municipal Code.

Alison Crump, Vice Chair, Historic Commission, expressed her appreciation to the City Council and Robert Healy for the suggestion to mediate and the support for the process of working through to agreement.

1

Committee Report #2 Oct. 14 1998

A report from Councillor Davis, Chair of the Ordinance Committee, for a meeting held on November 10, 1998 for the purpose of discussing a recommendation from the Historical Commission on its revised Final Report on the Proposed Arsenal Square Extension of the Old Cambridge Historical District and/or the Proposed Landmark Designation of 22-28 Garden Street.

1/11/99
Passed to be Ordained
9-0-0.

In City Council December 7, 1998

Report Accepted
Passed to a 2nd Reading
12/14/98
No Action Taken

with cover letter by CMS

1 of 3

plus 9 pp from book

CAMBRIDGE HISTORICAL COMMISSION

ABUTTER NOTIFICATION LIST

Property: Proposed Landmark of 22, 24, 26-28 Garden St and/or Proposed Arsenal Sq. Ext. of OCHD

Owner:

Case #: n/a Hearing date: 6-25-98

✓ Date mailed: 6-11-98 Mailed by: SLo (notices picked by CMS)

Name of Owner	Address of Affected Property	Assessor's Map # / Lot #	Legal Address of Owner
City of C. Robert Healy	0 Chauncy Arsenal Sq. island	215 / 9	mgr interoffice & DPW
10 owners	30 Garden St 1 Arsenal St 15 Concord Ave	215/8	see attached pp 596-98
Wm. & Lynn Porter	17 Concord Ave	215/31	Same
new lot # 63, 64, 65, 66	36-42 Garden	215/36	see end of list for new lots
45 owners	16-18 Concord Ave	216/4	see attached pp 590-96
	14 Concord Ave	216/5	
① Martine Louttfi ② Sonia Wales ③ Mary Bull	12 Concord Ave	216/6	① Same #3 ② same #2 ③ Same #1
Edw & Deborah Mary Bergoudian	10 Concord Ave	216/7	Adams Realty Tr 16 Garden St.
Edw. & Deborah mary Bergoudian	26 Garden St.	216/8	Adams Realty Tr 16 Garden St.
" "	24 Garden St.	216/18	" "
" "	22 Garden St.	216/36	" "
PFHC	20 Garden St.	216/35	HPRE
Bruce Beal & Kerin Feuster, Trs	1 Berkeley St	216/24	Cambridge Realty Tr, c/o The Beal Companies 177 Milk St # B-0210
Frank Westheimer	3 Berkeley	216/23	Same
Richard & Jacqueline Tarrant	7 Berkeley	216/39	Same
Barbara Rockwell	5 Berkeley	216/38	P.O. Box 742 Bristol, RI 02809

Property: Garden St / Arsenal Square Case #: n/a

David Bailey	11 Berkeley	216/26	Same	
Thos. Roberts / Gail Laner	13 Berkeley	216/21	same	
Maxwell & Joanne Solet	15 Berkeley	216/29	same	
Richard & Irene Pipes	17 Berkeley	216/30	Same	
Yve-Alain & Dominique Bois	19 Berkeley	216/15	19A Berkeley St.	
Radcliffe College	1-9 Walker St. 39 Garden St	214/~~49~~ 61 62	10 Garden St c/o Christopher Jenkins Jane Mansbridge	Utility Record 1 Walker St.
Rob't & Virginia Swain	13 Walker St	214/20	same	02138
Karen Davis & Lewis Bushnell	15 Walker St.	214/21	same	"
Anne Best Milton	2 Walker St. Pl.	214/22	same	"
① Gordon Wheeler	27 Chauncy St	214/37	① 29 Chauncy #1	
② Gordon Wheeler			② 29 Chauncy #3	
③ Gordon Wheeler	29 Chauncy	214/38	③ 29 Chauncy #1	
Maharishi Vedic School, Inc	~~33 Chauncy St~~ 33 Garden St	214/48	33 Garden St.	
Lloyd & Nancy Aiello	2½ Berkeley	170/33	same	
Mary Bergondian Edw. Gulesarian	2 Berkeley St 14-18 Garden St.	170/39	Commander Realty Assoc. Nom. Tr. 16 Garden St.	
First Church Cong'l	11 Garden St	170/4	same	
R. Healy, Mgr	C. Common	171/1	interoffice	
Detlev & Dorothy Vagts	29 Follen St	172/16	same	
Assoc. for Cultural Interchange, Inc	25 Follen	172/71	same	
Laure-Anne Brown	21 Follen	172/18	13 Rice St	02140
Clark & Wendy Abt	19 Follen	172/19	same	
Thos. & Emily McClintock	15 Follen	172/37	same	
Theo. & Katherine Sprague	13 Follen	172/38	same	
Walter & Donna Wick	9-11 Follen	172/21	same #9	

Also to: Lisa Berkman & Miklos Pogany 39 Garden St.

Also to: ~~New owner~~ Int'l meditation Society 33 Garden St

Pastor,

Adam & Phyllis Sonnenschein 19 Berkeley 216/15 same

new: The Work of God Inc. 25 Follen 172/71 25 Follen St.

Property: Garden St / Arsenal Sq Case #: n/a

Todd Stuart	9-11 Follen	172/21	same #11
Jeanne Kane	5 Follen	172/69	same
Paul Weiler & Florence Darwin	7 Follen	172/70	same
Longy School of Music	29 Garden 1 Follen	172/59	1 Follen St
Lincolns Inn Society	~~44~~ Follen	172/57	44 Follen St
Christopher & Jane Reed	36 Follen	172/28	same
Sheila Cook	26-34 Follen	172/74	34 Follen St
John Longwell	22-24 Follen	172/67	22 Follen
John & Ruth Ward	18-20 Follen	172/68	20 Follen
Rob't & Dale Mnookin	10 Follen	172/26	same
Phillip & Susan Ragon	8 Follen	172/25	same
Nancy Sevcenko	6 Follen	172/24	214 St. Mark's Square Philadelphia, PA 19104
Mary & Francis Sutula	~~2 Follen~~ 9 Concord Ave	172/50	same
Susan Rogers	7 Concord Ave	172/49	same
Chas. Blevins, Tr. Arsenal Sq Trust	1 Waterhouse 15-17 Garden	172/45	1039 Mass. Ave
C/o The Nilco Co.	19-25 Garden	172/46	C-02138
Peter & Rosemarie Rogers	20 Berkeley	218/11	same
Stephen Schuker & Maria Tatar	16 Berkeley	217/1	same
Carol & Anthony Yunger	12 Berkeley	217/2	same
Jeffrey Zinsmeyer & Shanti Fry	8 Berkeley	217/3	same
Vivian Katz	6 Berkeley	217/4	same
EDS Tom Feeny	4 Berkeley	217/5	99 Brattle St.
Anthony & Susan Harnett	36 Garden	215/63	same
Chas. & Susan Longfield	38 Garden	215/64	same
John & Barbara Ross	40 Garden	215/65	same
Stephen Smith	42 Garden	215/66	same

TAX RATE FOR FISCAL YEAR 1997-98

13.43 0.00 35.98 35.98

CITY OF CAMBRIDGE

REAL ESTATE DIRECTORY

NAME & ADDRESS OF PERSON ASSESSED	PROPERTY DESCRIPTION	REAL ESTATE VALUES		ASSESSMENTS AND LIENS	
		DESC. CLASS	VALUE	DESCRIPTION AMOUNT	COMM. INT
LOUTFI, MARTINE A. 12 CONCORD AVE. #3 CAMBRIDGE MA 02138	SQ FT 1,296 216 6 3 13890/283	RES. 1	336,900		
	TOTAL VALUE 336,900	RESIDENTIAL EXEMPTION 53,288	TOTAL TAX VALUATION 283,612	TOTAL TAX 3,808.91	TOT TAX & ASSESSMENT 3,808.91
PROPERTY LOCATION 12 CONCORD AVE	YEAR EQV CODE 0000 102	ACCOUNT NUMBER 870036-18	PAGE & LINE 0590/01	1ST PAYMENT 1,904.46	2ND PAYMENT 1,904.45
WALES, SONIA D. 12 CONCORD AVE., #2 CAMBRIDGE MA 02138	SQ FT 1,354 216 6 2 18396/372	RES. 1	336,900		
	TOTAL VALUE 336,900	RESIDENTIAL EXEMPTION 53,288	TOTAL TAX VALUATION 283,612	TOTAL TAX 3,808.91	TOT TAX & ASSESSMENT 3,808.91
PROPERTY LOCATION 12 CONCORD AVE	YEAR EQV CODE 0000 102	ACCOUNT NUMBER 870035-20	PAGE & LINE 0590/02	1ST PAYMENT 1,904.46	2ND PAYMENT 1,904.45
BULL, MARY F. 12 CONCORD AVE., #1 CAMBRIDGE MA 02138	SQ FT 1,912 216 6 1 25534/556	RES. 1	344,100		
	TOTAL VALUE 344,100	RESIDENTIAL EXEMPTION 0	TOTAL TAX VALUATION 344,100	TOTAL TAX 4,621.26	TOT TAX & ASSESSMENT 4,621.26
PROPERTY LOCATION 12 CONCORD AVE	YEAR EQV CODE 0000 102	ACCOUNT NUMBER 870034-22	PAGE & LINE 0590/03	1ST PAYMENT 2,310.63	2ND PAYMENT 2,310.63
EPSTEIN, BEATRICE 14 CONCORD AVE. CAMBRIDGE MA 02138 2356	SQ FT 886 216 4 5 205 13660/072	RES. 1	147,200		
	TOTAL VALUE 147,200	RESIDENTIAL EXEMPTION 53,288	TOTAL TAX VALUATION 93,912	TOTAL TAX 1,261.24	TOT TAX & ASSESSMENT 1,261.24
PROPERTY LOCATION 14 CONCORD AVE	YEAR EQV CODE 0000 102	ACCOUNT NUMBER 188920-28	PAGE & LINE 0590/04	1ST PAYMENT 630.62	2ND PAYMENT 630.62
CATALAMOTTO, ROSELLE 14 CONCORD AVE., #208 CAMBRIDGE MA 02138 2356	SQ FT 620 216 4 5 208 22174/126	RES. 1	102,700		
	TOTAL VALUE 102,700	RESIDENTIAL EXEMPTION 53,288	TOTAL TAX VALUATION 49,412	TOTAL TAX 663.60	TOT TAX & ASSESSMENT 663.60
PROPERTY LOCATION 14 CONCORD AVE	YEAR EQV CODE 0000 102	ACCOUNT NUMBER 410220-22	PAGE & LINE 0590/05	1ST PAYMENT 331.80	2ND PAYMENT 331.80
GOLD, SIR JOSEPH AND RUTH S. GOLD 7020 BRAEBURN PLACE BETHESDA MD 20817	SQ FT 628 216 4 5 216 13490/027	RES. 1	102,700		
	TOTAL VALUE 102,700	RESIDENTIAL EXEMPTION 0	TOTAL TAX VALUATION 102,700	TOTAL TAX 1,379.26	TOT TAX & ASSESSMENT 1,379.26
PROPERTY LOCATION 14 CONCORD AVE	YEAR EQV CODE 0000 102	ACCOUNT NUMBER 642300-25	PAGE & LINE 0590/06	1ST PAYMENT 689.63	2ND PAYMENT 689.63
CONNOR, CHARLES R. W. & ROBIN STERGIS 14 CONCORD AVE., #218 CAMBRIDGE MA 02138 2356	SQ FT 558 216 4 5 218 19437/052	RES. 1	122,000		
	TOTAL VALUE 122,000	RESIDENTIAL EXEMPTION 53,288	TOTAL TAX VALUATION 68,712	TOTAL TAX 922.80	TOT TAX & ASSESSMENT 922.80
PROPERTY LOCATION 14 CONCORD AVE	YEAR EQV CODE 0000 102	ACCOUNT NUMBER 543825-15	PAGE & LINE 0590/07	1ST PAYMENT 461.40	2ND PAYMENT 461.40
PAGE TOTALS	TOTAL TAX 1,492,500	RESIDENTIAL EXEMPTION 266,440	TOTAL TAX VALUATION 1,226,060	TOTAL TAX 16,465.98	TOT TAX & ASSESSMENT 16,465.98

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Every owner for 14 Concord Ave and 15 Concord Ave.

Cambridge Historical Commission

831 Massachusetts Avenue, Cambridge, Massachusetts 02139. Telephone 617/349-4683
Fax 617/349-6165, TTY 617/349-6112, E-mail HistComm@ci.Cambridge.ma.us

William B. King, *Chair*, Allison M. Crump, *Vice Chair*, Charles M. Sullivan, *Executive Director*
M. Wyllis Bibbins, Suzanne R. Green, Helen F. Moulton, Robert G. Neiley, Jo M. Solet, *Members*
Jennifer Jones, Anthony C. Platt, *Alternates*

September 17, 1998

To: Margaret Drury, City Clerk

From: Sarah L. Burks SLB
Historical Commission

Re: Abutters Notification List for Arsenal Square extension of the Old Cambridge Historic District

Attached please find a copy of the abutters notification list that the Historical Commission used for notification purposes regarding the extension of the Old Cambridge Historic District to include the properties around Arsenal Square.

I will briefly explain the format of our list. The first column lists the property owner(s) name(s). The second column lists the affected property (property which is to be included in the district, or which abuts such a property). The third column gives the assessors page/lot numbers for the affected property, and the last column lists the mailing address of the property owner according to the real estate commitment lists. If the addresses in columns 2 and 4 are the same, then "same" is written in column 4.

Some of my abbreviations are "B" for Boston, "Tr." for Trust, and abbreviations of male given names. If you are unable to read my writing or decipher my abbreviations, please give me a call at x4683 and I would be happy to answer any questions.

In addition to the first 3 pages, there are 8 pages copied directly from the real estate commitment books. The property owners marked on these pages (owners of 14 and 15 Concord Avenue) also should be notified of a public meeting.

CAMBRIDGE, MASSACHUSETTS
OFFICE OF CITY CLERK
1998 SEP 17 A 11:09

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260
FAX (617) 349-4307
tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

TO: **ALL INTERESTED PERSONS**

FROM: **D. MARGARET DRURY, CITY CLERK**

DATE: **SEPTEMBER 28, 1998**

RE: **ORDINANCE COMMITTEE MEETING**

****

Please be advised that Councillor Henrietta Davis, Chair of the Ordinance Committee, has scheduled three public hearing to be held in the Sullivan Chamber as follows:

5:30 P.M.	November 10, 1998	To discuss a recommendation from the Historical Commission on its revised Final Report on the Proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the proposed Lindmark Designation of 22, 24 and 26-28 Garden Street.

Your kind attention in this matter will be greatly appreciated.

cc: Councillor Davis

Resident
30 Garden Street
Cambridge, MA 02138

William and Lynn Porter
17 Concord Avenue
Cambridge, MA 02138

Resident
36-42 Garden Street
Cambridge, MA 02138

Resident
16-18 Concord Avenue
Cambridge, MA 02138

Resident
14 Concord Avenue
Cambridge, MA 02138

Martine Loutfi
12 Concord Avenue
Cambridge, MA 02138

Sonia Wales
12 Concord Avenue
Cambridge, MA 02138

Mary Bull
12 Concord Avenue
Cambridge, MA 02138

Edward Gulesarian
26 Garden Street
Cambridge, MA 02138

Mary Bergondian
26 Garden Street
Cambridge, MA 02138

Resident
24 Garden Street
Cambridge, MA 02138

Resident
22 Garden Street
Cambridge, MA 02138

PFHC
20 Garden Street
Cambridge, MA 02138

Bruce Beal and
Kerin Feuster, Trustees
1 Berkeley Street
Cambridge, MA 02138

Frank Westheimer
3 Berkeley Street
Cambridge, MA 02138

Barbara Rockwell
5 Berkeley Street
Cambridge, MA 02138

David Bailey
11 Berkeley Street
Cambridge, MA 02138

Thomas Roberts and
Gail Louer
13 Berkeley Street
Cambridge, MA 02138

Maxwell and Joanne Solet
15 Berkeley Street
Cambridge, MA 02138

Richard and Irene Pipes
17 Berkeley Street
Cambridge, MA 02138

Yve-Alain and Dominique Bois
19 Berkeley Street
Cambridge, MA 02138

Robert and Virginia Swain
13 Walker Street
Cambridge, MA 02138

Radcliffe College
1-9 Walker Street
Cambridge, MA 02138

Karen Davis and Lewis Bushnell
15 Walker Street
Cambridge, MA 02138

Ann Best Milton
2 Walkerk Street
Cambridge, MA 02138

Gordon Wheeler
27 Chauncy Street
Cambridge, MA 02138

Gordon Wheeler
29 Chauncy Street
Cambridge, MA 02138

Maharishi Vedic School, Inc.
33 Garden Street
Cambridge, MA 02138

Lloyd & Nancy Aiello
2 1/2 Berkeley Street
Cambridge, MA 02138

Mary Bergondian
2 Berkeley Street
Cambridge, MA 02138

Edward Gulesarian
14-18 Garden Street
Cambridge, MA 02138

First Congregational Church
11 Garden Street
Cambridge, MA 02138

Detlev & Dorothy Vagts
29 Follen Street
Cambridge, MA 02138

Associates for Cultural Interchanged, Inc.
25 Follen Street
Cambridge, MA 02138

Laure-Anne Brown
21 Follen Street
Cambridge, MA 02138

Clark and Wendy Abt
19 Follen Street
Cambridge, MA 02138

Thomas and Emily McClintock
15 Follen Street
Cambridge, MA 02138

Theo and Katherine Sprague
13 Follen Street
Cambridge, MA 02138

Walter and Donna Wick
9-11 Follen Street
Cambridge, MA 02138

The Work of God, Inc.
25 Follen Street
Cambridge, MA 02138

Tod Stuart
9-11 Follen Street
Cambridge, MA 02138

Jeanne Kane
5 Follen Street
Cambridge, MA 02138

Paul Weiler and
Florence Darwin
7 Follen Street
Cambridge, MA 02138

Longy School of Music
29 Garden Street
Cambridge, MA 02138

Lincolns Inn Society
44 Follen Street
Cambridge, MA 02138

Christopher and Jane Reed
36 Follen Street
Cambridge, MA 02138

Sheila Cook
26-34 Follen Street
Cambridge, MA 02138

John Longwell
22-24 Follen Street
Cambridge, MA 02138

John and Ruth Ward
18-20 Follen Street
Cambridge, MA 02138

Robert and Dale nookin
10 Follen Street
Cambridge, MA 02138

Phillip and Susan Ragon
8 Follen Street
Cambridge, MA 02138

Nancy Sevcenko
6 Follen Street
Cambridge, MA 02138

Mary and Francis Satula
9 Concord Avenue
Cambridge, MA 02138

Susan Rogers
7 Concord Avenue
Cambridge, MA 02138

Charles Blevins, Trustee
1 Waterhouse
Cambridge, MA 02138

The Niles co.
19-25 Garden Street
Cambridge, MA 02138

Peter and Rosemarie Rogers
20 Berkeley Street
Cambridge, MA 02138

Stephen Schuker
Marie Tatar
16 Berkeley Street
Cambridge, MA 02138

Carol and Anthony Unger
12 Berkeley Street
Cambridge, MA 02138

Jeffrey Zinsmeyer and Shanti Fry
8 Berkeley Street
Cambridge, MA 02138

Vivian Katz
6 Berkeley Street
Cambridge, MA 02138

Tom Feeny
4 Berkeley Street
Cambridge, MA 02138

Anthony & Susan Harnett
36 Garden Street
Cambridge, MA 02138

Charles and Susan Longfield
38 Garden Street
Cambridge, MA 02138

John and Barbara Ross
40 Garden Street
Cambridge, MA 02138

Stephen Smith
42 Garden Street
Cambridge, MA 02138

Beatrice Epstein
14 Concord Avenue
Cambridge, MA 02138

Roselle Catalamotto
14 Concord Ave. #208
Cambridge, MA 02138

Sir Joseph and Ruth Gold
7020 Braeburn Place
Bethesda, MD 20817

Charles R. W. Connor
Robin Stergis
14 Concord Avenue, #218
Cambridge, MA 02138

TAX RATE FOR FISCAL YEAR 1997-98

13.43 0.00 35.98 35.98

NAME & ADDRESS OF PERSON ASSESSED	PROPERTY LOCATION
LUM, GRANDE H. 14 CONCORD AVE., #612 CAMBRIDGE MA 02138	14 CONCORD AVE
MELDMAN, JEFFREY A. 14 CONCORD AVE CAMBRIDGE MA 02138 2356	14 CONCORD AVE
NOMURA, KENJI C/O CLIFFORD M. APGAR ALBANY SAVINGS BANK 833 BROADWAY ALBANY NY 12207	14 CONCORD AVE
SPRAGUE,CHRISTOPHER R. & LINDA G SPRAGUE 14 CONCORD AVE CAMBRIDGE MA 02138 2356	14 CONCORD AVE
PHILIPPIDES, MARY L. C/O MERRIMACK MORTGAGE CO. TAX DEPT 18 PONDVIEW PLACE P.O. BOX 710 ATTN: CAROL FREITAS TYNGDBORO MA 01879	14 CONCORD AVE
AL-SHAWI, KHALID & DOROTHY AL-SHAWI 14 CONCORD AVE #607 CAMBRIDGE MA 02138	14 CONCORD AVE
SELTZER, ANITA LINDA FURST PALM BEACH TOWERS 44 COCOANUT ROW A-403 PALM BEACH FL 33480	14 CONCORD AVE

PAGE TOTAL

TAX RATE FOR FISCAL YEAR 1997-98

13.43 0.00 35.98 35.98

NAME & ADDRESS OF PERSON ASSESSED	PROPERTY LOCATION
HOAGLUND, FRANCES M. & STANLEY P GOLDSTEIN & BENTLEY TOBIN TRS 14 CONCORD AVE CAMBRIDGE MA 02138 2356	14 CONCORD AVE
HUNTER, HOWARD E. & DORIS L. HUNTER TRS. OF HUNTER/CAMBRIDGE REALTY TRUST 14 CONCORD AVE., #322 CAMBRIDGE MA 02138	14 CONCORD AVE
HASTINGS, JOHN WOODLAND & HANNA M HASTINGS 14 CONCORD AVE., #809 CAMBRIDGE MA 02138 2369	14 CONCORD AVE
HASITINGS, JOHN WOODLAND & HANNA M HASTINGS 14 CONCORD AVE., #809 CAMBRIDGE MA 02138 1526	14 CONCORD AVE
POEPPEL, CHRISTIANE & CITY OF CAMBRIDGE TAX TITLE C/O DAVID POEPPEL 14 CONCORD AVE CAMBRIDGE MA 02138	14 CONCORD AVE
STATE STREET BANK & TRUST CO TR OF 707 REALTY TRUST 225 FRANKLIN ST TRUST REAL ESTATE DEPT. BOSTON MA 02110 2804	14 CONCORD AVE
WU, TUNG & YING C. WU 14 CONCORD AVE., #709 CAMBRIDGE MA 02138	14 CONCORD AVE

PAG

TAX RATE FOR FISCAL YEAR 1997-98

13.43 0.00 35.98 35.9

NAME & ADDRESS OF PERSON ASSESSE	PROPERTY LOCATION
CUNNINGHAM, THOMAS L. P.O. BOX 381095 CAMBRIDGE MA 02238	14 CONCORD AVE
THE GARDEN LTD., LTD PARTNERSHI HAVEN O'MORE, GENERAL PARTNERSH P.O. BOX 380284 CAMBRIDGE MA 02238 0284	14 CONCORD AVE
REE, H. JUNG & KATHERINE H. REE 14 CONCORD AVE., #409 CAMBRIDGE MA 02138	14 CONCORD AVE
PHILIPPIDES, MARY L. TR. OF 14 CONCORD AVE #418 TRUST C/O GRAYSTONE MORTGAGE CORPORA P.O. BOX 3130 ATTN: TAX DEPT. MANCHESTER NH 03105 3130	14 CONCORD AVE
LASHER, LEWIS 14 CONCORD AVE., #412 CAMBRIDGE MA 02138	14 CONCORD AVE
GALES, HAROLD & HARRIET GALES 18665 MUIRLAND AVE DETROIT MI 48221 2202	14 CONCORD AVE
OREILLY, PETER J. TR. OF 15-5 CONCORD AVE TRUST 22 BRADLEY RD ARLINGTON MA 02174	15 CONCORD AVE

NAME & ADDRESS OF PERSON ASSESSED	PROPERTY LOCATION	ASSESSMENTS AND LIENS	TOTAL TAX	TOT TAX & ASSESSMENT	1ST PAYMENT	2ND PAYMENT
RICHMOND, MICHAEL D. & BARBARA RICHMOND TRS. OF THE 15-1 CONCORD AVE REALTY TRUST 37 STONY BRAE RD. NEWTON MA 02161	15 CONCORD AVE	DESCRIPTION AMOUNT COMM INT	445.88	445.88	222.94	222.94
GULLY, BERNICE 25 STONECROFT CIRCLE WESTON MA 02193	15 CONCORD AVE		460.65	460.65	230.33	230.32
PORTER, WILLIAM L. & LYNN R. PORTER 17 CONCORD AVE CAMBRIDGE MA 02138	17 CONCORD AVE		6,044.84	6,044.84	3,022.42	3,022.42
AL-SHAWI, KHALID & DOROTHY AL-SHAWI 14 CONCORD AVE., #607 CAMBRIDGE MA 02138	20-22 CONCORD AVE		847.43	847.43	423.72	423.71
LORSCH, JAY W. 108 WASHINGTON AVE CAMBRIDGE MA 02140	20-22 CONCORD AVE		975.02	975.02	487.51	487.51
PERRINE, JAMES J., TR. OF TWO TWO ONE FOUR TRUST C/O WAVERLY MANAGEMENT, INC. P. O. BOX 3904247 CAMBRIDGE MA 02139	20-22 CONCORD AVE		1,333.60	1,333.60	666.80	666.80
GRAHAM, LEIGH C. 22 CONCORD AVE., #3 CAMBRIDGE MA 02138	20-22 CONCORD AVE		976.52	976.52	488.26	488.26
		PAGE TOTALS	1,083.94	11,083.94		

NAME & ADDRESS OF PERSON ASSESSED	PROPERTY LOCATION
PATTON, JOHN E. & NANCY J. PATTON TRS. OF CATHERINE B. PATTON NOMINEE TRUST & THE CITY OF CAMBRIDGE TAX TITLE 289 BISHOPS FOREST DR. WALTHAM MA 02154	15 CONCORD AVE
GOULD, DEBORAH LEE 29 CRESCENT ST CAMBRIDGE MA 02138	15 CONCORD AVE
ADELBERG, ERWIN C. & JERRIE LYN PANIRI TRS. OF THE 15 CONCORD AVENUE, UNIT 2 NOMINEE TRUST 7500 CLARK RD WEST PALM BEACH FL 33406	15 CONCORD AVE
WYSE, GORDON A. & MARY H. WYSE 219 LINCOLN AVE AMHERST MA 01002	15 CONCORD AVE
EBERT, RONALD & SUSAN EBERT & CITY OF CAMBRIDGE TAX TITLE 33 WILLARD ST CAMBRIDGE MA 02138	15 CONCORD AVE
JONES, MATT B., JR. & HELEN E. JONES 2 CARTER DR. FRAMINGHAM MA 01701	15 CONCORD AVE
SULLIVAN, CORNELIUS J. & MAUREEN A. SULLIVAN 238 PETER SPRING RD. CONCORD MA 01742	15 CONCORD AVE

TAX RATE FOR FISCAL YEAR 1997-98

13.43 0.00 35.98 35.98

NAME & ADDRESS OF PERSON ASSESSED	PROPERTY LOCATION
EPISCOPAL DIVINITY SCHOOL 99 BRATTLE ST CAMBRIDGE MA 02138	14 CONCORD AVE
COX, EDWARD G. & WINIFRED MCCLOUD 14 CONCORD AVENUE UNIT #614 CAMBRIDGE MA 02138	14 CONCORD AVE
LANGLEY, EUGENE B., TR. OF THE EUGENE B. LANGLEY REVOCABLE TRUS P.O. BOX 5437 MANCHESTER NH 03108 5437	14 CONCORD AVE
MURROW, HOPE 14 CONCORD AVE CAMBRIDGE MA 02138 2356	14 CONCORD AVE
PLATT, ELIZABETH B., TRUSTEE PLATT REALTY TRUST 14 CONCORD AVE., #624 CAMBRIDGE MA 02138 2356	14 CONCORD AVE
O'LEARY, WILLIAM J. TR C/O CAMBRIDGE HOLDINGS TRUST 14 CONCORD AVE. UNIT 999 CAMBRIDGE MA 02138	14 CONCORD AVE
CURTIS, CHRISTOPHER 14 CONCORD AVE CAMBRIDGE MA 02138 2356	14 CONCORD AVE

PAGE TOTA

TAX RATE FOR FISCAL YEAR 1997-

13.43 0.00 35.98 35

NAME & ADDRESS OF PERSON ASSES	PROPERTY LOCATION
ELLERTSEN, JANICE 18 WOLCOTT RD BROOKLINE MA 02167	14 CONCORD AVE
AL-SHAWI, KHALID & DOROTHY AL-SHAWI 14 CONCORD AVE., #309 CAMBRIDGE MA 02138	14 CONCORD AVE
ADELMAN, MIRIAM SHRIBMAN 14 CONCORD AVE., #510 CAMBRIDGE MA 02138 2356	14 CONCORD AVE
REHFIELD, KATHY & THE CITY OF CAMBRIDGE TAX TI 360 EAST 72ND ST., #209A NEW YORK NY 10021	14 CONCORD AVE
CHASEN, STUART P.O. BOX 133 SOMERVILLE MA 02143	14 CONCORD AVE
HABER, EDYTHE C. 14 CONCORD AVE., #514 CAMBRIDGE MA 02138 2356	14 CONCORD AVE
GLASSMAN, BERNARD & SUSAN F. GI 14 CONCORD AVE., #522 CAMBRIDGE MA 02138 1108	14 CONCORD AVE

PAG

TAX RATE FOR FISCAL YEAR 1997-

13.43 0.00 35.98 35

NAME & ADDRESS OF PERSON ASSES	PROPERTY LOCATION
PERRINE, JAMES J., TR. OF ONE HUNDRED ONE TRUST C/O WAVERLY MANAGEMENT P.O.BOX 390427 CAMBRIDGE MA 02139	14 CONCORD AVE
DUBNOFF, JULIA 14 CONCORD AVE. CAMBRIDGE MA 02138 2356	14 CONCORD AVE
KIM, JANET 10 ROBIN HOOD RD ARLINGTON MA 02174	14 CONCORD AVE
HOAGLUND, FRANCES STANLEY P GOLDSTEIN & BENTLEY TOBIN TRS 14 CONCORD AVE CAMBRIDGE MA 02138 2356	14 CONCORD AVE
AL-SHAWI, KHALID & DOROTHY AL- 14 CONCORD AVE., #607 CAMBRIDGE MA 02138	14 CONCORD AVE
COHEN, MURRAY L. 488 RIVER ROAD NEWBURGH NY 12550 1308	14 CONCORD AVE
BROWN, RICHARD S. 14 CONCORD AVE CAMBRIDGE MA 02138 2356	14 CONCORD AVE

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260
FAX (617) 349-4307
tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

TO: **ALL INTERESTED PERSONS**

FROM: **D. MARGARET DRURY, CITY CLERK**

DATE: **SEPTEMBER 28, 1998**

RE: **ORDINANCE COMMITTEE MEETING**

****

Please be advised that Councillor Henrietta Davis, Chair of the Ordinance Committee, has scheduled a public hearing to be held in the Sullivan Chamber as follows:

5:30 P.M. November 10, 1998 To discuss a recommendation from the Historical Commission on its revised Final Report on the Proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the proposed Lindmark Designation of 22, 24 and 26-28 Garden Street.

Your kind attention in this matter will be greatly appreciated.

cc: Councillor Davis

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE
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FAX (617) 349-4307
tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

TO: **CHARLES SULLIVAN, DIRECTOR HISTORICAL COMMISSION**

FROM: **D. MARGARET DRURY, CITY CLERK**

DATE: **SEPTEMBER 28, 1998**

RE: **ORDINANCE COMMITTEE MEETING**

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cc: Councillor Davis

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
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TO: **ALL INTERESTED PERSONS**

FROM: **D. MARGARET DRURY, CITY CLERK**

DATE: **SEPTEMBER 28, 1998**

RE: **ORDINANCE COMMITTEE MEETING**

****

Please be advised that Councillor Henrietta Davis, Chair of the Ordinance Committee, has scheduled a public hearing to be held in the Sullivan Chamber as follows:

5:30 P.M. November 10, 1998 To discuss a recommendation from the Historical Commission on its revised Final Report on the Proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the proposed Lindmark Designation of 22, 24 and 26-28 Garden Street.

Your kind attention in this matter will be greatly appreciated.

cc: Councillor Davis

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260
FAX (617) 349-4307
tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

TO: **ALL INTERESTED PERSONS**

FROM: **D. MARGARET DRURY, CITY CLERK**

DATE: **SEPTEMBER 28, 1998**

RE: **ORDINANCE COMMITTEE MEETING**

****

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Your kind attention in this matter will be greatly appreciated.

cc: Councillor Davis

Resident
30 Garden Street
Cambridge, MA 02138

Resident
16-18 Concord Avenue
Cambridge, MA 02138

Sonia Wales
12 Concord Avenue
Cambridge, MA 02138

Mary Bergondian
26 Garden Street
Cambridge, MA 02138

PFHC
20 Garden Street
Cambridge, MA 02138

Barbara Rockwell
5 Berkeley Street
Cambridge, MA 02138

Maxwell and Joanne Solet
15 Berkeley Street
Cambridge, MA 02138

Robert and Virginia Swain
13 Walker Street
Cambridge, MA 02138

Ann Best Milton
2 Walkerk Street
Cambridge, MA 02138

Maharishi Vedic School, Inc.
33 Garden Street
Cambridge, MA 02138

William and Lynn Porter
17 Concord Avenue
Cambridge, MA 02138

Resident
14 Concord Avenue
Cambridge, MA 02138

Mary Bull
12 Concord Avenue
Cambridge, MA 02138

Resident
24 Garden Street
Cambridge, MA 02138

Bruce Beal and
Kerin Feuster, Trustees
1 Berkeley Street
Cambridge, MA 02138

David Bailey
11 Berkeley Street
Cambridge, MA 02138

Richard and Irene Pipes
17 Berkeley Street
Cambridge, MA 02138

Radcliffe College
1-9 Walker Street
Cambridge, MA 02138

Gordon Wheeler
27 Chauncy Street
Cambridge, MA 02138

Lloyd & Nancy Aiello
2 1/2 Berkeley Street
Cambridge, MA 02138

Resident
36-42 Garden Street
Cambridge, MA 02138

Martine Loutfi
12 Concord Avenue
Cambridge, MA 02138

Edward Gulesarian
26 Garden Street
Cambridge, MA 02138

Resident
22 Garden Street
Cambridge, MA 02138

Frank Westheimer
3 Berkeley Street
Cambridge, MA 02138

Thomas Roberts and
Gail Louer
13 Berkeley Street
Cambridge, MA 02138

Yve-Alain and Dominique Bois
19 Berkeley Street
Cambridge, MA 02138

Karen Davis and Lewis Bushnell
15 Walker Street
Cambridge, MA 02138

Gordon Wheeler
29 Chauncy Street
Cambridge, MA 02138

Mary Bergondian
2 Berkeley Street
Cambridge, MA 02138

Edward Gulesarian
14-18 Garden Street
Cambridge, MA 02138

First Congregational Church
11 Garden Street
Cambridge, MA 02138

Detlev & Dorothy Vagts
29 Follen Street
Cambridge, MA 02138

Associates for Cultural Interchanged, Inc.
25 Follen Street
Cambridge, MA 02138

Laure-Anne Brown
21 Follen Street
Cambridge, MA 02138

Clark and Wendy Abt
19 Follen Street
Cambridge, MA 02138

Thomas and Emily McClintock
15 Follen Street
Cambridge, MA 02138

Theo and Katherine Sprague
13 Follen Street
Cambridge, MA 02138

Walter and Donna Wick
9-11 Follen Street
Cambridge, MA 02138

The Work of God, Inc.
25 Follen Street
Cambridge, MA 02138

Tod Stuart
9-11 Follen Street
Cambridge, MA 02138

Jeanne Kane
5 Follen Street
Cambridge, MA 02138

Paul Weiler and
Florence Darwin
7 Follen Street
Cambridge, MA 02138

Longy School of Music
29 Garden Street
Cambridge, MA 02138

Lincolns Inn Society
44 Follen Street
Cambridge, MA 02138

Christopher and Jane Reed
36 Follen Street
Cambridge, MA 02138

Sheila Cook
26-34 Follen Street
Cambridge, MA 02138

John Longwell
22-24 Follen Street
Cambridge, MA 02138

John and Ruth Ward
18-20 Follen Street
Cambridge, MA 02138

Robert and Dale nookin
10 Follen Street
Cambridge, MA 02138

Phillip and Susan Ragon
8 Follen Street
Cambridge, MA 02138

Nancy Sevcenko
6 Follen Street
Cambridge, MA 02138

Mary and Francis Satula
9 Concord Avenue
Cambridge, MA 02138

Susan Rogers
7 Concord Avenue
Cambridge, MA 02138

Charles Blevins, Trustee
1 Waterhouse
Cambridge, MA 02138

The Niles co.
19-25 Garden Street
Cambridge, MA 02138

Peter and Rosemarie Rogers
20 Berkeley Street
Cambridge, MA 02138

Stephen Schuker
Marie Tatar
16 Berkeley Street
Cambridge, MA 02138

Carol and Anthony Unger
12 Berkeley Street
Cambridge, MA 02138

Jeffrey Zinsmeyer and Shanti Fry
8 Berkeley Street
Cambridge, MA 02138

Vivian Katz
6 Berkeley Street
Cambridge, MA 02138

Tom Feeny
4 Berkeley Street
Cambridge, MA 02138

Anthony & Susan Harnett
36 Garden Street
Cambridge, MA 02138

Charles and Susan Longfield
38 Garden Street
Cambridge, MA 02138

John and Barbara Ross
40 Garden Street
Cambridge, MA 02138

Stephen Smith
42 Garden Street
Cambridge, MA 02138

Beatrice Epstein
14 Concord Avenue
Cambridge, MA 02138

Roselle Catalamotto
14 Concord Ave. #208
Cambridge, MA 02138

Sir Joseph and Ruth Gold
7020 Braeburn Place
Bethesda, MD 20817

Charles R. W. Connor
Robin Stergis
14 Concord Avenue, #218
Cambridge, MA 02138

TAX RATE FOR FISCAL YEAR 1997-98

13.43 0.00 35.98 35.98

NAME & ADDRESS OF PERSON ASSESSED

LUM, GRANDE H.
14 CONCORD AVE., #612
CAMBRIDGE MA 02138

PROPERTY LOCATION
14 CONCORD AVE

MELDMAN, JEFFREY A.
14 CONCORD AVE
CAMBRIDGE MA 02138 2356

PROPERTY LOCATION
14 CONCORD AVE

NOMURA, KENJI
C/O CLIFFORD M. APGAR
ALBANY SAVINGS BANK
833 BROADWAY
ALBANY NY 12207

PROPERTY LOCATION
14 CONCORD AVE

SPRAGUE,CHRISTOPHER R. &
LINDA G SPRAGUE
14 CONCORD AVE
CAMBRIDGE MA 02138 2356

PROPERTY LOCATION
14 CONCORD AVE

PHILIPPIDES, MARY L.
C/O MERRIMACK MORTGAGE CO.
TAX DEPT
18 PONDVIEW PLACE
P.O. BOX 710
ATTN: CAROL FREITAS
TYNGDBORO MA 01879

PROPERTY LOCATION
14 CONCORD AVE

AL-SHAWI, KHALID
& DOROTHY AL-SHAWI
14 CONCORD AVE #607
CAMBRIDGE MA 02138

PROPERTY LOCATION
14 CONCORD AVE

SELTZER, ANITA LINDA FURST
PALM BEACH TOWERS
44 COCOANUT ROW A-403
PALM BEACH FL 33480

PROPERTY LOCATION
14 CONCORD AVE

PAGE TOTAL

TAX RATE FOR FISCAL YEAR 1997-98

13.43 0.00 35.98 35.98

NAME & ADDRESS OF PERSON ASSESSED

HOAGLUND, FRANCES M. &
STANLEY P GOLDSTEIN &
BENTLEY TOBIN TRS
14 CONCORD AVE
CAMBRIDGE MA 02138 2356

PROPERTY LOCATION
14 CONCORD AVE

HUNTER, HOWARD E. &
DORIS L. HUNTER TRS.
OF HUNTER/CAMBRIDGE
REALTY TRUST
14 CONCORD AVE., #322
CAMBRIDGE MA 02138

PROPERTY LOCATION
14 CONCORD AVE

HASTINGS, JOHN WOODLAND &
HANNA M HASTINGS
14 CONCORD AVE., #809
CAMBRIDGE MA 02138 2369

PROPERTY LOCATION
14 CONCORD AVE

HASITINGS, JOHN WOODLAND &
HANNA M HASTINGS
14 CONCORD AVE., #809
CAMBRIDGE MA 02138 1526

PROPERTY LOCATION
14 CONCORD AVE

POEPPEL, CHRISTIANE
& CITY OF CAMBRIDGE TAX TITLE
C/O DAVID POEPPEL
14 CONCORD AVE
CAMBRIDGE MA 02138

PROPERTY LOCATION
14 CONCORD AVE

STATE STREET BANK & TRUST CO
TR OF 707 REALTY TRUST
225 FRANKLIN ST
TRUST REAL ESTATE DEPT.
BOSTON MA 02110 2804

PROPERTY LOCATION
14 CONCORD AVE

WU, TUNG & YING C. WU
14 CONCORD AVE., #709
CAMBRIDGE MA 02138

PROPERTY LOCATION
14 CONCORD AVE

PAG

TAX RATE FOR FISCAL YEAR 1997-98

13.43 0.00 35.98 35.9

NAME & ADDRESS OF PERSON ASSESSE

CUNNINGHAM, THOMAS L.
P.O. BOX 381095
CAMBRIDGE MA 02238

PROPERTY LOCATION
14 CONCORD AVE

THE GARDEN LTD., LTD PARTNERSHI
HAVEN O'MORE, GENERAL PARTNERSH
P.O. BOX 380284
CAMBRIDGE MA 02238 0284

PROPERTY LOCATION
14 CONCORD AVE

REE, H. JUNG &
KATHERINE H. REE
14 CONCORD AVE., #409
CAMBRIDGE MA 02138

PROPERTY LOCATION
14 CONCORD AVE

PHILIPPIDES, MARY L. TR.
OF 14 CONCORD AVE #418 TRUST
C/O GRAYSTONE MORTGAGE CORPORA
P.O. BOX 3130
ATTN: TAX DEPT.
MANCHESTER NH 03105 3130

PROPERTY LOCATION
14 CONCORD AVE

LASHER, LEWIS
14 CONCORD AVE., #412
CAMBRIDGE MA 02138

PROPERTY LOCATION
14 CONCORD AVE

GALES, HAROLD &
HARRIET GALES
18665 MUIRLAND AVE
DETROIT MI 48221 2202

PROPERTY LOCATION
14 CONCORD AVE

OREILLY, PETER J. TR.
OF 15-5 CONCORD AVE TRUST
22 BRADLEY RD
ARLINGTON MA 02174

PROPERTY LOCATION
15 CONCORD AVE

NAME & ADDRESS OF PERSON ASSESSED	PROPERTY LOCATION	ASSESSMENTS AND LIENS
RICHMOND, MICHAEL D. & BARBARA RICHMOND TRS. OF THE 15-1 CONCORD AVE REALTY TRUST 37 STONY BRAE RD. NEWTON MA 02161	15 CONCORD AVE	DESCRIPTION AMOUNT COMM. INT TOTAL TAX 445.88 TOT TAX & ASSESSMENT 445.88 1ST PAYMENT 222.94 2ND PAYMENT 222.94
GULLY, BERNICE 25 STONECROFT CIRCLE WESTON MA 02193	15 CONCORD AVE	TOTAL TAX 460.65 TOT TAX & ASSESSMENT 460.65 1ST PAYMENT 230.33 2ND PAYMENT 230.32
PORTER, WILLIAM L. & LYNN R. PORTER 17 CONCORD AVE CAMBRIDGE MA 02138	17 CONCORD AVE	TOTAL TAX 6,044.84 TOT TAX & ASSESSMENT 6,044.84 1ST PAYMENT 3,022.42 2ND PAYMENT 3,022.42
AL-SHAWI, KHALID & DOROTHY AL-SHAWI 14 CONCORD AVE., #607 CAMBRIDGE MA 02138	20-22 CONCORD AVE	TOTAL TAX 847.43 TOT TAX & ASSESSMENT 847.43 1ST PAYMENT 423.72 2ND PAYMENT 423.71
LORSCH, JAY W. 108 WASHINGTON AVE CAMBRIDGE MA 02140	20-22 CONCORD AVE	TOTAL TAX 975.02 TOT TAX & ASSESSMENT 975.02 1ST PAYMENT 487.51 2ND PAYMENT 487.51
PERRINE, JAMES J., TR. OF TWO TWO ONE FOUR TRUST C/O WAVERLY MANAGEMENT, INC. P. O. BOX 3904247 CAMBRIDGE MA 02139	20-22 CONCORD AVE	TOTAL TAX 1,333.60 TOT TAX & ASSESSMENT 1,333.60 1ST PAYMENT 666.80 2ND PAYMENT 666.80
GRAHAM, LEIGH C. 22 CONCORD AVE., #3 CAMBRIDGE MA 02138	20-22 CONCORD AVE	TOTAL TAX 976.52 TOT TAX & ASSESSMENT 976.52 1ST PAYMENT 488.26 2ND PAYMENT 488.26
	PAGE TOTALS	TOTAL TAX 11,083.94 TOT TAX & ASSESSMENT 11,083.94

TAX RATE FOR FISCAL YEAR 1997-98

13.43 0.00 35.98 35.98

NAME & ADDRESS OF PERSON ASSESSED	PROPERTY LOCATION
PATTON, JOHN E. & NANCY J. PATTON TRS. OF CATHERINE B. PATTON NOMINEE TRUST & THE CITY OF CAMBRIDGE TAX TITLE 289 BISHOPS FOREST DR. WALTHAM MA 02154	15 CONCORD AVE
GOULD, DEBORAH LEE 29 CRESCENT ST CAMBRIDGE MA 02138	15 CONCORD AVE
ADELBERG, ERWIN C. & JERRIE LYN PANIRI TRS. OF THE 15 CONCORD AVENUE, UNIT 2 NOMINEE TRUST 7500 CLARK RD WEST PALM BEACH FL 33406	15 CONCORD AVE
WYSE, GORDON A. & MARY H. WYSE 219 LINCOLN AVE AMHERST MA 01002	15 CONCORD AVE
EBERT, RONALD & SUSAN EBERT & CITY OF CAMBRIDGE TAX TITLE 33 WILLARD ST CAMBRIDGE MA 02138	15 CONCORD AVE
JONES, MATT B., JR. & HELEN E. JONES 2 CARTER DR. FRAMINGHAM MA 01701	15 CONCORD AVE
SULLIVAN, CORNELIUS J. & MAUREEN A. SULLIVAN 238 PETER SPRING RD. CONCORD MA 01742	15 CONCORD AVE

TAX RATE FOR FISCAL YEAR 1997-98

13.43 0.00 35.98 35.98

NAME & ADDRESS OF PERSON ASSESSED	PROPERTY LOCATION
EPISCOPAL DIVINITY SCHOOL 99 BRATTLE ST CAMBRIDGE MA 02138	14 CONCORD AVE
COX, EDWARD G. & WINIFRED MCCLOUD 14 CONCORD AVENUE UNIT #614 CAMBRIDGE MA 02138	14 CONCORD AVE
LANGLEY, EUGENE B., TR. OF THE EUGENE B. LANGLEY REVOCABLE TRUS P.O. BOX 5437 MANCHESTER NH 03108 5437	14 CONCORD AVE
MURROW, HOPE 14 CONCORD AVE CAMBRIDGE MA 02138 2356	14 CONCORD AVE
PLATT, ELIZABETH B., TRUSTEE PLATT REALTY TRUST 14 CONCORD AVE., #624 CAMBRIDGE MA 02138 2356	14 CONCORD AVE
CLEARY, WILLIAM J. TR C/O CAMBRIDGE HOLDINGS TRUST 14 CONCORD AVE. UNIT 999 CAMBRIDGE MA 02138	14 CONCORD AVE
CURTIS, CHRISTOPHER 14 CONCORD AVE CAMBRIDGE MA 02138 2356	14 CONCORD AVE

PAGE TOTA

TAX RATE FOR FISCAL YEAR 1997-

13.43 0.00 35.98 35

NAME & ADDRESS OF PERSON ASSES	PROPERTY LOCATION
ELLERTSEN, JANICE 118 WOLCOTT RD BROOKLINE MA 02167	14 CONCORD AVE
AL-SHAWI, KHALID & DOROTHY AL-SHAWI 14 CONCORD AVE., #309 CAMBRIDGE MA 02138	14 CONCORD AVE
ADELMAN, MIRIAM SHRIBMAN 14 CONCORD AVE., #510 CAMBRIDGE MA 02138 2356	14 CONCORD AVE
REHFIELD, KATHY & THE CITY OF CAMBRIDGE TAX TI 360 EAST 72ND ST., #209A NEW YORK NY 10021	14 CONCORD AVE
CHASEN, STUART P.O. BOX 133 SOMERVILLE MA 02143	14 CONCORD AVE
HABER, EDYTHE C. 14 CONCORD AVE., #E14 CAMBRIDGE MA 02138 2356	14 CONCORD AVE
GLASSMAN, BERNARD & SUSAN F. GI 14 CONCORD AVE., #522 CAMBRIDGE MA 02138 1108	14 CONCORD AVE

PAG

TAX RATE FOR FISCAL YEAR 1997-

13.43 0.00 35.98 35

NAME & ADDRESS OF PERSON ASSES	PROPERTY LOCATION
PERRINE, JAMES J., TR. OF ONE HUNDRED ONE TRUST C/O WAVERLY MANAGEMENT P.O.BOX 390427 CAMBRIDGE MA 02139	14 CONCORD AVE
DUBNOFF, JULIA 14 CONCORD AVE. CAMBRIDGE MA 02138 2356	14 CONCORD AVE
KIM, JANET 10 ROBIN HOOD RD ARLINGTON MA 02174	14 CONCORD AVE
HOAGLUND, FRANCES STANLEY P GOLDSTEIN & BENTLEY TOBIN TRS 14 CONCORD AVE CAMBRIDGE MA 02138 2356	14 CONCORD AVE
AL-SHAWI, KHALID & DOROTHY AL- 14 CONCORD AVE., #607 CAMBRIDGE MA 02138	14 CONCORD AVE
COHEN, MURRAY L. 488 RIVER ROAD NEWBURGH NY 12550 1308	14 CONCORD AVE
BROWN, RICHARD S. 14 CONCORD AVE CAMBRIDGE MA 02138 2356	14 CONCORD AVE

ZONING/BUILDING INSPECTOR
INSPECTIONAL SERVICES DEPT.
831 Mass.Avenue
Cambridge,MA 02139

WATERTOWN PLANNING BOARD
TOWN-HALL - MAIN STREET
WATERTOWN,MA 02172

SOMERVILLE PLANNING BOARD
SOMERVILLE CITY HALL
93 HIGHLAND AVENUE
SOMERVILLE,MA 02143

DEPARTMENT OF COMMUNITY AFFAIRS
100 Cambridge St. Room 904
Boston,MA 02202

LES BARBER
COMMUNITY DEVELOPMENT DEPT.
57 INMAN STREET
CAMBRIDGE,MA 02139

BOSTON REDEVELOPMENT AUTHORITY
CITY HALL - 9th FLOOR
BOSTON,MA 02201

ARLINGTON PLANNING BOARD
TOWN HALL 730 Mass.Ave.
ARLINGTON,MA 02174

METROPOLITAN AREA PLANNING
COUNCIL
60 TEMPLE PLACE
BOSTON,MA 02111

BELMONT PLANNING BOARD
TOWN HALL-455 CONCORD AVE.
BELMONT , MA 02178

MR. ROBERT R. BERSANI,MGR. DIR.
INSPECTIONAL SERVICES DEPT.
831 MASS. AVE.
CAMBRIDGE,MA 02139

35.

CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

July 27, 1998

To The Honorable, The City Council:

Please find attached for your consideration the Cambridge Historical Commission revised Final Report on the proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the proposed Landmark Designation of 22, 24 and 26-28 Garden Street.

Very truly yours,

Robert W. Healy

Robert W. Healy
City Manager

RWH/mec
Attachment

Cambridge Historical Commission

831 Massachusetts Avenue, Cambridge, Massachusetts 02139. Telephone 617/349-4683
Fax 617/349-6165, TTY 617/349-6112, E-mail HistComm@ci.Cambridge.ma.us

William B. King, *Chair*, Allison M. Crump, *Vice Chair*, Charles M. Sullivan, *Executive Director*
M. Wyllis Bibbins, Suzanne R. Green, Helen F. Moulton, Robert G. Neiley, Jo M. Solet, *Members*
Jennifer Jones, Anthony C. Platt, *Alternates*

July 27, 1998

To the Honorable, the City Council:

The Cambridge Historical Commission respectfully submits its Revised Final Report on the Proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the Proposed Landmark Designation Of 22, 24, and 26-28 Garden Street, pursuant to Chapter 40C of the Massachusetts General Laws and Chapter 2.78 of the Municipal Code.

The Commission strongly recommends the extension of the Old Cambridge Historic District, believing that this measure will best serve to protect the environs of Arsenal Square. An optional alternative, designation of 22, 24, and 26-28 Garden Street as landmarks, is recommended only if extension of the historic district is not supported by the Council.

The Commission drafted its original proposals after extensive consultations with area property owners and residents. After a hearing before the Council's Ordinance Committee in November, 1995, the Commission engaged in a further effort to resolve differences with Adams Realty Trust, a major property owner. The Commission and Adams developed a plan to permit accessory parking behind 22, 24, and 26-28 Garden Street. To permit this, portions of the three houses will be removed, but the houses themselves will be restored under Commission supervision. This plan has now been approved by the Board of Zoning Appeal and by the Historical Commission.

On the eve of its June 25 hearing to approve this recommendation, the Commission received a communication from a representative of the Longy School regarding its plans to purchase the house at 33 Garden Street. The Commission believes that it is essential to include this house in the district, and declined to delay its recommendation to the City Council. The staff has been directed to explore any issues that may need to be resolved.

The Commission believes that the extension of the historic district offers the best method of balancing public and private interests in this neighborhood. The preferred measure is an amendment to the Municipal Code that extends the existing historic district; the other is a council order that protects only the three properties specified above through landmark designation. The Final Report sets forth the history of the proposals and the terms under which the district or landmarks would be administered.

Sincerely,

Allison Crump
Vice Chair

Revised
Final Report on the
Proposed Arsenal Square Extension
of the Old Cambridge Historic District
and/or the
Proposed Landmark Designation
of 22, 24, and 26-28 Garden Street

Cambridge Historical Commission

July 27, 1998

Revised
Final Report on the Proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the Proposed Landmark Designation of 22, 24, and 26-28 Garden Street

Summary

The Cambridge Historical Commission, acting under the authority of Ch. 2.78.180 of the Municipal Code and as an Historic District Study Committee under M.G.L. Ch. 40C, has prepared revised recommendations for protecting the environs of Arsenal Square, including the significant structures at 22, 24, and 26-28 Garden Street, either as individually-designated landmarks or by extending the Old Cambridge Historic District.

The Commission again recommends the extension of the existing Old Cambridge Historic District to include an additional nine structures, located on ten parcels on Concord Avenue and Garden Street in the vicinity of Arsenal Square. An optional alternative, designation of 22, 24, and 26-28 Garden Street as landmarks, is recommended only if extension of the historic district is not supported by the Council.

This report represents a major revision of the proposal presented to the City Council in the fall of 1995. Since that time, the Commission has worked with a major property owner, Adams Realty Trust, to develop a mutually-acceptable plan for the adaptive reuse of the property at 22, 24, and 26-28 Garden Street to allow restoration of three houses and expansion of accessory parking for the Commander Hotel. This plan, which has been approved by the Historical Commission and the Board of Zoning Appeal, has been incorporated into both the proposed historic district ordinance and the order designating 22, 24, and 26-28 Garden Street as landmarks. These are presented on the immediately following pages as Exhibits 1 and 2.

The Cambridge Historical Commission believes that extension of the Old Cambridge Historic District would best serve the goal of protecting Arsenal Square and its environs, and recommends that the City Council approve the proposed amendment to the ordinance.

Exhibit 1: Proposed Ordinance Amending Chapter 2.78, Article I, of the City Code to Extend the Old Cambridge Historic District.

Chapter 2.78 of the Municipal Code of the City of Cambridge entitled "Historical Buildings and Landmarks" is amended by inserting the following subsection at the end of Section 2.78.050:

> D. The Old Cambridge Historic District is extended pursuant to provisions of the Historic Districts Act, Massachusetts General Laws Chapter 40C, by the addition thereto of properties located on Arsenal Square, Concord Avenue, and Garden Street and the portions of said streets bounded as shown on the map entitled "Proposed Arsenal Square Extension of the Old Cambridge Historic District Extension, April 3, 1998" incorporated in this chapter in full. As so extended, the Old Cambridge Historic District remains in full effect and such extended district shall be subject to the provisions of M.G.L. Chapter 40C and this Section. In making determinations concerning properties in the extension, the Commission shall be guided by the terms of the **Revised Final Report on the Proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the Proposed Landmark Designation of 22, 24, and 26-28 Garden Street**, issued July 27, 1998.

Cambridge Historical Commission
July 27, 1998

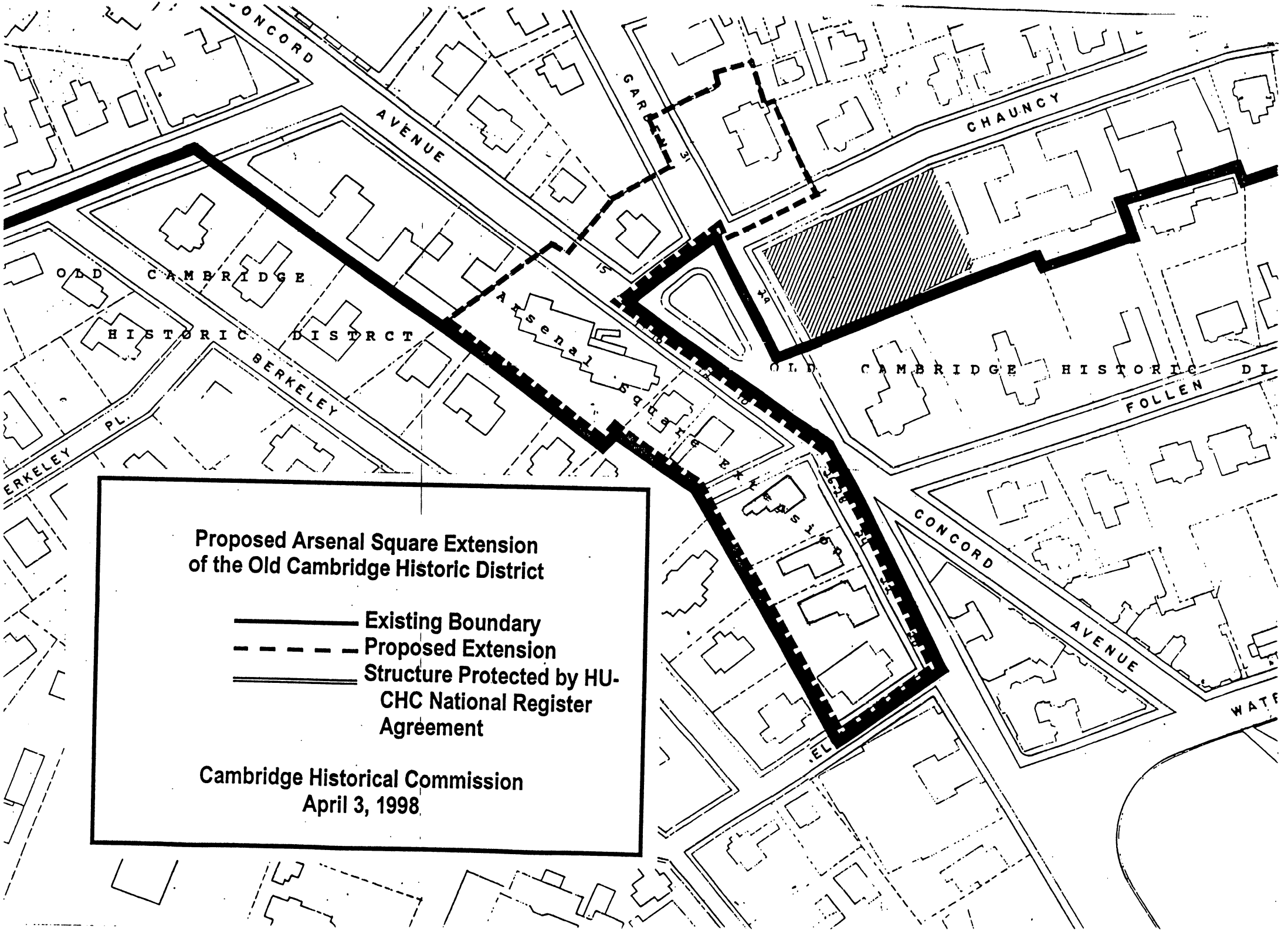

CONCORD
AVENUE
GARDEN
CHAUNCY
OLD CAMBRIDGE HISTORIC DISTRICT
Arsenal Square Extension
BERKELEY PL.
FOLLEN
CONCORD
AVENUE
Proposed Arsenal Square Extension
of the Old Cambridge Historic District
Existing Boundary
Proposed Extension
Structure Protected by HU-CHC National Register Agreement
Cambridge Historical Commission
April 3, 1998

Exhibit 2: Proposed Order Designating 22, 24, and 26-28 Garden Street as Landmarks under Chapter 2.78, Article III of the City Code.

ORDERED:

That the Wyeth-Webster house at 22 Garden Street, the George H. Browne house at 24 Garden Street, and the Wyeth-Wesselhoeft house at 26-28 Garden Street be designated as protected landmarks pursuant to Chapter 2.78, Article III, of the Code of the City of Cambridge, as recommended by vote of the Cambridge Historical Commission on June 25, 1998. The premises so designated are defined as Parcels 8, 18, 36, and 37 of Assessors' Map 216.

This designation is justified by the important associations of the houses with the broad architectural and social history of the City of Cambridge, as described in Supplemental Information For Consideration at a Public Hearing Relating to the Proposed Landmark Designation of 22, 24, and 26-28 Garden Street and/or the Proposed Arsenal Square Extension of the Old Cambridge Historic District, issued by the Cambridge Historical Commission on August 18, 1995.

The effect of this designation shall be that no construction activity can take place within the designated landmark area, and no action can be taken affecting the appearance of the Wyeth-Webster house at 22 Garden Street, the George H. Browne house at 24 Garden Street, and the Wyeth-Wesselhoeft house at 26-28 Garden Street, that would in either case be visible from a public way without review by the Cambridge Historical Commission and the issuance of a Certificate of Appropriateness, Hardship or Non-Applicability, as the case may be. In making determinations, the Commission shall be guided by the terms of the **Revised Final Report on the Proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the Proposed Landmark Designation of 22, 24, and 26-28 Garden Street**, issued July 27, 1998, and by the applicable sections of the Municipal Code.

Cambridge Historical Commission
July 27, 1998

Chronology

Applications to demolish the Wyeth-Webster house at 22 Garden Street, the George H. Browne house at 24 Garden Street, and the Wyeth-Wesselhoeft house at 26-28 Garden Street were received in January, 1995. On March 2, the Cambridge Historical Commission found the buildings to be significant and preferably preserved under the terms of Chapter 2.78, Article II, of the Municipal Code, causing a six-month delay of demolition that expired on September 2, 1995. Meanwhile, Adams Realty Trust, the owner of the three Garden Street properties, filed an appeal of the Commission's action with the Middlesex County Superior Court. This litigation is still pending.

On April 6, 1995, the Commission voted to study two preservation alternatives: designation of the three buildings as landmarks under Chapter 2.78, Article III, and protection of the environs of Arsenal Square through extension of the existing Old Cambridge Historic District under M.G.L. Chapter 40C. The Commission held public meetings on May 15 and 23 and June 6 and 20, 1995, to discuss the alternative preservation approaches and the boundaries of a possible extension. The Commission's report was issued on July 14, and was supplemented by additional information released on August 18. As required by statute, the Cambridge Planning Board and the Massachusetts Historical Commission were informed of the proposals; the Board declined to comment, while the MHC communicated its approval on September 20, 1995.

Throughout the summer, the staff of the Commission engaged in discussions with individual property owners, and an additional public meeting on September 21 was devoted to discussion of compromises suggested by Adams Realty Trust, the owner of 22, 24, and 26-28 Garden Street, and Harvard University, owner of 29 Garden Street.

The Commission's public hearing on the proposals opened on October 19, 1995. The Commission's efforts to protect Arsenal Square were supported by extensive public testimony and a petition containing 585 signatures. The Commission voted unanimously to accept a compromise offered by Harvard University as to 25 Garden Street, the former Continental Hotel), and continued the hearing to October 25 to further consider a proposal by Adams Realty Trust as to 22, 24, and 26-28 Garden Street. At the conclusion of that session, the Commission voted to continue the hearing until November 2, 1995 to allow all interested parties an opportunity to fully review the Commission's draft report.

In December, 1995, the Ordinance Committee of the City Council concluded a hearing on the Commission's request to extend the

Old Cambridge Historic District by requesting that the City Manager hold further negotiations with Adams Realty. As a result of these discussions, Adams agreed to join the city in hiring a consultant to test the implications of a compromise that would remove the rear parts of three structures and extend the parking presently carried out there. Under this approach, the main parts of the houses would be restored and the parking lot extended and made more efficient. Existing litigation would be settled and Adams would drop its objections to the extension of the historic district. The City and Adams acknowledged that any design resulting from this project would be used to test the reaction of Adams, the Commission, and the community, and would not be binding on either party.

The architectural firm of Tellalian Associates Architects and Planners (TAAP) was retained in August, 1996. TAAP prepared plans illustrating the compromise proposal, and in September the Historical Commission began another series of meetings with the neighbors of the Adams property. All those entitled to notice under both Chapter 40A and 40C were invited to attend. These meetings culminated in the January 7, 1997 public hearing, at which the Commission accepted the Tellalian plan for a landscaped and screened parking lot involving partial demolition but also substantial restoration of 22, 24, and 26-28 Garden Street. At this hearing, the Commission understood that while all of the immediate abutters supported the Tellalian plan, some objected to its occasional use for more that 46 cars. On this issue, the Commission deferred to the Board of Zoning Appeal.

At a public hearing on January 9, 1997, the Cambridge Historical Commission unanimously adopted the following motion:

> That the Commission supports the physical plan developed by Tellalian Associates Architects & Planners for a landscaped private parking lot on the property of Adams Realty Trust, including the partial demolition, preservation and renovation of the houses at 22, 24, and 26-28 Garden Street as shown on the colored plan (the "Plan") presented to the meeting, and amends its prior recommendation to the City Council for landmark designation of such houses and/or for the expansion of the Old Cambridge Historic District that includes such houses so as to incorporate in the landmark designation order or in the ordinance expanding the Old Cambridge Historic District approval of the physical changes reflected in the Plan, subject to later approval of construction details.

The Commission acknowledged that individual property owners may hold legitimate objections to granting Adams' request for variances, but believed that the benefits to the broader public were substantial and included the following:

-Expansion of the Old Cambridge Historic District to protect the properties surrounding Arsenal Square.

-Preservation of the Wyeth-Webster house, 22 Garden Street (1837), the George H. Browne house, 24 Garden Street (1897), and the Wyeth-Wesselhoeft house, 26-28 Garden Street (1841).

-Stabilization of a neighborhood affected by uncertainty of future development since the early 1970s.

Adams Realty then applied to the Board of Zoning Appeal for a variance to permit the proposed plan. After a public hearing on October 16, 1997, the BZA voted that the requested variance to allow "accessory parking for the currently operated Sheraton Commander Hotel . . . at the rear of the property at 22-24-26-28 Garden Street be granted on the following conditions:

"1) that the detailed conditions from the letter of October 8th, 1997, are to be included as a condition:

a) that the existing stockade fence along the rear property line shall be restored;

b) that the chain link fence in the south corner of the lot (abutting the Pound Building) shall be replaced;

c) that the area in front of both fences shall be planted with an evergreen screen consisting of approximately thirty (30) Thuga Plicata (Western Arborvitae) between 3 and 4 feet in height at intervals of approximately 6 feet;

d) that also in the area in front of both fences shall be planted six (6) Gledistsia (Honeylocust) trees of between 2" and 2 1/2" caliber;

e) that two (2) additional Honeylocust trees shall be planted along the driveway entrances in the area next to the structure at 26 Garden Street;

f) that between eight (8) and ten (10) bollard style lamps, 48" in height, shall be installed in the parking area;

g) that the parking lot will be striped for forty-four (44) parking spaces;

h) that the rear elevations of the structures on the property shall be restored in style,

fenestration, and materials consistent with their original or existing fabric;

i) that the exteriors of the structures on the property shall be rehabilitated in style, fenestration and materials consistent and in harmony with their original or existing fabric. Renovations plans shall be submitted to the Cambridge Historical Commission for review prior to the issuance of any building permits;

j) that all access into and egress from the parking lot shall be from the existing driveways on Garden Street;

k) that only employees or agents of the Sheraton Commander Hotel shall be permitted to drive guest vehicles into or out of the parking lot; and

l) that use of the parking lot shall be permitted to exceed forty-four (44) vehicles, up to a maximum of sixty-five (65) vehicles, (as depicted on Drawing No. B-5 enclosed herewith) for twenty (20) days in any calendar year. The hotel shall maintain a log book and indicate when use of the parking lot exceeds forty-four (44) vehicles. The log book shall be available for inspection by relevant city officials and neighbors and abutters of the parking lot;

"2) that there be no parking on the grassy areas as depicted by a plan, dated October 16th, 1997, which is going to be made as part of the approved plan;

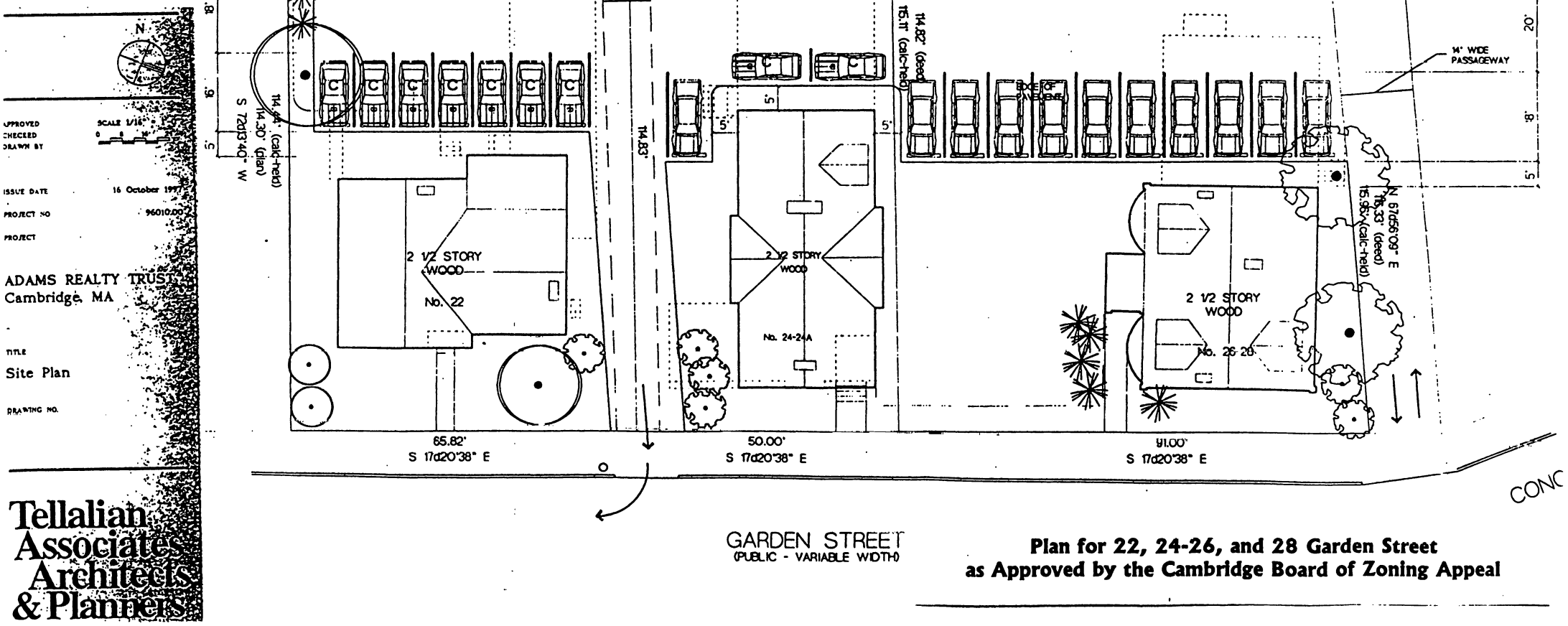
"3) that the properties not only be restored and rehabilitated according to the above #1.h condition or from the ninth (9.) detail of the October 8, 1997 letter, and that they also be maintained as well as rehabilitated;

"4) that the parking only be for valet parking for the Sheraton Commander Hotel;

"5) that the egress and ingress for the parking be as shown on the plan or as modified in the agreement with the neighbors and that the exception of the egress for an abutter to the rear, between 22 and 24 Garden Street, who has a right-of-way across the property;

"6) that the accessory parking is explicitly related to the Sheraton Commander Hotel in question;

"7) that efforts to improve and de-institutionalize the landscaping be done and presented to the Historical



Plan for 22, 24-26, and 28 Garden Street as Approved by the Cambridge Board of Zoning Appeal

Commission for their approval along with the building improvements;

"8) that the petitioner agrees to not only provide a log book for review by the neighbors, but agrees to meet on the site at any time with any neighbor, lend their concern about the number of cars being parked on the site; and

"9) that the petitioner review the circulation plans with the Traffic and Parking Department to ensure that this parking proposal does not cause a greater hardship on the traffic in the area."1

On April 2, 1998, the Cambridge Historical Commission unanimously approved this Revised Final Report on the Proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the Proposed Landmark Designation of 22, 24, and 26-28 Garden Street, and directed that it be circulated to the Massachusetts Historical Commission and the Cambridge Planning Board as required by Chapter 40C.

The positive comments of the Massachusetts Historical Commission and the Planning Board were duly received, and on June 25, 1998, the Historical Commission held its final public hearing on the proposals. A representative of the Longy School of Music asked that the recommendation to the City Council be delayed so that the school could determine the effect of the historic district expansion on 33 Garden Street, a house that it was considering buying. The Commission declined this request in view of the extended process that all parties had engaged in, and requested the Executive Director to report on any such issues that should be resolved before the City Council hearing.

Extension of the Old Cambridge Historic District

The steps for establishing or expanding an historic district are prescribed by the applicable statute, Chapter 40C of the General Laws. The Study Committee (which in this case has been the Commission) must issue a preliminary report, allow sixty days for comments by the Planning Board and the Massachusetts Historical Commission (MHC), and hold a public hearing following fourteen days notice to the affected property owners. After such hearing, the Commission must submit a final report and the proposed ordinance to the City Council. An ordinance establishing or enlarging an historic district requires a two-thirds majority to be enacted.

The present Old Cambridge Historic District has evolved from four historic districts that were established in 1963. These

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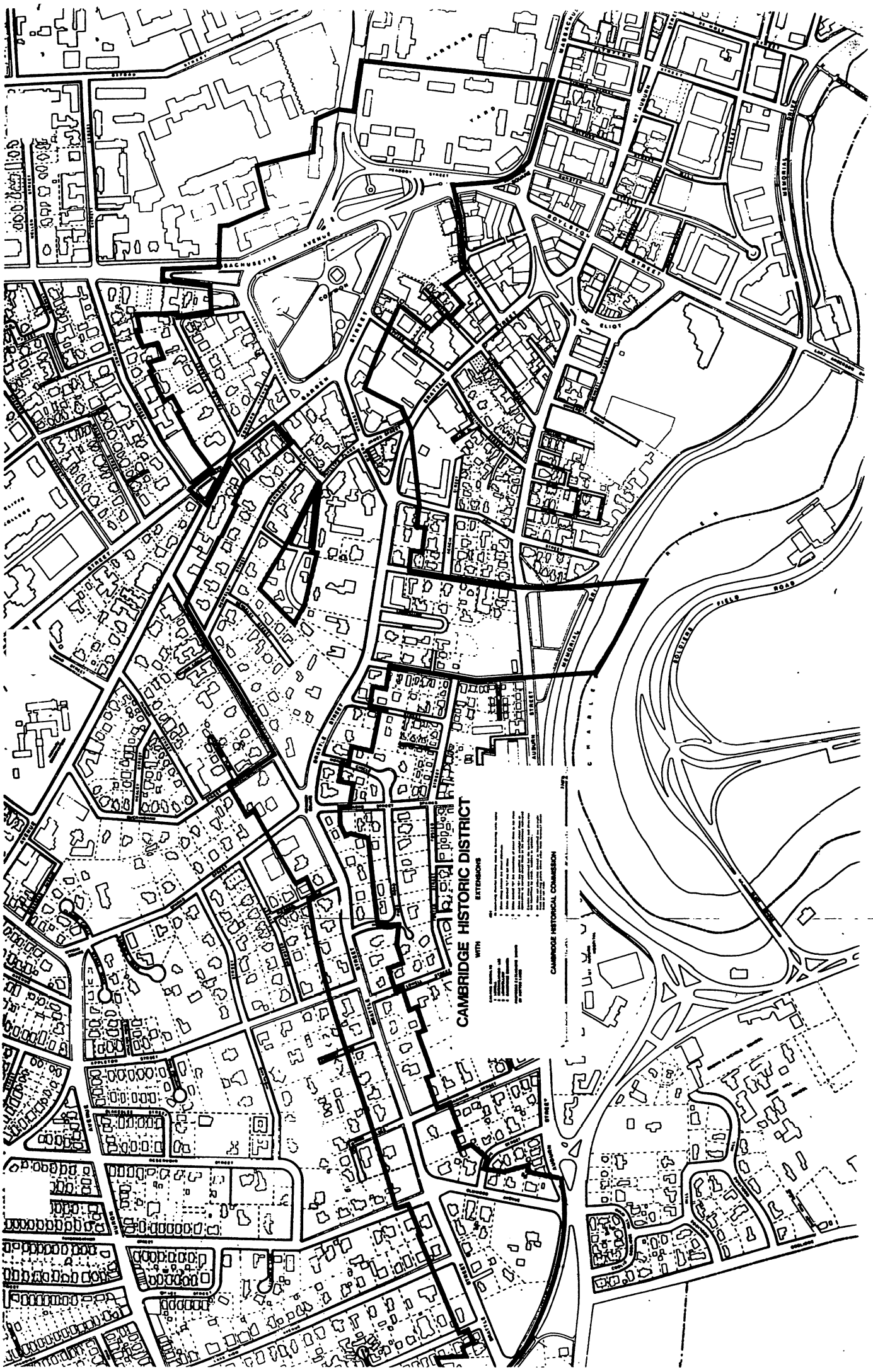
1 Decision of the Cambridge Board of Zoning Appeal in Case 7559, filed November 21, 1997.


CAMBRIDGE HISTORIC DISTRICT
WITH
EXTENSIONS
CAMBRIDGE HISTORICAL COMMISSION
BOYLSTON
STREET
ELIOT
MEMORIAL
FIELD
ROAD
AUBURN
STREET
BRATTLE
STREET
GARDEN
STREET
COMMON
PEABODY
STREET
MT AUBURN
STREET
MEMORIAL
DRIVE
APPLETON
STREET
BRATTLE
STREET
AUBURN
STREET

were consolidated in 1976 into one district that included the Old Yard of Harvard College, Cambridge Common and its surroundings, Longfellow Park, and both sides of Brattle Street and Elmwood Avenue as far as Fresh Pond Parkway. In 1986, the District was extended to include both sides of Follen Street, Berkeley Street, and Berkeley Place, as well as the south side of Craigie Street, leaving a significant unprotected area along the west side of Garden Street and Concord Avenue.

The objective of the proposed extension is to protect the special environment of Arsenal Square from inappropriate change. Arsenal Square is an important gateway to Old Cambridge. The extension would protect the adjacent historic district as well as the surrounding neighborhood. As shown on the attached map, the extension would consolidate the existing Old Cambridge Historic District by linking the Follen and Berkeley Street areas across Arsenal Square. All properties contiguous to the Square will be included in the district or protected by other means.

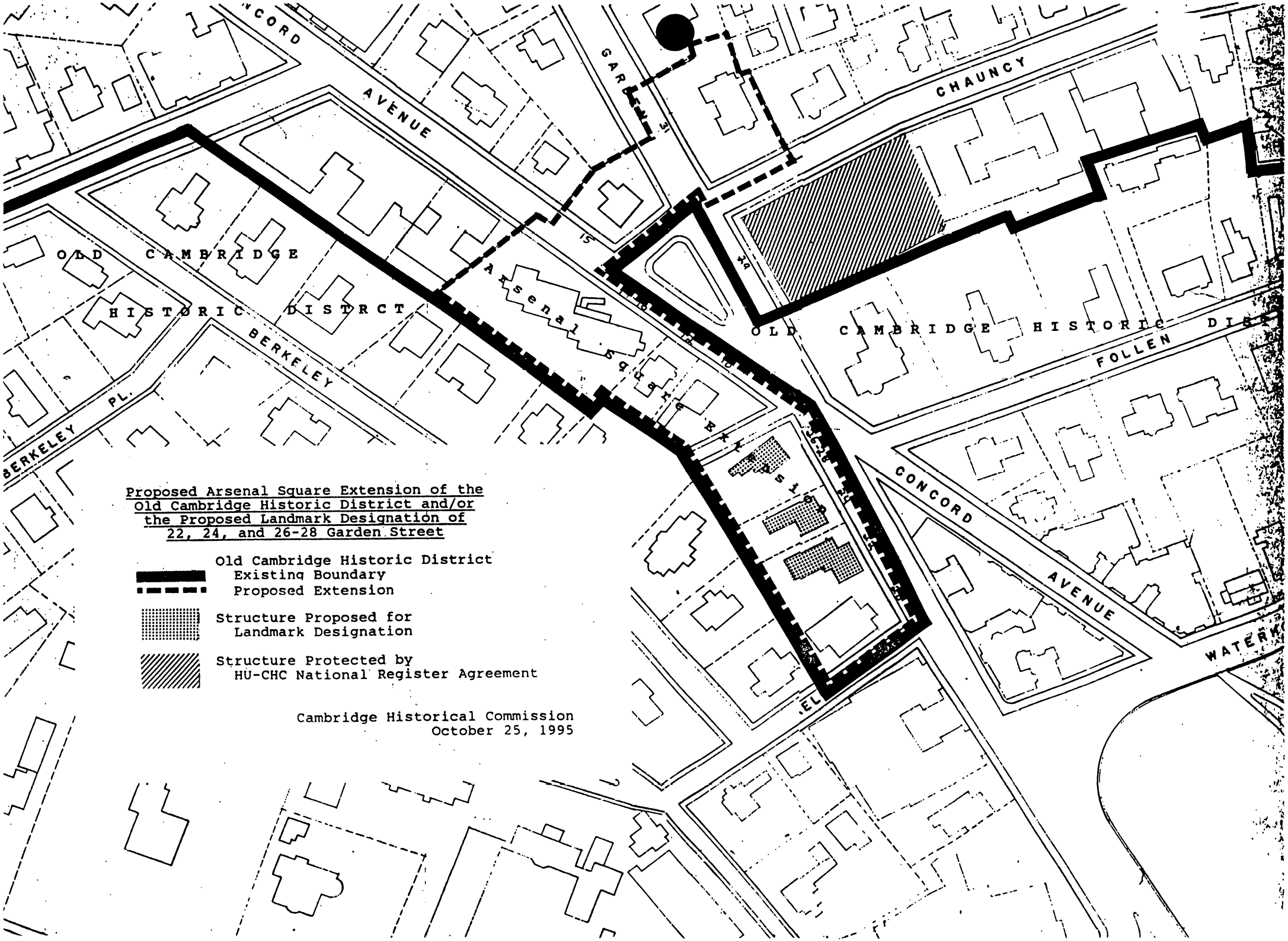
The Commission proposes that the procedures and authority in effect in the existing historic district apply in the proposed extension, except as modified by the variance granted Adams Realty Trust for the proposed project at 22, 24, and 26-28 Garden Street. The provisions of state and local legislation and the record of the Commission in administering the Old Cambridge Historic District are reviewed in the attached Information Relating to the Proposed Landmark Designation of 22, 24, and 26-28 Garden Street and/or the Proposed Arsenal Square Extension of the Old Cambridge Historic District, dated August 18, 1995, while the Final Report on the Proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the Proposed Landmark Designation of 22, 24, and 26-28 Garden Street, dated November 2, 1995, reviews the efforts of the Commission to reach a compromise acceptable to all parties at interest in the proposed extension and/or landmark designation.

Amendments Adopted by the Historical Commission

Throughout the study process, there was extensive discussion of the application of the Historic Districts Act and local ordinances and the possibility of compromises that would remove the objections of Adams Realty Trust and Harvard University to the inclusion of certain of their properties.

a. Adams Realty Trust Properties

The Commission has held extensive discussions with Adams Realty Trust concerning its intent to provide additional parking for the Sheraton Commander Hotel, an enterprise apparently owned by a related corporation, at its properties located at 22, 24, and 26-28 Garden Street.


AVENUE
CHAUNCY
OLD CAMBRIDGE HISTORIC DISTRCT
BERKELEY
Arsenal Square Extension
OLD CAMBRIDGE HISTORIC DIST
FOLLEN
CONCORD
AVENUE
WATER
Proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the Proposed Landmark Designation of 22, 24, and 26-28 Garden Street
Old Cambridge Historic District
Existing Boundary
Proposed Extension
Structure Proposed for Landmark Designation
Structure Protected by HU-CHC National Register Agreement
Cambridge Historical Commission
October 25, 1995

The Historic Districts Act and Cambridge ordinances contain similar criteria governing Commission review of protected properties. Construction of a building or structure, alteration of an exterior architectural feature, and demolition or removal of a building or structure must receive the prior approval of the Cambridge Historical Commission. In passing on matters of demolition and new construction (including construction to allow parking as a use), the Commission must consider the "historic and architectural value and significance of the [existing] site, building or structure" and "the appropriateness of the size and shape of the building or structure, both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity." The Commission may impose "dimensional and setback requirements in addition to those required by applicable ordinance," but may not govern uses. However, the Commission "shall not make any . . . requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the surroundings and of the historic district."2

The discussions with Adams Realty Trust originated in the suggestion of the Commission's Executive Director that the Commission might consider supporting the removal of the ells and sheds of the three houses and to allow limited expansion of the existing non-conforming accessory parking. This was first suggested in the context of the demolition review proceeding. Adams later proposed that prior approval of demolition and construction of a parking lot be a condition of its consent to settle litigation and allow its properties to be designated.

Following the October 19, 1995 hearing, Adams Realty proposed that the following language be incorporated into the Commission's report to the City Council:

> At a public meeting of the Study Committee held at the Longy School of Music on Thursday, September 21, and at the public hearing of the Historical Commission held on Thursday, October 19, Adams Realty Trust, owners of 22, 24, and 26-28 Garden Street, proposed a compromise involving demolition of the rear ells of 22 Garden Street, the demolition of 24 Garden Street in its entirety, the retention of 26-28 Garden Street, and the use of the remainder of the site for a surface parking accessory to the Sheraton Commander Hotel [sic]. This proposal, expressed in a letter from the Trust's counsel to the Historical Commission dated October 18, 1995, constituted

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2 M.G.L. Ch. 40C, Sections 6-7. Essentially similar language is found in the Cambridge Municipal Code, Ch. 2.78.220, subsections A and B.

> an Offer in Compromise to avoid litigation to challenge the Commission's actions with regard to the properties. In proposing this compromise, Adams Realty Trust representatives presented evidence concerning the relationship of Adams Realty Trust to the Sheraton Commander Hotel, concerning the Sheraton Commander Hotel's contribution to the community, and concerning the need for additional off-street parking to accommodate the hotel's needs. The Commission recognizes the importance of protecting the viability of the Sheraton Commander Hotel, which is an important neighborhood institution located in a building which is itself located in the Old Cambridge Historic District and is a contributing building in the district. While we have not received an application for a Certificate of Appropriateness or other information sufficiently detailed to enable us to recommend final approval of the proposed compromise, we believe that this compromise is acceptable in concept. We recommend that, in the event that the City Council acts favorably on this report's recommendations, this action incorporate such conceptual approval.3

While the Commission considered the above an accurate statement of its position regarding the Sheraton Commander Hotel, it could not accede to the suggested demolition of 24 Garden Street. Rather, in its November 2, 1995 Final Report the Commission recognized that the various ells and sheds of 22, 24, and 26-28 Garden Street were less significant than the main portions of the houses fronting on the street, and that construction of a paved area to accommodate parking, if suitably landscaped and screened from the street, would not necessarily "incongruous to the historic aspects or the architectural characteristics of the surroundings and of the historic district."4 Thus, a plan that incorporated demolition of the ells and construction of a paved area to accommodate parking behind 22, 24, and 26-28 Garden Street could receive a Certificate of Appropriateness if its design was found to be appropriate to the historic district. The Commission also recognized that in 1973 a Certificate of Appropriateness was awarded to the Sheraton Commander for a parking structure on the lot next to the Hotel, and acknowledged the suitability of this location for more intensive parking.

The Commission recognizes that the proposal granted a variance by the Board of Zoning Appeal incorporates the compromise it

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3 See Kiefer memorandum of October 20, 1995, in Communications Concerning the Proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the Proposed Landmark Designation of 22, 24, and 26-28 Garden Street, November 2, 1995.

4 M.G.L. Ch. 40C, Section 7.

offered in 1995. The Commission agrees that, upon the enactment of the extension of the historic district or designation of the three properties as landmarks, it will approve any application for a Certificate of Appropriateness for partial demolition of 22, 24, and 26-28 Garden Street and construction of a paved area to accommodate parking in conformance with the variance described above. The Commission reserves only the authority to approve materials, construction details, landscaping, and colors under the procedures outlined in M.G.L. Chapter 40C and/or Ch. 2.78 of the City Code.

b. Harvard University

The Commission has reached a compromise with Harvard University concerning its initial objection to the inclusion of 20 and 29 Garden Street in the proposed historic district extension.

Since 1986, all Harvard-owned properties listed on the National Register of Historic Places have been protected by an agreement that included Commission review, through its Executive Director, of projects affecting their exterior features. In return, the Commission agreed that it would not seek to place any Harvard properties under its direct jurisdiction in historic districts or as landmarks. This agreement has been highly effective in meeting the goals of both organizations.

Harvard initially viewed the Commission's proposal to extend the Old Cambridge Historic District as a possible abrogation of this agreement. A further dialogue, however, elicited the following statement from the University:

> We are concerned with the inclusion of 20 and 29 Garden Street in the proposed district extension. 20 Garden Street is a building of recent construction (1967) and 29 Garden Street is not of significant historic value to merit the levels of review required under local historic district designation. We do, however, recognize the desirability, from the Commission's standpoint, of including 20 Garden Street in the proposed district, in that it provides an important link between the existing district boundary and the three structures which the proposed extension is intended to protect. With these issues in mind, and with the hope that the inclusion of a non-historic structure is an isolated occurrence, the University will not contest the district designation of 20 Garden Street, provided that 29 Garden Street is excluded from the district. Moreover, given its lack of historical significance, we would hope that any future alterations to 20 Garden Street would be reviewed with a lower level of review, given its lack of historical features or details, and that any evaluation would focus essentially on massing rather than individual architectural features. In return

> for this limited review of 20 Garden Street and the exclusion of 29 Garden Street from the proposed boundaries of the district expansion, Harvard University proposes to include 29 Garden Street under the provisions of the 1986 agreement that, in the past, has been reserved for buildings listed on the National Register.5

The Commission recognized the effectiveness of this agreement in protecting properties from inappropriate alterations, and, without conceding the alleged lack of historical significance of 29 Garden Street, accepted the proposed compromise by excluding 29 Garden Street from the planned extension of the historic district.

Landmark Designation of 22, 24, and 26-28 Garden Street

The Commission finds 22, 24, and 26-28 Garden Street to be eligible for landmark designation under the terms of Chapter 2.78, Article III. If enacted, the degree of protection would be similar to that afforded by historic district designation. The Commission's acceptance of the BZA-approved proposal, discussed above in the context of the proposed extension of the Old Cambridge Historic District, would apply equally to landmark designation. However, landmark designation of these three buildings alone would fall short of the Commission's stated goal of protecting the environs of Arsenal Square and would exclude the properties of those owners who have sought protection in an expanded district. Accordingly, the Commission recommends landmark designation of the specified properties only if the expansion of the historic district is not approved by the City Council.

Recommendation

The Cambridge Historical Commission believes that extension of the Old Cambridge Historic District as shown on the map constituting a part of this report would best serve the goal of protecting Arsenal Square and its environs, and recommends that the City Council approve the "Proposed Amendment to the Cambridge Historical Commission Ordinance" appended to this report.

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5 See Spiegelman letter of September 21, 1995, in Communications Concerning the Proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the Proposed Landmark Designation of 22, 24, and 26-28 Garden Street, November 2, 1995.

Supplemental Information

For Consideration At A Public Hearing

Relating to the

Proposed Landmark Designation

of 22, 24, and 26-28 Garden Street

and/or the

Proposed Arsenal Square Extension

of the Old Cambridge Historic District

Cambridge Historical Commission,
acting as the
Old Cambridge Historic District Study Committee

August 18, 1995

Members of the Cambridge Historical Commission

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25 Hurlbut Street

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113 Inman Street

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A. Historic Districts Act, Chapter 40 C, General Laws
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F. Cambridge Community Development Department Zoning Analysis, February 14, 1995

*Omitted from this appendix. See front section for current versions.

I. EXISTING AND PROPOSED PROTECTION MEASURES FOR 22, 24, AND 26-28 GARDEN STREET AND THE ENVIRONS OF ARSENAL SQUARE

The Cambridge Historical Commission, acting under the authority of §2.78.180 of the Municipal Code and as an Historic District Study Committee under M.G.L. Ch. 40C, has undertaken a review of the means by which the properties at 22, 24, and 26-28 Garden Street may be protected from demolition or inappropriate alteration, either as individually-designated landmarks or by extension of the Old Cambridge Historic District.

Applications to demolish the Wyeth-Webster house at 22 Garden Street, the George H. Browne house at 24 Garden Street, and the Wyeth-Wesselhoeft house at 26-28 Garden Street were received in January, 1995. On March 2, the Cambridge Historical Commission found the buildings to be significant and preferably preserved under the terms of Chapter 2.78, Article II, causing a six-month delay of demolition. On April 6, the Commission voted to study two preservation alternatives: designation of the three buildings as landmarks, and extension of the existing Old Cambridge Historic District to protect the environs of Arsenal Square.

Designation of 22, 24, and 26-28 Garden Street would protect only these three buildings from the adverse effects of inappropriate alterations and redevelopment. The proposed extension of the Old Cambridge Historic District would protect the entire surroundings of Arsenal Square.

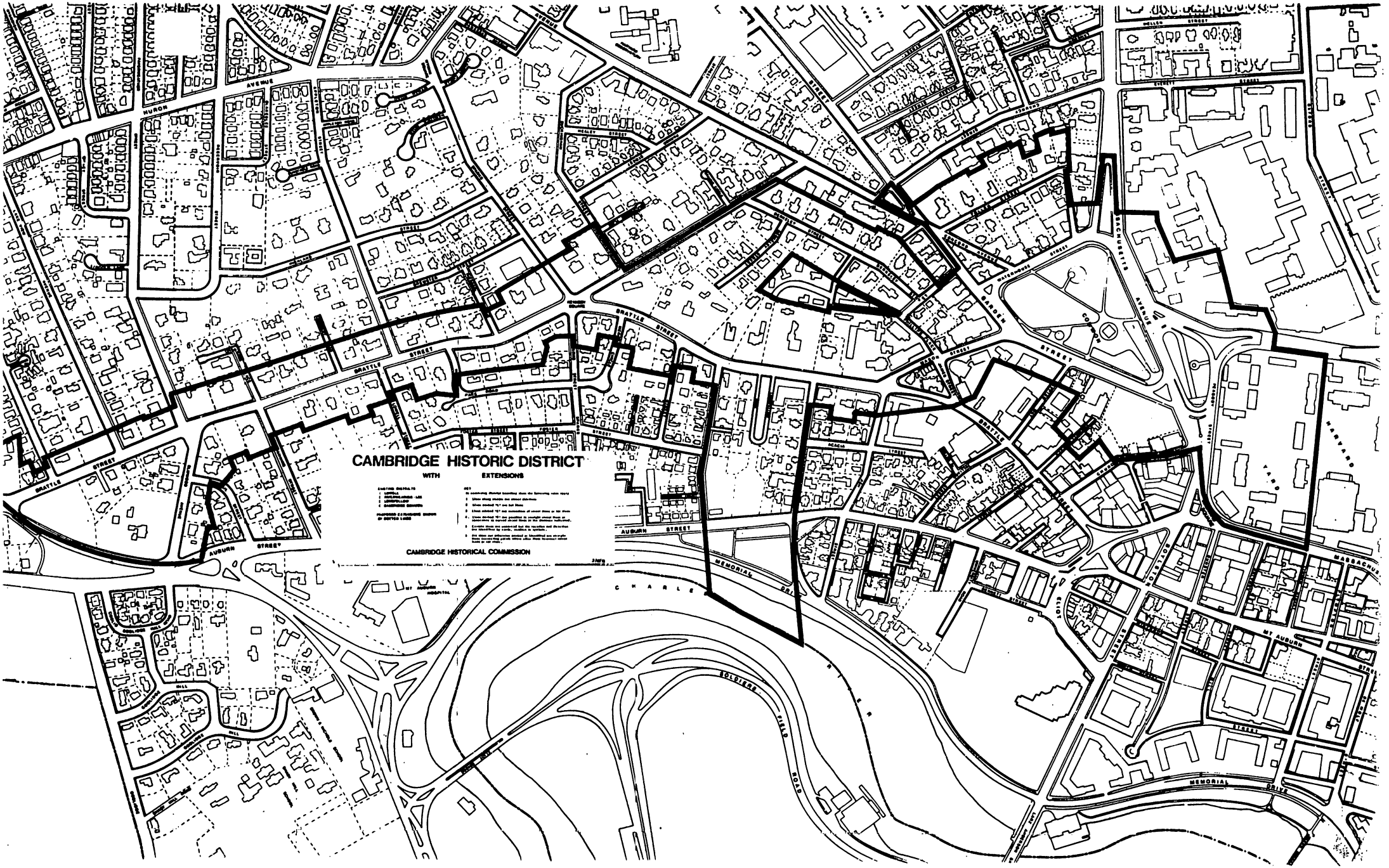
Arsenal Square is an important gateway to Old Cambridge, and contains structures of historic and architectural significance. This area is substantially surrounded by the existing Old Cambridge Historic District, and is linked to it by strong associations of a historical and geographic nature. This Supplemental Information has been assembled to provide appropriate background in comparing the effectiveness of landmark designation to historic district extension and to enable the Cambridge Historical Commission to frame a recommendation to the City Council.

A. The Existing Old Cambridge Historic District

The Old Cambridge Historic District was established under the provisions of M.G.L. Ch. 40C by vote of the City Council in 1976 as an expansion and consolidation of four separate districts designated in 1963.

The Old Cambridge Historic District now extends from the Old Yard of Harvard College on the east, around Cambridge Common, and along both sides of Mason and Brattle streets and Elmwood Avenue as far as Fresh Pond Parkway on the west. Several side streets, such as Farwell Place and Follen, Berkeley, Craigie, Willard, and Hawthorne streets, are also protected, as are five historic public open spaces and their surroundings: Cambridge Common, the Old Burying Ground, Longfellow Park, Lowell Park, and Arsenal Square Park itself (but not its surroundings).

The most significant characteristic of the Old Cambridge Historic District is the diversity and quality of


CAMBRIDGE HISTORIC DISTRICT
WITH EXTENSIONS
CAMBRIDGE HISTORICAL COMMISSION
HURON AVENUE
GRATTLE STREET
AUBURN STREET
MEMORIAL DRIVE
SOLDIERS FIELD ROAD
MT AUBURN STREET
BARDEN STREET
ACACIA STREET
ELIOT STREET
MT AUBURN HOSPITAL

its buildings. In addition to houses from almost every period and style in American architecture, it includes commercial buildings on Church Street, apartment buildings around Cambridge Common, and academic buildings of Harvard, Radcliffe, and the Episcopal Divinity School. While some structures, such as the Commander Hotel and the apartment houses along Waterhouse Street, were included in the original Historic District in 1963 solely to protect the surroundings of Cambridge Common, historians' understanding of their significance has evolved and some are now also valued examples of their period and style of architecture.

The unifying feature of the district is the Watertown Path, an ancient way which predates the founding of Newtowne in 1630. A Native American path connected the settlements of Charlestown, Cambridge and Watertown along what is now Kirkland Street, Cambridge Common, Mason Street, Brattle Street and Elmwood Avenue. The first Historic Districts were established in 1963 to protect the Revolutionary features along that route between the Common and Elmwood Avenue. Prominent Loyalists built fine mansions there in the middle years of the eighteenth century, so that Brattle street became known as "Tory Row". At the outbreak of the American Revolution in 1774, the Tories fled to Boston and their houses were used by the Continental Army for hospitals and officers' quarters, with General Washington quartered at the Vassall-Craigie-Longfellow house. During the Siege of Boston, the Americans encamped on Cambridge Common and in

some of the Harvard buildings now included in the Historic District. In the 19th century, Brattle Street became a prestigious suburban address and one of the most famous streets in America.

Down to the present day, many houses in the Historic District have been occupied by famous people, such as U.S. Vice President Elbridge Gerry and poet James Russell Lowell at Elmwood, Andrew Craigie and Henry Wadsworth Longfellow at 105 Brattle Street, and Oliver Wendell Holmes on Cambridge Common. The district includes the homes of Harvard President Charles Eliot, John Bartlett of Bartlett's Quotations, architect Henry Van Brunt, Dr. Benjamin Waterhouse, Governor William E. Russell, historian John Fiske, author and attorney Richard Henry Dana 2nd, financier Edwin Abbot, inventor Edwin Land, numerous Harvard professors, and other distinguished New Englanders.

During the 19th century, several churches and Harvard buildings were constructed around the Common, and the Episcopal Theological School (now the Episcopal Divinity School) and Radcliffe College were established along Mason and Brattle streets. The early buildings of the Theological School were designed by the firm of Ware & Van Brunt, architects of Memorial Hall, and are distinguished examples of 19th century Gothic architecture.

Before 1900 most of the frontage along Mason and Brattle streets had been developed with large houses, usually set well back from the winding road. Since that

time there has been much subdivision of the older lots, but the new houses, although in many architectural styles, almost always fit harmoniously into the streetscape. The major 19th and early 20th century architects whose work is represented in the district include Henry Greenough, H. H. Richardson, Henry Van Brunt, William R. Emerson, Ralph Adams Cram, Alexander Wadsworth Longfellow, Arthur Little, Charles Follen McKim, and Lois Lilly Howe. The district also illustrates the suburban expansion of Cambridge during the 19th century, when many owners subdivided their estates, and includes streets laid out by Harvard Professor Charles Follen, lawyer Jonas Wyeth 2nd, investor and telephone pioneer Gardiner Greene Hubbard, and ornithologist William Brewster.

The completion of the Cambridge Subway in 1912 led to the construction of numerous apartment houses, including distinguished examples at 83 Brattle Street and on Waterhouse Street facing the Common. These were joined in 1926 by the Commander Hotel on Cambridge Common as well as by the Continental and Ambassador Hotels just outside the present district. Nonresidential buildings of this century have included three churches (the Church of Jesus Christ of Latter-Day Saints and the Friends Meeting House on Longfellow Park and the Holy Trinity Armenian Church at Brattle and Sparks streets), the Radcliffe Yard, and Harvard buildings such as Lionel, Mower, Lehman and Littauer Halls, Phillips Brooks House, and the Science Center.

The four original districts were combined into the Old Cambridge Historic District in 1976 to protect the totality and uniqueness of the environment of Brattle and Mason streets and Elmwood Avenue. Although there are many landmarks, most of the houses are ample, comfortable homes of no individual historical significance. Each presents, however, a distinctly individual architectural character, enhanced by varied siting, attractive fences and walls, and handsome trees. The shared landscape of Brattle Street forms a rich residential atmosphere in which the houses become the points of interest. While a Federal or Greek Revival house may stand amid open lawns and elm or oaks, a Tudor style house may be nearly engulfed by a thick stand of tamarack or spruce. Despite this considerable variety, the visual continuity of the streetscape as a whole is maintained by the rhythm of masses and open space.

In 1986, the Old Cambridge Historic District was expanded to include all of Follen Street, Berkeley Street, and Berkeley Place, as well as the south side of Craigie Street. It was observed that these neighborhoods shared the remarkable visual and atmospheric unity of the Historic District, and that they were threatened by inappropriate development. Several years after the residents petitioned to be included in the Historic District, the City Council approved the amended boundaries.

The continuing expansion of the Historic District reflects the evolution of historic preservation philosophy.

The Revolutionary landmarks that were protected in 1963 were linked in 1976 to protect their environs. The district was expanded in 1986 to provide a broader neighborhood focus. Preservationists and city planners now generally seek to preserve the integrity of significant urban fabric, whatever its ages of its component buildings.

B. Proposed Protection Measures For 22, 24, and 26-28 Garden Street

The Study Committee found the Wyeth-Webster, George H. Browne, and Wyeth-Wesselhoeft houses at 22, 24, and 26-28 Garden Street to be eligible for consideration as landmarks under the terms of Chapter 2.78, Article III. The Commission may recommend for designation as landmarks any structure

> which it determines to be either (1) importantly associated with one or more historic persons or events, or with the broad architectural, aesthetic, cultural, political, economic or social history of the City or the Commonwealth or (2) historically or architecturally significant (in terms of period, style, method of construction or association with a famous architect or builder) either by itself or in the context of a group of structures.1

The houses meet criteria (1) and (2) of Chapter 2.78, Article III for their important associations with the broad architectural and social history of the City and for their historic and architectural significance in terms of their period, style, and method of construction.

The houses at 22, 24, and 24-26 Garden Street are located on the west side of Garden Street between Berkeley

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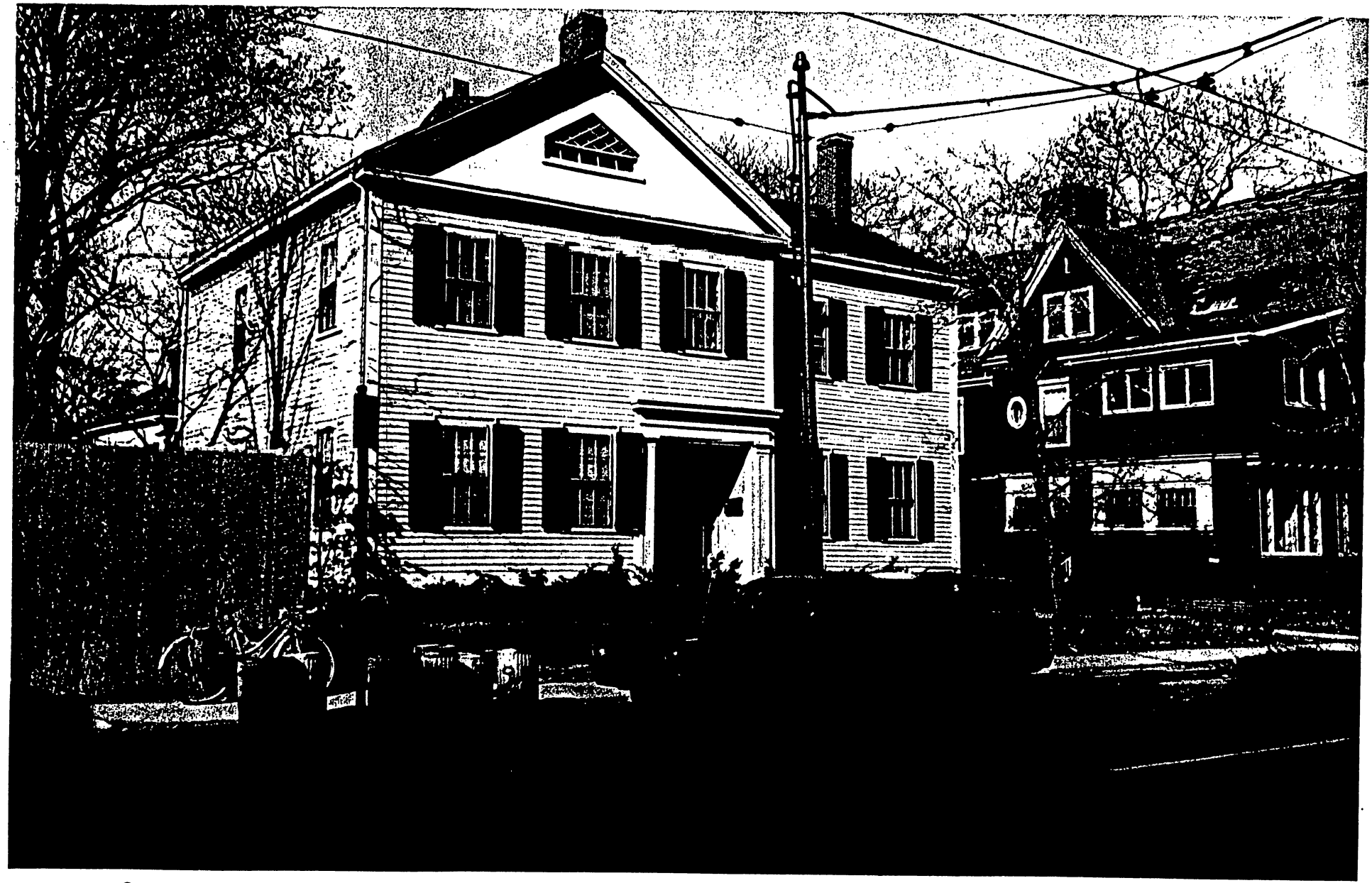
1 Cambridge City Code, §2.78.180.A

Street and Arsenal Square in Old Cambridge. The neighborhood is mixed, consisting of large 19th century houses, some of which have been converted to institutional purposes; two hotel structures dating from the 1920s, one of which has also been converted to institutional purposes; and several large apartment buildings built between 1916 and 1963. Garden Street is a main traffic artery leading west from Cambridge Common; the intersection with Concord Avenue, Follen Street, and Chauncy Street is known as Arsenal Square for the Massachusetts Arsenal that was located there.

The Wyeth-Webster house at 22 Garden Street is thought to have been built as a single family house in 1837, although an examination of the basement revealed the massive frame of a possibly much earlier structure. It is a very early example of the Greek Revival style, with a triangular pediment with a triangular window and a recessed entry framed by wide pilasters. The present entrance in the gable end indicates the presence of a side-hall plan, but the house originally faced east, toward the Common; a full-length portico on that side has been removed. The two-story ell is original, but a one-story shed on the rear of the main house is a relatively recent addition. The house suffers from many years of deferred maintenance and shows signs of carpenter ant or termite infestation.

Upon completion, the Wyeth-Webster house was leased to Dr. John White Webster. Webster, who graduated from Harvard with the class of 1811, was appointed a lecturer in



22 GARDEN STREET APRIL, 1968

chemistry in 1824 and became Erving Professor of Chemistry and Mineralogy in 1827. Webster had difficulty supporting his family on a Harvard salary and was forced to give up his substantial house on Ware Street in 1837. He then leased Wyeth's house on Garden Street and continued to teach at the college and at the medical school, which was located at the Massachusetts General Hospital in Boston.

Webster's financial situation became increasingly perilous during the 1840s, and he habitually borrowed from friends to cover expenses, while entertaining lavishly at his home in Cambridge. Among those from whom he borrowed was Dr. George Parkman, a non-practising physician and wealthy merchant in Boston. When Parkman learned that Webster had pledged the same mineral collection to two different lenders he demanded immediate repayment, disrupting Webster's lectures and finally confronting him at the medical school.

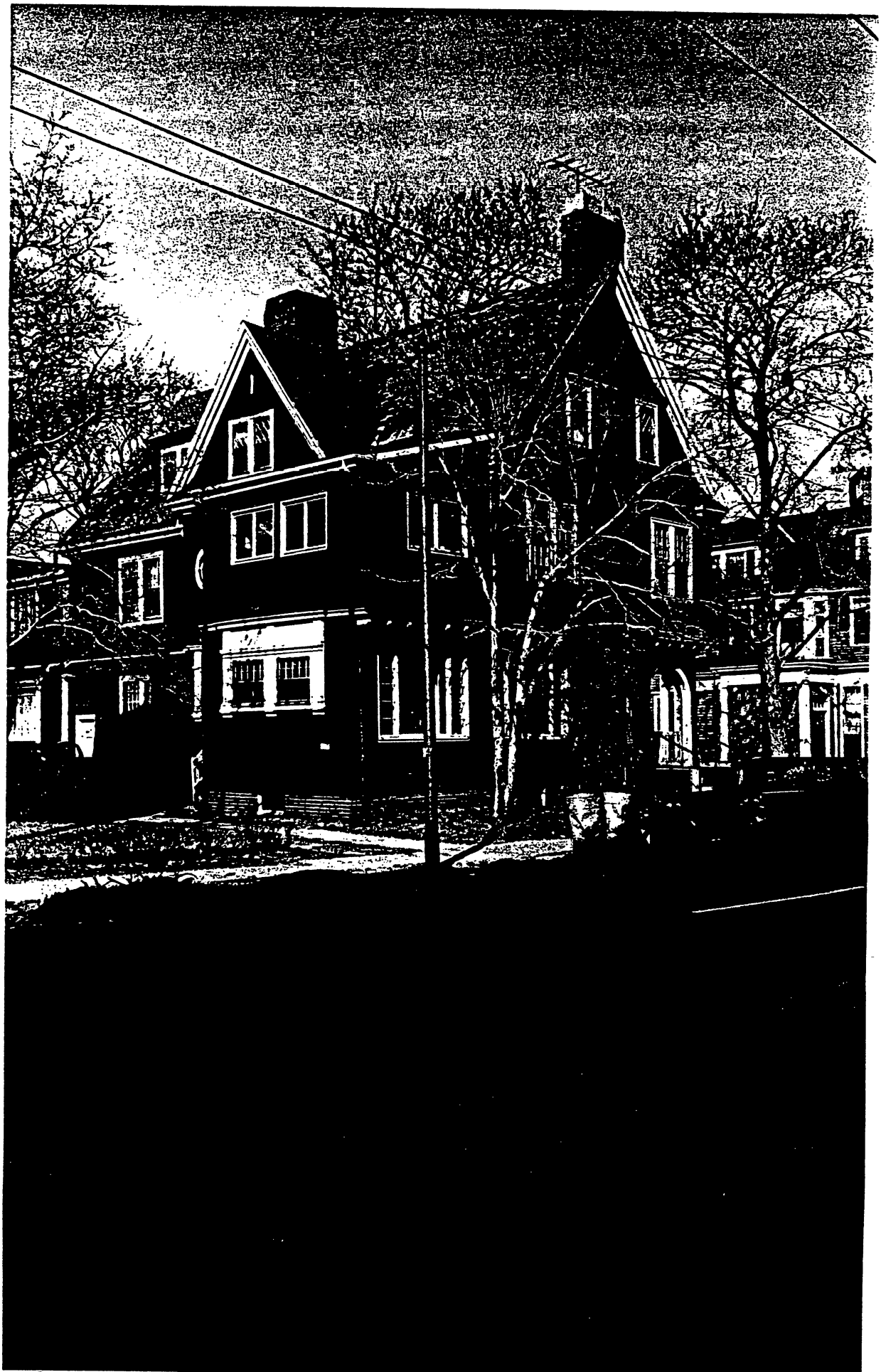
Parkman's disappearance on November 23, 1849 caused concern, but nothing compared to the sensation raised when a custodian found human remains in the furnace at the medical school. After a widely publicized trial, Webster was convicted of murder and executed in August, 1850. The case of Commonwealth v. Webster established the principle that a defendant could be convicted of a capital offence solely on circumstantial evidence, no identifiable remains of Dr. Parkman having been found.

Mrs. Webster and her daughters left Cambridge, and in 1851 Wyeth's house was leased to John Read, who owned a dry

goods store in Harvard Square. Read purchased the property in 1854, and in 1876 his heirs sold it to S. Lothrop Thorndike, a Boston attorney.

The next owner of the house was George H. Browne, cofounder of the Browne & Nichols School. Browne & Nichols opened in 1883 in a house at 11 Appian Way and built a classroom building next door in 1894. It was apparent that the school lay in the path of Radcliffe College, however, so Browne bought the Wyeth-Webster property for future expansion. The Wyeth land extended to the corner of Berkeley Street, and in 1897 B&N built a three-story classroom building in what had been the front yard of the Wyeth-Webster house. The house was used for a dormitory for a few years, and for other school purposes until after World War II. The property was subsequently occupied by the Christian High School, but by 1968 the 1897 building had been replaced by the Roscoe Pound Center and the Wyeth-Webster house contained five apartments.

The George H. Browne house at 24 Garden Street is a frame dwelling built in 1897, coinciding with the development of the Browne & Nichols School. It is a well-developed example of the Queen Anne style, with a complex cross-gabled plan and romantic detailing of corbelled overhangs and small-paned windows. Originally shingled, the house was covered with vinyl siding in 1990. Numerous alterations carried out between 1942 and 1957 converted it to apartments; the most drastic of these was the enclosure



24 GARDEN ST. APRIL, 1968; BEFORE INSTALLATION OF SIDING

of the second floor sleeping porch in 1948. The house appears to be in good condition.

The architect of the Browne house, James Hayden Wright, was an 1892 Harvard graduate who may have been an early student of Browne's. Wright's career extended until 1947; among his other houses in Cambridge are 1 Walker Street (1906) and 20 Bryant Street (1916). Browne moved to Chauncy Street at an early date, however, and by 1904 the house was occupied by Dr. Arnold Rockwell, who maintained his practice there. In 1942 he added a separate entrance, and by 1954 the house contained three apartments in addition to Rockwell's.

The Wyeth-Wesselhoeft house at 26-28 Garden Street is a frame house built by Jonas Wyeth 3rd in 1841. Originally a fully-developed example of the Greek Revival style, the house had a portico with two bow windows underneath that are the hallmark of houses built by the Cambridge housewright Oliver Hastings. The house was altered in 1897, when the portico was removed and a number of rooms added, giving it a large ell, dormers, and bay windows that it did not originally possess. The original clapboards and trim were covered with vinyl siding in 1988, and the condition appears to be good.

The Wyeth-Wesselhoeft house was rented until 1851, when it was sold to Charles W. Homer, a Boston merchant. Homer's widow and unmarried daughters remained in possession until 1897, when they sold the property to Dr. Walter Wesselhoeft, who was Professor of Obstetrics at the Boston University



26-28 GARDEN STREET APRIL, 1968 BEFORE INSTALLATION OF SIDING

Medical School. The new owner immediately began extensive alterations to accommodate his four daughters, significantly changing the appearance of the house; the architect of the additions was not recorded. Dr. Wesselhoeft moved on after a few years, but moved only to 39 Garden Street since his father-in-law, Erasmus D. Leavitt, had built a new home across Arsenal Square in 1903. In 1935 the property came into the possession of the Cambridge Savings Bank, which divided it into four apartments.

By 1974 all three houses were owned by the DiGiovanni family through the Trinity Realty Trust. In April, 1974 Trinity obtained a building permit for a thirty-unit apartment house with thirty parking spaces, but the project was delayed, and in June, 1975 the property was downzoned to its present classification of Residence C-1. The property was then sold to the present owners, Adams Realty Trust.

The significance of the three houses lies in their history and architecture as well as in their contribution to their surroundings. The Wyeth-Webster and the Wyeth-Wesselhoeft houses, together with the Wyeth-Murdock house at 10 Concord Avenue, represent the original development of this part of Old Cambridge. They are remarkably intact survivors of that period, and are significant as important examples of their respective architectural styles. The Wyeth-Webster and the George H. Browne houses have important associations with significant figures in Cambridge history. All three houses withstood the development of large

apartment houses and hotels in the early 20th century, and today they are essential to retaining the domestic character of Arsenal Square, one of the city's most important gateways.

In contrast to inclusion in an historic district, the terms of which are strictly governed by statute, landmark designation offers greater flexibility in the extent of protection afforded a structure. The degree of protection could be similar to that afforded by historic district designation, or certain features or future projects could be exempted from review. However, landmark designation of these three buildings alone would fall short of the study committee's goal of protecting the environs of Arsenal Square, rationalizing the Old Cambridge Historic District boundary, and protecting the existing district. The Study Committee therefore suggests equal consideration of the proposal to extend the Old Cambridge Historic District.

C. The Proposed Expansion of the Old Cambridge Historic District

The area initially examined by the Study Committee included both sides of Garden Street and Concord Avenue from Arsenal Square to Bond Street; Walker Street and the western block of Shepard Street; Bond Street; and the north side of Craigie Street. The committee reviewed the history and significance of this larger area as part of its efforts to define an appropriate strategy for preserving the Arsenal Square neighborhood. Based on a close examination

of the area and several well-attended public meetings, the committee decided to recommend that only the eleven parcels and ten structures directly abutting Arsenal Square and lower Garden Street be included in the district.

The objective of the extension is to protect the special environment of Arsenal Square from inappropriate change and overdevelopment. Arsenal Square is an important gateway to Old Cambridge. Several of the significant 19th century houses surrounding Arsenal Square Park have suffered inappropriate alterations and are now threatened with demolition and development for a parking lot. By linking Follen and Berkeley streets, the proposed extension would fill the gap in an otherwise cohesive district and protect it as well as the larger community of West Cambridge from destructive development.

The area proposed for inclusion in an expanded Old Cambridge Historic District has several characteristics in common with areas that are already protected. It is predominantly residential in appearance, although some houses have been turned to other uses and two lots contain large multi-unit structures. The houses are distinguished and have strong historical associations, even though their location on major thoroughfares is no longer advantageous and some have suffered from unfortunate alterations resulting from conversions to multifamily uses. Some of the properties are under threat of demolition and inappropriate development. This possibility is probably intensified by

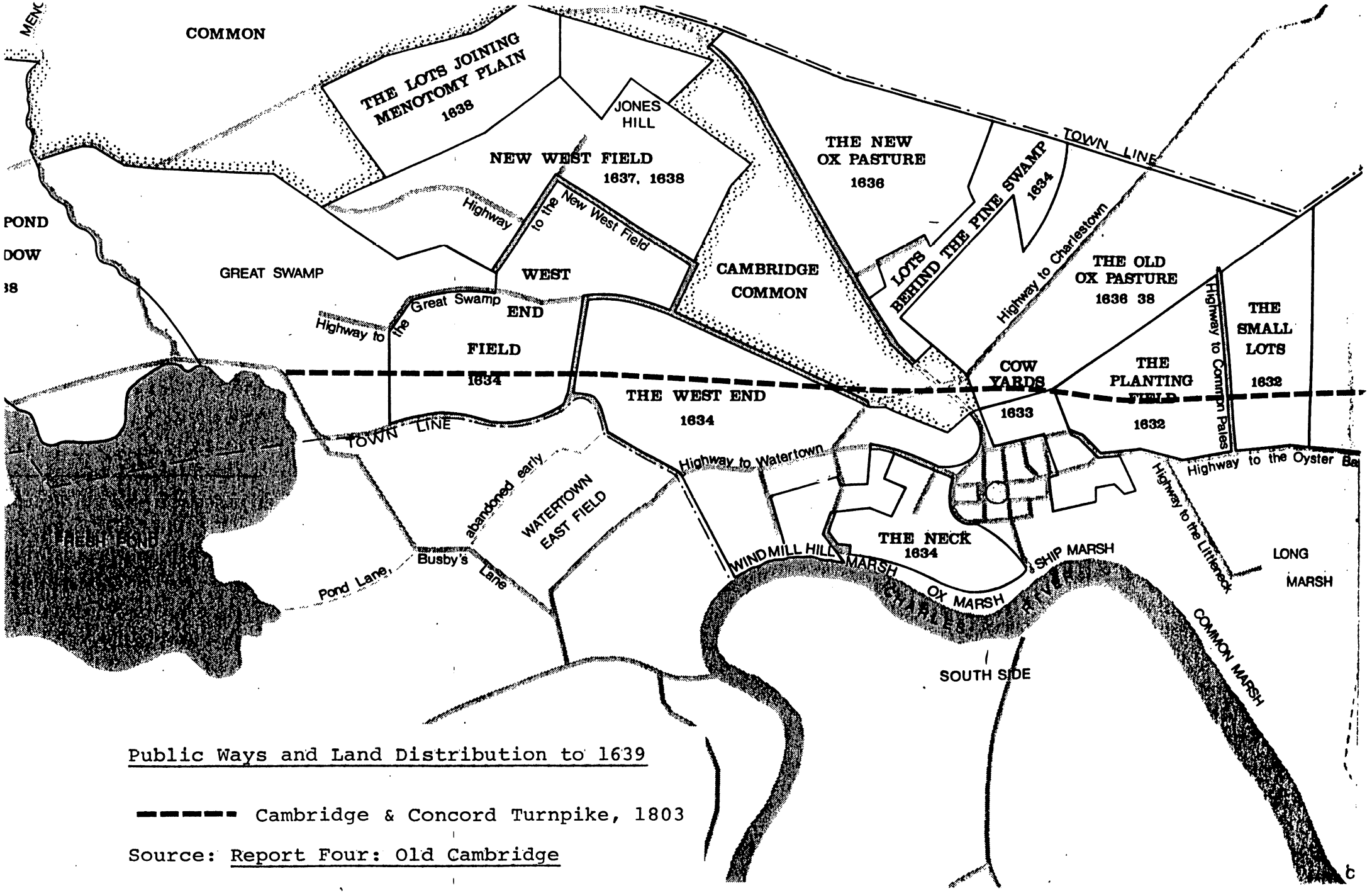
the strong protection afforded by the existing Old Cambridge Historic District and Half Crown Neighborhood Conservation District, which protect residential neighborhoods closer to Harvard Square. The properties are likely to experience increased pressure in the future because of their location in an isolated pocket surrounded by the Historic District.

The proposed expansion area is bordered on two sides by the Old Cambridge Historic District, the boundary of which runs between Follen and Chauncy streets on the east and between Concord and Garden streets and Berkeley Street on the west. Arsenal Square park itself has been protected by the Old Cambridge Historic District since 1986.

1. Historic and Architectural Significance of the Study Area and the Proposed Expansion

a. Initial Study Area

The initial study area lies in two historic tracts (see map). The territory known as the West End was divided among the settlers in 1634. East of Garden Street, the Lower Common was distributed in 1724. In 1803, both tracts were crossed by the Cambridge & Concord Turnpike, now Concord Avenue. Today, the study area is characterized by the diversity of its suburban streetscape. Many of the property lines from the time the land was first conveyed to private ownership are still in place, resulting in an irregular street pattern that enhances the individuality of the area.



Public Ways and Land Distribution to 1639

Cambridge & Concord Turnpike, 1803

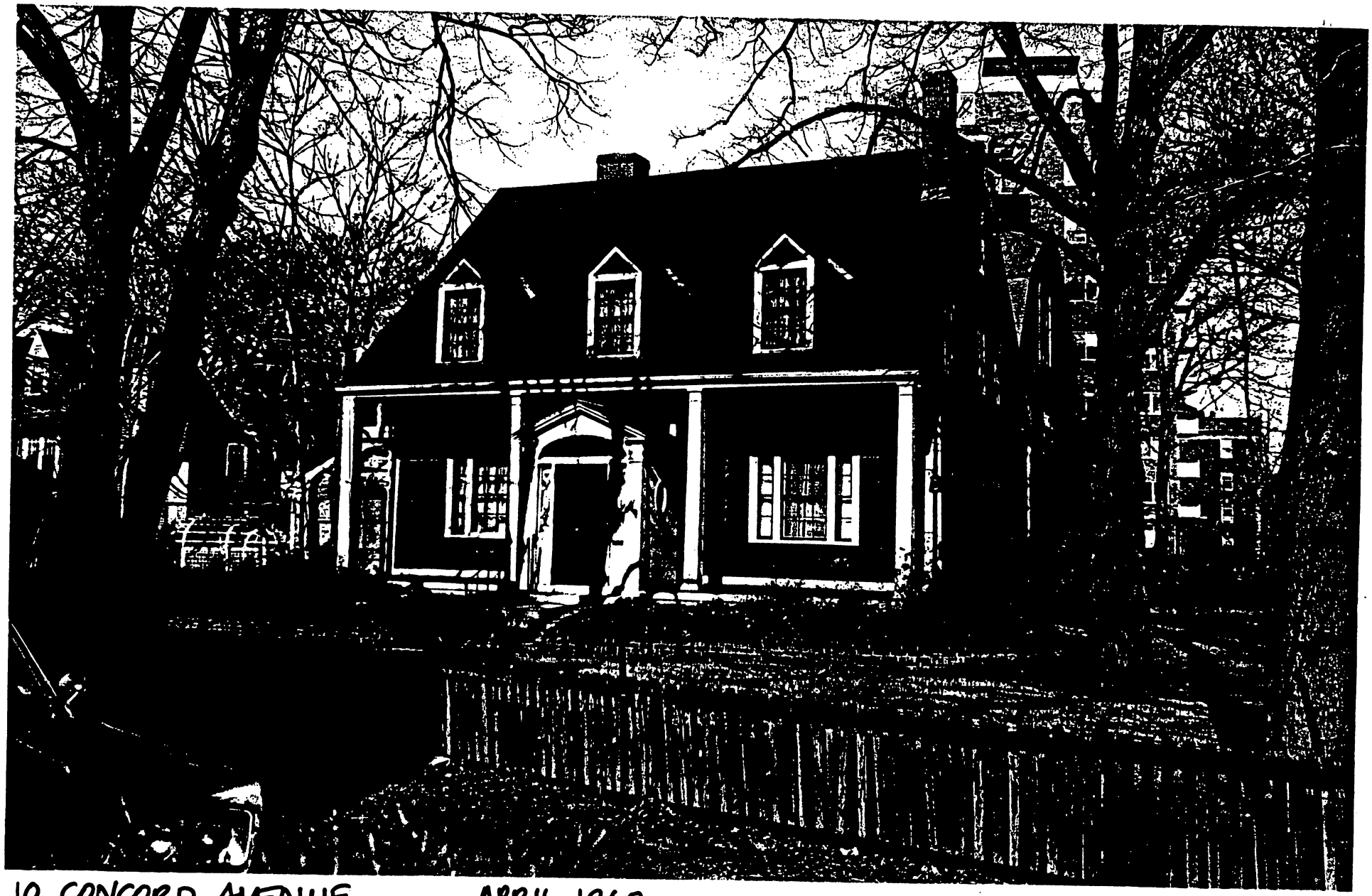
Source: Report Four: Old Cambridge

The continuing vitality of the neighborhood is seen in the wide variety of styles and types of buildings there.

In the **West End,** the Garden Street frontage opposite the Common and west of Mason Street was once owned by the Hill and Wyeth families. In 1645, Nicholas Wyeth, a mason, bought a farm near the present corner of Garden and Berkeley streets. Six generations later, his descendant, Jonas Wyeth 2nd, began to subdivide the property while living in Philadelphia. Before he returned in 1841, Wyeth had built three rental houses on Garden Street and Concord Avenue west of Berkeley. All stood on generous lots with porticos facing south, and all survive. The smallest, built at 10 Concord Avenue in 1837, is a Federal cottage, of which few examples remain in Cambridge. The Greek Revival house at 22 Garden Street also dates from 1837, but may have been built around an earlier structure. Wyeth's other Greek Revival house, 26 Garden Street, was built in 1841 and has been substantially altered. (See Part I.A, above, for an extended discussion of 22, 24, and 26-28 Garden Street.)

In 1851 Wyeth collaborated with his neighbor Joseph Worcester, the lexicographer, to lay out Berkeley Street. The secluded location close to the village made the area immediately desirable, and it developed quickly with houses of some distinction.

West of the Wyeth farm, Tory John Vassall and patriot Andrew Craigie assembled what became known as "the summerhouse lot" for the 40-foot-high folly that Vassall

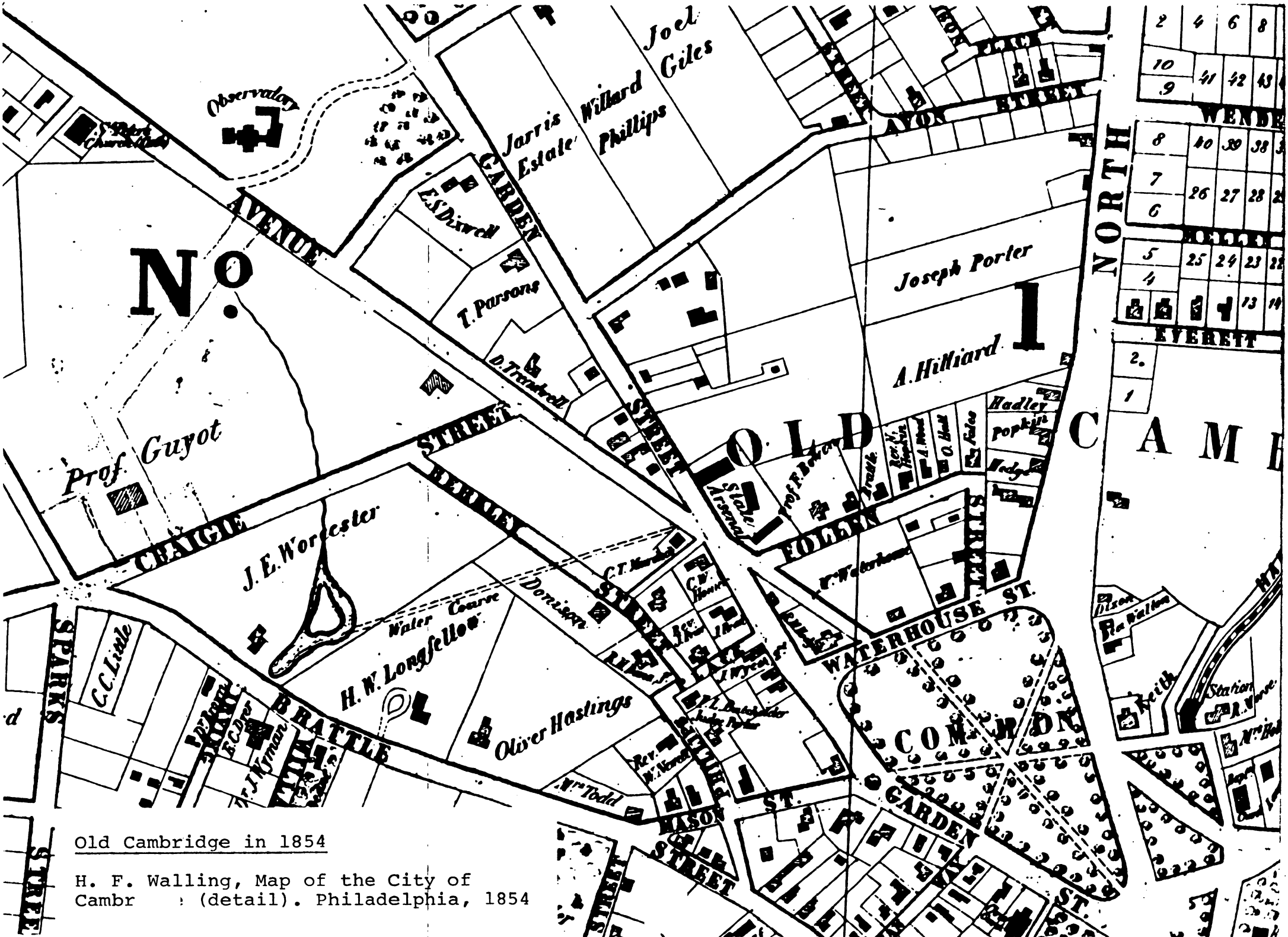


10 CONCORD AVENUE APRIL, 1968

built on present Observatory Hill between 1770 and 1774. This parcel was sold to Harvard College for an observatory in 1841. In 1842 President Quincy had a surveyor lay out Bond Street and divide the land south of it into lots.

There was little interest in Harvard's subdivision at first. In 1845 two lots at the south end were sold to Thomas Stearns, who put up a stable for his New Line of omnibuses. Two years later, the college sold four lots at the corner of Bond and Garden streets to Epes Sargent Dixwell, the master of the Boston Latin School; his substantial Classical Revival mansion is often attributed to Cambridge architect Henry Greenough. The next year, Dixwell was joined by Professors Daniel Treadwell and Theophilus Parsons, who each built substantial Greek Revival mansions also.

The apex of the triangle belonged to the Wyeths and had a different history from the summerhouse lot, although the outcome was similar. Severed from the Wyeth farm by the Concord turnpike in 1803, this property was sold in 1819 to Adam Lewis, "a man of culler," who was one of several members of an extended African-American family that lived in a nearby settlement called Lewisville (Middlesex deeds 231-98). Stearns' stable and the Lewis house vanished in 1869, when Stearns moved the stable and converted it into a four-family row house at 38-44 Shepard Street. The land was sold and replatted, and Franklin Perrin, a Boston businessman, built the present Second Empire house at 1 Arsenal Square (15 Concord Avenue) in 1870.



Old Cambridge in 1854

H. F. Walling, Map of the City of Cambr : (detail). Philadelphia, 1854

When Parsons began to sell his property in 1872, the first buyer was William Dean Howells, the editor of The Atlantic Monthly, whose wife, Susan, a sister of William R. Mead of the architectural firm of McKim, Mead & White, designed their house at 37 Concord Avenue. This house and 35 Concord Avenue, which was designed by the firm of Van Brunt & Howe, deserve protection.

The decline of the block began in 1924, when the remainder of the Parsons property was sold. Parsons' house was razed, and Hamilton Harlow, a prolific architect of apartment buildings, designed a 41-unit building at 52 Garden Street. The Treadwell house was replaced in 1959 by Continental Terrace, a seven-story apartment building designed by Hugh Stubbins & Associates; the 1886 brick carriage house survives as a private residence. In 1977-79, the Dixwell house was divided into condominiums, and the grounds were developed with seven townhouses and a detached two-family house. In 1978 three houses on Concord Avenue and Garden Street close to Arsenal Square were demolished for an institutional study center; neighborhood protests blocked this project, and the site lay fallow until four neo-Victorian two and three-family houses were built there in 1993. After years of neglect, the Perrin house was successfully restored in 1992 as a group home.

The south side of Concord Avenue developed similarly. Beginning in 1917, the Harlow family developed Bradlee Court, a 32-unit building on Craigie Circle; by 1963, a

total of ten buildings containing 477 apartments had replaced eight single-family houses near the intersection of Craigie Street. In 1970, Bainbridge Bunting, who witnessed much of this construction, described 20-22 and 24-26 Concord Avenue as making "the grimmest blank, walled-in spaces in Cambridge. It shows what the city could easily become, a deadly mediocrity" (C.H.C. architectural inventory).

The **Lower Common,** separated from the West End by Garden Street, was so called to distinguish it from the common land on the north side of Avon Hill. Its 63 acres were divided into twenty parcels and distributed among the town's proprietors in 1724. As Old Cambridge developed, the Lower Common was found to be easily reached from two arteries: North (now Massachusetts) Avenue, which became a prestigious suburban street in the mid-19th century, and the less-travelled Garden Street. On the south, Waterhouse and Follen streets became desirable addresses once the Cambridge Common was enclosed and landscaped in 1835. The presence of the State Arsenal and the omnibus stables retarded development around Arsenal Square, while the remote parcels near the Observatory and the Botanic Garden survived nearly intact until 1900, when Radcliffe College purchased them.

At the end of the 18th century, the area between Waterhouse and Chauncy streets, adjacent to the Common, had only a few owners. In 1796, the Commonwealth bought a parcel on the east side of Garden Street between Follen and Chauncy streets as the site for an arsenal. Some matériel was stored

there, perhaps in Revclutionary barracks moved from the Common, but nothing permanent was built until after the state purchased additional land in 1813 and 1817. A brick arsenal completed in 1818 on the corner of Chauncy Street was expanded by a superintendent's office (1848), a keeper's house (1852), and a machine shop (1864).

The arsenal was sold in 1884, and the buildings were demolished in 1887 when Edward Abbot acquired the site for his stone residence, today the Longy School of Music. The Continental Hotel was built in the garden of the Abbot house in 1929. The only direct reminder of the early use is the name, Arsenal Square, given to the small triangular green between Concord Avenue, Garden, and Chauncy streets.

The area between Chauncy and Shepard streets has a complicated street pattern because of the irregular shape of the individual properties that were subdivided. The first house on Chauncy was built in 1859. By 1873, the east end of the street had several spacious houses on very large lots. The west end was dominated by the arsenal until the 1880s, and from 1887 until 1929, when the Continental Hotel appeared, was part of the backyard of Edwin Abbot's house at 1 Follen Street. More large houses were built in the 1880s and 1890s, mostly for professors and Boston businessmen, but only a few have survived.

The first apartment building on Chauncy was erected in 1917 at number 10; its four-story mass and 23 apartments filled the entire site and marked a significant change in

the scale and appearance of the street. Other large apartment houses followed, and by 1930 Chauncy Street had almost 400 units in eight large buildings, which gave the street the effect of a narrow corridor. Only the three houses at the west end of the street are considered to have potential for protection.

Garden Street beyond Chauncy has been a desirable residential neighborhood throughout the 20th century, despite the construction of inappropriately dense apartment houses in the 1920s and the growth of institutional interests since the 1960s. The architecturally-important stuccoed Italian villa at 33 Garden Street (Charles K. Cummings, 1905), was built by the distinguished mechanical engineer Erasmus D. Leavitt, who moved to Arsenal Square to be near his daughter, Mrs. Walter Wesselhoeft, at 26-28 Garden Street. Probably the last significant single-family house built in this neighborhood, it anchors the important corner of Chauncy and Garden. Several very substantial houses between Shepard and Linnaean streets were demolished in the 1960s by Radcliffe College.

Shepard Street, named for the town's 17th century minister Thomas Shepard, was laid out in two sections. The east end was part of Avon Street, which was laid out in 1845 between Massachusetts Avenue and Linnaean Street and extended to Garden Street five years later. The development of the west end of the street began inauspiciously with the conversion of the former omnibus stable to a row house at



E. D. Leavitt house,
33 Garden St. (1969)

38-44 Shepard, but subsequent houses tended to be much more substantial and the street contains several Queen Anne houses of some distinction.

Walker Street was developed in the 1870s by Thomas Stearns, the former proprietor of the New Line of omnibuses. After the advent of street railways, Stearns found that real estate development was a more profitable pursuit. However, this part of the Lower Common had already been settled by an extended African American family whose property Stearns gradually acquired in order to complete his subdivision.

Lewisville was composed of four houses inhabited by an extended African-American family descended from slaves left behind by Tory families in 1776. In 1835 Walker Lewis and seven of his brothers and brothers-in-law established a private cemetery, which was unique in Cambridge. Ten years later the settlement began to break up. The 1877 sale of the Lewis family tomb to Stearns, who had by then purchased much of the surrounding land, ended the brief era of Lewisville. The passageway, named Garden Street Place, remained until at least 1886; by 1916 the Peter Lewis house was demolished and the tomb lot had been incorporated into the backyard of 33 Walker Street.

Walker Street is characterized by an unusually high proportion of one-story, Mansard-style double houses. Some of the earliest buildings were 57-59 and 68-70 Walker, which Thomas Stearns built in 1871 to rent, and the modest Bracketed/Italianate houses at 26 and 30, which a pianoforte

maker and a grocer built for themselves. The Study Committee considered the entire street as far as the intersection with Shepard Street to be worthy of preservation.

Arsenal Square is the point where Concord Avenue crosses from the Lower Common to the West End, uniting two neighborhoods that now retain only subtle differences. The area has never been architecturally homogeneous. From the Revolution to the Civil War, Wyeth's Greek Revival cottages in the West End faced the Arsenal, the omnibus stable, and Lewisville in the Lower Common. After the Civil War, the Lower Common became a desirable suburb; the Lewis cottage was replaced by an imposing Second Empire residence, the arsenal gave way to one of the City's most desirable estates, and the surrounding streets were filled with attractive houses. In the early 20th century, the larger houses on spacious lots facing the Common were almost all replaced by apartment houses and hotels, while smaller properties, such as those occupied by the Wyeth cottages, escaped redevelopment.

b. Recommended Study Area

Having reviewed the history and architecture of the initial study area, the Study Committee voted to recommend for priority protection a much smaller area comprised of the unprotected properties on Concord Avenue and Garden Street abutting Arsenal Square. This step was taken in recognition of the importance of protecting the surroundings of the Square, rather than just the park itself and the Abbot



Charles Peaslee house,
12 Concord Avenue (1969)

house, now the Longy School. The committee also recognized the continuity of the recommended study area with the surrounding Old Cambridge Historic District.

The most prominent structure in the square is the Franklin Perrin house at 1 Arsenal Square, which, though not unique architecturally, occupies a critical location at the intersection and relates well to the other surviving 19th century houses in the Historic District. Also of critical importance are the five 19th century houses on the west side of the square at 22, 24 and 26 Garden Street and 10 and 12 Concord Avenue, which are significant individually and provide an important reminder of the 19th century streetscape. The Erasmus D. Leavitt house at 33 Garden Street, is an important link between the Square and the Lower Common.

The most distinguished building on Arsenal Square, the Richardsonian-style Longy School of Music at 1 Follen Street, was built in 1889 as the home of Edwin H. Abbot. The concert hall and library addition of 1968 was designed in a contemporary style that successfully complements the earlier building. The Longy School was included in the Historic District expansion of 1986, as were two more 19th century houses, 7 and 9 Concord Avenue, that provide breathing space for the large apartments closer to the Common.

Not all the buildings in the proposed extension display a domestic character. The former Continental Hotel

at 29 Garden Street, a massive Georgian structure, was built by John J. Shine in 1929 to complement his recently completed Commander and Ambassador Hotels. Until it closed in 1972, the Continental was noted for its functions and served as a social center for West Cambridge families; the *Cambridge Chronicle* called it "one of the last refuges of the genteel, the rich, and the charming in Cambridge" (March 9, 1972). It now houses Harvard students and the University Police.

While the Continental was built in the spacious back yard of the Edwin Abbot house, two houses had to be razed for the apartment building across the Square at 14-16 Concord Avenue. Designed by Cambridge architect Arthur H. Brooks in 1963, this building has the virtue of its complicated massing, which breaks up what could be a oppressively tall building. The Harvard Registrar's office at 20 Garden Street, which replaced the Browne & Nichols School in 1967, is a Neo-Georgian building originally built as the Roscoe Pound Center. The apartments and institutional buildings that crowd Arsenal Square have diminished but not destroyed the suburban feeling of the surrounding 19th century houses.

2. The Need for Protection

Currently, the only constraints on development in the study area are the zoning code and the demolition review ordinance. For any given zone, minimum standards are designated for lot size, width, area per dwelling unit, open



Continental Hotel, 29 Garden St. (1972)

space, and front and side setbacks in order to regulate building density. Under the demolition review ordinance, all applications to demolish buildings over fifty years old are reviewed by the Historical Commission. Demolition can be delayed for up to six months, if a building is found significant and "preferably preserved", in the terms of the ordinance. During this period, threatened buildings can be designated for protection by the City Council.

Arsenal Square has been the focus of several development proposals which would have destroyed the remaining houses on the west side of the Square and the houses in the triangle between Concord Avenue and Garden Street. Two incidents illustrate the development pressure which the area is experiencing. In 1974, plans were circulated for the demolition of the houses at 22, 24 and 26 Garden Street to make way for a large apartment development; fortunately this did not occur. A few years later, the houses at 42 Garden Street and 21 Concord Avenue were demolished unexpectedly. The large side yards of both these buildings extended towards the critically located house at 1 Arsenal Square and provided an important neighborhood amenity. Despite intensive neighborhood opposition and a temporary stay of demolition, the houses were removed and for a time were to be replaced by a residential complex to be affiliated with the Institute for Contemporary Science. The property was finally sold for development in 1993, and

the houses built there do not fulfill the potential of the site allowed by the zoning.

In 1974, the Arsenal Square neighborhood was downzoned by the city in response to neighborhood concern that the zoning allowances in the area far exceeded the bulk, dimensions and density of most of the existing buildings, and therefore threatened their replacement with more intensive development. The five 19th century buildings which survive on the west side of Arsenal Square are still threatened by the Residence C-1 zoning classification there, which, although not allowing any greater height than more restrictive zones (35'), does allow multifamily densities.

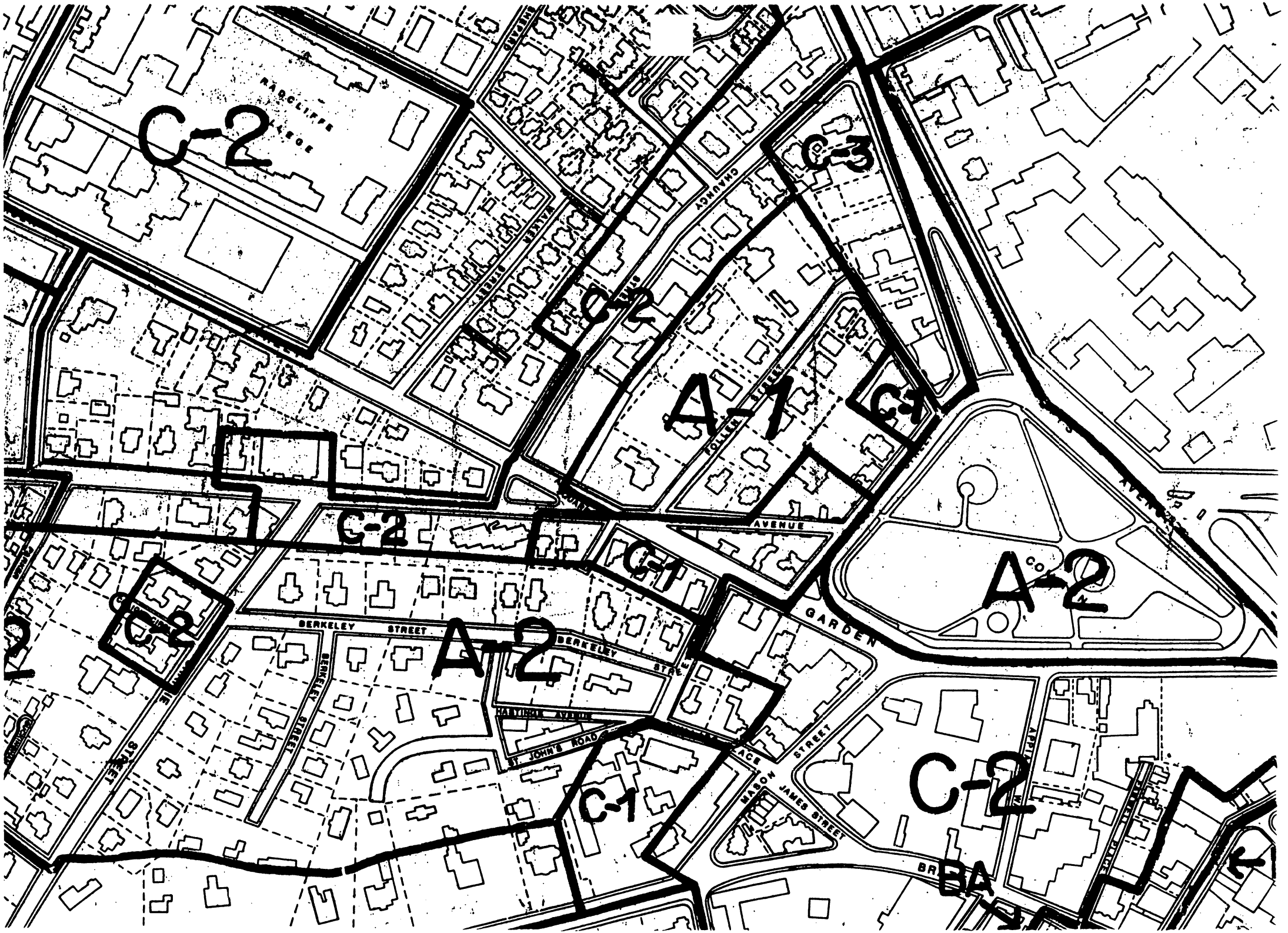
The zoning in the study area is an adequate control on development only in a general sense. It ensures that the area will remain primarily residential, but there is great latitude in the type of residential use and permitted density. Five types of residential districts are included in this area: A-1 and A-2 (single family), B (two-family or townhouses), C-1 (multifamily, townhouses, apartments and dormitories), and C-2 (also multifamily). Boundaries of these districts are shown in an accompanying map. Some of the zoning regulations which apply to the districts are summarized in Table 1.

For most of the area, construction is limited to dwelling units of three stories or less, on relatively large lots. Follen Street is an island of low density surrounded by districts where greater densities and greater heights are

permissible. To the west of Follen Street, dwelling units may not exceed 35', but greater densities are permitted. To the north, east and south, substantially greater heights as well as densities are permissible.

Throughout much of the study area surrounding Arsenal Square, existing apartment buildings significantly exceed the current allowable Floor Area Ratio (FAR). Such structures are not likely to be demolished because, under existing zoning, new buildings constructed on the same site would have to be smaller. Other existing buildings in the study area are well below allowable FAR. Several of the properties surrounding Arsenal Square, zoned multifamily and townhouse, or two-family and townhouse, are susceptible to further development. Nos. 10 and 12 Concord Avenue and 26-28 Garden Street, zoned for multifamily structures or townhouses, face each other across a narrow right-of-way. Their present FARs are only 56%, 60% and 72%, respectively, of the allowable FAR. Across the Square, nos. 33 and 39 Garden Street have FARs which are two-thirds or less of what is allowable. Present zoning would allow the construction of nine new units if these houses were demolished.

The site comprised by 22, 24, and 26-28 Garden Street consists of three houses located on four parcels totalling 23,175 square feet. The front 100 feet of the site was rezoned to Residence C-1 from Residence C-2 in June, 1975. The rear of the site, which is 115 feet deep, has been zoned Residence A-2 since 1943. The combined effect of these


C-2
RADCLIFFE
C-3
CHAUNCY
C-2
A-1
C-1
C-2
C-1
AVENUE
A-2
GARDEN
BERKELEY STREET
A-2
BERKELEY STREET
BERKELEY STREET
HASTINGS AVENUE
ST. JOHN'S ROAD
C-1
MASON STREET
JAMES STREET
C-2
BA

residential zones would be to allow 16 or 17 dwelling units as apartments or townhouses; the height limit is 35 feet, or 40 feet for townhouses.

According to the owner, the anticipated use of the property is accessory parking for the Commander Hotel. The Community Development Department, however, states that

> Hotel and Motel use is not permitted in either the Residence C-1 or A-2 zones. The use of the parcel for accessory hotel parking would require a use variance from the Board of Zoning Appeal.2

In addition, §6.22.1 of the Cambridge Zoning Ordinance further restricts accessory parking:

> Accessory off-street parking facilities may be located on the same lot as the use being served or on another lot that has the same or less restrictive zoning classification as the lot on which the use being served is located in accordance with the following conditions . . .
>
> (b) said lot is not now and was not within the last five (5) years the location of a preferably preserved significant building . . . as determined by the Cambridge Historical Commission.

Finally, the proposed use would require a permit and an allocation of parking spaces from the Interim Parking Control Committee.

Current zoning in the Arsenal Square area has two principal limitations that the proposal for an extension of the Old Cambridge Historic District would correct. First, it allows increased densities under the townhouse amendment, which applies to the B and C-1 districts around Arsenal Square; second, like all zoning, it cannot address the

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2 Cambridge Community Development Department Zoning Analysis, February 14, 1995; see Appendices

architectural character of permitted structures and alterations in any significant way.

The inability of zoning alone to preserve the existing character of a neighborhood is a primary impetus for the proposed protection measures. Within the minimum and maximum requirements set by zoning, it is possible to construct buildings which are in no way compatible with their surroundings. Similarly, nothing guarantees consideration of the effect of a variance that allows alterations to an existing building. If the zoning requirements are met, significant alterations which disrupt the streetscape can be undertaken as a matter of right. Distinctive features can be completely removed if desired, and inappropriate alterations which can adversely affect surrounding property values are given free rein.

Summary of Cambridge Zoning Regulations

	Allowable FAR*	Maximum Height	Minimum Lot Area Per Dwelling Unit	Maximum Dwelling Units Per Acre
A-1 Residence Single family	0.5	35′	6000 sq. ft.	7
A-2 Residence Single family	0.5	35′	4500 sq. ft.	9
B Residence Two family	0.5	35′	2500 sq. ft.	17
C-1 Residence Multi family, apts., dorms	0.75	35′	1200 sq.ft.	36
C-2 Residence Multifamily	1.75	85′	600 sq.ft.	72
C-3 Residence Multifamily	3.0	none	300 sq.ft.	145

*FAR = Floor Area Ratio, expressed as a ratio of the square footage of a building divided by the area of the lot. For example, a FAR of .75 means that the total allowable floor area is 3/4 of the total land area of the building lot.

II. THE NATURE OF LANDMARK AND HISTORIC DISTRICT PROTECTION

The objective of the Study Committee in proposing expansion of the Old Cambridge Historic District within the study area is to provide protection against inappropriate change in one of the City's most significant historic areas. Historic district status provides this protection by giving the Historical Commission the authority to review all new construction, additions, and alterations to structures within the district and visible from a public way. This authority is derived from Chapter 40C of the General Laws of the Commonwealth, and has been exercised by the Cambridge Historical Commission since 1963. Since the passage of the enabling legislation in 1960, over one hundred districts have been established in Massachusetts.

Landmark protection in Cambridge is exercised under the authority of Chapter 2.78, Article III of the City Code, which was first adopted in 1978. This ordinance was enacted under the home rule authority of the city, but tracks Chapter 40C in important respects. It was considered at the time that Chapter 40C did not permit designation of individual buildings as historic districts. The city's landmark ordinance was planned to allow single-building designations while applying the goals and procedures of Chapter 40C. In the following discussion, a landmark is understood to be similar to an historic district unless otherwise noted.

Just as zoning is intended to protect property owners against inappropriate uses or bulk of buildings next door or in the immediate neighborhood, so inclusion in an historic district is intended to prevent incongruous changes or developments which might diminish the character and setting of structures with historical significance. However, the Commission may not prohibit developments that are not incongruous to the character of the district.

A. Objectives

The purpose of historic districts is stated in the enabling legislation, Chapter 40C of the General Laws. The Act is intended

> to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the Commonwealth and its cities and towns or their architecture, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.3

The first Massachusetts historic districts, on Beacon Hill and in Nantucket, were established by special Acts in 1955 following an opinion of the Massachusetts Supreme Judicial Court that such legislation was a constitutional use of the State's power to promote the public welfare. The Massachusetts Court cited a United States Supreme Court decision in the case of Berman vs. Parker (1954).

> The concept of the public welfare is broad and inclusive . . . The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine

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3 Chapter 373, Acts of 1960, §2

> that the community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled. 4

Subsequently, the Massachusetts Supreme Judicial Court ruled, in connection with the right of a municipality to prohibit billboards, that "aesthetics alone may justify the exercise of the police power," and quoted Article 97 of the Amendments to the Massachusetts Constitution, which established as state policy the right of the people to "the natural, scenic, historic, and aesthetic qualities of their environment. . ."5

The courts have also upheld historic districts on the grounds of their contribution to the economic well-being of a community. The Supreme Judicial Court in the Nantucket opinion noted that "the erection of a few wholly incongruous structures might destroy one of the principal assets of the town."6 The courts have noted that these benefits may accrue to the individual property owner as well as to the community at large, but have considered that public purposes are served if the public good, measured in terms of increased property value or business volume, outweighs private costs.7 It has been judicially determined that historic district designation does not necessarily constitute a taking of private property without compensation, and it has been noted that many zoning ordinances are as demanding in their

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4 348 U.S. 25 (1954).
5 John Donnelly & Sons vs. Outdoor Advertising Board (1975).
6 333 Mass. 773, 780 (1955).
7 T. J. Reed, Land Use Controls in Historic Areas, 44 Notre Dame Lawyer 3, 387.

application.8 Once again, the public benefit is held superior to a reasonable degree of private sacrifice, a principle that was upheld by the Appellate Division of the New York Supreme Court in confirming the landmark designation of Grand Central Terminal.

Power to establish historic districts is not given lightly. Chapter 40C requires a thorough survey and report on the areas proposed for protection, review and comment by other public agencies, a public hearing with notification of all affected property owners, and passage of the historic district ordinance by the City Council by a two-thirds majority. Once a district has been established, the historic district commission holds the power to review all construction and alterations of structures that will be visible from a public street, sidewalk, or park. This authority cannot be arbitrarily exercised, however; the legislation requires that a commission "shall not make any recommendations or requirement except for the purpose of preventing developments incongruous to the historic aspects or architectural features of the . . . district." The Supreme Judicial Court, in reviewing the Nantucket ordinance in 1955, warned that enforcement actions would need to be carefully circumscribed, since in some instances decisions of an historic district commission might give rise to "peculiar hardship and remoteness from the legitimate purpose of the act" which would amount to unconstitutional

8 33 Mass. 773, 778 (1955).

applications of it. Accordingly, the legislation establishes a time limit requiring a commission to act on a petition within a given period, and provides for appeal of commission decisions.

B. Administration of Landmarks and Historic Districts

The administration of historic districts is guided in every respect by the provisions of Chapter 40C, except as specially provided for in the local ordinance creating the district, or as established as a policy by an historic district commission.

All buildings of whatever size or function, as well as all structures, including signs, fences, walks, terraces, driveways, walls, light fixtures, or the like, which are "open to view from a public street, public way, public park or public body of water", fall within the review of the commission. Building projects which must be reviewed include construction, reconstruction, erection, demolition, removal, and changes in color as they affect exterior features of a structure visible from a public street, way, or park. Such features include, but are not limited to, the kind, color, and texture of exterior building materials, the color of paint or materials used on exterior surfaces, and the type and style of windows, doors, lights, signs, and other fixtures.

Although the legislation provides for review of every exterior architectural feature visible from a public way, certain items may be excluded from control when the

ordinance is drafted. These may include terraces, walkways, driveways, and sidewalks; walls and fences; temporary signs and structures; storm doors and windows, air conditioners, lighting fixtures, antennae and the like; and color of paint and roofs. An historic district commission may also impose dimensional and setback requirements more stringent than required by the zoning code.

After reviewing the proposed work, the commission may issue a Certificate of Appropriateness, a Certificate of Hardship, or a Certificate of Nonapplicability, as the case may be, and no building or demolition permit for work in a district can be issued by the City until a certificate has been issued unless more than 45 days have elapsed without commission action.

Certificate are issued after evaluation of the circumstances. A Certificate of Appropriateness will be issued when the commission has determined that a project is not incongruous with the preservation of the historic district; this is the most common certificate issued by most commissions. A Certificate of Nonapplicability is issued for a project which the commission determines does not involve an exterior feature, or one not visible from a public way. Finally, a Certificate of Hardship may be issued when refusal to issue a Certificate of Appropriateness or Nonapplicability would cause the applicant substantial hardship, financial or otherwise, as long as there is no substantial detriment to the district.

Application for a certificate is made by submitting a description of the proposed alteration along with plans or photographs sufficient for the commission to judge the effect of the proposed alteration. The commission must determine within fourteen days of an application whether a certificate is required.

In passing on applications for certificates, a commission is required to consider, among other things, the historic and architectural values and significance of the site, building, or structure, the general design, arrangement, texture, material and color of the features involved, and the relationship of these features to similar features of buildings in the surrounding area. In the case of new construction or additions to existing buildings, the commission must consider the size and shape of the building, in relation to both its site and surrounding buildings, and can establish a policy to exclude certain features from control after the historic district is established. The commission can also establish appropriate designs or lists of paint colors, roofing materials, or the like for the guidance of property owners.

A commission cannot prevent alterations to interiors of structures, nor alterations which are not visible from a public way, even though such alterations may still be within a district. Furthermore, landscaping with plants, trees or shrubs is specifically excluded from review, and the commission is not concerned with ordinary maintenance,

repair, or replacements that do not involve a change in exterior appearance.

Enactment of an historic district in no way requires owners to alter their properties, nor requires restoration of a structure to any set historical period. Work must be reviewed only if it involves a change from that which exists on enactment of the ordinance; maintenance or replacement of an architectural feature incongruous with the historic or architectural qualities of the district may take place without a certificate as long as there is no change in exterior appearance.

If a commission deems the alteration to require a certificate, it may take action either through a public hearing or by simple vote after notice to surrounding property owners. A public hearing is held in the event that the alterations are deemed substantial; surrounding property owners are given two weeks' notice, and the application is given consideration in terms of the criteria listed above. However, if the application involves an alteration which is considered insubstantial in its effect, the commission may simply vote on the matter subject to a ten day period for comment or objection by surrounding property owners.

If the commission disapproves the application for a certificate, it must give its reasons to the applicant in writing. However, the commission is specifically authorized to make recommendations for changes which would make the application acceptable. If the applicant modifies the

application to conform to the commission's suggestions, a certificate must be issued.

An applicant aggrieved by a decision of the commission may appeal to the Superior Court; costs are not assessed against the appellant unless the court finds that action was taken in bad faith. Similarly, the Superior Court may enforce the provisions of the historic district legislation through injunction, court order, and fine.

C. Establishment of Landmarks and Historic Districts

Procedures for the establishment or expansion of an historic district are dictated by Chapter 40C. An historic district commission (such as the Cambridge Historical Commission) is empowered under the legislation to initiate consideration of possible districts. Acting as an historic district study committee, it must prepare a report on the historical and architectural significance of the buildings, structures or sites to be protected, a map showing the boundaries of the area to be included in the historic district, and an ordinance for consideration by the city council.

The report must be submitted to the local planning board and the Massachusetts Historical Commission. A public hearing, for which all affected property owners must be given two weeks written notice, must be held no less than sixty days after the report has been released. After the hearing, the historic district commission prepares a final report which takes into account the comments received at the

public hearing and the recommendations of the planning board and the state Historical Commission. The report may then be submitted to the city council, where a two-thirds majority vote is required for adoption. The district or district extension goes into effect when a map showing the boundaries is filed with the registry of deeds.

In Cambridge, landmarks are established under the provisions of Chapter 2.78, Article III of the City Code. As previously noted, the commission may recommend for designation as landmarks any structure

> which it determines to be either (1) importantly associated with one or more historic persons or events, or with the broad architectural, aesthetic, cultural, political, economic or social history of the City or the Commonwealth or (2) historically or architecturally significant (in terms of period, style, method of construction or association with a famous architect or builder) either by itself or in the context of a group of structures.9

The study process, notice requirements, and other procedural matters are similar to those for historic districts. The study report, however, may recommend "specific standards and appropriate criteria" that are to be applied to the landmark. Designations are implemented by order of the City Council, requiring a simple majority vote.

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9 Cambridge City Code, §2.78.180.A

III. ADMINISTRATION OF LANDMARKS AND HISTORIC DISTRICTS IN CAMBRIDGE

The Cambridge Historical Commission was established in 1963 to administer four Historic Districts around Cambridge Common and along Brattle Street, to conduct a survey of Cambridge architecture and to engage in other duties concerned with the protection of architecturally and historically important buildings and sites.10 The authority of the commission to regulate landmarks was enacted by the City Council in 1983. Landmarks and historic districts are administered in an identical manner, although the provisions of an order designating a landmark may dictate that special conditions be taken into consideration.

The Old Cambridge Historic District now contains a wide variety of structures that are not the high-style residences traditionally associated with historic districts, such as the vernacular houses on Farwell Place, retail stores on Church Street, Victorian dormitories in Harvard Yard, and 20th century apartment houses on Waterhouse Street. Most of the approximately 240 buildings within the district are large single-family homes, or were originally designed as such, and about fifty are devoted to institutional uses of various sorts. A handful of commercial buildings are also included. The district also contains a National Historic

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10 Under the provisions of Chapter 2.78, Article I, the Cambridge Historical Commission exercises the authority of an historical commission under M.G.L. Ch. 40, Section 8D, and of an historic district commission under Ch. 40C.

Site operated by the National Park Service, the Longfellow House, and all or portions of four public parks.

At the present time, there are 17 designated landmarks in Cambridge. These include single-family residences, such as 10 Frost Street and 24 Reservoir Street; residential-style buildings owned by institutions, such as 42 and 54 Brattle Street and 98 Winthrop Street; multi-unit buildings, such as 113 River Street and 1626 Massachusetts Avenue; and commercial office buildings, including 135 Main Street and 763 Massachusetts Avenue. Most of these properties are regulated as though they were in historic districts, but in several cases renovation plans were negotiated and pre-approved before designation.

A. Design Objectives

Some historical commissions have attempted to establish a single architectural style in the areas under their jurisdiction, and this has been a legitimate cause of concern among property owners and architects. The Cambridge Historical Commission has recognized that no single style is "correct", and that a large measure of the architectural and historical value of the proposed district stems from the diversity of periods and architectural styles represented there. Brattle Street is an example of an urban neighborhood which has never fallen on hard times, and which possesses houses of exceptional quality in almost every American architectural style. In the case of 133 Brattle Street, the commission explicitly accepted an uncompromisingly modern

design that was deemed compatible with its surroundings. Historic district review is necessary in such areas as Brattle Street to protect against developments which are incompatible in scale, size, or degree of intrusion, not to guard against incursions of modern architecture. A similar philosophy of only preventing developments that are incongruous to the Historic District governs the commission's approach to alterations to existing structures.

B. Case Review Procedures

In the thirty-two years since the districts were established there have been 630 applications for certificates; about ten have been denied. Relatively few applications have involved major new construction. Three involved demolition of existing structures; two, the construction of a single new house, 133 Brattle Street; and two, parking lots. In addition, there have been five applications for major public construction projects: the construction of the Cambridge Street underpass, the reconstruction of the Common, the construction of the Dawes Common, and the reconstruction of the Brattle-Craigie-Sparks and Follen Street-Concord Avenue intersections. City agencies continue to be subject to the rules of the Historic District.

The majority of the applications have involved additions or alterations of relatively minor features, although many of these have involved important issues of historical appropriateness and architectural design. In this

category have been numerous cases involving small additions, driveways, fences, changes of color, and lights. Most applicants receive a Certificate of Appropriateness, although not always without substantial changes in the submitted application following a public hearing and suggestions from the Historical Commission.

The availability of full-time staff allows the commission to expedite review of projects in the Historic District. The Executive Director reviews all applications for building permits within the Historic District and screens them for further review by the commission. The Director usually views the site with the applicant and the applicant's architect, if one has been retained. This visit involves a thorough review of the applicant's proposal, generally with suggestions aimed at improving the acceptability of the design. These consultations have sometimes have resulted in thorough revisions which have improved the acceptability of the project to the applicant as well as to the commission.

The commission cannot prevent work that involves routine maintenance, and the Executive Director is authorized to approve applications for building permits that involve no exterior change or no change in exterior materials, color, or appearance. In addition, plumbing and electrical permits are granted by the Inspectional Services Department without review.

Determination of whether a public hearing is required is made on the basis of the legislation; that is, if the alteration involved is considered substantial in its effect on the Historic District. A public hearing is held after a notice has been placed in the newspaper and all surrounding or otherwise affected property owners have been notified by mail. A finding must be reached within forty-five days of the submission of the application. If the alteration is considered insubstantial in its effect, as many have been in the past, a certificate is granted after surrounding property owners have been given the opportunity to object or to comment on the impending decision through a ten-day notice procedure. In the recent past, Certificates of Appropriateness have been granted following the ten-day notice procedure in cases involving fences, storm windows on institutional buildings, and construction of pathways and paved areas.

The commission has also adopted two policies to simplify administration of the districts. One, adopted in 1967, permits the erection of temporary signs advertising charitable events. A second, adopted in 1970, permits screens, storm windows, and storm doors to be installed on residential properties without a certificate of appropriateness as long as the shape of the window is retained, crossbars are made to coincide, and the color matches that of the sash. Policies covering other

alterations are permitted by statute, and may be adopted in the future.

Landmarks are administered in the same manner as historic district properties, although specific standards and criteria may be applied pursuant to the designation order in each case. The designation order adopted by the City Council usually incorporates the Historical Commission's findings in a study report that describes significant exterior architectural features. Except as the order designating or amending the landmark may otherwise provide, those exterior features should be preserved or enhanced in any construction, demolition, or alteration of a landmark.

The Commission's primary charge with respect to designated landmarks under Chapter 2.78, Article III, is to review "all construction, demolition, or alteration that affects the exterior architectural features, other than color, of any landmark." Applicants for changes to a landmark are also entitled to 10-day review of applications for certificates.

Section 2.78.220 of the ordinance sets guidelines to be considered by the Historical Commission in reviewing changes to landmarks. Among other things, the Commission is directed to consider:

> the historic and architectural value and significance of the site or structure, the general design, arrangement, texture and material of the features involved, and the relation of such features to similar features or structures in the surrounding area.

In all cases, a Certificate of Appropriateness, Hardship, or Non-Applicability must be issued by the commission before an work can begin. The Commission does not have authority to regulate the interiors of landmarks nor can it control changes to exterior architectural features not subject to public view. Nonetheless, Certificates of Non-Applicability must be issued for those changes. All applications are carefully reviewed by the Commission at public meetings.

The Historical Commission recommends adoption of the following general standards for landmark administration:

1. Historic and architectural features of the landmark shall be preserved.

2. Changes and additions to the landmark which have taken place over time are evidence of the history of the property and the neighborhood. These changes to the property may have acquired significance in their own right and that significance should be recognized and respected.

3. Deteriorated architectural features should be repaired rather than replaced.

4. When replacement of architectural features is necessary, it should be based on physical or documentary evidence.

5. New materials should, whenever possible, match the material being replaced in physical properties, design, color, texture, and appearance. The use of imitation replacement materials is discouraged.

6. The surface cleaning of a landmark shall be done by the gentlest possible means. Sandblasting and other cleaning methods that damage exterior architectural features shall not be used.

7. New additions must not destroy significant exterior architectural features and shall not be incongruous to the historic aspects, architectural significance, or

distinctive character of the landmark, neighborhood and environment.

8. New additions should be done in such a way that if they were to be removed in the future, the essential form and integrity of the landmark would be unimpaired.

IV. IMPLEMENTATION OF THE PROPOSED DESIGNATIONS

The Cambridge Historical Commission first considered the extension of the Old Cambridge Historic District to include Arsenal Square in the course the study process that resulted in the annexation of Berkeley and Follen streets in 1986. That process began in 1983 with a petition by residents of Follen Street. When a petition was received from residents of Berkeley Street in 1984 the commission voted to combine the study areas as well as the Arsenal Square area linking the two streets.

While residential property owners were uniformly supportive of the extensions, commercial and institutional owners were more cautious. The former Continental Hotel property of Harvard University was excluded on the grounds that the structure was already non-conforming under present zoning and no foreseeable change could make it less acceptable to the neighborhood. The properties between Concord Avenue and Garden Street, except for 1 Arsenal Square, were excluded as being properly the concern of the adjacent neighborhoods. The Longy School expressed concern about the need to provide parking for staff and pupils and the difficulty of maintaining an historic property. The owners of the Commander Hotel were also concerned about parking, having recently acquired four houses on the south side of Concord Avenue and Garden Street with the idea of razing them for a parking garage. Accordingly, they strongly opposed including that area in the Historic District,

claiming that the difficulty of parking was a serious impediment to the operations of the hotel. The boundaries of the proposed extension were adjusted by the Historical Commission in deference to these concerns. The commission also declined to include the north side of Craigie Street because of the inappropriate mix of uses and building types. Finally, the Episcopal Divinity School expressed concern about the proposal to include St. John's Road, a private street with no structures visible from any public way. This adjustment of boundaries was made by the City Council, as was the exclusion of 1 Arsenal Square on the grounds that the owner had not been adequately notified of the proposal.

To some extent, the proposed extension and/or designation represents unfinished business from 1986. The commission remained acutely aware of the absence of this area from the district. The recent analysis by the Study Committee reexamined the past exclusion of buildings on Arsenal Square, and concluded that the continuity of the Historic District was paramount.

The present proposals were triggered by the application for the demolition of 22, 24, and 26-28 Garden Street, which was received in February, 1995. A public hearing on the proposal was held in March, and the buildings were found to be significant and preferably preserved.

On April 6, 1995, the commission voted to constitute itself as a study committee as provided under the Historic Districts Act and to undertake a study of possible landmark

designation under §2.78.180 of the City Code. The historic district study area was defined as Arsenal Square and its environs, while 22, 24, and 26-28 Garden Street were to be studied for landmark designation. The Executive Director was directed to organize community meetings and to prepare the required report.

A. The Public Response

Neighborhood meetings were held at the Bunting Institute on May 15, May 23, June 6, and June 20. Property owners in the study area were invited to each meeting, at which the substance of the proposals were discussed and participation solicited.

Response to the proposal at the public meetings was generally positive, although it was understood that Adams Realty Trust and Harvard University had strong reservations about the inclusion of their properties. Most participants favored the extension of the Historic District over landmark designation of the three properties. Many encouraged the Study Committee to extend the Historic District well beyond the presently proposed boundaries.

The Historic District Study Committee reported its findings at a public hearing of the Historical Commission on June 29, 1995. The committee's report recommended either landmark designation of the three properties or the expansion of the Old Cambridge Historic District discussed above, the specific decision to be made by the Historical Commission following a a public hearing. The report of the

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Study Committee was transmitted to the Cambridge Planning Board and the Massachusetts Historical Commission, as required by the statute, as well as to the property owners within the proposed expansion area, on July 14, 1995, and the 60-day review process began on that date. A public hearing on the proposals was initially scheduled for September 7, 1995, but later changed to October 5 in order to comply with the sixty-day requirement. Notice of the public hearing will be given at least 14 days prior to October 5.

B. Proposed Boundaries

The area initially proposed for inclusion in the Old Cambridge Historic District included unprotected properties in the vicinity of Arsenal Square. In the course of the public meetings, the study committee examined an area that included both sides of Concord Avenue and Garden Street (and the streets leading to them) from Arsenal Square to Bond Street, as well as the north side of Craigie Street. By studying this larger area, the Committee wished to make sure that the boundaries of the proposed extension would not artificially exclude other properties worthy of inclusion. Also, there was a strong sentiment among some of those attending the neighborhood meetings that the west end of Chauncy, Walker, and Shepard streets in the Lower Common should be included in the Historic District.

The Study Committee agreed that parts of the Lower Common were worthy of protection, but felt that the

Chauncy/Walker/Shepard area was a distinct neighborhood that might seek to establish a separate historic district or neighborhood conservation district.11 The block between Garden, Concord and Bond was observed to contain some significant houses that appeared threatened by development, but also seemed far afield from the Old Cambridge Historic District; these structures were considered strong candidates for landmark designation or inclusion in a neighborhood conservation district. The Bunting Institute campus itself was considered, but deemed not to be threatened by development. Finally, the north side of Craigie Street received serious consideration, but the need to enter negotiations with another institution, the Buckingham Browne & Nichols School, presented insurmountable barriers to including these properties in this proposal.

In conclusion, the Study Committee decided to recommend inclusion of only the properties on Concord Avenue and Garden Street facing the Arsenal Square. These boundaries would protect the environs of the Square, as well as the threatened buildings there, and would eliminate a pocket of unprotected properties that threaten the integrity of the surrounding Historic District.

The Study Committee recommended that both the Walker-Shepard-Chauncy streets area and the north side of Craigie

11 Neighborhood conservation districts (NCD) are established by the City Council under Chapter 2.78, Article III, and are administered by boards of neighborhood property owners. The degree of protection afforded by an NCD can be tailored to the specific needs of the neighborhood.

Street, possibly including some or all of Buckingham Street, be scheduled for further consideration in the near future. No immediate action was recommended for other parts of the study area, although their eligibility for future protection was acknowledged.

The boundaries of the proposed extension include structures that are similar in character and significance to those in the Old Cambridge Historic District. Protection of Arsenal Square is necessary not only to preserve the buildings themselves but also to protect the existing Historic District from inappropriate change and development.

C. Implementation

Following a public hearing, the Cambridge Historical Commission must decide whether to make a recommendation to the City Council. Extension of the Historic District will require a two-thirds majority vote of the Council, while landmark designation of 22, 24, and 26-28 Garden Street can be implemented by simple majority. In the past, the Historical Commission's recommendations have been referred to the Ordinance Committee of the Council for a public hearing prior to consideration by the full body. A draft amendment and a draft order implementing these measures are included in the Appendices. Both would take effect upon passage.

APPENDICES

A. Historic Districts Act, Chapter 40 C, General Laws
B. Cambridge Historical Commission Ordinance
C. Proposed Order Designating 22, 24, and 26-28 Garden Street as Landmarks *
D. Proposed Amendment to the Cambridge Historical Commission Ordinance*
E. Description of Buildings to be Landmarked or Included in the Proposed District
F. Cambridge Community Development Department Zoning Analysis, February 14, 1995

*Omitted from this appendix; see front section for current versions.

CHAPTER 40C.

HISTORIC DISTRICTS.

Section
1. Citation.
2. Purpose.
3. Establishment of historic districts; pre-requisites; enlargement or reduction of boundaries; amendment of creating ordinance; filing of maps.
4. Study committees; commissions; establishment; membership; terms; vacancies; compensation; officers.
5. Definitions.
6. Certificates of appropriateness, non-applicability or hardship; necessity; applications and plans, etc.; building and demolition permits restricted.
7. Factors to be considered by commission.
8. Review authority of commission over certain categories of buildings, structures or exterior architectural features limited; authorization.
9. Maintenance and repair, etc.
10. Additional powers, functions and duties of commission.
11. Approval or disapproval of exterior architectural features by commission; meetings; applications for certificates; public hearings; notices.
12. Review procedure provided by local ordinance or by-law.
12A. Appeal to superior court.
13. Jurisdiction of superior court; penalty.
14. Powers and duties of commissions established hereunder as historical commissions.
15. Filing of ordinances, maps, reports, etc.
16. Special historic districts; acceptance and effect of this chapter.
17. Severability.

40C:1. Citation.

Section 1. This chapter shall be known and may be cited as the Historic Districts Act.

40C:2. Purpose.

Section 2. The purpose of this chapter is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the commonwealth and its cities and towns or their architecture, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

40C:3. Establishment of historic districts; pre-requisites; enlargement or reduction of boundaries; amendment of creating ordinance; filing of maps.

Section 3. A city or town may, by ordinance or by-law adopted by two-thirds vote of the city council in a city or by a two-thirds vote of a town meeting in a town, establish historic districts subject to the following provisions:— Prior to the establishment of any historic district in a city or town an investigation and report on the historical and architectural significance of the buildings, structures or sites to be included in the proposed historic district or districts shall be made by an historic district study committee or by an historic district commission, as provided in this section and in section four, who shall transmit copies of the report to the planning board, if any, of the city

or town, and to the Massachusetts historical commission for their respective consideration and recommendations. The buildings, structures or sites to be included in the proposed historic district may consist of one or more parcels or lots of land, or one or more buildings or structures on one or more parcels or lots of land. The Massachusetts historical commission may consult with the executive director of the Massachusetts office of business development, the secretary of communities and development and the commissioner of environmental management with respect to such reports, and may make guidelines for such reports, and, after public hearing, establish rules as to their form and manner of transmission. Not less than sixty days after such transmittal the study committee shall hold a public hearing on the report after due notice given at least fourteen days prior to the date thereof, which shall include a written notice mailed postage prepaid, to the owners as they appear on the most recent real estate tax list of the board of assessors of all properties to be included in such district or districts. The committee shall submit a final report with its recommendations, a map of the proposed district or districts and a draft of a proposed ordinance or by-law, to the city council or town meeting.

An historic district may be enlarged or reduced or an additional historic district in a city or town created in the manner provided for creation of the initial district, except that (a) in the case of the enlargement or reduction of an existing historic district the investigation, report and hearing shall be by the historic district commission having jurisdiction over such historic district instead of by a study committee; (b) in the case of creation of an additional historic district the investigation, report and hearing shall be by the historic district commission of the city or town, or by the historic district commissions acting jointly if there be more than one, instead of by a study committee unless the commission or commissions recommend otherwise; and (c) if the district is to be reduced written notice as above provided of the commission's hearing on the proposal shall be given to said owners of each property in the district.

Any ordinance or by-law creating an historic district may, from time to time, be amended in any manner not inconsistent with the provisions of this chapter by a two-thirds vote of the city council in a city or by a two-thirds vote of a town meeting in a town, provided that the substance of such amendment has first been submitted to the historic district commission having jurisdiction over such district for its recommendation and its recommendation has been received or sixty days have elapsed without such recommendation.

No ordinance or by-law creating an historic district, or changing the boundaries of an historic district, shall become effective until a map or maps setting forth the boundaries of the historic district, or the change in the boundaries thereof, has been filed with the city clerk or

town clerk and has been recorded in the registry of deeds for the county or district in which the city or town is located, and the provisions of section thirteen A of chapter thirty-six shall not apply.

40C:4. Study committees; commissions; establishment; membership; terms; vacancies; compensation; officers.

Section 4. An historic district study committee may be established in any city or town by vote of the city council or board of selectmen for the purpose of making an investigation of the desirability of establishing an historic district or districts therein. The study committee shall consist of not less than three nor more than seven members appointed in a city by the mayor, subject to confirmation by the city council, or in a town by the board of selectmen, including one member from two nominees submitted by the local historical society or, in the absence thereof, by the Society for the Preservation of New England Antiquities, one member from two nominees submitted by the chapter of the American Institute of Architects covering the area, and one member from two nominees of the board of realtors, if any, covering the area. If within thirty days after submission of a written request for nominees to any of the organizations herein named no such nominations have been made the appointing body may proceed to appoint the study committee without nominations by such organization.

Whenever an historic district is established as provided in section three an historic district commission shall be established which shall consist of not less than three nor more than seven members. An historic district commission shall be appointed in a city by the mayor, subject to confirmation by the city council, or in a town by the board of selectmen, in the same manner as an historic district study committee unless (a) the report recommending its establishment recommends alternate or additional organizations to submit nominees for membership and states reasons why such alternate or additional organizations would be appropriate or more appropriate for the particular city or town, the Massachusetts historical commission does not recommend otherwise prior to the public hearing on the establishment of the district, and the ordinance or by-law so provides; or (b) there is an existing historic district commission in the city or town which the report recommends should administer the new district, and the ordinance or by-law so provides. Unless the report recommends otherwise on account of the small number of residents or individual property owners, and the ordinance or by-law so provides, the members of the historic district commission shall include one or more residents of or owners of property in an historic district to be administered by the commission. If within thirty days after submission of a written request for nominees to an organization entitled to submit nominations for membership on the commission no such nominations have been made the appointing body may proceed to make the appointment

to the commission without nomination by such organization. The appointments to membership in the commission shall be so arranged that the term of at least one member will expire each year, and their successors shall be appointed in the same manner as the original appointment for terms of three years. Vacancies shall be filled in the same manner as the original appointment for the unexpired term. Ordinances or by-laws adopted hereunder may provide for the appointment of alternate members not exceeding in number the principal members who need not be from nominees of organizations entitled to nominate members. In case of the absence, inability to act or unwillingness to act because of self-interest on the part of a member of the commission, his place shall be taken by an alternate member designated by the chairman. Each member and alternate shall continue in office after the expiration of his term until his successor is duly appointed and qualified. All members shall serve without compensation. The commission shall elect annually a chairman and vice-chairman from its own number and a secretary from within or without its number.

40C:5. Definitions.

Section 5. As used in this chapter the word "altered" includes the words "rebuilt", "reconstructed", "restored", "removed" and "demolished" and the phrase "changed in exterior color"; the word "building" means a combination of materials forming a shelter for persons, animals or property; the word "commission" means the commission acting as the historic district commission; the word "constructed" includes the words "built", "erected", "installed", "enlarged", and "moved"; the words "exterior architectural feature" mean such portion of the exterior of a building or structure as is open to view from a public street, public way, public park or public body of water, including but not limited to the architectural style and general arrangement and setting thereof, the kind, color and texture of exterior ~~building materials, the color of paint or other materials~~ applied to exterior surfaces and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures; the words "person aggrieved" mean the applicant, an owner of adjoining property, an owner of property within the same historic district as property within one hundred feet of said property lines and any charitable corporation in which one of its purposes is the preservation of historic structures or districts; and the word "structure" means a combination of materials other than a building, including a sign, fence, wall, terrace, walk or driveway.

40C:6. Certificates of appropriateness, non-applicability or hardship; necessity; applications and plans, etc.; building and demolition permits restricted.

Section 6. Except as the ordinance or by-law may otherwise provide in accordance with section eight or said section eight or nine, no

building or structure within an historic district shall be constructed or altered in any way that affects exterior architectural features unless the commission shall first have issued a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship with respect to such construction or alteration.

Any person who desires to obtain a certificate from the commission shall file with the commission an application for a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship, as the case may be, in such form as the commission may reasonably determine, together with 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.

No building permit for construction of a building or structure or for alteration of an exterior architectural feature within an historic district and no demolition permit for demolition or removal of a building or structure within an historic district shall be issued by a city or town or any department thereof until the certificate required by this section has been issued by the commission.

40C:7. Factors to be considered by commission.

Section 7. In passing upon matters before it the commission shall consider, among other things, 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 to similar features of buildings and structures in the surrounding area. In the case of new construction or additions to existing buildings or structures the commission shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity, and the commission may in appropriate cases impose dimensional and set-back requirements in addition to those required by applicable ordinance or by-law. When ruling on applications for certificates of appropriateness for solar energy systems, as defined in section one A of chapter forty A, the commission shall also consider the policy of the commonwealth to encourage the use of solar energy systems and to protect solar access. The commission shall not consider interior arrangements or architectural features not subject to public view.

The commission shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the surroundings and of the historic district.

40C:8. Review authority of commission over certain categories of buildings, structures or exterior architectural features limited; authorization.

Section 8. (a) Any city or town may provide in the ordinance or by-law establishing a district or in any amendment thereof that the authority of the commission shall not extend to the review of one or more of the following categories of buildings or structures or exterior architectural features in the historic district, and, in this event, the buildings or structures or exterior architectural features so excluded may be constructed or altered within the historic district without review by the commission:

(1) Temporary structures or signs, subject, however, to such conditions as to duration of use, location, lighting, removal and similar matters as the commission may reasonably specify.

(2) Terraces, walks, driveways, sidewalks and similar structures, or any one or more of them, provided that any such structure is substantially at grade level.

(3) Walls and fences, or either of them.

(4) Storm doors and windows, screens, window air conditioners, lighting fixtures, antennae and similar appurtenances, or any one or more of them.

(5) The color of paint.

(6) The color of materials used on roofs.

(7) Signs of not more than one square foot in 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 twelve square feet in area, consist of letters painted on wood without symbol or trademark and if illuminated is illuminated only indirectly; or either of them.

(8) 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.

(b) A commission may determine from time to time after public hearing that certain categories of exterior architectural features, colors, structures or signs, including, without limitation, any of those enumerated under paragraph (a), if the provisions of the ordinance or by-law do not limit the authority of the commission with respect thereto, may be constructed or altered without review by the commis-

sion without causing substantial derogation from the intent and purposes of this chapter.

(c) A city or town may provide in its ordinance or by-law, or in any amendment thereof, that the authority of the commission shall be limited to exterior architectural features within a district which are subject to view from one or more designated public streets, public ways, public parks or public bodies of water, although other portions of buildings or structures within the district may be otherwise subject to public view, and, in the absence of such provision of the ordinance or by-law, a commission may determine from time to time after public hearing that the authority of the commission may be so limited without substantial derogation from the intent and purposes of this chapter.

(d) Upon request the commission shall issue a certificate of nonapplicability with respect to construction or alteration in any category then not subject to review by the commission in accordance with the provisions of paragraph (a), (b) or (c).

40C:9. Maintenance and repair, etc.

Section 9. Nothing in this chapter shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature within an historic district which does not involve a change in design, material, color 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 the applicable historic district ordinance or by-law.

40C:10. Additional powers, functions and duties of commission.

Section 10. The commission shall have the following additional powers, functions and duties:— (a) 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 historic district, the commission shall cause a certificate of appropriateness to be issued to the applicant. In the case of a disapproval of an application for a certificate of appropriateness the commission shall place upon its records the reasons for such determination and shall forthwith cause a notice of its determination, accompanied by a copy of the reasons therefor as set forth in the records of the commission, to be issued to the applicant, and the commission may make recommendations to the applicant with respect to appropriateness of design, arrangement, texture, material and similar features. Prior to the issuance of any

disapproval the commission may notify the applicant of its proposed action accompanied by recommendations of changes in the applicant's proposal which, if made, would make the application acceptable to the commission. If within fourteen days of the receipt of such a notice the applicant files a written modification of his application in conformity with the recommended changes of the commission, the commission shall cause a certificate of appropriateness to be issued to the applicant.

(b) In the case of a determination by the commission that an application for a certificate of appropriateness or for a certificate of nonapplicability does not involve any exterior architectural feature, or involves an exterior architectural feature which is not then subject to review by the commission in accordance with the provisions of section eight, the commission shall cause a certificate of non-applicability to be issued to the applicant.

(c) If the construction or alteration for which an application for a certificate of appropriateness has been filed shall be determined to be inappropriate, 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 historic 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 chapter. 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, or in the event of failure to make a determination on an application within the time specified in section eleven, the commission shall cause a certificate of hardship to be issued to the applicant.

(d) Each certificate issued by the commission shall be dated and signed by its chairman, vice-chairman, secretary or such other person designated by the commission to sign such certificates on its behalf.

(e) The commission shall keep a permanent record of its resolutions, transactions, and determinations and of the vote of each member participating therein, and may adopt and amend such rules and regulations not inconsistent with the provisions of this act and prescribe such forms as it shall deem desirable and necessary for the regulation of its affairs and the conduct of its business. The commission shall file a copy of any such rules and regulations with the city or town clerk.

(f) The commission shall file with the city or town clerk and with any department of the city or town having authority to issue building

permits a copy or notice of all certificates and determinations of disapproval issued by it.

(g) A commission may after public hearing set forth in such manner as it may determine the various designs of certain appurtenances, such as light fixtures, which will meet the requirements of an historic district and a roster of certain colors of paint and roofing materials which will meet the requirements of an historic district, but no such determination shall limit the right of an applicant to present other designs or colors to the commission for its approval.

(h) The commission may, subject to appropriation, employ clerical and technical assistants or consultants and incur other expenses appropriate to the carrying on of its work, and may accept money gifts and expend the same for such purposes. The commission may administer on behalf of the city or town any properties or easements, restrictions or other interests in real property which the city or town may have or may accept as gifts or otherwise and which the city or town may designate the commission as the administrator thereof.

(i) The commission shall have, in addition to the powers, authority and duties granted to it by this act, such other powers, authority and duties as may be delegated or assigned to it from time to time by vote of the city council or town meeting.

40C:11. Approval or disapproval of exterior architectural features by commission; meetings; applications for certificates; public hearings; notices.

Section 11. Meetings of a commission shall be held at the call of the chairman and shall be called at the request of two members of the commission and in such other manner as the commission shall determine in its rules. A majority of the members of a commission shall constitute a quorum. The concurring vote of a majority of the members of the commission shall be necessary to issue a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship.

A commission shall determine promptly, and in all events within fourteen days after the filing of an application for a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship, as the case may be, whether the application involves any exterior architectural features which are subject to approval by the commission. If a commission determines that such application involves any such features which are subject to approval by the commission shall hold a public hearing on such application unless such hearing is dispensed with as hereinafter provided.

The commission shall fix a reasonable time for the hearing on any application and shall give public notice of the time, place and purposes thereof at least fourteen days before said hearing in such manner as

it may determine, and by mailing, postage prepaid, a copy of said notice to the applicant, to the owners of all adjoining property and other property deemed by the commission to be materially affected thereby as they appear on the most recent real estate tax list of the board of assessors, to the planning board of the city or town, to any person filing 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.

As soon as convenient after such public hearing but in any event within sixty days after the filing of the application, or such lesser period as the ordinance or by-law may provide, or within such further time as the applicant may allow in writing, the commission shall make a determination on the application. If the commission shall fail to make a determination within such period of time the commission shall thereupon issue a certificate of hardship.

A public hearing on an application 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 may be waived by the commission if the commission determines that the exterior architectural feature involved or its category or color, as the case may be, is so insubstantial in its effect on the historic district that it may be reviewed by the commission without public hearing on the application, provided, however, that if the commission dispenses with a public hearing on an application notice of the application shall be given to the owners of all adjoining property and other property deemed by the commission to be materially affected thereby as above provided and ten days shall elapse after the mailing of such notice before the commission may act upon such application.

40C:12. Review procedure provided by local ordinance or by-law.

Section 12. A city or town may provide in its ordinance or by-law or in any amendment thereof, for a review procedure whereby any person aggrieved by a determination of the commission may, within twenty days after the filing of the notice of such determination with the city or town clerk, file a written request with the commission for a review by a person or persons of competence and experience in such matters, designated by the regional planning agency of which the city or town is a member. If the city or town is not a member of a regional planning agency, the department of community affairs shall select the appropriate regional planning agency.

The finding of the person or persons making such review shall be filed with the city or town clerk within forty-five 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 section twelve A.

40C:12A. Appeal to superior court.

Section 12A. Any person aggrieved by a determination of the commission, or by the finding of a person or persons making a review, if the provisions of section twelve are included in a local ordinance or by-law, may, within twenty days after the filing of the notice of such determination or such finding with the city or town clerk, appeal to the superior court sitting in equity for the county in which the city or town is situated. The court shall hear all pertinent evidence and shall annul the determination of the commission if it finds the decision of the commission to be unsupported by the evidence or to exceed the authority of the commission, or may remand the case for further action by the commission or make such other decree as justice and equity may require. The remedy provided by this section shall be exclusive but the parties shall have all rights of appeal and exception as in other equity cases. Costs shall not be allowed against the commission unless it shall appear to the court that the commission acted with gross negligence, in bad faith or with malice in the matter from which the appeal was taken. Costs shall not be allowed against the party appealing from such determination of the commission unless it shall appear to the court that such party acted in bad faith or with malice in making the appeal to the court.

40C:13. Jurisdiction of superior court; penalty.

Section 13. The superior court sitting in equity for the county in which the city or town is situated shall have jurisdiction to enforce the provisions of this chapter and any ordinance or by-law enacted hereunder and the determinations, rulings and regulations issued pursuant thereto and may, upon the petition of the mayor or of the board of selectmen or of the commission, restrain by injunction violations thereof; and, without limitation, such court may order the removal of any building, structure or exterior architectural feature constructed in violation thereof, or the substantial restoration of any building, structure or exterior architectural feature altered or demolished in violation thereof, and may issue such other orders for relief as may be equitable.

Whoever violates any of the provisions of this chapter shall be punished by a fine of not less than ten dollars nor more than five hundred dollars. Each day during any portion of which a violation continues to exist shall constitute a separate offense.

40C:14. Powers and duties of commissions established hereunder as historical commissions.

Section 14. If the city council or town meeting so votes a commission established hereunder shall have the powers and duties of an historical commission as provided in section eight D of chapter forty

and, in this event, a commission may be entitled an historical commission.

40C:15. Filing of ordinances, maps, reports, etc.

Section 15. All ordinance or by-laws creating an historic district adopted by a city or town under authority of this chapter and under authority of any special law, unless the special law shall otherwise provide, amendments thereto, maps of historic districts created thereunder, and annual reports and other publications of commissions, and rosters of membership therein, shall be filed with the Massachusetts historical commission.

40C:16. Special historic districts; acceptance and effect of this chapter.

Section 16. A city or town in which there is located an historic district established under a special law may, upon recommendation of the historic district commission having jurisdiction over such district, accept the provisions of this chapter with respect to such district by a two-thirds vote of the city council in a city or by two-thirds vote of a town meeting in a town, and thereafter such historic district shall be subject to the provisions of this chapter notwithstanding the terms of any special act pursuant to which such historic district was created. The provisions of this chapter shall not impair the validity of an historic district established under any special act.

40C:17. Severability.

Section 17. The provisions of this chapter shall be deemed to be severable if any of its provisions shall be held to be invalid or unconstitutional by any court of competent jurisdiction the remaining provisions shall continue in full force and effect.

Chapter 2.78 HISTORICAL BUILDINGS AND LANDMARKS

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2.78.009ART Article I. Administration

2.78.010 Established—Appointment—Terms.

The Cambridge Historical Commission established under the Historic Districts Act, General Laws Chapter 40C, with all the powers and duties of an historic district commission, shall consist of seven members and three alternate members to be appointed by the City Manager with the approval of the Council, including one member from two nominees submitted by the Cambridge Historical Society, one member from two nominees submitted by the Chapter of the American Institute of Architects covering Cambridge, one member or alternate from two nominees submitted by the Boston Society of Landscape Architects, and one member from two nominees of the Board of Realtors covering Cambridge. One or more of the members so appointed shall be a resident of an historic district established in the City pursuant to the Historic Districts Act, and at least one member or alternate shall be a lawyer.

The members and alternate members shall serve for terms of three years and until their successors are appointed and qualified. If within thirty days after submission of a written request for nominees to any of the above-named organizations no such nominations have been submitted, the City Manager may make such appointment without nomination by such

appointment without nomination by such organization.

To the extent a person meets more than one of the foregoing specific membership requirements, then each such specific membership requirement so met shall be satisfied by such person's appointment (whether as member or alternate) to the Commission.

The Commission shall, in addition to the powers and duties contained in this chapter and under the Historic Districts Act as in effect from time to time, also have all the powers and duties of an Historical Commission as provided in Section 8D of General Laws, Chapter 40 as in effect from time to time. (Ord. 1166 §§1, 14, 1995; Ord. 869 (part), 1976: prior code § 2-145)

2.78.020 Powers and duties.

The Commission shall have in addition to the powers and duties of an historical district commission and of an historical commission the following further powers and duties (and may in exercise of any of its powers or duties accept money, gifts and expend the same, and subject to appropriation or receipt of such gifts, employ clerical and technical assistants or consultants):

A. To conduct a survey of Cambridge buildings for the purpose of determining those of historic significance architecturally or otherwise, and pertinent facts about them, acting in collaboration with the Planning Board and the Redevelopment Authority to the extent either may from time to time be able to undertake such work, and to maintain and from time to time revise detailed listings of historic sites and buildings, and data about them, appropriately classified with respect to national, State or local significance, to period or field of interest, or otherwise;

B. To propose from time to time as it may deem appropriate, the establishment in accordance with the provisions of the Historic Districts Act of additional historic districts and changes in historic districts;

C. To determine an appropriate system of markers for selected historic sites and buildings not already sufficiently marked, to arrange for preparation and installation of such markers, and to arrange for care of historic markers;

D. To arrange for preparation and publication of maps and brochures and descriptive material about City historic sites and buildings, arranged for convenient walks or tours, or otherwise;

E. To arrange for construction and placing under appropriate cover at a convenient place on or near the Cambridge Common of a model of Cambridge as it existed in the latter part of 1775;

F. To cooperate with and advise the Planning Board, the Redevelopment Authority, the Public Works Department and other City agencies in matters involving historic sites and buildings;

G. To cooperate with and enlist assistance for the City from the National Park Service, the National Trust for Historic Preservation, the Society for the Preservation of New England Antiquities and other agencies, public and private, from time to time concerned with historic sites and buildings;

H. To advise owners of historic buildings in the City on problems of preservation; and

I. To make recommendations with respect to any place determined by the Commission to be of historical or archaeological value to the Massachusetts Historical Commission that such place be certified as an historical or archaeological landmark or nominated to the National Register of Historic Places. (Ord. 1166 §2, 1995; Ord. 869 (part), 1976: prior code § 2-147(a)—(i))

2.78.030 Adoption of rules and regulations.

The Commission shall adopt rules and regulations for the conduct of its business, not inconsistent with the provisions of the Historic Districts Act or this chapter. (Prior code § 2-149)

2.78.040 Advisory Committee—Appointment—Recommendation.

The Commission may recommend to the Manager from time to time as needed appointment of advisory committees of historians and persons experienced in architecture or other arts or in historic restoration or preservation, to assist in manner comparable to the National Park Service Advisory Board or Consulting Committee. (Prior code § 2-148)

2.78.050 Historic district established.

A. There is hereby established under the provisions of the Historic Districts Act an Old Cambridge Historic District consisting of the areas heretofore known as the Cambridge Common Historic District, the Longfellow Historic District, the Lowell Historic District, and the Fayerweather-Lee Historic District and the other areas bounded as shown on the map entitled "Old Cambridge Historic District Map 1976" attached to the ordinance codified in this chapter and made a part of this chapter.

B. There is further established under the provisions of the Historic Districts Act (Massachusetts General Laws Chapter 40C) a Fort Washington Historic District consisting of Fort Washington Park and an additional area shown on the map entitled "Fort Washington Historic District, 1981," attached to the ordinance codified in this chapter and incorporated in this chapter in full.

C. The Old Cambridge Historic District, established by vote of the City Council on December 13, 1976, is extended pursuant to the provisions of the Historic Districts Act, Massachusetts General Laws Chapter 40C, by the addition thereto of properties located on Arsenal Square, Berkeley Place, Berkeley Street, Concord Avenue, Craigie Street and Follen Street and portions of said streets bounded as shown on the map entitled "Old Cambridge Historic District Extension 1986," attached to the ordinance codified in this chapter and incorporated in this chapter in full. As so extended, the Old Cambridge Historic District remains in full effect and such extended district shall be subject to the provisions of Massachusetts General Laws Chapter 40C and this section. (Ord. 1166 §§3—5, 1995; Ord. 1037, 1986; Ord. 975, 1982; Ord. 869 (part), 1976: prior code § 2-146)

2.78.060 Application for certificate of appropriateness—Time limitations.

When taking action under the provisions of the fourth paragraph of Section 11 of the Historic Districts Act, the Commission shall make its determination within forty-five days after the filing of the application for a certificate of appropriateness, or such further time as the applicant may in writing allow. (Prior code § 2-150)

2.78.069ART Article II. Demolition of Buildings Determined to be Historically Significant

2.78.070 Purpose.

The ordinance codified in this article is adopted for the purpose of preserving and protecting significant buildings within the City which constitute or reflect distinctive features of the architectural, cultural, political, economic or social history of the city; to resist and restrain environmental influences adverse to this purpose; to encourage owners of preferably-preserved significant buildings to seek out persons who might be willing to purchase and to preserve, rehabilitate or restore such buildings, rather than demolish them; and by furthering these purposes to promote the public welfare, to preserve the resources of the City and to make the City a more attractive and desirable place in which to live. To achieve these purposes, the Cambridge Historical Commission is empowered to advise the Building Commissioner with respect to the issuance of permits for demolition, and the

issuance of demolition permits for significant buildings is regulated as provided in this article. (Ord. 965 § 1, 1981: Ord. 909 (part), 1978: prior code § 2-147(j) (part))

2.78.080 Definitions for Article II.

The following terms, when used whether or not capitalized in this article, shall have the meanings set forth in this section, unless the context otherwise requires:

A. "Application" means an application for a permit for the demolition of a building, which application contains the information referred to in Section 2.78.100 of this article.

B. "Building" means any combination of materials forming a shelter for persons, animals or property.

C. "Building Commissioner" means the person occupying the office of Commissioner of Buildings or otherwise authorized to issue demolition permits.

D. "Business day" means a day which is not a legal municipal holiday, Saturday or Sunday.

E. "Commission" means the Cambridge Historical Commission.

F. "Commission staff" means the executive director of the Commission, the person performing the functions of such director in the event there is no person with the title of Executive Director as such, or any other person regularly providing staff services for the Commission to whom the Commission has delegated authority to act as Commission staff under this article.

G. "Demolition" means the act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.

H. "Historic district" means the Old Cambridge Historic District and any other historic district that may from time to time have been established by ordinance.

I. "Initial determination" means any determination contemplated in Section 2.78.090C of this chapter made by the Commission or the Commission staff.

J. "Permit" means a permit issued by the Building Commissioner for demolition of a building pursuant to an application therefor.

K. "Preferably preserved significant building" means any significant building which the Commission determines, as provided in Section 2.78.090D of this chapter, that it is in the public interest to be preserved or rehabilitated rather than to be demolished.

L. "Significant building" means any building within the City which is in whole or in part fifty years or more old and:

1. Which is within any historic district; or

2. Which is listed on, or is within an area listed on, the National Register of Historic Places, or which is the subject of a pending application for listing on the National Register; or

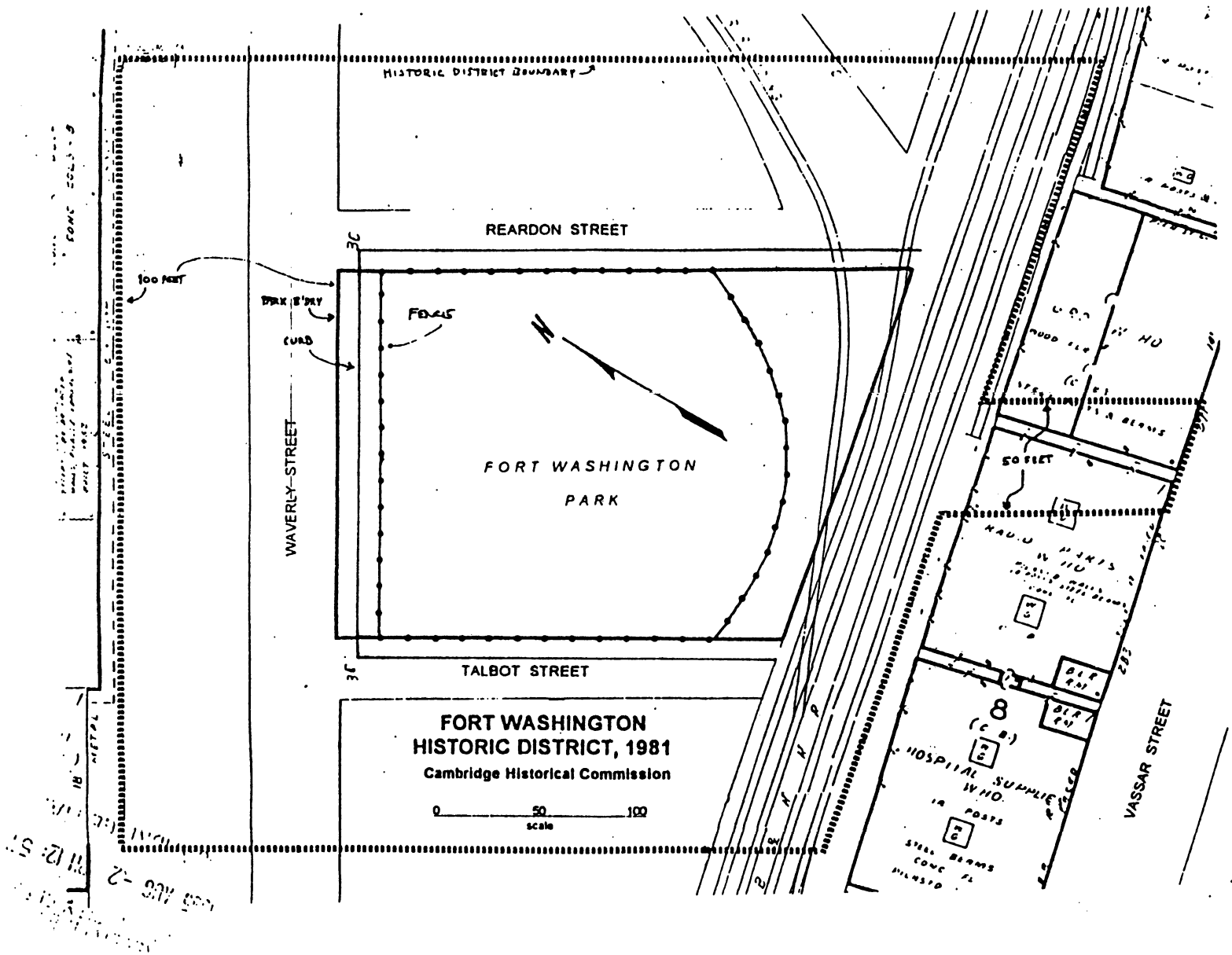
3. Which is or has been designated by the Commission to be a significant building after a finding by the Commission that a building either:

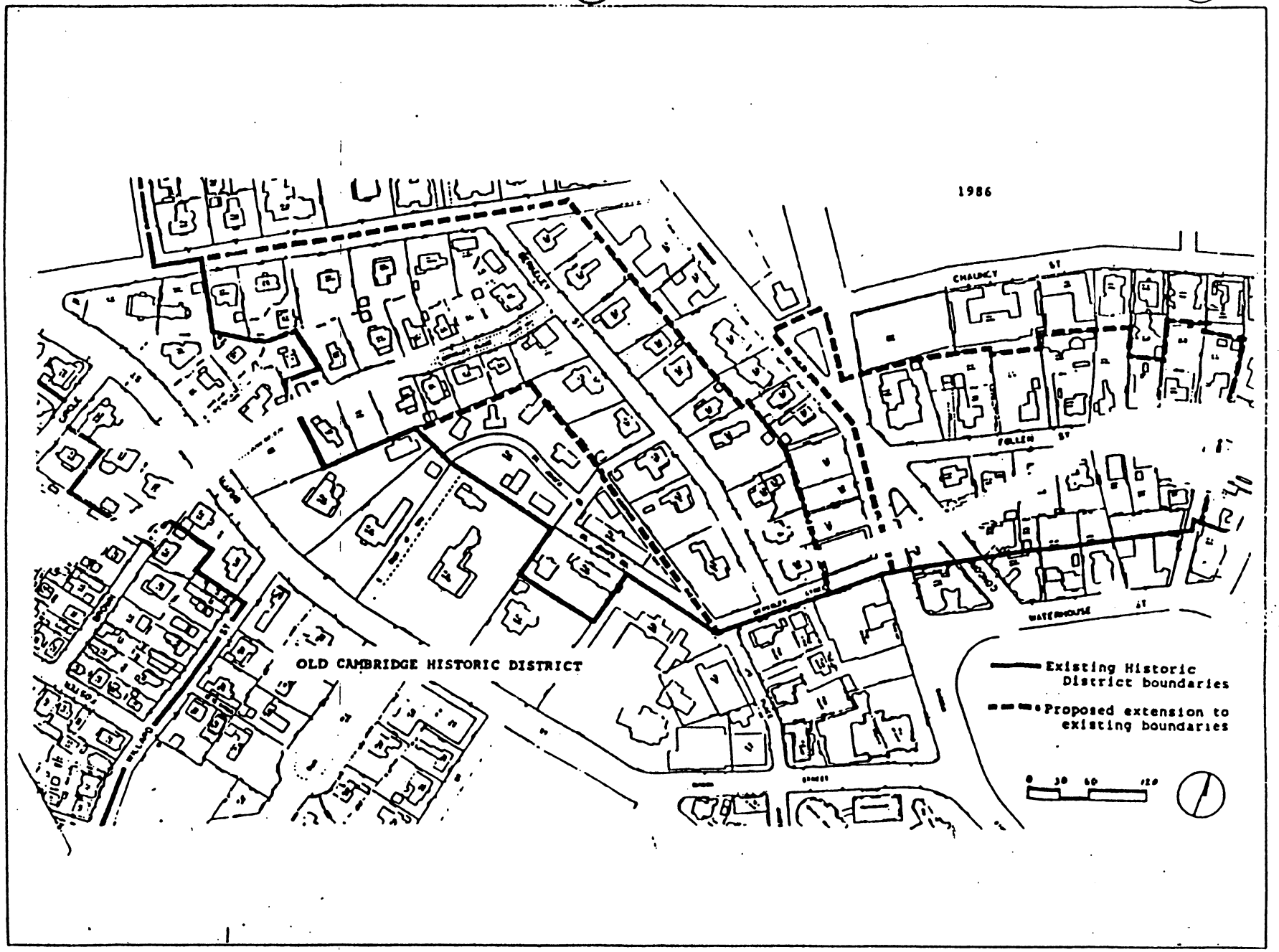
a. Is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the City or the Commonwealth, or

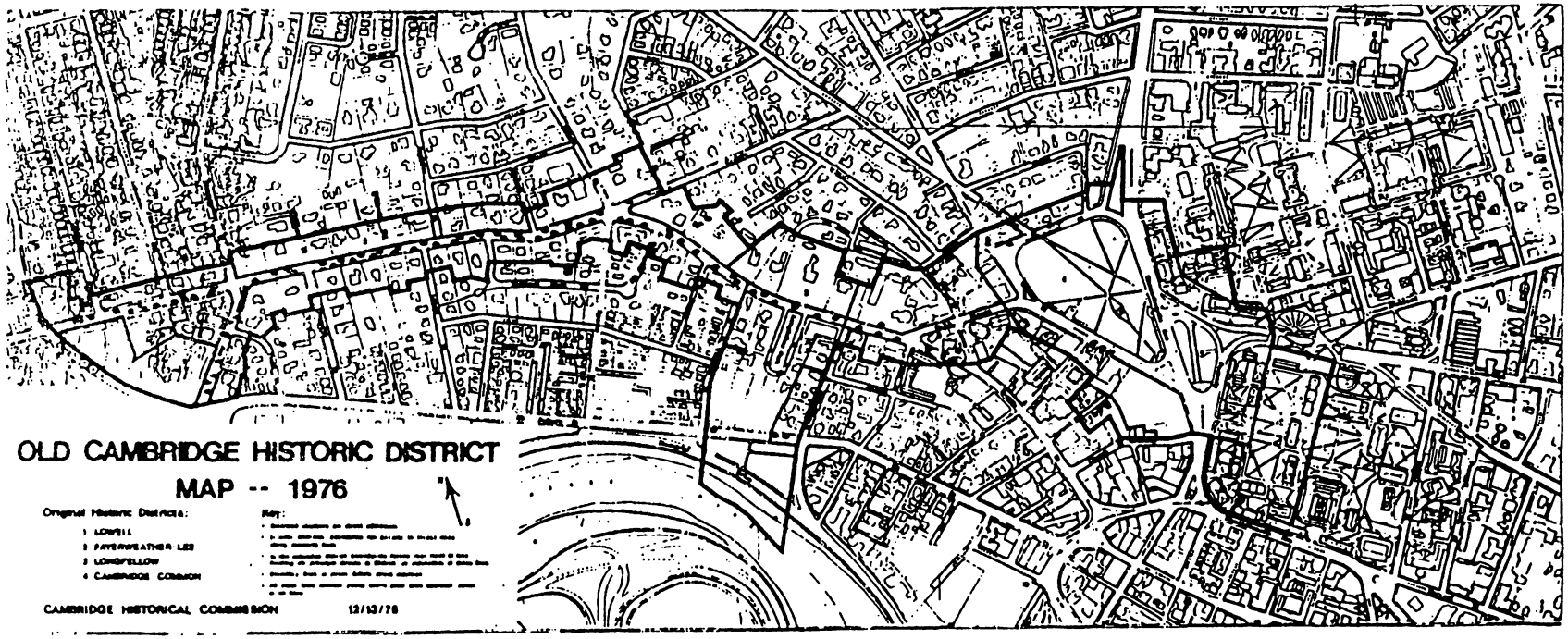
b. Is historically or architecturally significant (in terms of period, style, method of building construction or association with a famous architect or builder) either by itself or in the context of a group of buildings. (Ord. 1166 § 6, 1995; Ord. 965 § 2, 1981: Ord. 909 (part), 1978: prior code § 2-147(j) (part))

2.78.090 Procedures for demolition.

A. No permit for the demolition of a building which is in whole or in part fifty years or more old shall be issued other than in conformity with the provisions of this article, as well as in conformity with the provisions of other laws and ordinances applicable to the demolition of buildings and the issuance of permits therefor generally. An application for


HISTORIC DISTRICT BOUNDARY
REARDON STREET
100 FEET
PARK ENTRY
CURB
FENCE
WAVERLY STREET
FORT WASHINGTON
PARK
TALBOT STREET
50 FEET
VASSAR STREET
FORT WASHINGTON
HISTORIC DISTRICT, 1981
Cambridge Historical Commission
0
50
100
scale


1986
CHAUNCY ST
FOLLEN ST
WATERHOUSE ST
OLD CAMBRIDGE HISTORIC DISTRICT
Existing Historic District boundaries
Proposed extension to existing boundaries
0 30 60 120


OLD CAMBRIDGE HISTORIC DISTRICT
MAP -- 1976
Original Historic Districts:
1 LOWELL
2 FAYERWEATHER-LEE
3 LONGFELLOW
4 CAMBRIDGE COMMON
Key:
CAMBRIDGE HISTORICAL COMMISSION
12/13/76

demolition of a building over fifty years in age shall be made only by the person, partnership, corporation or realty trust which is the owner thereof at the time of such application.

B. The Building Commissioner shall cause a copy of each application for a demolition permit to be forwarded to (or shall satisfy himself that a duplicate of such application has been submitted to) the Commission for determination by the Commission whether the building which is the subject of such application is a preferably preserved significant building.

C. If the Commission staff shall make an initial determination that the building which is the subject of the application is or may be a significant building, the members of the Commission and the Building Commissioner shall be so advised, and no demolition permit or building permit for new construction or alterations as defined in Ch. 40C §6 shall at that time be issued pending review of the initial determination by the Commission pursuant to subsection D of this section. If the Building Commissioner shall not receive advice of any such initial determination within five business days of the date that a copy of the application is submitted to the Commission staff, then, subject to Section 2.78.130 of this article, the Building Commissioner may grant the permit applied for unless prior to such grant he is advised that such an initial determination has been made.

D. If the Commission staff shall have made an initial determination that a building which is the subject of the application is or may be a significant building, the Commission shall review the application and such initial determination at a public meeting of the Commission for which the Commission shall cause to be published in a newspaper of general circulation in the City notice that such application will be considered. Such notice, which shall specify the address of the subject building, shall be published in an issue of such newspaper distributed in the week preceding the week in which such meeting is held, or in an earlier week. If requested either by the applicant for the demolition permit or by ten citizens not later than the date of such public meeting, or if at any time the Commission wishes to have the benefit of a public hearing, the Commission shall hold a public hearing prior to making the determination provided for in this section. If the Commission determines, after such a hearing if one has been held or without such hearing if no hearing has so been requested, that the demolition of the subject building would result in the demolition of a significant building whose loss would be detrimental to the historical or architectural heritage or resources of the City, such building shall be considered a preferably preserved significant building. The Commission may delegate to the Commission staff authority to determine without any hearing that a building is not a preferably preserved significant building and to so advise the Building Commissioner. Upon determination by the Commission or by the Commission staff that a building is not a preferably preserved significant building or upon failure by the Commission to make any determination within forty-five days of the date that a copy of the application was submitted to the Commission, the Building Commissioner may, subject to Section 2.78.130 of this article, grant the permit applied for.

E. Upon a determination by the Commission that any building which is the subject of an application is a preferably preserved significant building, it shall so advise the person who submitted the application and the Building Commissioner, and no demolition permit or building permit for new construction or alterations on the premises shall be issued until six months after the date of such determination by the Commission except as may be provided for in subsection I of this section. Notwithstanding the preceding sentence, the Building Commissioner may issue a demolition permit for a preferably preserved significant building at any time after receipt of written advice from the Commission to the effect either (1) that the Commission is satisfied that there is no reasonable likelihood that either the owner or

some other person or group willing to purchase the preferably preserved significant building would be willing to preserve, rehabilitate or restore such building, or (2) that the Commission is satisfied that for at least six months since the owner first sought the advice of the Commission or the Commission staff in locating a person or group that might be willing to purchase such building and to preserve, rehabilitate or restore the same, the owner of the preferably preserved significant building has made continuing, bona fide, reasonable and unsuccessful efforts to locate such a purchaser.

F. No permit for demolition of a building determined to be a preferably preserved significant building under subsection D of this section shall be granted until all proceedings relating to amendments of the zoning ordinance of the City have been completed, if such proceedings have been initiated prior to the expiration of any period of delay of demolition resulting from such determination, and if such amendments affect the site of the building whose demolition has been thereby delayed.

G. No permit for erection of a new structure on the site of an existing building over fifty years old may be issued prior to issuance of a permit for demolition of such existing building.

H. No permit for demolition of a building determined to be a preferably preserved significant building under subsection D of this section shall be granted until plans for use or development of the site after demolition have been filed with the Building Department and found to comply with all laws pertaining to the issuance of a building permit, or if for a parking lot, a certificate of occupancy, for that site. All approvals necessary for the issuance of such a building permit or certificate of occupancy including without limitation any necessary zoning variances or special permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.

I. During the six-month delay of demolition, no application for a building permit for new construction or alterations on the premises of a preferably reserved significant building shall be granted until reviewed by the Commission as though the property were designated as a landmark under Article III of this chapter 2.78. Until the expiration of the six-month delay period, the Commission shall review all construction, demolition, or alteration that affects the exterior architectural features, other than color, of the structures on the premises of a preferably preserved significant building. (Ord. 1166 §15, 1995; Ord. 965 § 3, 1981: Ord. 909 (part), 1978: prior code § 2-147(j) (part))

2.78.100 Application—Publication of notice.

A. Application Contents. Every application for a demolition permit for a building shall contain the following information:

1. The applicant's name, address and interest in the property;

2. The owner's name and address, if different from the applicant's;

3. The address or location of the building to be demolished;

4. A brief description of the type of building and the condition requiring issuance of the permit; and

5. A brief description of the proposed reuse, reconstruction or replacement of the premises upon which the building is located.

B. Notice. In addition to the publication provided for in Section 2.78.090D of this article, notice of any hearing or determination provided for in this article shall in any event be given by the Commission to the applicant for the demolition permit, and shall also be given to such other persons and in such manner as the Commission may determine. The Commission may among other forms of notice require that the applicant maintain on the building which is the subject of an application a notice, in a form designated by the Commission, visible from the

nearest public way, of any hearing upon the subject matter of such applicant; and the applicant shall comply with such requirement. (Ord. 965 § 4, 1981: Ord. 909 (part), 1978: prior code § 2-147(j) (part))

2.78.110 Emergency demolition.

A. In the event that a Board of Survey is convened to consider the condition of a building over fifty years old, the Executive Director of the Cambridge Historical Commission shall be notified to accompany the Board during its inspection. The Commissioner of Inspectional Services shall pursue all reasonable courses of action to prevent emergency demolition of such a building which the Executive Director makes an initial determination is or may be a significant building, including but not limited to requiring the owner to secure it against further danger to the public.

B. Nothing in this chapter shall prevent the construction, reconstruction, alteration or demolition of any feature which the Commissioner of Inspectional Services shall certify is required for public safety because of an unsafe or dangerous condition. (Ord. 1166 §1A 1995: Ord. 965 § 5, 1981: Ord. 909 (part), 1978: prior code § 2-147(j) (part))

2.78.120 Enforcement and remedies.

A. Enforcement. The Commission and/or the Building Commissioner are each specifically authorized to institute any and all actions and proceedings, in law or in equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this article or to prevent a threatened violation thereof.

B. Building Permit to be Withheld. No building permit shall be issued with respect to any premises upon which a building fifty years or more old has been voluntarily demolished otherwise than pursuant to a demolition permit granted after compliance with the provisions of this article for a period of two years after the date of the completion of such demolition. As used in this article "premises" refers to the parcel of land upon which the demolished building was located and all adjoining parcels of land under common ownership or control.

C. Securing of Building Required. Upon a determination by the Commission that a building is a preferably preserved significant building, the owner shall be responsible for properly securing the building in compliance with the regulations of the Building Department. Should the owner fail so to secure the building, the loss of such building through fire or other cause shall be considered voluntary demolition for the purposes of subsection B of this section. (Ord. 965 § 7, 1981: Ord. 909 (part), 1978: prior code § 2-147(j) (part))

2.78.130 Conflicts with Historic Districts Act.

Nothing in this article shall be deemed to conflict with the provisions of the Historic Districts Act, General Laws Chapter 40C, with respect to requirements as to notice, hearing and issuance by the Commission of a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship prior to demolition of any building in an historic district; provided, however, that any temporary building erected or maintained in an historic district pursuant to a certificate issued by the Commission may be demolished in a manner not inconsistent with the terms of such certificate. (Ord. 965 § 6, 1981: Ord. 909 (part), 1978: prior code § 2-147(j) (part))

2.78.139ART Article III. Establishment of Neighborhood Conservation Districts and Protected Landmarks

2.78.140 Purpose.

The City Council finds it necessary to enact this article under Section 6 of the Home Rule Amendment in order to preserve, conserve and protect the beauty and heritage of the City and to improve the quality of its environment

through identification, conservation and maintenance of neighborhoods, areas, sites and structures which constitute or reflect distinctive features of the architectural, cultural, political, economic or social history of the City; to resist and restrain environmental influences adverse to this purpose; to foster appropriate use and wider public knowledge and appreciation of such neighborhoods, areas or structures; and by furthering these purposes to promote the public welfare by making the City a more attractive and desirable place in which to live and work. To achieve these purposes, the City may designate neighborhood conservation districts and landmarks to be administered as set forth in this article. (Ord. 1002 (part), 1983: prior code § 2-147(k) (1))

2.78.150 Definitions for Article III.

In addition to the terms defined in Section 2.78.080 of this chapter, the following terms, when used whether or not capitalized in this subsection, shall have the meanings set forth in this section, unless the context otherwise requires:

A. "Demolition" means the act of pulling down, destroying, removing or razing structures, or commencing the work of total or substantial destruction with the intent of completing the same.

B. "Exterior architectural features" means and includes such portion of the exterior of a structure as is open to view from a public street, way, park or body of water, including but not limited to the architectural style and general arrangement and setting thereof, the kind, material and texture of exterior building materials, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.

C. "Historic district" means an area so established under the authority of Chapter 40C of the General Laws.

D. "Landmark" means any property within the City so designated in accordance with Section 2.78.180 of this article.

E. "Neighborhood conservation district" means any area within the City so designated in accordance with Section 2.78.180 of this article.

F. "Neighborhood conservation district commission" or "district commission" means a commission provided for by Section 2.78.160 of this article.

G. "Structure" means a combination of materials including a building, sign, fence, wall, terrace, walk, driveway, street, bridge, statue, monument or other manmade feature.

H. "Gross floor area" means the floor area so defined in Article 2.000 of the Zoning Ordinance of the City of Cambridge. (Ord. 1166 §§7, 16, 1995; Ord. 1002 (part), 1983: prior code § 2-147(k)(2))

2.78.160 Neighborhood conservation district commission—Established—Membership requirements.

A. Upon designation as provided in Section 2.78.180 of this article of any neighborhood conservation district, and unless the designation provides that the Historical Commission itself shall exercise authority with respect thereto, the City Manager shall appoint a neighborhood conservation district commission to consist of five members and three alternates. The members shall include three residents of the neighborhood, not less than two of whom shall be homeowners; one neighborhood property owner (who may or may not be a neighborhood homeowner); and one member or alternate of the Cambridge Historical Commission. The three alternates shall all be neighborhood property owners. The neighborhood conservation district commission shall act solely in the exercise of those functions described in this article which are applicable to the district under its administration.

B. Any member or alternate of the Historical Commission may be appointed to a neighborhood conservation district commission for a term coterminous with such person's term as a member or alternate of the Historical

Commission. Members and alternates of a neighborhood conservation district commission who are not members of the Historical Commission shall by reason of experience or education have demonstrable knowledge and concern for improvement, conservation and enhancement of the district, and at least two of the members or alternates shall have professional qualifications related to real estate or architecture or historic preservation. The members of the neighborhood conservation district commission shall be appointed by the City Manager with regard to the diverse viewpoints expressed in the creation of the district. Such members shall serve for a term of three years, except that the initial appointments shall be for one member to serve one year and one member to serve two years, and vacancies shall be filled for the unexpired term of office. Each member and alternate shall continue in office after expiration of his or her term until a successor is duly appointed and qualified, except that no member shall serve more than two consecutive terms.

C. The neighborhood conservation district commission shall elect annually a Chairman and Vice-Chairman from its own number. In the case of absence, inability to act, or unwillingness to act because of self-interest on the part of a member, his or her place shall be taken by an alternate member designated by the Chairman, if available, otherwise by the Vice-Chairman if available, otherwise by a majority vote of the members and alternate members of the Commission present. The person exercising the function of Executive Director of the Historical Commission shall serve as secretary of each neighborhood conservation district commission. Persons serving as members or alternate members of a neighborhood conservation district commission shall, as a result of such service, be considered as "special municipal employees" for purposes of Chapter 268A of the General Laws. (Ord. 1166 §8, 1995; Ord. 1002 (part), 1983: prior code § 2-147(k)(3))

2.78.170 Powers and duties.

The Historical Commission and each neighborhood conservation district commission shall have like powers, functions and duties with respect to each landmark and neighborhood conservation district over which it has jurisdiction as is provided Historic District Commissions under clauses (a) through (g) under Section 10 of Chapter 40C of the General Laws with respect to historic districts, including without limitation with respect to the approval and disapproval of certificates of appropriateness, nonapplicability and hardship, the dating and signing of such certificates, the keeping of records and adoption of rules and regulations, the filing with the City Clerk and Building Department of certificates and determinations of disapproval by it, and the determination of designs of appurtenances (excluding colors) which will meet the requirements of the landmark or neighborhood conservation district. (Ord. 1002 (part), 1983: prior code § 2-147(k) (9))

2.78.180 Designation procedures.

A. The Historical Commission by majority vote may recommend for designation as a landmark any property within the City being or containing a place, structure, feature or object which it determines to be either (1) importantly associated with one or more historic persons or events, or with the broad architectural, aesthetic, cultural, political, economic or social history of the City or the Commonwealth or (2) historically or architecturally significant (in terms of period, style, method of construction or association with a famous architect or builder) either by itself or in the context of a group of structures; may recommend for designation as a neighborhood conservation district any area within the City containing places and structures which it determines are of importance to the architectural, aesthetic, cultural, political, economic or social history of the City, and which considered together cause such area to constitute a distinctive neighborhood or to have

a distinctive character in terms of its exterior features; and may recommend amendments to any designation of landmark or neighborhood conservation district theretofore made.

B. Prior to the recommendation of designation or amendment of designation of any landmark or neighborhood conservation district an investigation and report on the historical, architectural and other relevant significance thereof shall be made. The report shall recommend the boundaries of any proposed landmark or neighborhood conservation district and shall recommend for incorporation in the order of the City Council designating each landmark or neighborhood conservation district general and/or specific standards and appropriate criteria consistent with the purposes of this article and the provisions of Section 2.78.190 of this article that are to be applied in making any determination of the type referred to in Sections 2.78.170, 2.78.210 and 2.78.220 of this article, with respect to the designated landmark or within the designated neighborhood conservation district.

C. In the case of a landmark, the report shall be prepared by the Historical Commission. In the case of a neighborhood conservation district, the report shall be prepared by a study committee consisting of three members or alternates of the Historical Commission and four persons appointed by the City Manager, including at least one person who resides in the district under consideration, at least one person who owns property in the district under consideration, and one person who owns property or resides elsewhere in the City and has demonstrated knowledge and concern for conservation and enhancement of those exterior features of the City which are important to its distinctive character.

D. Any ten registered voters of the City may petition that the Historical Commission initiate, or the Historical Commission on its own may initiate, the process of designating a landmark or neighborhood conservation district or amending or rescinding any such designation theretofore made. The Commission shall within forty-five days following the filing of such request or petition hold a preliminary hearing and arrange for the preparation of a report and, if required, request the appointment of a study committee. The Historical Commission shall not reconsider a proposed designation, amendment or rescission of designation within one year of its previous hearing thereon, unless two-thirds of all its members vote to do so. No later than forty-five days after the transmittal of a report to the Commission pertaining to a proposed designation, the Commission shall hold a public hearing. The Commission shall give not less than fourteen days notice of such public hearing by publication in a newspaper of general circulation in the City and by mailing notice thereof to the owner of the proposed landmark and to every owner abutting the proposed landmark or within the proposed neighborhood conservation district, each such owner to be determined from the then current records of the Assessing Department, and to the City Manager, the Planning Board and the City Clerk.

E. Prior to the public hearing, the Commission shall transmit copies of the report to the Planning Board for its consideration and recommendations.

F. The recommendation of the Historical Commission with regard to any designation, amendment or rescission shall be transmitted to the City Manager and to the City Clerk with a copy of the approved designation report. Designation of a landmark or a neighborhood conservation district or amendment or rescission of designation shall be by order of the City Council. In the case of a designation, the order shall include a statement of the reasons for such designation and a statement of standards which the Historical Commission or neighborhood conservation district commission is to apply under Sections 2.78.170 and 2.78.190 through 2.78.220 of this article.

G. No designation, amendment or rescission of designation shall become effective until a map setting forth the boundaries of the landmark or

neighborhood conservation district or change in the boundaries thereof, has been filed with the City Council and has been recorded with the Registry of Deeds for the South District of Middlesex County.

H. If the order establishing or amending a neighborhood conservation district contains provisions for both regulatory and educational/incentive programs, the regulatory provisions of the order shall not be effective unless and until the educational/incentive provisions of the order are funded.

I. Following acceptance of a designation petition by the Historical Commission, no application for a building permit for new construction or alterations on the premises of a property being considered for designation shall be granted until reviewed by the Commission as though the property were designated as a landmark or a neighborhood conservation district under this Article III. Beginning with the acceptance of a designation petition and until (a) the Historical Commission makes a negative recommendation on a proposed designation, (b) the City Council determines not to enact the proposed designation, or (c) one year has elapsed, whichever is less, the Commission shall review all proposed construction, demolition, or alteration that affects the exterior architectural features, other than color, of the structures on the premises of a proposed landmark or within a proposed neighborhood conservation district. (Ord. 1166 §§9, 10, 17, 18, 1995; Ord. 1009A (part), 1984; Ord. 1002 (part), 1983: prior code § 2-147(k)(4))

2.78.190 Review procedures.

A. Except as the order designating or amending a landmark or neighborhood conservation district may otherwise provide in accordance with this article, the Historical Commission or neighborhood conservation district commission having jurisdiction shall review all construction, demolition or alteration that affects the exterior architectural features, other than color, of any landmark or within any neighborhood conservation district.

B. The order designating or amending a landmark or neighborhood conservation district may provide that the authority of the Historical Commission or neighborhood conservation district commission having jurisdiction shall not extend to the review of one or more of the following categories of structures or exterior architectural features of the landmark or within the neighborhood conservation district in which event the structures or exterior architectural features so excluded may be constructed or altered without review by the Commission:

1. The application of exterior wall material in a manner that does not require the removal or enclosure of any cornice, fascia, soffit, bay, porch, hood, window or door casing, or any other protruding decorative element;

2. Alternations to the exterior of existing structures that do not increase or diminish the size and location of windows and doors, cause the removal of any bay, porch, hood, window or door casing or any other protruding decorative element, or alter the appearance of a roof;

3. The exterior appearance of a new structure that does not require a variance or special permit under the zoning ordinance then in effect;

4. Signs, temporary structures, lawn statuary, or recreational equipment, subject to such conditions as to duration of use, dimension, location, lighting, removal and similar matters as the Commission may reasonably specify;

5. Terraces, walks, driveways, sidewalks and similar structures substantially at grade level;

6. Walls and fences;

7. Storm doors and windows, screens, window air conditioners, lighting fixtures, antennae, trelliswork and similar appurtenances.

C. The Historical Commission or a neighborhood conservation district commission may determine from time to time after a public hearing that certain categories of exterior architectural features or structures, including, without limitation, any of those enumerated in

this section, if the provisions of the applicable order do not limit the authority of such commission with respect thereto, may be constructed or altered without review by such commission without causing substantial derogation from the intent and purposes of this article.

D. If the order establishing or amending a neighborhood conservation district provides, the determination of a neighborhood conservation district commission shall be binding only with regard to applications to construct a new building, to demolish an existing structure if a demolition permit is required, to construct a parking lot as a principal use, and to construct an addition to an existing structure that would increase its gross floor area, and in all other cases the determinations of a commission shall be advisory only and not binding on an applicant. In no case shall a building permit be issued until the commission has made a determination under the applicable provisions of this article. (Ord. 1002 (part), 1983: prior code § 2-147(k)(5))

2.78.200 Maintenance, repair and reconstruction.

Nothing in this chapter shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature of a landmark or within a neighborhood conservation district which does not involve a change in design or 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 duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, not construed to prevent any construction or alteration under a permit duly issued prior to the effective date of the order which designates that landmark or district, nor construed to prevent the reconstruction, substantially similar in exterior design, of a 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. (Ord. 1002 (part), 1983: prior code § 2-147(k) (6))

2.78.210 Certificates of appropriateness, nonapplicability or hardship.

A. Except as the order establishing or amending a landmark or neighborhood conservation district may otherwise provide, no structure designated a landmark or within a neighborhood conservation district shall be constructed or altered in any way that affects exterior architectural features unless the Historical Commission or neighborhood conservation district commission having jurisdiction shall first have issued a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship with respect to such construction or alteration.

B. Any person who desires to obtain a certificate from the Historical Commission or neighborhood conservation district commission shall file with the Commission an application for a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship, as the case may be, in such form as the commission may reasonably determine, together with 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.

C. No building permit for alteration of an exterior architectural feature of a landmark or construction of a structure or for alteration of an exterior architectural feature within a neighborhood conservation district and no demolition permit for demolition or removal of a landmark or of a structure within a neighborhood conservation district shall be issued by the City or any department thereof until the certificate required by this article has been issued by the Historical Commission or

neighborhood conservation district commission having jurisdiction. (Ord. 1166 §§11, 12, 1995; Ord. 1002 (part), 1983: prior code § 2-147(k)(7))

2.78.220 Factors considered by Commissions.

A. In passing upon matters before it, the Historical Commission or neighborhood conservation district commission shall consider, among other things, the historic and architectural value and significance of the site or structure, the general design, arrangement, texture and material of the features involved, and the relation of such features to similar features of structures in the surrounding area. In the case of new construction or additions to existing structures a commission shall consider the appropriateness of the size and shape of the structure both in relation to the land area upon which the structure is situated and to structures in the vicinity, and a Commission may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable provision of the zoning ordinance. A Commission shall not consider interior arrangements or architectural features not subject to public view.

B. A Commission shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects, architectural significance or the distinctive character of the landmark or neighborhood conservation district. (Ord. 1002 (part), 1983: prior code § 2-147(k) (8))

2.78.230 Public meetings and hearings.

The Historical Commission and each neighborhood conservation district commission shall adopt rules for the reasonable conduct of its meetings and public hearings, which rules shall not be inconsistent with the procedures provided for meetings of and hearings by historic district commissions under Section 11 of Chapter 40C of the General Laws; and in the absence of the adoption of any such rules, meetings and public hearings of the Historical Commission and of each neighborhood conservation district commission shall be in conformity with the provisions of Section 11 of Chapter 40C applicable to historic district commissions. (Ord. 1002 (part), 1983: prior code § 2-147(k) (10))

2.78.240 Appeal procedure.

Any person aggrieved by a designation of a landmark or district may appeal to the superior court within thirty days after such designation. Any applicant aggrieved by a determination of a neighborhood conservation district commission or ten registered voters of the City opposing a determination under this article may appeal to the Historical Commission within twenty days after the filing of the notice of such determination with the City Clerk. The Historical Commission may overrule the determination and return it for reconsideration consistent with that finding. If the applicant is aggrieved by the determination of the Historical Commission, or if action is not taken by the Historical Commission within thirty days of filing for review, the applicant may appeal to the superior court. Appeal from a Historical Commission determination shall be taken within thirty days of the formal decision; appeal from a failure to act shall be taken within sixty days after the filing for review. The superior court may reverse a determination if it is not supported by substantial evidence in the record. In all other respects, the appeal shall be made in the same manner as provided under Section 12A of Chapter 40C of the General Laws. (Ord. 1166 §13, 1995; Ord. 1002 (part), 1983: prior code § 2-147(k)(11))

2.78.250 Historical Commission authority not limited.

No provisions of this article shall alter or diminish the duties and functions of the Historical Commission under the authority of Chapter 40, Section 8D and Chapter 40C of the General Laws, or apply to any historic district

currently administered by such commission, or restrict the establishment of any future historic district under Chapter 40C of the General Laws. (Ord. 1002 (part), 1983: prior code § 2-147(k)(13))

2.78.260 Limitation on applicability.

The provisions of Article II of this chapter (relative to procedures for demolition permits for significant buildings) shall not be applicable with respect to the demolition of any structure within a neighborhood conservation district if the appropriate neighborhood conservation district commission has issued a certificate of appropriateness or a certificate of hardship permitting the demolition of such structure. (Ord. 1002 (part), 1983: prior code § 2-147(k)(14))

2.78.270 Enforcement and remedies.

The Historical Commission and any neighborhood conservation district commission are each specifically authorized to institute any and all actions, proceedings in law and in equity, as they deem necessary and appropriate to obtain compliance with the requirements of this article or to prevent a threatened violation thereof. Any violation of any provision of this article may be punished to the like extent provided in Section 13 of Chapter 40C of the General Laws for a violation of said Chapter 40C. In addition to the foregoing, no building permit shall be issued, with respect to any premises upon which a landmark or a structure within any neighborhood conservation district has been voluntarily demolished otherwise than pursuant to a certificate granted after compliance with the provisions of this article, for a period of two years after the date of the completion of such demolition (the word "premises" for the purposes of this sentence referring to the parcel of land upon which the demolished structure was located and all adjoining parcels of land under common ownership or control.) (Ord. 1002 (part), 1983: prior code § 2-147(k)(12))

Appendix E. Description of Buildings to be Landmarked or Included in the Proposed District

1. 20 Garden Street, Harvard University Registrar's Office (American Trial Lawyers Association building). Harvard University, owner.

The American Trial Lawyers' Association built the Roscoe Pound Center in 1968, having razed the Browne & Nichols School classroom building the previous fall. The three-story red-brick Georgian Revival building with a full-height Classical portico was designed by the firm of Larkin and Glassman Associates. It was acquired by Harvard and housed the Extension School before becoming the Registrar's office.

The significance of the Registrar's Office is entirely contextual. It perpetuates the massing and material of the B&N building that it replaced, and provides a useful transition between the massive bulk of the Commander Hotel and the residentially-scaled neighborhood beyond.

The Commission's objective in reviewing changes to this building would be to preserve the functionality of the building for any permitted use while avoiding conspicuously inappropriate alterations as well as those that would detract from the predominantly residential appearance of the neighborhood.

2. 22 Garden Street, Wyeth-Webster house. Adams Realty Trust, owner

The Wyeth-Webster house is thought to have been built in 1837, although an examination of the basement revealed the massive frame of a possibly much earlier structure. It is a very early example of the Greek Revival style, with a triangular pediment with a triangular window and a recessed entry framed by wide pilasters. The present entrance in the gable end indicates the presence of a side-hall plan, but the house originally faced east, toward the Common; a full-length portico on that side has been removed. The two-story ell is original, but a one-story shed on the rear of the main house is a relatively recent addition. The house suffers from many years of deferred maintenance and shows signs of carpenter ant or termite infestation. The history and significance of the Wyeth-Webster house are more fully described in part I.B above.

The Commission's objectives in preserving the Wyeth-Webster house, either as a landmark or in the Historic District, would be to preserve the exterior fabric of the structure and to enhance its setting as a residential structure. Replacement or reconstruction of building fabric should match existing material or recover the early appearance of

the structure, while later alterations could, under appropriate circumstances, be removed. Replacements for such features as windows and doors would be carefully reviewed to ensure authenticity.

Under certain circumstances the ell could be removed, but development of the surroundings of the house would be carefully reviewed to preserve the essential character of the setting.

3. 24 Garden Street, George H. Browne house. Adams Realty Trust, owner

The George H. Browne house (1897) was built by the headmaster of the Browne & Nichols School on the Wyeth-Webster lot in 1897. It is a well-developed example of the Queen Anne style, with a complex cross-gabled plan and romantic detailing of corbelled overhangs and small-paned windows. Originally shingled, the house was covered with vinyl siding in 1990. Numerous alterations carried out between 1942 and 1957 converted it to apartments; the most drastic of these was the enclosure of the second floor sleeping porch in 1948. The house appears to be in good condition. The history and significance of the George H. Browne house are described in part I.B above.

The Commission's objectives and concerns in preserving the Browne house would be similar to those for the Wyeth-Webster house. The Commission would encourage (but could not require) the removal of the vinyl siding and the return of the exterior to its original appearance consistent with its present use as a multi-family residence. Under certain circumstances the ell could be removed, but development of the surroundings of the house would be carefully reviewed to preserve the essential character of the setting.

4. 26-28 Garden Street, Wyeth-Wesselhoeft house. Adams Realty Trust, owner.

The Wyeth-Wesselhoeft house was built by Jonas Wyeth 3rd in 1841. Originally a fully-developed example of the Greek Revival style, the house had a portico with two bow windows underneath that are the hallmark of houses built by the Cambridge housewright Oliver Hastings. The house was altered in 1897, when the portico was removed and a number of rooms added, giving it a large ell, dormers, and bay windows that it did not originally possess. The original clapboards and trim were covered with vinyl siding in 1988, and the condition appears to be good. The history and significance of the Wyeth-Wesselhoeft house are described in part I.B above.

The early appearance of the Wyeth-Wesselhoeft house is not practicably recoverable. The Commission's objective would be to discourage inappropriate alterations and to encourage recovery of the 1897 appearance of the house. Under certain circumstances the ell could be removed, but development of the surroundings of the house would be carefully reviewed to preserve the essential character of the setting.

5. 10 Concord Avenue, Wyeth-Murdock house. Adams Realty Trust, owner.

The Wyeth-Murdock house is a Federal style cottage built for rental by Jonas Wyeth in 1837-38. It was rented to Charles J. Murdock, a Boston businessman and a Common Councilman in Cambridge. It is significant, architecturally, as one of two remaining houses in Cambridge of this type, and its importance is enhanced by the fact that it has largely retained its original appearance. On the principal facade, only the square columns and entrance vestibule are not original, but these alterations were unusually well done.

The Commission's objective in protecting the Wyeth-Murdock house would be to preserve its present appearance and setting and to discourage inappropriate alterations.

6. 12 Concord Avenue, Charles Peaslee house. Condominium.

The Charles Peaslee house is a large, heavy-gabled 2½-story Queen Anne house designed in 1890 by the Boston firm of Cabot, Everett & Mead. The principal of this firm, Edward Clark Cabot, had designed the Boston Athenaeum in 1847, while his partner, Arthur G. Everett, had designed several dormitories for Harvard. While the firm's practice specialized in civic and commercial buildings, they also designed "numerous suburban homes in the New England area, typical examples of the picturesque rural style of the late 19th century" (Withey, 103). The distinguishing features of the house are the large arched studio window in the north gable and unusually complex design and support of the front porch and side verandah.

The Commission's objective in protecting the Peaslee house would be to preserve its present appearance and setting and to discourage inappropriate alterations.

7. 14-16 Concord Avenue, Continental Gardens. Condominium.

Continental Gardens is a 48-unit, seven-story apartment building that was designed by Arthur H. Brooks & Associates in 1963. It is by far the tallest building immediately visible from Arsenal Square, but the architect disguised its bulk by siting it at an angle to Concord Avenue and by breaking up the facade into a series of recessed planes with

projecting balconies. Parking is located in the back yard, rather than under the building.

The Commission's objectives with regard to Continental Gardens would be to avoid conspicuously inappropriate alterations as well as those that would detract from the predominantly residential appearance of the neighborhood.

8. 1 Arsenal Square (15 Concord Avenue), Franklin Perrin House. Condominium.

Franklin Perrin, a Boston businessman, built the present Second Empire house at 1 Arsenal Square (15 Concord Avenue) in 1870. It is now the most prominent structure in the square, and, although not unique architecturally, it occupies a critical location at the intersection and relates well to the other surviving 19th century houses in the Historic District.

The Perrin house was successfully restored in 1992 as a group home. The Commission's objective in protecting the Perrin house would be to preserve its present appearance and setting and to discourage inappropriate alterations.

9. Erasmus D. Leavitt House, 35 Concord Avenue. Student International Meditation Center.

The E.D. Leavitt house is an architecturally-important stuccoed Italian villa at 33 Garden Street designed by Charles K. Cummings in 1905. It was built for the distinguished mechanical engineer, Erasmus D. Leavitt, who moved to Arsenal Square to be near his daughter, Mrs. Walter Wesselhoeft, at 26-28 Garden Street. Probably the last significant single-family house built in this neighborhood, it anchors the important corner of Chauncy and Garden Streets.

The Leavitt house is distinguished by its stuccoed exterior, central arched loggia, dormers, and widely-overhanging roof. The setting is also important; the house sits well back from the street on both sides of its corner lot, providing an important measure of open space to its neighbors.

The Commission's objectives with regard to the Leavitt house would be to preserve its present appearance and setting and to discourage inappropriate alterations.

10. 29 Garden Street (Continental Hotel), Harvard University. Dormitory and police headquarters.

The former Continental Hotel at 29 Garden Street, a massive red-brick Georgian structure, was built by John J. Shine in 1929 to complement his recently completed Commander and Ambassador Hotels. Until it closed in 1972, the Continental

was noted for its functions and served as a social center for West Cambridge families; the *Cambridge Chronicle* called it "one of the last refuges of the genteel, the rich, and the charming in Cambridge" (March 9, 1972). It now houses Harvard students and the University Police.

The building is distinguished largely by its cast-stone base, quoins, and decorative features, and by its small-paned windows. The Commission's objective in reviewing changes to this building would be to preserve the functionality of the building for any permitted use while avoiding conspicuously inappropriate alterations as well as those that would detract from the predominantly residential appearance of the neighborhood. In this case, the major concern would be that any future restoration preserve the character of the masonry and the appearance of the fenestration.

Appendix F

CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

SUSAN B. SCHLESINGER,
Assistant City Manager for Community Development

February 14, 1995

Zoning Analysis

22, 24, 26 Garden Street (Assessor's Plat number 216, Lots #36, 37, 18, and 8). The site is owned by Edward N. Guleserian & Mary A. Bergoudian, Trustees of Adams Realty Trust, 16 Garden Street, Cambridge, MA 02138.

The front 100 feet of the site was rezoned to Residence C-1 from Residence C-2 in June 1975 (Ordinance #847). From 1943 to 1977 the site was Residence C-2. The rear of the site has been zoned Residence A-2 since 1943.

	Residence C-1	Residence A-2	Total Site
Parcel Size			23,175 sq ft
	20,582 sq ft	2,774 sq ft	
Floor Area Ratio (FAR)	.75 .825 (TH)	.5	
Gross Floor Area (GFA)	15,511.5 sq ft 17,062.6 (TH)	1,387 sq ft	16,898.5 sq ft 18,448 sq ft (TH)
Height	35 ft/40 ft TH	35 ft	
# of Dwelling Units (DU)/Lot Area	17 DU	0	17 DU
# of Dwelling Units/1,000 sq ft of GFA	15 DU 17 DU	0	16 DU 18 Townhouses

The Hotel and Motel use is not allowed in either the Residence C-1 or A-2 districts. The use of the parcel for accessory Hotel parking would require a use variance from the Board of Zoning Appeal. It would also require a permit and an allocation of parking spaces from the Interim Parking Control Committee.

The Historical Commission has scheduled a demolition hearing for March 2, 1995, at 4 pm.

City Hall Annex
57 Inman Street
Cambridge, MA 02139
617 349-4600
Fax: 617 349-4669

Cambridge Historical Commission

831 Massachusetts Avenue, Cambridge, Massachusetts 02139. Telephone 617/349-4683
Fax 617/349-6165, TTY 617/349-6112, E-mail HistComm@ci.Cambridge.ma.us

William B. King, *Chair*, Allison M. Crump, *Vice Chair*, Charles M. Sullivan, *Executive Director*
M. Wyllis Bibbins, Suzanne R. Green, Helen F. Moulton, Robert G. Neiley, Jo M. Solet, *Members*
Jennifer Jones, Anthony C. Platt, *Alternates*

November 27, 1998

+ RWH

These people [illegible]

To: Margaret Drury, City Clerk

From: Sarah Burks
Historical Commission

Re: Old Cambridge Historic District Extension--thank you note list

The following list of names includes members of the public who were actively involved in the study process for the Old Cambridge Historic District Extension. Any correspondence to the members of the Historical Commission may be sent to our department, and we'll forward it to the individual members. Please call x4683 if you have any questions. **(Abbreviations: C=Cambridge)**

Name	Mailing Address
Neil and Mary Bull	12 Concord Ave., #1, C-02138
Edward Gulesarian	Adams Realty Trust, 16 Garden St., C-02138
Kerin Fenster, Trustee	Cambridge Realty Trust c/o The Beal Companies 177 Milk St., Boston, MA02109
Frank Westheimer	3 Berkeley St., C-02138
Richard and Jacqueline Tarrant	7 Berkeley St., C-02138
Barbara Rockwell	P.O. Box 742, Bristol, RI 02809
Thomas Roberts and Gail Lauer	13 Berkeley St., C-02138
Maxwell and Joanne Solet	15 Berkeley St., C-02138
Karen Davis and Lewis Bushnell	15 Walker St., C-02138
Lloyd and Nancy Aiello	2½ Berkeley St., C-02138
Paul Weiler and Florence Darwin	7 Follen St., C-02138
Jack Megan, Executive Director	Longy School of Music 1 Follen St., C-02138
Sheila Cook	34 Follen St., C-02138
Jeffrey Zinsmeyer and Shanti Fry	8 Berkeley St., C-02138
Vivian Katz	6 Berkeley St., C-02138
Thomas Urbelis, Esq.	Urbelis, Fieldsteal & Bailin 10 High St., Boston-02110
Donald Tellalian	Tellalian & Associates 283 Franklin St., Boston-02110
Sonia and Thomas Wales	12 Concord Ave., #2, C-02138
Dia Philippides	14 Concord Ave.,C-02138
Jeanne Nixon	5 Follen St., C-02138
William and Frances Ackerly	26 Parker St., C-02138
Elizabeth Dunn	27 Walker St., C-02138

1998 NOV 31 A 10:07
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Dear _____

The Ordenance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in the ~~successful com~~ reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260
FAX (617) 349-4307
tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

December 7, 1998

Chairman William B. King
Cambridge Historical Commission
831 Massachusetts Avenue
Cambridge, MA 02139
Cambridge, MA 02139

Dear Chairman King:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD:gj

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

December 7, 1998

Allison M. Crump
Vice Chair
Cambridge Historical Commission
831 Massachusetts Avenue
Cambridge, MA 02139

Dear Ms. Crump:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD:gj

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DONNA P. LOPEZ
DEPUTY CITY CLERK

December 7, 1998

Charles M. Sullivan
Executive Director
Cambridge Historical Commission
831 Massachusetts Avenue
Cambridge, MA 02139

Dear Mr. Sullivan:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

D. Margaret Drury
City Clerk

DMD:gj

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CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

December 7, 1998

M. Wyllis Bibbins
Cambridge Historical Commission
831 Massachusetts Avenue
Cambridge, MA 02139

Dear Mr. Bibbins:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

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CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

December 7, 1998

Suzanne R. Green
Cambridge Historical Commission
831 Massachusetts Avenue
Cambridge , MA 02139

Dear Ms. Green:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

D. Margaret Drury
City Clerk

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DONNA P. LOPEZ
DEPUTY CITY CLERK

December 7, 1998

Helen F. Moulton
Cambridge Historical Commission
831 Massachusetts Avenue
Cambridge, MA 02139

Dear Ms. Moulton:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

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CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

December 7, 1998

Robert G. Neiley
Cambridge Historical Commission
831 Massachusetts Avenue
Cambridge, MA 02139

Dear Mr. Neiley:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

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DONNA P. LOPEZ
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December 7, 1998

Jo M. Solet
Cambridge Historical Commission
831 Massachusetts Avenue
Cambridge , MA 02139

Dear Ms. Solet:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

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December 7, 1998

Neil and Mary Bull
Cambridge Historical Commission
831 Massachusetts Avenue
Cambridge, MA 02139

Dear Mr. and Mrs. Bull:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

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December 7, 1998

Edward Gulesarian
Adams Realty Trust
16 Garden Street
Cambridge, MA 02138

Dear Mr. Gulesarian:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

D. Margaret Drury

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City Clerk

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December 7, 1998

Kerin Fenster, Trustee
Cambridge Realty Trust
c/o Beal Companies
177 Milk Street
Boston, MA 02109

Dear Ms. Fenster:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

D. Margaret Drury
City Clerk

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December 7, 1998

Frank Westheimer
3 Berkeley Street
Cambridge, MA 02138

Dear Mr. Westheimer:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

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December 7, 1998

Richard and Jacqueline Tarrant
7 Berkeley Street
Cambridge, MA 02138

Dear Mr. and Mrs. Tarrant:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

D. Margaret Drury

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City Clerk

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DONNA P. LOPEZ
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December 7, 1998

Barbara Rockwell
P.O. Box 742
Bristol, RI 02809

Dear Ms. Rockwell:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

D. Margaret Drury

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December 7, 1998

Thomas Roberts
13 Berkeley Street
Cambridge, MA 02138

Dear Mr. Roberts:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

D. Margaret Drury
City Clerk

DMD:gj

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CITY CLERK

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DEPUTY CITY CLERK

December 7, 1998

Gail Lauer
13 Berkeley Street
Cambridge, MA 02138

Dear Ms. Lauer:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

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December 7, 1998

Maxwell and Joanne Solet
15 Berkeley Street
Cambridge, MA 02138

Dear Mr. and Mrs. Solet:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

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DEPUTY CITY CLERK

December 7, 1998

Karen Davis and Lewis Bushnell
15 Walker Street
Cambridge, MA 02138

Dear Mr. Davis and Mr. Bushnell:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

D. Margaret Drury
City Clerk

DMD:gj

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December 7, 1998

Lloyd and Nancy Aiello
2 1/2 Berkeley Street
Cambridge, MA 02138

Dear Mr. and Mrs. Aiello:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

D. Margaret Drury
City Clerk

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DONNA P. LOPEZ
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December 7, 1998

Paul Weiler and Florence Darwin
7 Follen Street
Cambridge, MA 02138

Dear Mr. Weiler and Ms. Darwin:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

Margaret

D. Margaret Drury
City Clerk

DMD:gj

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CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

December 7, 1998

Jack Megan, Executive Director
Longy School of Music
1 Follen Street
Cambridge, MA 02138

Dear Mr. Megan:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD:gj

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

December 7, 1998

Sheila Cook
34 Follen Street
Cambridge, MA 02138

Dear Ms. Cook:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

D. Margaret Drury
City Clerk

DMD:gj

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(617) 349-4260
FAX (617) 349-4307
tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

December 7, 1998

Jeffrey Zinsmeyer and Shanti Fry
8 Berkeley Street
Cambridge, MA 02138

Dear Mr. Zinsmeyer and Ms. Fry:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD:gj

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260
FAX (617) 349-4307
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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

December 7, 1998

Vivian Katz
6 Berkeley Street
Cambridge, MA 02138

Dear Ms. Katz:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD:gj

OFFICE OF THE CITY CLERK

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

December 7, 1998

Thomas Urbelis, Esq.
Urbelis, Fieldsteal & Bailin
10 High Street
Boston, MA 02110

Dear Mr. Urbelis:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

D. Margaret Drury
City Clerk

DMD:gj

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

December 7, 1998

Donald Tellalian
Tellalian & Associates
283 Franklin Street
Boston, MA 02110

Dear Mr. Tellalian:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD:gj

OFFICE OF THE CITY CLERK

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

December 7, 1998

Sonia and Thomas Wales
12 Concord Avenue
#2
Cambridge, MA 02138

Dear Mr. and Mrs. Wales:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

D. Margaret Drury
City Clerk

DMD:gj

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

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FAX (617) 349-4307
tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

December 7, 1998

Dia Philippides
14 Concord Avenue
Cambridge, MA 02138

Dear Ms. Philippides:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

D. Margaret Drury
City Clerk

DMD:gj

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

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FAX (617) 349-4307
tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

December 7, 1998

Jeanne Nixon
5 Follen Street
Cambridge, MA 02138

Dear Ms. Nixon:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD:gj

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260
FAX (617) 349-4307
tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

December 7, 1998

William and Frances Ackerly
26 Parker Street
Cambridge, MA 02138

Dear Mr. and Mrs. Ackerly:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD:gj

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

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FAX (617) 349-4307
tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

December 7, 1998

Elizabeth Dunn
27 Walker Street
Cambridge, MA 02138

Dear Ms. Dunn:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

D. Margaret Drury
City Clerk

DMD:gj

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260
FAX (617) 349-4307
tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

December 7, 1998

Robert W. Healy
City Manager
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Bob:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

Margaret

D. Margaret Drury
City Clerk

DMD:gj

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260
FAX (617) 349-4307
tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

December 7, 1998

Jennifer Jones
Cambridge Historical Commission
831 Massachustts Avenue
Cambridge, MA 02139

Dear Ms. Jones:

The Ordinance Committee has requested that I transmit to you the thanks and appreciation of the Cambridge City Council for your efforts in reaching an agreement of all concerned in the matter of the extension of the Old Cambridge Historic District.

Very truly yours,

D Margaret Drury

D. Margaret Drury
City Clerk

DMD:gj

***** SUCCESSFUL TX REPORT *****

12-08-98 10:50 ID:6173494269
CAMBRIDGE CITY CLERKS OFFICE

JOB No.	----------	929
START TIME	----------	10:49
ID No.	----------	817814536650
RESOLUTION	----------	STANDARD
TOTAL PAGE	----------	03
MACHINE ENGAGED	----------	01'06
INFORMATION	----------	OK
ERROR PAGE	----------	

OFFICE OF THE CITY CLERK
CITY OF CAMBRIDGE
(617) 349-4260
FAX (617) 349-4269
tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOI
DEPUTY CITY C

FAX TRANSMITTAL SHEET

DATE: 12/8/98

TO: Wendy Buckley
The Chronicle - Legal Ads

FAX #: (781) 453-6650

PHONE #:

OF PAGES: 3

FROM: Gail Jones
349-4257

ADDITIONAL COMMENT: Dates: 12/10 & 1
Please advertise for 1 week and confirm receipt
thanks!

CITY HALL, 795 MASSACHUSETTS AVENUE CAMBRIDGE, MASSACHUSETTS 02139

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260
FAX (617) 349-4307 4269
tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOP
DEPUTY CITY C

FAX TR .NSMITTAL SHEET

DATE: 12/8/98

TO: Wendy Buckley
The Chronicle - Legal Ads

FAX #: (781) 453-6650

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 # OF PAGES: 3

FROM: Gail Jones
349-4257

ADDITIONAL COMMENT: Dates: 12/10 & 1
Please advertise for 1 week and confirm receipt
Thanks!

FIRST PUBLICATION NO. 2811

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Eight.

AN ORDINANCE

In amendment to the ordinance entitled "Municipal Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter 2.78 of the Municipal Code of the City of Cambridge entitled "Historical Buildings and Landmarks" is amended by inserting the following subsection at the end of Section 2.78.050:

D. The Old Cambridge Historic District is extended pursuant to provisions of the Historic Districts Act, Massachusetts General Laws Chapter 40C, by the addition thereto of properties located on Arsenal Square, Concord Avenue, and Garden Street and the portions of said streets bounded as shown on the map entitled "Proposed Arsenal Square Extension of the Old Cambridge Historic District Extension, April 3, 1998" incorporated in this chapter in full. As so extended, the Old Cambridge Historic District remains in full effect and such extended district shall be subject to the provisions of M.G.L. Chapter 40C and this Section. In making determinations concerning properties in the extension, the Commission shall be guided by the terms of the Revised Final Report on the Proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the Proposed Landmark Designation of 22, 24, and 26-28 Garden Street, issued July 27, 1998.

Passed to a second reading at the City Council meeting held on December 7, 1998 and on or after December 21, 1998 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury

D. Margaret Drury
City Clerk

273
04

Historical Buildings
and Landmarks, Chapter 2.78
Passed to be ordained
9-0-0.
January 11, 1999

Cambridge Historical Commission

831 Massachusetts Avenue, Cambridge, Massachusetts 02139. Telephone 617/349-4683
Fax 617/349-6165, TTY 617/349-6112, E-mail HistComm@ci.Cambridge.ma.us

William B. King, *Chair*, Allison M. Crump, *Vice Chair*, Charles M. Sullivan, *Executive Director*
M. Wyllis Bibbins, Suzanne R. Green, Helen F. Moulton, Robert G. Neiley, Jo M. Solet, *Members*
Jennifer Jones, Anthony C. Platt, *Alternates*

July 27, 1998

To the Honorable, the City Council:

The Cambridge Historical Commission respectfully submits its Revised Final Report on the Proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the Proposed Landmark Designation Of 22, 24, and 26-28 Garden Street, pursuant to Chapter 40C of the Massachusetts General Laws and Chapter 2.78 of the Municipal Code.

The Commission strongly recommends the extension of the Old Cambridge Historic District, believing that this measure will best serve to protect the environs of Arsenal Square. An optional alternative, designation of 22, 24, and 26-28 Garden Street as landmarks, is recommended only if extension of the historic district is not supported by the Council.

The Commission drafted its original proposals after extensive consultations with area property owners and residents. After a hearing before the Council's Ordinance Committee in November, 1995, the Commission engaged in a further effort to resolve differences with Adams Realty Trust, a major property owner. The Commission and Adams developed a plan to permit accessory parking behind 22, 24, and 26-28 Garden Street. To permit this, portions of the three houses will be removed, but the houses themselves will be restored under Commission supervision. This plan has now been approved by the Board of Zoning Appeal and by the Historical Commission.

On the eve of its June 25 hearing to approve this recommendation, the Commission received a communication from a representative of the Longy School regarding its plans to purchase the house at 33 Garden Street. The Commission believes that it is essential to include this house in the district, and declined to delay its recommendation to the City Council. The staff has been directed to explore any issues that may need to be resolved.

The Commission believes that the extension of the historic district offers the best method of balancing public and private interests in this neighborhood. The preferred measure is an amendment to the Municipal Code that extends the existing historic district; the other is a council order that protects only the three properties specified above through landmark designation. The Final Report sets forth the history of the proposals and the terms under which the district or landmarks would be administered.

Sincerely,

Allison Crump
Vice Chair

Revised
Final Report on the
Proposed Arsenal Square Extension
of the Old Cambridge Historic District
and/or the
Proposed Landmark Designation
of 22, 24, and 26-28 Garden Street

Cambridge Historical Commission

July 27, 1998

Revised
Final Report on the
Proposed Arsenal Square Extension
of the Old Cambridge Historic District
and/or the Proposed Landmark Designation
of 22, 24, and 26-28 Garden Street

Summary

The Cambridge Historical Commission, acting under the authority of Ch. 2.78.180 of the Municipal Code and as an Historic District Study Committee under M.G.L. Ch. 40C, has prepared revised recommendations for protecting the environs of Arsenal Square, including the significant structures at 22, 24, and 26-28 Garden Street, either as individually-designated landmarks or by extending the Old Cambridge Historic District.

The Commission again recommends the extension of the existing Old Cambridge Historic District to include an additional nine structures, located on ten parcels on Concord Avenue and Garden Street in the vicinity of Arsenal Square. An optional alternative, designation of 22, 24, and 26-28 Garden Street as landmarks, is recommended only if extension of the historic district is not supported by the Council.

This report represents a major revision of the proposal presented to the City Council in the fall of 1995. Since that time, the Commission has worked with a major property owner, Adams Realty Trust, to develop a mutually-acceptable plan for the adaptive reuse of the property at 22, 24, and 26-28 Garden Street to allow restoration of three houses and expansion of accessory parking for the Commander Hotel. This plan, which has been approved by the Historical Commission and the Board of Zoning Appeal, has been incorporated into both the proposed historic district ordinance and the order designating 22, 24, and 26-28 Garden Street as landmarks. These are presented on the immediately following pages as Exhibits 1 and 2.

The Cambridge Historical Commission believes that extension of the Old Cambridge Historic District would best serve the goal of protecting Arsenal Square and its environs, and recommends that the City Council approve the proposed amendment to the ordinance.

Exhibit 1: Proposed Ordinance Amending Chapter 2.78, Article I, of the City Code to Extend the Old Cambridge Historic District.

Chapter 2.78 of the Municipal Code of the City of Cambridge entitled "Historical Buildings and Landmarks" is amended by inserting the following subsection at the end of Section 2.78.050:

> D. The Old Cambridge Historic District is extended pursuant to provisions of the Historic Districts Act, Massachusetts General Laws Chapter 40C, by the addition thereto of properties located on Arsenal Square, Concord Avenue, and Garden Street and the portions of said streets bounded as shown on the map entitled "Proposed Arsenal Square Extension of the Old Cambridge Historic District Extension, April 3, 1998" incorporated in this chapter in full. As so extended, the Old Cambridge Historic District remains in full effect and such extended district shall be subject to the provisions of M.G.L. Chapter 40C and this Section. In making determinations concerning properties in the extension, the Commission shall be guided by the terms of the **Revised Final Report on the Proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the Proposed Landmark Designation of 22, 24, and 26-28 Garden Street**, issued July 27, 1998.

Cambridge Historical Commission
July 27, 1998

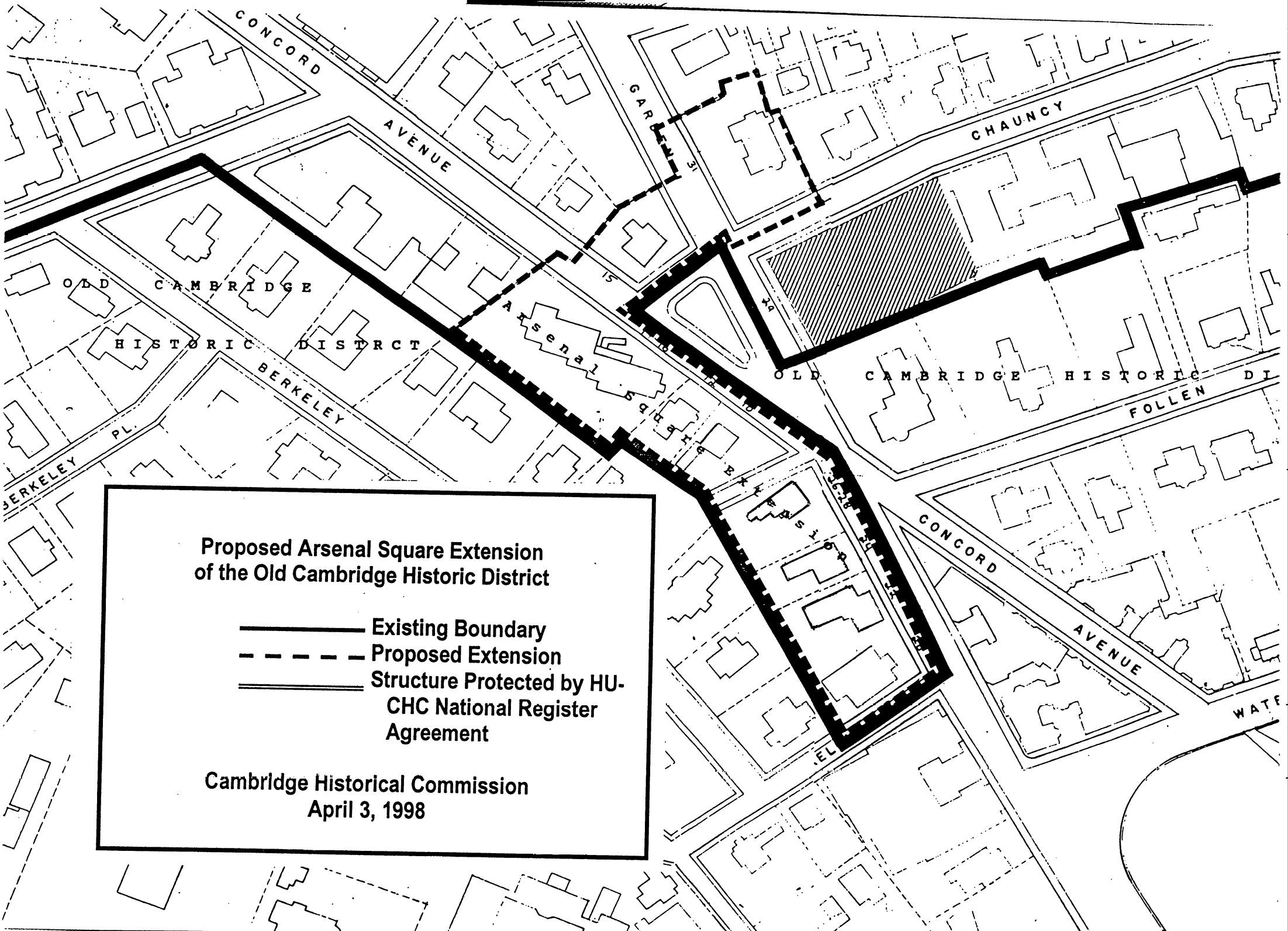

CONCORD
AVENUE
GARDEN
CHAUNCY
OLD CAMBRIDGE
HISTORIC DISTRCT
BERKELEY
PL.
Arsenal Square
Extension
OLD CAMBRIDGE HISTORIC DI
FOLLEN
CONCORD
AVENUE
Proposed Arsenal Square Extension
of the Old Cambridge Historic District
Existing Boundary
Proposed Extension
Structure Protected by HU-CHC National Register Agreement
Cambridge Historical Commission
April 3, 1998

Exhibit 2: Proposed Order Designating 22, 24, and 26-28 Garden Street as Landmarks under Chapter 2.78, Article III of the City Code.

ORDERED:

That the Wyeth-Webster house at 22 Garden Street, the George H. Browne house at 24 Garden Street, and the Wyeth-Wesselhoeft house at 26-28 Garden Street be designated as protected landmarks pursuant to Chapter 2.78, Article III, of the Code of the City of Cambridge, as recommended by vote of the Cambridge Historical Commission on June 25, 1998. The premises so designated are defined as Parcels 8, 18, 36, and 37 of Assessors' Map 216.

This designation is justified by the important associations of the houses with the broad architectural and social history of the City of Cambridge, as described in Supplemental Information For Consideration at a Public Hearing Relating to the Proposed Landmark Designation of 22, 24, and 26-28 Garden Street and/or the Proposed Arsenal Square Extension of the Old Cambridge Historic District, issued by the Cambridge Historical Commission on August 18, 1995.

The effect of this designation shall be that no construction activity can take place within the designated landmark area, and no action can be taken affecting the appearance of the Wyeth-Webster house at 22 Garden Street, the George H. Browne house at 24 Garden Street, and the Wyeth-Wesselhoeft house at 26-28 Garden Street, that would in either case be visible from a public way without review by the Cambridge Historical Commission and the issuance of a Certificate of Appropriateness, Hardship or Non-Applicability, as the case may be. In making determinations, the Commission shall be guided by the terms of the **Revised Final Report on the Proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the Proposed Landmark Designation of 22, 24, and 26-28 Garden Street**, issued July 27, 1998, and by the applicable sections of the Municipal Code.

Cambridge Historical Commission
July 27, 1998

Chronology

Applications to demolish the Wyeth-Webster house at 22 Garden Street, the George H. Browne house at 24 Garden Street, and the Wyeth-Wesselhoeft house at 26-28 Garden Street were received in January, 1995. On March 2, the Cambridge Historical Commission found the buildings to be significant and preferably preserved under the terms of Chapter 2.78, Article II, of the Municipal Code, causing a six-month delay of demolition that expired on September 2, 1995. Meanwhile, Adams Realty Trust, the owner of the three Garden Street properties, filed an appeal of the Commission's action with the Middlesex County Superior Court. This litigation is still pending.

On April 6, 1995, the Commission voted to study two preservation alternatives: designation of the three buildings as landmarks under Chapter 2.78, Article III, and protection of the environs of Arsenal Square through extension of the existing Old Cambridge Historic District under M.G.L. Chapter 40C. The Commission held public meetings on May 15 and 23 and June 6 and 20, 1995, to discuss the alternative preservation approaches and the boundaries of a possible extension. The Commission's report was issued on July 14, and was supplemented by additional information released on August 18. As required by statute, the Cambridge Planning Board and the Massachusetts Historical Commission were informed of the proposals; the Board declined to comment, while the MHC communicated its approval on September 20, 1995.

Throughout the summer, the staff of the Commission engaged in discussions with individual property owners, and an additional public meeting on September 21 was devoted to discussion of compromises suggested by Adams Realty Trust, the owner of 22, 24, and 26-28 Garden Street, and Harvard University, owner of 29 Garden Street.

The Commission's public hearing on the proposals opened on October 19, 1995. The Commission's efforts to protect Arsenal Square were supported by extensive public testimony and a petition containing 585 signatures. The Commission voted unanimously to accept a compromise offered by Harvard University as to 25 Garden Street, the former Continental Hotel), and continued the hearing to October 25 to further consider a proposal by Adams Realty Trust as to 22, 24, and 26-28 Garden Street. At the conclusion of that session, the Commission voted to continue the hearing until November 2, 1995 to allow all interested parties an opportunity to fully review the Commission's draft report.

In December, 1995, the Ordinance Committee of the City Council concluded a hearing on the Commission's request to extend the

Old Cambridge Historic District by requesting that the City Manager hold further negotiations with Adams Realty. As a result of these discussions, Adams agreed to join the city in hiring a consultant to test the implications of a compromise that would remove the rear parts of three structures and extend the parking presently carried out there. Under this approach, the main parts of the houses would be restored and the parking lot extended and made more efficient. Existing litigation would be settled and Adams would drop its objections to the extension of the historic district. The City and Adams acknowledged that any design resulting from this project would be used to test the reaction of Adams, the Commission, and the community, and would not be binding on either party.

The architectural firm of Tellalian Associates Architects and Planners (TAAP) was retained in August, 1996. TAAP prepared plans illustrating the compromise proposal, and in September the Historical Commission began another series of meetings with the neighbors of the Adams property. All those entitled to notice under both Chapter 40A and 40C were invited to attend. These meetings culminated in the January 7, 1997 public hearing, at which the Commission accepted the Tellalian plan for a landscaped and screened parking lot involving partial demolition but also substantial restoration of 22, 24, and 26-28 Garden Street. At this hearing, the Commission understood that while all of the immediate abutters supported the Tellalian plan, some objected to its occasional use for more that 46 cars. On this issue, the Commission deferred to the Board of Zoning Appeal.

At a public hearing on January 9, 1997, the Cambridge Historical Commission unanimously adopted the following motion:

> That the Commission supports the physical plan developed by Tellalian Associates Architects & Planners for a landscaped private parking lot on the property of Adams Realty Trust, including the partial demolition, preservation and renovation of the houses at 22, 24, and 26-28 Garden Street as shown on the colored plan (the "Plan") presented to the meeting, and amends its prior recommendation to the City Council for landmark designation of such houses and/or for the expansion of the Old Cambridge Historic District that includes such houses so as to incorporate in the landmark designation order or in the ordinance expanding the Old Cambridge Historic District approval of the physical changes reflected in the Plan, subject to later approval of construction details.

The Commission acknowledged that individual property owners may hold legitimate objections to granting Adams' request for variances, but believed that the benefits to the broader public were substantial and included the following:

-Expansion of the Old Cambridge Historic District to protect the properties surrounding Arsenal Square.

-Preservation of the Wyeth-Webster house, 22 Garden Street (1837), the George H. Browne house, 24 Garden Street (1897), and the Wyeth-Wesselhoeft house, 26-28 Garden Street (1841).

-Stabilization of a neighborhood affected by uncertainty of future development since the early 1970s.

Adams Realty then applied to the Board of Zoning Appeal for a variance to permit the proposed plan. After a public hearing on October 16, 1997, the BZA voted that the requested variance to allow "accessory parking for the currently operated Sheraton Commander Hotel . . . at the rear of the property at 22-24-26-28 Garden Street be granted on the following conditions:

"1) that the detailed conditions from the letter of October 8th, 1997, are to be included as a condition:

a) that the existing stockade fence along the rear property line shall be restored;

b) that the chain link fence in the south corner of the lot (abutting the Pound Building) shall be replaced;

c) that the area in front of both fences shall be planted with an evergreen screen consisting of approximately thirty (30) Thuga Plicata (Western Arborvitae) between 3 and 4 feet in height at intervals of approximately 6 feet;

d) that also in the area in front of both fences shall be planted six (6) Gledistsia (Honeylocust) trees of between 2" and 2 1/2" caliber;

e) that two (2) additional Honeylocust trees shall be planted along the driveway entrances in the area next to the structure at 26 Garden Street;

f) that between eight (8) and ten (10) bollard style lamps, 48" in height, shall be installed in the parking area;

g) that the parking lot will be striped for forty-four (44) parking spaces;

h) that the rear elevations of the structures on the property shall be restored in style,

fenestration, and materials consistent with their original or existing fabric;

i) that the exteriors of the structures on the property shall be rehabilitated in style, fenestration and materials consistent and in harmony with their original or existing fabric. Renovations plans shall be submitted to the Cambridge Historical Commission for review prior to the issuance of any building permits;

j) that all access into and egress from the parking lot shall be from the existing driveways on Garden Street;

k) that only employees or agents of the Sheraton Commander Hotel shall be permitted to drive guest vehicles into or out of the parking lot; and

l) that use of the parking lot shall be permitted to exceed forty-four (44) vehicles, up to a maximum of sixty-five (65) vehicles, (as depicted on Drawing No. B-5 enclosed herewith) for twenty (20) days in any calendar year. The hotel shall maintain a log book and indicate when use of the parking lot exceeds forty-four (44) vehicles. The log book shall be available for inspection by relevant city officials and neighbors and abutters of the parking lot;

"2) that there be no parking on the grassy areas as depicted by a plan, dated October 16th, 1997, which is going to be made as part of the approved plan;

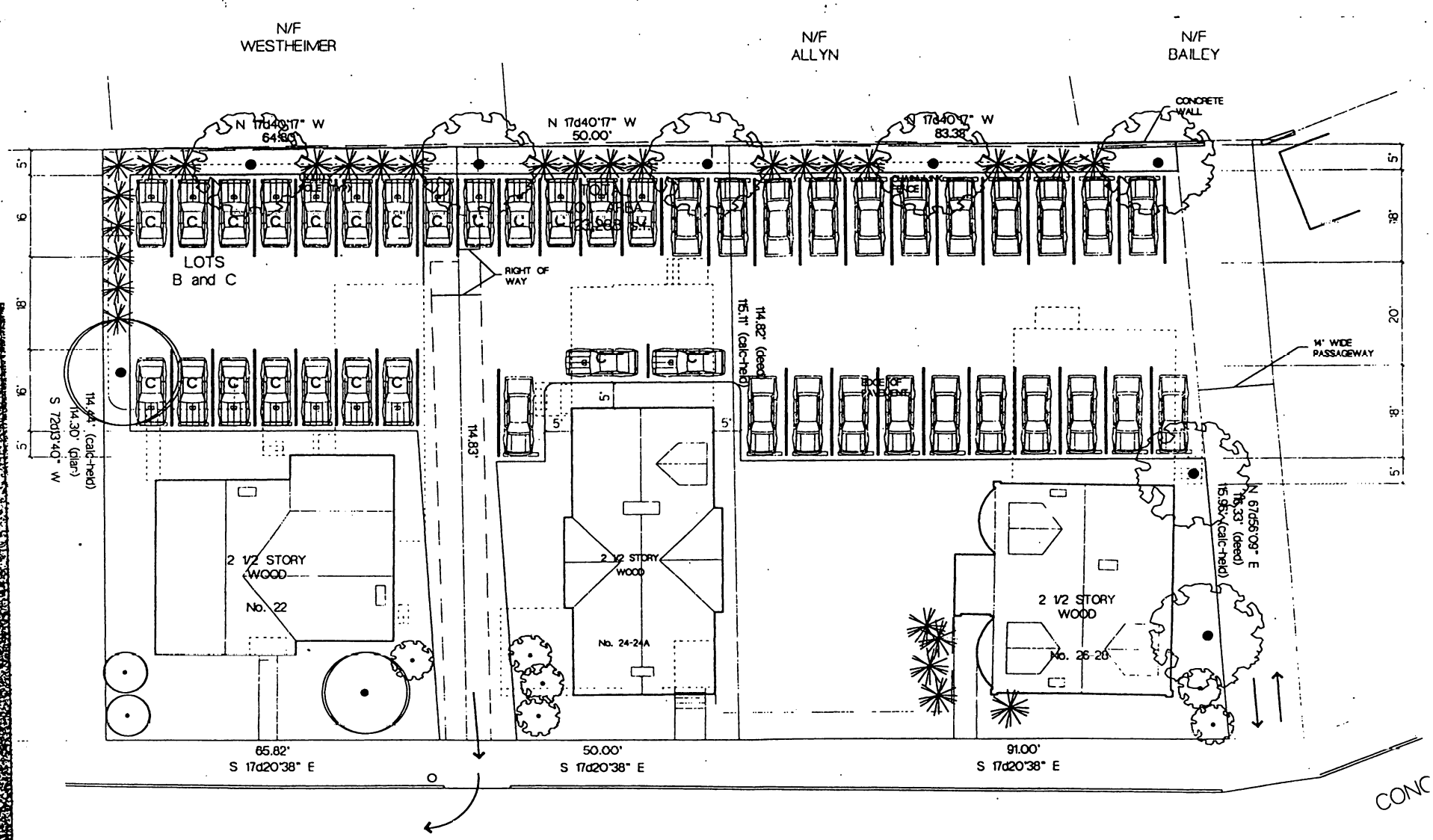
"3) that the properties not only be restored and rehabilitated according to the above #1.h condition or from the ninth (9.) detail of the October 8, 1997 letter, and that they also be maintained as well as rehabilitated;

"4) that the parking only be for valet parking for the Sheraton Commander Hotel;

"5) that the egress and ingress for the parking be as shown on the plan or as modified in the agreement with the neighbors and that the exception of the egress for an abutter to the rear, between 22 and 24 Garden Street, who has a right-of-way across the property;

"6) that the accessory parking is explicitly related to the Sheraton Commander Hotel in question;

"7) that efforts to improve and de-institutionalize the landscaping be done and presented to the Historical



N

APPROVED
CHECKED
DRAWN BY

SCALE 1/16" = 1'-0"

ISSUE DATE 16 October 1997

PROJECT NO 96010.00

PROJECT

ADAMS REALTY TRUST
Cambridge, MA

TITLE

Site Plan

DRAWING NO

Tellalian Associates Architects & Planners

Plan for 22, 24-26, and 28 Garden Street as Approved by the Cambridge Board of Zoning Appeal

Commission for their approval along with the building improvements;

"8) that the petitioner agrees to not only provide a log book for review by the neighbors, but agrees to meet on the site at any time with any neighbor, lend their concern about the number of cars being parked on the site; and

"9) that the petitioner review the circulation plans with the Traffic and Parking Department to ensure that this parking proposal does not cause a greater hardship on the traffic in the area."1

On April 2, 1998, the Cambridge Historical Commission unanimously approved this Revised Final Report on the Proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the Proposed Landmark Designation of 22, 24, and 26-28 Garden Street, and directed that it be circulated to the Massachusetts Historical Commission and the Cambridge Planning Board as required by Chapter 40C.

The positive comments of the Massachusetts Historical Commission and the Planning Board were duly received, and on June 25, 1998, the Historical Commission held its final public hearing on the proposals. A representative of the Longy School of Music asked that the recommendation to the City Council be delayed so that the school could determine the effect of the historic district expansion on 33 Garden Street, a house that it was considering buying. The Commission declined this request in view of the extended process that all parties had engaged in, and requested the Executive Director to report on any such issues that should be resolved before the City Council hearing.

Extension of the Old Cambridge Historic District

The steps for establishing or expanding an historic district are prescribed by the applicable statute, Chapter 40C of the General Laws. The Study Committee (which in this case has been the Commission) must issue a preliminary report, allow sixty days for comments by the Planning Board and the Massachusetts Historical Commission (MHC), and hold a public hearing following fourteen days notice to the affected property owners. After such hearing, the Commission must submit a final report and the proposed ordinance to the City Council. An ordinance establishing or enlarging an historic district requires a two-thirds majority to be enacted.

The present Old Cambridge Historic District has evolved from four historic districts that were established in 1963. These

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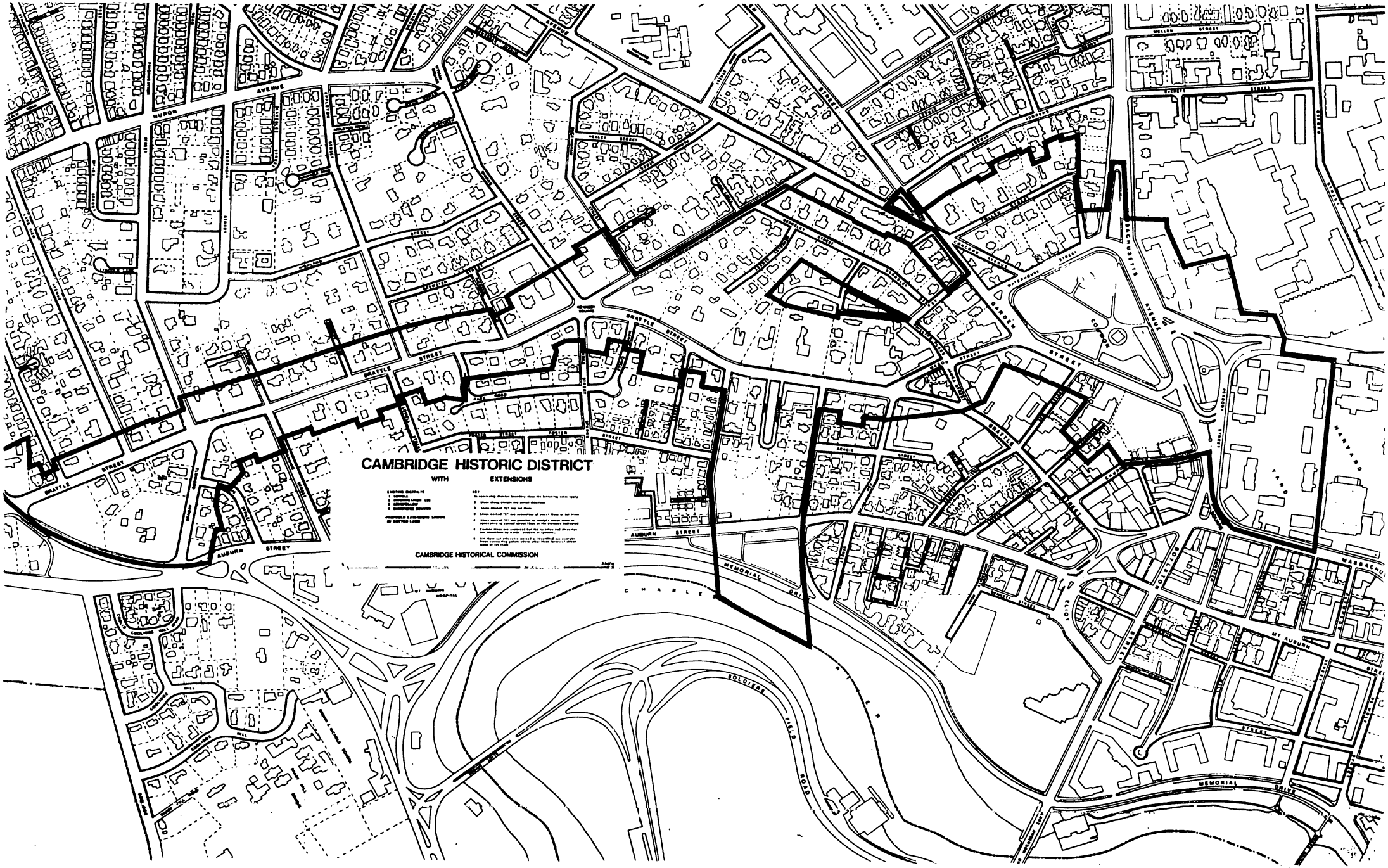
1 Decision of the Cambridge Board of Zoning Appeal in Case 7559, filed November 21, 1997.


CAMBRIDGE HISTORIC DISTRICT
WITH EXTENSIONS
CAMBRIDGE HISTORICAL COMMISSION
BRATTLE STREET
AUBURN STREET
MEMORIAL DRIVE
SOLDIERS FIELD ROAD
MT AUBURN
HARVARD
ELIOT
SOLDIERS
HURON AVENUE
GARDEN STREET
MT AUBURN HOSPITAL

were consolidated in 1976 into one district that included the Old Yard of Harvard College, Cambridge Common and its surroundings, Longfellow Park, and both sides of Brattle Street and Elmwood Avenue as far as Fresh Pond Parkway. In 1986, the District was extended to include both sides of Follen Street, Berkeley Street, and Berkeley Place, as well as the south side of Craigie Street, leaving a significant unprotected area along the west side of Garden Street and Concord Avenue.

The objective of the proposed extension is to protect the special environment of Arsenal Square from inappropriate change. Arsenal Square is an important gateway to Old Cambridge. The extension would protect the adjacent historic district as well as the surrounding neighborhood. As shown on the attached map, the extension would consolidate the existing Old Cambridge Historic District by linking the Follen and Berkeley Street areas across Arsenal Square. All properties contiguous to the Square will be included in the district or protected by other means.

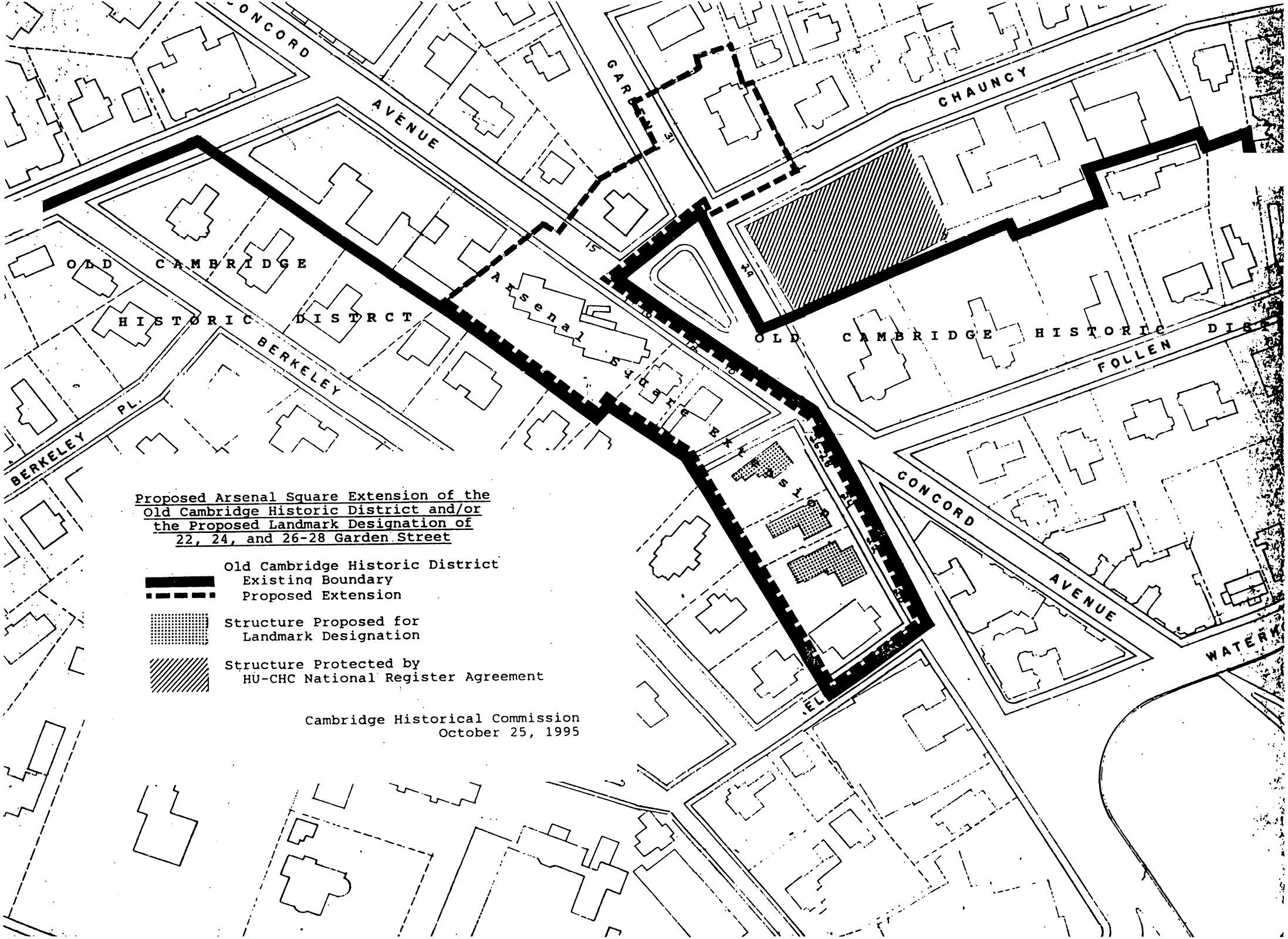
The Commission proposes that the procedures and authority in effect in the existing historic district apply in the proposed extension, except as modified by the variance granted Adams Realty Trust for the proposed project at 22, 24, and 26-28 Garden Street. The provisions of state and local legislation and the record of the Commission in administering the Old Cambridge Historic District are reviewed in the attached Information Relating to the Proposed Landmark Designation of 22, 24, and 26-28 Garden Street and/or the Proposed Arsenal Square Extension of the Old Cambridge Historic District, dated August 18, 1995, while the Final Report on the Proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the Proposed Landmark Designation of 22, 24, and 26-28 Garden Street, dated November 2, 1995, reviews the efforts of the Commission to reach a compromise acceptable to all parties at interest in the proposed extension and/or landmark designation.

Amendments Adopted by the Historical Commission

Throughout the study process, there was extensive discussion of the application of the Historic Districts Act and local ordinances and the possibility of compromises that would remove the objections of Adams Realty Trust and Harvard University to the inclusion of certain of their properties.

a. Adams Realty Trust Properties

The Commission has held extensive discussions with Adams Realty Trust concerning its intent to provide additional parking for the Sheraton Commander Hotel, an enterprise apparently owned by a related corporation, at its properties located at 22, 24, and 26-28 Garden Street.


CONCORD
AVENUE
GARDEN
31
CHAUNCY
OLD CAMBRIDGE
HISTORIC DISTRCT
Arsenal Square Extension
15
24
OLD CAMBRIDGE HISTORIC DIST
FOLLEN
BERKELEY
BERKELEY PL.
CONCORD
AVENUE
WATER
Proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the Proposed Landmark Designation of 22, 24, and 26-28 Garden Street
Old Cambridge Historic District
Existing Boundary
Proposed Extension
Structure Proposed for Landmark Designation
Structure Protected by HU-CHC National Register Agreement
Cambridge Historical Commission
October 25, 1995

The Historic Districts Act and Cambridge ordinances contain similar criteria governing Commission review of protected properties. Construction of a building or structure, alteration of an exterior architectural feature, and demolition or removal of a building or structure must receive the prior approval of the Cambridge Historical Commission. In passing on matters of demolition and new construction (including construction to allow parking as a use), the Commission must consider the "historic and architectural value and significance of the [existing] site, building or structure" and "the appropriateness of the size and shape of the building or structure, both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity." The Commission may impose "dimensional and setback requirements in addition to those required by applicable ordinance," but may not govern uses. However, the Commission "shall not make any . . . requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the surroundings and of the historic district."2

The discussions with Adams Realty Trust originated in the suggestion of the Commission's Executive Director that the Commission might consider supporting the removal of the ells and sheds of the three houses and to allow limited expansion of the existing non-conforming accessory parking. This was first suggested in the context of the demolition review proceeding. Adams later proposed that prior approval of demolition and construction of a parking lot be a condition of its consent to settle litigation and allow its properties to be designated.

Following the October 19, 1995 hearing, Adams Realty proposed that the following language be incorporated into the Commission's report to the City Council:

> At a public meeting of the Study Committee held at the Longy School of Music on Thursday, September 21, and at the public hearing of the Historical Commission held on Thursday, October 19, Adams Realty Trust, owners of 22, 24, and 26-28 Garden Street, proposed a compromise involving demolition of the rear ells of 22 Garden Street, the demolition of 24 Garden Street in its entirety, the retention of 26-28 Garden Street, and the use of the remainder of the site for a surface parking accessory to the Sheraton Commander Hotel [sic]. This proposal, expressed in a letter from the Trust's counsel to the Historical Commission dated October 18, 1995, constituted

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2 M.G.L. Ch. 40C, Sections 6-7. Essentially similar language is found in the Cambridge Municipal Code, Ch. 2.78.220, subsections A and B.

> an Offer in Compromise to avoid litigation to challenge the Commission's actions with regard to the properties. In proposing this compromise, Adams Realty Trust representatives presented evidence concerning the relationship of Adams Realty Trust to the Sheraton Commander Hotel, concerning the Sheraton Commander Hotel's contribution to the community, and concerning the need for additional off-street parking to accommodate the hotel's needs. The Commission recognizes the importance of protecting the viability of the Sheraton Commander Hotel, which is an important neighborhood institution located in a building which is itself located in the Old Cambridge Historic District and is a contributing building in the district. While we have not received an application for a Certificate of Appropriateness or other information sufficiently detailed to enable us to recommend final approval of the proposed compromise, we believe that this compromise is acceptable in concept. We recommend that, in the event that the City Council acts favorably on this report's recommendations, this action incorporate such conceptual approval.3

While the Commission considered the above an accurate statement of its position regarding the Sheraton Commander Hotel, it could not accede to the suggested demolition of 24 Garden Street. Rather, in its November 2, 1995 Final Report the Commission recognized that the various ells and sheds of 22, 24, and 26-28 Garden Street were less significant than the main portions of the houses fronting on the street, and that construction of a paved area to accommodate parking, if suitably landscaped and screened from the street, would not necessarily "incongruous to the historic aspects or the architectural characteristics of the surroundings and of the historic district."4 Thus, a plan that incorporated demolition of the ells and construction of a paved area to accommodate parking behind 22, 24, and 26-28 Garden Street could receive a Certificate of Appropriateness if its design was found to be appropriate to the historic district. The Commission also recognized that in 1978 a Certificate of Appropriateness was awarded to the Sheraton Commander for a parking structure on the lot next to the Hotel, and acknowledged the suitability of this location for more intensive parking.

The Commission recognizes that the proposal granted a variance by the Board of Zoning Appeal incorporates the compromise it

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3 See Kiefer memorandum of October 20, 1995, in Communications Concerning the Proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the Proposed Landmark Designation of 22, 24, and 26-28 Garden Street, November 2, 1995.

4 M.G.L. Ch. 40C, Section 7.

offered in 1995. The Commission agrees that, upon the enactment of the extension of the historic district or designation of the three properties as landmarks, it will approve any application for a Certificate of Appropriateness for partial demolition of 22, 24, and 26-28 Garden Street and construction of a paved area to accommodate parking in conformance with the variance described above. The Commission reserves only the authority to approve materials, construction details, landscaping, and colors under the procedures outlined in M.G.L. Chapter 40C and/or Ch. 2.78 of the City Code.

b. Harvard University

The Commission has reached a compromise with Harvard University concerning its initial objection to the inclusion of 20 and 29 Garden Street in the proposed historic district extension.

Since 1986, all Harvard-owned properties listed on the National Register of Historic Places have been protected by an agreement that included Commission review, through its Executive Director, of projects affecting their exterior features. In return, the Commission agreed that it would not seek to place any Harvard properties under its direct jurisdiction in historic districts or as landmarks. This agreement has been highly effective in meeting the goals of both organizations.

Harvard initially viewed the Commission's proposal to extend the Old Cambridge Historic District as a possible abrogation of this agreement. A further dialogue, however, elicited the following statement from the University:

> We are concerned with the inclusion of 20 and 29 Garden Street in the proposed district extension. 20 Garden Street is a building of recent construction (1967) and 29 Garden Street is not of significant historic value to merit the levels of review required under local historic district designation. We do, however, recognize the desirability, from the Commission's standpoint, of including 20 Garden Street in the proposed district, in that it provides an important link between the existing district boundary and the three structures which the proposed extension is intended to protect. With these issues in mind, and with the hope that the inclusion of a non-historic structure is an isolated occurrence, the University will not contest the district designation of 20 Garden Street, provided that 29 Garden Street is excluded from the district. Moreover, given its lack of historical significance, we would hope that any future alterations to 20 Garden Street would be reviewed with a lower level of review, given its lack of historical features or details, and that any evaluation would focus essentially on massing rather than individual architectural features. In return

> for this limited review of 20 Garden Street and the exclusion of 29 Garden Street from the proposed boundaries of the district expansion, Harvard University proposes to include 29 Garden Street under the provisions of the 1986 agreement that, in the past, has been reserved for buildings listed on the National Register.5

The Commission recognized the effectiveness of this agreement in protecting properties from inappropriate alterations, and, without conceding the alleged lack of historical significance of 29 Garden Street, accepted the proposed compromise by excluding 29 Garden Street from the planned extension of the historic district.

Landmark Designation of 22, 24, and 26-28 Garden Street

The Commission finds 22, 24, and 26-28 Garden Street to be eligible for landmark designation under the terms of Chapter 2.78, Article III. If enacted, the degree of protection would be similar to that afforded by historic district designation. The Commission's acceptance of the BZA-approved proposal, discussed above in the context of the proposed extension of the Old Cambridge Historic District, would apply equally to landmark designation. However, landmark designation of these three buildings alone would fall short of the Commission's stated goal of protecting the environs of Arsenal Square and would exclude the properties of those owners who have sought protection in an expanded district. Accordingly, the Commission recommends landmark designation of the specified properties only if the expansion of the historic district is not approved by the City Council.

Recommendation

The Cambridge Historical Commission believes that extension of the Old Cambridge Historic District as shown on the map constituting a part of this report would best serve the goal of protecting Arsenal Square and its environs, and recommends that the City Council approve the "Proposed Amendment to the Cambridge Historical Commission Ordinance" appended to this report.

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5 See Spiegelman letter of September 21, 1995, in Communications Concerning the Proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the Proposed Landmark Designation of 22, 24, and 26-28 Garden Street, November 2, 1995.

Supplemental Information

For Consideration At A Public Hearing

Relating to the

Proposed Landmark Designation

of 22, 24, and 26-28 Garden Street

and/or the

Proposed Arsenal Square Extension

of the Old Cambridge Historic District

Cambridge Historical Commission,
acting as the
Old Cambridge Historic District Study Committee

August 18, 1995

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*Omitted from this appendix. See front section for current versions.

I. EXISTING AND PROPOSED PROTECTION MEASURES FOR 22, 24, AND 26-28 GARDEN STREET AND THE ENVIRONS OF ARSENAL SQUARE

The Cambridge Historical Commission, acting under the authority of §2.78.180 of the Municipal Code and as an Historic District Study Committee under M.G.L. Ch. 40C, has undertaken a review of the means by which the properties at 22, 24, and 26-28 Garden Street may be protected from demolition or inappropriate alteration, either as individually-designated landmarks or by extension of the Old Cambridge Historic District.

Applications to demolish the Wyeth-Webster house at 22 Garden Street, the George H. Browne house at 24 Garden Street, and the Wyeth-Wesselhoeft house at 26-28 Garden Street were received in January, 1995. On March 2, the Cambridge Historical Commission found the buildings to be significant and preferably preserved under the terms of Chapter 2.78, Article II, causing a six-month delay of demolition. On April 6, the Commission voted to study two preservation alternatives: designation of the three buildings as landmarks, and extension of the existing Old Cambridge Historic District to protect the environs of Arsenal Square.

Designation of 22, 24, and 26-28 Garden Street would protect only these three buildings from the adverse effects of inappropriate alterations and redevelopment. The proposed extension of the Old Cambridge Historic District would protect the entire surroundings of Arsenal Square.

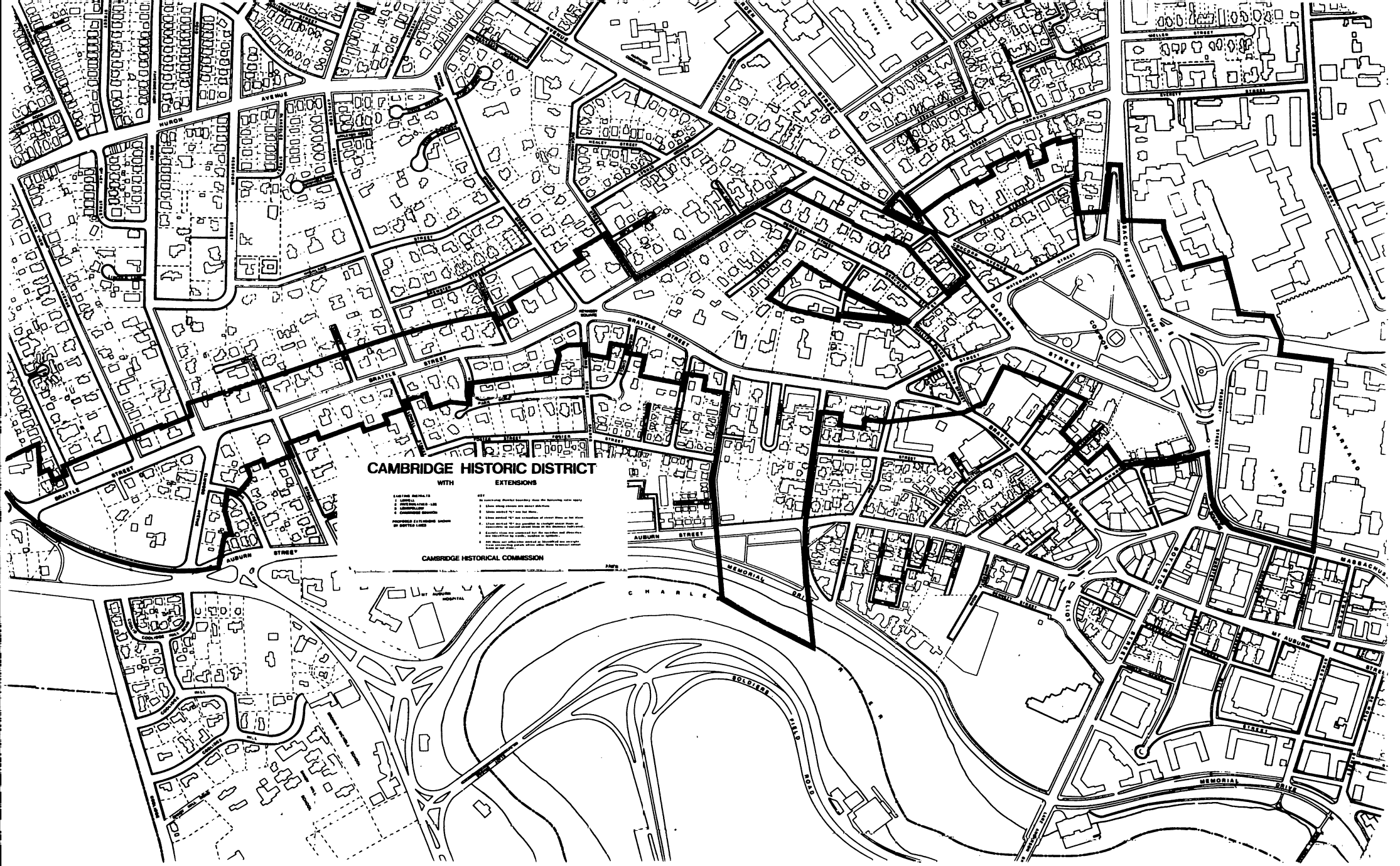
Arsenal Square is an important gateway to Old Cambridge, and contains structures of historic and architectural significance. This area is substantially surrounded by the existing Old Cambridge Historic District, and is linked to it by strong associations of a historical and geographic nature. This Supplemental Information has been assembled to provide appropriate background in comparing the effectiveness of landmark designation to historic district extension and to enable the Cambridge Historical Commission to frame a recommendation to the City Council.

A. The Existing Old Cambridge Historic District

The Old Cambridge Historic District was established under the provisions of M.G.L. Ch. 40C by vote of the City Council in 1976 as an expansion and consolidation of four separate districts designated in 1963.

The Old Cambridge Historic District now extends from the Old Yard of Harvard College on the east, around Cambridge Common, and along both sides of Mason and Brattle streets and Elmwood Avenue as far as Fresh Pond Parkway on the west. Several side streets, such as Farwell Place and Follen, Berkeley, Craigie, Willard, and Hawthorne streets, are also protected, as are five historic public open spaces and their surroundings: Cambridge Common, the Old Burying Ground, Longfellow Park, Lowell Park, and Arsenal Square Park itself (but not its surroundings).

The most significant characteristic of the Old Cambridge Historic District is the diversity and quality of


CAMBRIDGE HISTORIC DISTRICT
WITH EXTENSIONS
CAMBRIDGE HISTORICAL COMMISSION
HURON AVENUE
BRATTLE STREET
AUBURN STREET
MEMORIAL DRIVE
SOLDIERS FIELD ROAD
MT AUBURN HOSPITAL
ACACIA STREET
GARDEN STREET
MASSACHUSETTS AVENUE
HARVARD
ELIOT
MT AUBURN STREET

its buildings. In addition to houses from almost every period and style in American architecture, it includes commercial buildings on Church Street, apartment buildings around Cambridge Common, and academic buildings of Harvard, Radcliffe, and the Episcopal Divinity School. While some structures, such as the Commander Hotel and the apartment houses along Waterhouse Street, were included in the original Historic District in 1963 solely to protect the surroundings of Cambridge Common, historians' understanding of their significance has evolved and some are now also valued examples of their period and style of architecture.

The unifying feature of the district is the Watertown Path, an ancient way which predates the founding of Newtowne in 1630. A Native American path connected the settlements of Charlestown, Cambridge and Watertown along what is now Kirkland Street, Cambridge Common, Mason Street, Brattle Street and Elmwood Avenue. The first Historic Districts were established in 1963 to protect the Revolutionary features along that route between the Common and Elmwood Avenue. Prominent Loyalists built fine mansions there in the middle years of the eighteenth century, so that Brattle street became known as "Tory Row". At the outbreak of the American Revolution in 1774, the Tories fled to Boston and their houses were used by the Continental Army for hospitals and officers' quarters, with General Washington quartered at the Vassall-Craigie-Longfellow house. During the Siege of Boston, the Americans encamped on Cambridge Common and in

some of the Harvard buildings now included in the Historic District. In the 19th century, Brattle Street became a prestigious suburban address and one of the most famous streets in America.

Down to the present day, many houses in the Historic District have been occupied by famous people, such as U.S. Vice President Elbridge Gerry and poet James Russell Lowell at Elmwood, Andrew Craigie and Henry Wadsworth Longfellow at 105 Brattle Street, and Oliver Wendell Holmes on Cambridge Common. The district includes the homes of Harvard President Charles Eliot, John Bartlett of Bartlett's Quotations, architect Henry Van Brunt, Dr. Benjamin Waterhouse, Governor William E. Russell, historian John Fiske, author and attorney Richard Henry Dana 2nd, financier Edwin Abbot, inventor Edwin Land, numerous Harvard professors, and other distinguished New Englanders.

During the 19th century, several churches and Harvard buildings were constructed around the Common, and the Episcopal Theological School (now the Episcopal Divinity School) and Radcliffe College were established along Mason and Brattle streets. The early buildings of the Theological School were designed by the firm of Ware & Van Brunt, architects of Memorial Hall, and are distinguished examples of 19th century Gothic architecture.

Before 1900 most of the frontage along Mason and Brattle streets had been developed with large houses, usually set well back from the winding road. Since that

time there has been much subdivision of the older lots, but the new houses, although in many architectural styles, almost always fit harmoniously into the streetscape. The major 19th and early 20th century architects whose work is represented in the district include Henry Greenough, H. H. Richardson, Henry Van Brunt, William R. Emerson, Ralph Adams Cram, Alexander Wadsworth Longfellow, Arthur Little, Charles Follen McKim, and Lois Lilly Howe. The district also illustrates the suburban expansion of Cambridge during the 19th century, when many owners subdivided their estates, and includes streets laid out by Harvard Professor Charles Follen, lawyer Jonas Wyeth 2nd, investor and telephone pioneer Gardiner Greene Hubbard, and ornithologist William Brewster.

The completion of the Cambridge Subway in 1912 led to the construction of numerous apartment houses, including distinguished examples at 83 Brattle Street and on Waterhouse Street facing the Common. These were joined in 1926 by the Commander Hotel on Cambridge Common as well as by the Continental and Ambassador Hotels just outside the present district. Nonresidential buildings of this century have included three churches (the Church of Jesus Christ of Latter-Day Saints and the Friends Meeting House on Longfellow Park and the Holy Trinity Armenian Church at Brattle and Sparks streets), the Radcliffe Yard, and Harvard buildings such as Lionel, Mower, Lehman and Littauer Halls, Phillips Brooks House, and the Science Center.

The four original districts were combined into the Old Cambridge Historic District in 1976 to protect the totality and uniqueness of the environment of Brattle and Mason streets and Elmwood Avenue. Although there are many landmarks, most of the houses are ample, comfortable homes of no individual historical significance. Each presents, however, a distinctly individual architectural character, enhanced by varied siting, attractive fences and walls, and handsome trees. The shared landscape of Brattle Street forms a rich residential atmosphere in which the houses become the points of interest. While a Federal or Greek Revival house may stand amid open lawns and elm or oaks, a Tudor style house may be nearly engulfed by a thick stand of tamarack or spruce. Despite this considerable variety, the visual continuity of the streetscape as a whole is maintained by the rhythm of masses and open space.

In 1986, the Old Cambridge Historic District was expanded to include all of Follen Street, Berkeley Street, and Berkeley Place, as well as the south side of Craigie Street. It was observed that these neighborhoods shared the remarkable visual and atmospheric unity of the Historic District, and that they were threatened by inappropriate development. Several years after the residents petitioned to be included in the Historic District, the City Council approved the amended boundaries.

The continuing expansion of the Historic District reflects the evolution of historic preservation philosophy.

The Revolutionary landmarks that were protected in 1963 were linked in 1976 to protect their environs. The district was expanded in 1986 to provide a broader neighborhood focus. Preservationists and city planners now generally seek to preserve the integrity of significant urban fabric, whatever its ages of its component buildings.

B. Proposed Protection Measures For 22, 24, and 26-28 Garden Street

The Study Committee found the Wyeth-Webster, George H. Browne, and Wyeth-Wesselhoeft houses at 22, 24, and 26-28 Garden Street to be eligible for consideration as landmarks under the terms of Chapter 2.78, Article III. The Commission may recommend for designation as landmarks any structure

> which it determines to be either (1) importantly associated with one or more historic persons or events, or with the broad architectural, aesthetic, cultural, political, economic or social history of the City or the Commonwealth or (2) historically or architecturally significant (in terms of period, style, method of construction or association with a famous architect or builder) either by itself or in the context of a group of structures.1

The houses meet criteria (1) and (2) of Chapter 2.78, Article III for their important associations with the broad architectural and social history of the City and for their historic and architectural significance in terms of their period, style, and method of construction.

The houses at 22, 24, and 24-26 Garden Street are located on the west side of Garden Street between Berkeley

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1 Cambridge City Code, §2.78.180.A

Street and Arsenal Square in Old Cambridge. The neighborhood is mixed, consisting of large 19th century houses, some of which have been converted to institutional purposes; two hotel structures dating from the 1920s, one of which has also been converted to institutional purposes; and several large apartment buildings built between 1916 and 1963. Garden Street is a main traffic artery leading west from Cambridge Common; the intersection with Concord Avenue, Follen Street, and Chauncy Street is known as Arsenal Square for the Massachusetts Arsenal that was located there.

The Wyeth-Webster house at 22 Garden Street is thought to have been built as a single family house in 1837, although an examination of the basement revealed the massive frame of a possibly much earlier structure. It is a very early example of the Greek Revival style, with a triangular pediment with a triangular window and a recessed entry framed by wide pilasters. The present entrance in the gable end indicates the presence of a side-hall plan, but the house originally faced east, toward the Common; a full-length portico on that side has been removed. The two-story ell is original, but a one-story shed on the rear of the main house is a relatively recent addition. The house suffers from many years of deferred maintenance and shows signs of carpenter ant or termite infestation.

Upon completion, the Wyeth-Webster house was leased to Dr. John White Webster. Webster, who graduated from Harvard with the class of 1811, was appointed a lecturer in



22 GARDEN STREET APRIL, 1968

chemistry in 1824 and became Erving Professor of Chemistry and Mineralogy in 1827. Webster had difficulty supporting his family on a Harvard salary and was forced to give up his substantial house on Ware Street in 1837. He then leased Wyeth's house on Garden Street and continued to teach at the college and at the medical school, which was located at the Massachusetts General Hospital in Boston.

Webster's financial situation became increasingly perilous during the 1840s, and he habitually borrowed from friends to cover expenses, while entertaining lavishly at his home in Cambridge. Among those from whom he borrowed was Dr. George Parkman, a non-practising physician and wealthy merchant in Boston. When Parkman learned that Webster had pledged the same mineral collection to two different lenders he demanded immediate repayment, disrupting Webster's lectures and finally confronting him at the medical school.

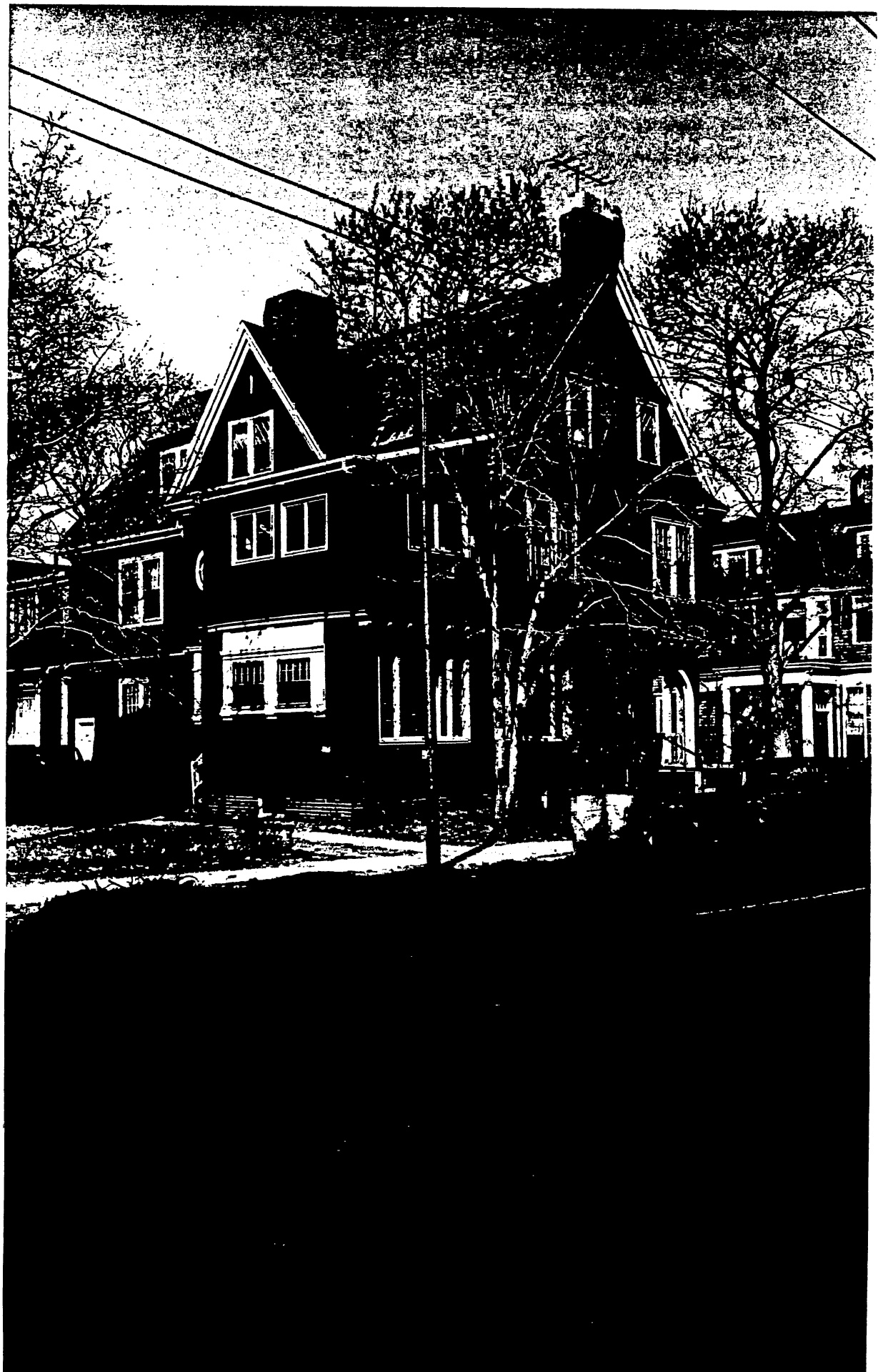
Parkman's disappearance on November 23, 1849 caused concern, but nothing compared to the sensation raised when a custodian found human remains in the furnace at the medical school. After a widely publicized trial, Webster was convicted of murder and executed in August, 1850. The case of Commonwealth v. Webster established the principle that a defendant could be convicted of a capital offence solely on circumstantial evidence, no identifiable remains of Dr. Parkman having been found.

Mrs. Webster and her daughters left Cambridge, and in 1851 Wyeth's house was leased to John Read, who owned a dry

goods store in Harvard Square. Read purchased the property in 1854, and in 1876 his heirs sold it to S. Lothrop Thorndike, a Boston attorney.

The next owner of the house was George H. Browne, cofounder of the Browne & Nichols School. Browne & Nichols opened in 1883 in a house at 11 Appian Way and built a classroom building next door in 1894. It was apparent that the school lay in the path of Radcliffe College, however, so Browne bought the Wyeth-Webster property for future expansion. The Wyeth land extended to the corner of Berkeley Street, and in 1897 B&N built a three-story classroom building in what had been the front yard of the Wyeth-Webster house. The house was used for a dormitory for a few years, and for other school purposes until after World War II. The property was subsequently occupied by the Christian High School, but by 1968 the 1897 building had been replaced by the Roscoe Pound Center and the Wyeth-Webster house contained five apartments.

The George H. Browne house at 24 Garden Street is a frame dwelling built in 1897, coinciding with the development of the Browne & Nichols School. It is a well-developed example of the Queen Anne style, with a complex cross-gabled plan and romantic detailing of corbelled overhangs and small-paned windows. Originally shingled, the house was covered with vinyl siding in 1990. Numerous alterations carried out between 1942 and 1957 converted it to apartments; the most drastic of these was the enclosure



24 GARDEN ST. APRIL, 1968; BEFORE INSTALLATION OF SIDING

of the second floor sleeping porch in 1948. The house appears to be in good condition.

The architect of the Browne house, James Hayden Wright, was an 1892 Harvard graduate who may have been an early student of Browne's. Wright's career extended until 1947; among his other houses in Cambridge are 1 Walker Street (1906) and 20 Bryant Street (1916). Browne moved to Chauncy Street at an early date, however, and by 1904 the house was occupied by Dr. Arnold Rockwell, who maintained his practice there. In 1942 he added a separate entrance, and by 1954 the house contained three apartments in addition to Rockwell's.

The Wyeth-Wesselhoeft house at 26-28 Garden Street is a frame house built by Jonas Wyeth 3rd in 1841. Originally a fully-developed example of the Greek Revival style, the house had a portico with two bow windows underneath that are the hallmark of houses built by the Cambridge housewright Oliver Hastings. The house was altered in 1897, when the portico was removed and a number of rooms added, giving it a large ell, dormers, and bay windows that it did not originally possess. The original clapboards and trim were covered with vinyl siding in 1988, and the condition appears to be good.

The Wyeth-Wesselhoeft house was rented until 1851, when it was sold to Charles W. Homer, a Boston merchant. Homer's widow and unmarried daughters remained in possession until 1897, when they sold the property to Dr. Walter Wesselhoeft, who was Professor of Obstetrics at the Boston University



26-28 GARDEN STREET APRIL, 1968 BEFORE INSTALLATION OF SIDING

Medical School. The new owner immediately began extensive alterations to accommodate his four daughters, significantly changing the appearance of the house; the architect of the additions was not recorded. Dr. Wesselhoeft moved on after a few years, but moved only to 39 Garden Street since his father-in-law, Erasmus D. Leavitt, had built a new home across Arsenal Square in 1903. In 1935 the property came into the possession of the Cambridge Savings Bank, which divided it into four apartments.

By 1974 all three houses were owned by the DiGiovanni family through the Trinity Realty Trust. In April, 1974 Trinity obtained a building permit for a thirty-unit apartment house with thirty parking spaces, but the project was delayed, and in June, 1975 the property was downzoned to its present classification of Residence C-1. The property was then sold to the present owners, Adams Realty Trust.

The significance of the three houses lies in their history and architecture as well as in their contribution to their surroundings. The Wyeth-Webster and the Wyeth-Wesselhoeft houses, together with the Wyeth-Murdock house at 10 Concord Avenue, represent the original development of this part of Old Cambridge. They are remarkably intact survivors of that period, and are significant as important examples of their respective architectural styles. The Wyeth-Webster and the George H. Browne houses have important associations with significant figures in Cambridge history. All three houses withstood the development of large

apartment houses and hotels in the early 20th century, and today they are essential to retaining the domestic character of Arsenal Square, one of the city's most important gateways.

In contrast to inclusion in an historic district, the terms of which are strictly governed by statute, landmark designation offers greater flexibility in the extent of protection afforded a structure. The degree of protection could be similar to that afforded by historic district designation, or certain features or future projects could be exempted from review. However, landmark designation of these three buildings alone would fall short of the study committee's goal of protecting the environs of Arsenal Square, rationalizing the Old Cambridge Historic District boundary, and protecting the existing district. The Study Committee therefore suggests equal consideration of the proposal to extend the Old Cambridge Historic District.

C. The Proposed Expansion of the Old Cambridge Historic District

The area initially examined by the Study Committee included both sides of Garden Street and Concord Avenue from Arsenal Square to Bond Street; Walker Street and the western block of Shepard Street; Bond Street; and the north side of Craigie Street. The committee reviewed the history and significance of this larger area as part of its efforts to define an appropriate strategy for preserving the Arsenal Square neighborhood. Based on a close examination

of the area and several well-attended public meetings, the committee decided to recommend that only the eleven parcels and ten structures directly abutting Arsenal Square and lower Garden Street be included in the district.

The objective of the extension is to protect the special environment of Arsenal Square from inappropriate change and overdevelopment. Arsenal Square is an important gateway to Old Cambridge. Several of the significant 19th century houses surrounding Arsenal Square Park have suffered inappropriate alterations and are now threatened with demolition and development for a parking lot. By linking Follen and Berkeley streets, the proposed extension would fill the gap in an otherwise cohesive district and protect it as well as the larger community of West Cambridge from destructive development.

The area proposed for inclusion in an expanded Old Cambridge Historic District has several characteristics in common with areas that are already protected. It is predominantly residential in appearance, although some houses have been turned to other uses and two lots contain large multi-unit structures. The houses are distinguished and have strong historical associations, even though their location on major thoroughfares is no longer advantageous and some have suffered from unfortunate alterations resulting from conversions to multifamily uses. Some of the properties are under threat of demolition and inappropriate development. This possibility is probably intensified by

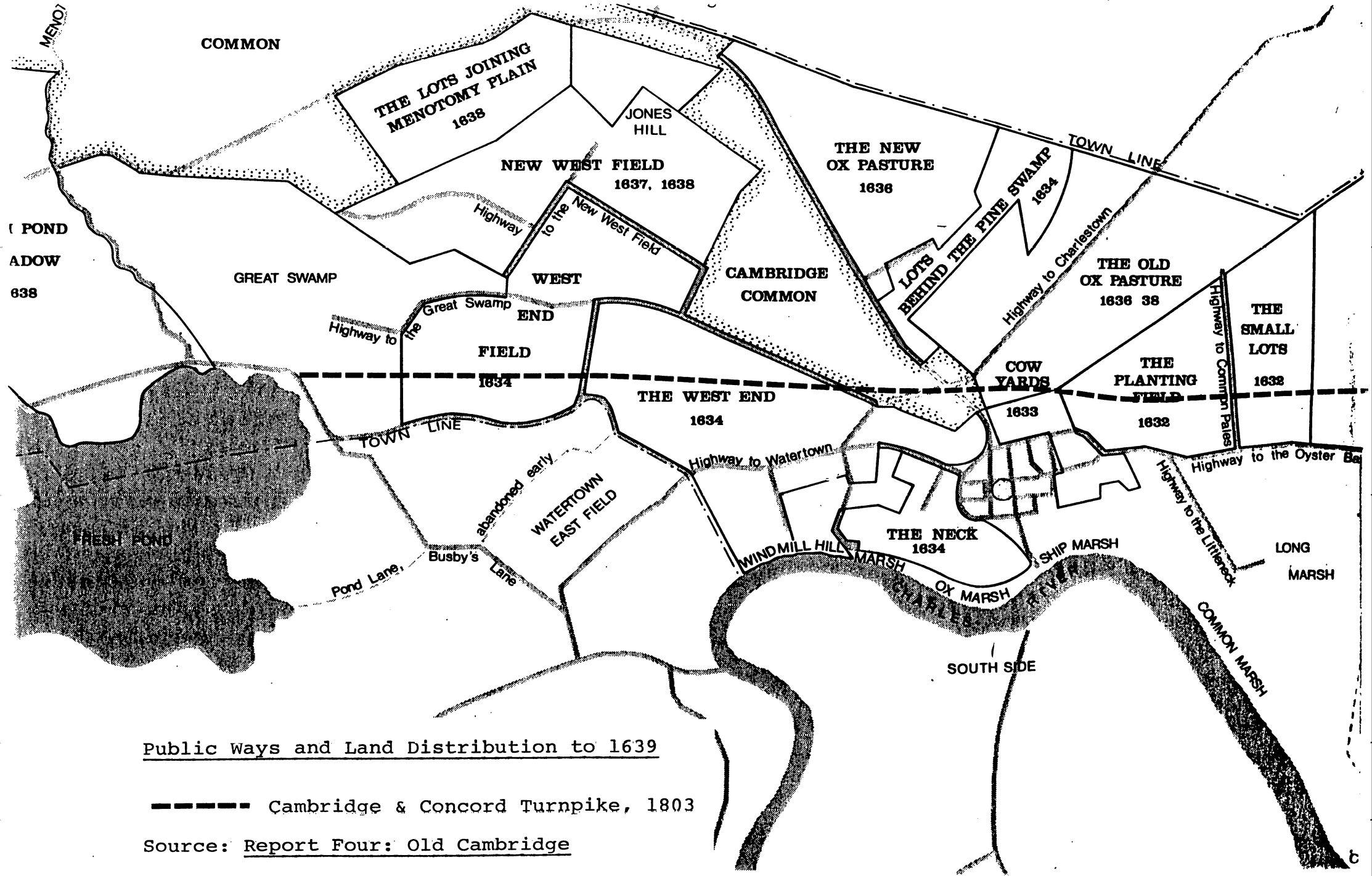
the strong protection afforded by the existing Old Cambridge Historic District and Half Crown Neighborhood Conservation District, which protect residential neighborhoods closer to Harvard Square. The properties are likely to experience increased pressure in the future because of their location in an isolated pocket surrounded by the Historic District.

The proposed expansion area is bordered on two sides by the Old Cambridge Historic District, the boundary of which runs between Follen and Chauncy streets on the east and between Concord and Garden streets and Berkeley Street on the west. Arsenal Square park itself has been protected by the Old Cambridge Historic District since 1986.

1. Historic and Architectural Significance of the Study Area and the Proposed Expansion

a. Initial Study Area

The initial study area lies in two historic tracts (see map). The territory known as the West End was divided among the settlers in 1634. East of Garden Street, the Lower Common was distributed in 1724. In 1803, both tracts were crossed by the Cambridge & Concord Turnpike, now Concord Avenue. Today, the study area is characterized by the diversity of its suburban streetscape. Many of the property lines from the time the land was first conveyed to private ownership are still in place, resulting in an irregular street pattern that enhances the individuality of the area.



Public Ways and Land Distribution to 1639

▬▬▬▬ Cambridge & Concord Turnpike, 1803

Source: Report Four: Old Cambridge

The continuing vitality of the neighborhood is seen in the wide variety of styles and types of buildings there.

In the **West End,** the Garden Street frontage opposite the Common and west of Mason Street was once owned by the Hill and Wyeth families. In 1645, Nicholas Wyeth, a mason, bought a farm near the present corner of Garden and Berkeley streets. Six generations later, his descendant, Jonas Wyeth 2nd, began to subdivide the property while living in Philadelphia. Before he returned in 1841, Wyeth had built three rental houses on Garden Street and Concord Avenue west of Berkeley. All stood on generous lots with porticos facing south, and all survive. The smallest, built at 10 Concord Avenue in 1837, is a Federal cottage, of which few examples remain in Cambridge. The Greek Revival house at 22 Garden Street also dates from 1837, but may have been built around an earlier structure. Wyeth's other Greek Revival house, 26 Garden Street, was built in 1841 and has been substantially altered. (See Part I.A, above, for an extended discussion of 22, 24, and 26-28 Garden Street.)

In 1851 Wyeth collaborated with his neighbor Joseph Worcester, the lexicographer, to lay out Berkeley Street. The secluded location close to the village made the area immediately desirable, and it developed quickly with houses of some distinction.

West of the Wyeth farm, Tory John Vassall and patriot Andrew Craigie assembled what became known as "the summerhouse lot" for the 40-foot-high folly that Vassall

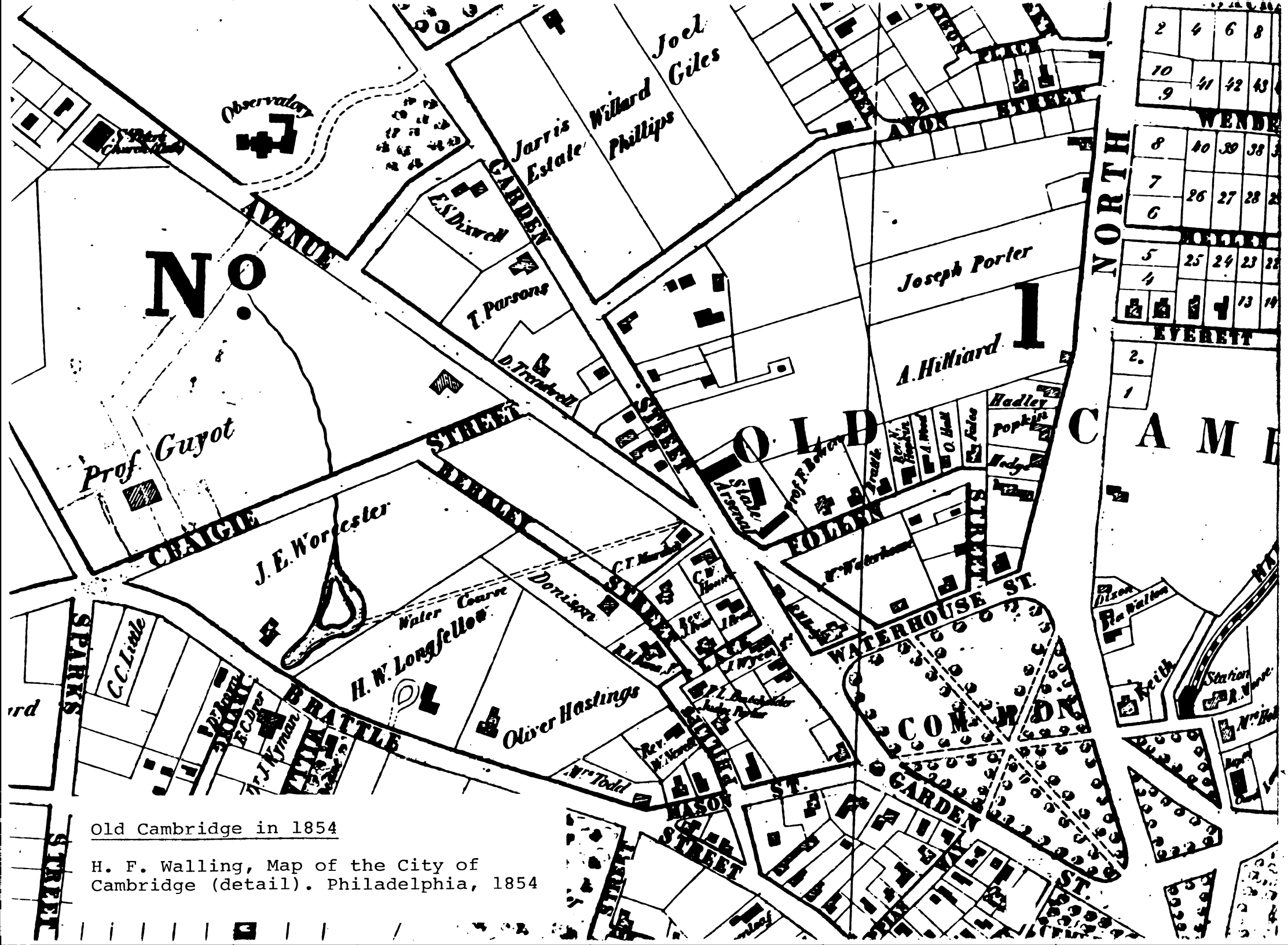


10 CONCORD AVENUE APRIL, 1968

built on present Observatory Hill between 1770 and 1774. This parcel was sold to Harvard College for an observatory in 1841. In 1842 President Quincy had a surveyor lay out Bond Street and divide the land south of it into lots.

There was little interest in Harvard's subdivision at first. In 1845 two lots at the south end were sold to Thomas Stearns, who put up a stable for his New Line of omnibuses. Two years later, the college sold four lots at the corner of Bond and Garden streets to Epes Sargent Dixwell, the master of the Boston Latin School; his substantial Classical Revival mansion is often attributed to Cambridge architect Henry Greenough. The next year, Dixwell was joined by Professors Daniel Treadwell and Theophilus Parsons, who each built substantial Greek Revival mansions also.

The apex of the triangle belonged to the Wyeths and had a different history from the summerhouse lot, although the outcome was similar. Severed from the Wyeth farm by the Concord turnpike in 1803, this property was sold in 1819 to Adam Lewis, "a man of culler," who was one of several members of an extended African-American family that lived in a nearby settlement called Lewisville (Middlesex deeds 231-98). Stearns' stable and the Lewis house vanished in 1869, when Stearns moved the stable and converted it into a four-family row house at 38-44 Shepard Street. The land was sold and replatted, and Franklin Perrin, a Boston businessman, built the present Second Empire house at 1 Arsenal Square (15 Concord Avenue) in 1870.



Old Cambridge in 1854

H. F. Walling, Map of the City of Cambridge (detail). Philadelphia, 1854

When Parsons began to sell his property in 1872, the first buyer was William Dean Howells, the editor of The Atlantic Monthly, whose wife, Susan, a sister of William R. Mead of the architectural firm of McKim, Mead & White, designed their house at 37 Concord Avenue. This house and 35 Concord Avenue, which was designed by the firm of Van Brunt & Howe, deserve protection.

The decline of the block began in 1924, when the remainder of the Parsons property was sold. Parsons' house was razed, and Hamilton Harlow, a prolific architect of apartment buildings, designed a 41-unit building at 52 Garden Street. The Treadwell house was replaced in 1959 by Continental Terrace, a seven-story apartment building designed by Hugh Stubbins & Associates; the 1886 brick carriage house survives as a private residence. In 1977-79, the Dixwell house was divided into condominiums, and the grounds were developed with seven townhouses and a detached two-family house. In 1978 three houses on Concord Avenue and Garden Street close to Arsenal Square were demolished for an institutional study center; neighborhood protests blocked this project, and the site lay fallow until four neo-Victorian two and three-family houses were built there in 1993. After years of neglect, the Perrin house was successfully restored in 1992 as a group home.

The south side of Concord Avenue developed similarly. Beginning in 1917, the Harlow family developed Bradlee Court, a 32-unit building on Craigie Circle; by 1963, a

total of ten buildings containing 477 apartments had replaced eight single-family houses near the intersection of Craigie Street. In 1970, Bainbridge Bunting, who witnessed much of this construction, described 20-22 and 24-26 Concord Avenue as making "the grimmest blank, walled-in spaces in Cambridge. It shows what the city could easily become, a deadly mediocrity" (C.H.C. architectural inventory).

The **Lower Common**, separated from the West End by Garden Street, was so called to distinguish it from the common land on the north side of Avon Hill. Its 63 acres were divided into twenty parcels and distributed among the town's proprietors in 1724. As Old Cambridge developed, the Lower Common was found to be easily reached from two arteries: North (now Massachusetts) Avenue, which became a prestigious suburban street in the mid-19th century, and the less-travelled Garden Street. On the south, Waterhouse and Follen streets became desirable addresses once the Cambridge Common was enclosed and landscaped in 1835. The presence of the State Arsenal and the omnibus stables retarded development around Arsenal Square, while the remote parcels near the Observatory and the Botanic Garden survived nearly intact until 1900, when Radcliffe College purchased them.

At the end of the 18th century, the area between Waterhouse and Chauncy streets, adjacent to the Common, had only a few owners. In 1796, the Commonwealth bought a parcel on the east side of Garden Street between Follen and Chauncy streets as the site for an arsenal. Some matériel was stored

there, perhaps in Revolutionary barracks moved from the Common, but nothing permanent was built until after the state purchased additional land in 1813 and 1817. A brick arsenal completed in 1818 on the corner of Chauncy Street was expanded by a superintendent's office (1848), a keeper's house (1852), and a machine shop (1864).

The arsenal was sold in 1884, and the buildings were demolished in 1887 when Edward Abbot acquired the site for his stone residence, today the Longy School of Music. The Continental Hotel was built in the garden of the Abbot house in 1929. The only direct reminder of the early use is the name, Arsenal Square, given to the small triangular green between Concord Avenue, Garden, and Chauncy streets.

The area between Chauncy and Shepard streets has a complicated street pattern because of the irregular shape of the individual properties that were subdivided. The first house on Chauncy was built in 1859. By 1873, the east end of the street had several spacious houses on very large lots. The west end was dominated by the arsenal until the 1880s, and from 1887 until 1929, when the Continental Hotel appeared, was part of the backyard of Edwin Abbot's house at 1 Follen Street. More large houses were built in the 1880s and 1890s, mostly for professors and Boston businessmen, but only a few have survived.

The first apartment building on Chauncy was erected in 1917 at number 10; its four-story mass and 23 apartments filled the entire site and marked a significant change in

the scale and appearance of the street. Other large apartment houses followed, and by 1930 Chauncy Street had almost 400 units in eight large buildings, which gave the street the effect of a narrow corridor. Only the three houses at the west end of the street are considered to have potential for protection.

Garden Street beyond Chauncy has been a desirable residential neighborhood throughout the 20th century, despite the construction of inappropriately dense apartment houses in the 1920s and the growth of institutional interests since the 1960s. The architecturally-important stuccoed Italian villa at 33 Garden Street (Charles K. Cummings, 1905), was built by the distinguished mechanical engineer Erasmus D. Leavitt, who moved to Arsenal Square to be near his daughter, Mrs. Walter Wesselhoeft, at 26-28 Garden Street. Probably the last significant single-family house built in this neighborhood, it anchors the important corner of Chauncy and Garden. Several very substantial houses between Shepard and Linnaean streets were demolished in the 1960s by Radcliffe College.

Shepard Street, named for the town's 17th century minister Thomas Shepard, was laid out in two sections. The east end was part of Avon Street, which was laid out in 1845 between Massachusetts Avenue and Linnaean Street and extended to Garden Street five years later. The development of the west end of the street began inauspiciously with the conversion of the former omnibus stable to a row house at



E. D. Leavitt house,
33 Garden St. (1969)

38-44 Shepard, but subsequent houses tended to be much more substantial and the street contains several Queen Anne houses of some distinction.

Walker Street was developed in the 1870s by Thomas Stearns, the former proprietor of the New Line of omnibuses. After the advent of street railways, Stearns found that real estate development was a more profitable pursuit. However, this part of the Lower Common had already been settled by an extended African American family whose property Stearns gradually acquired in order to complete his subdivision.

Lewisville was composed of four houses inhabited by an extended African-American family descended from slaves left behind by Tory families in 1776. In 1835 Walker Lewis and seven of his brothers and brothers-in-law established a private cemetery, which was unique in Cambridge. Ten years later the settlement began to break up. The 1877 sale of the Lewis family tomb to Stearns, who had by then purchased much of the surrounding land, ended the brief era of Lewisville. The passageway, named Garden Street Place, remained until at least 1886; by 1916 the Peter Lewis house was demolished and the tomb lot had been incorporated into the backyard of 33 Walker Street.

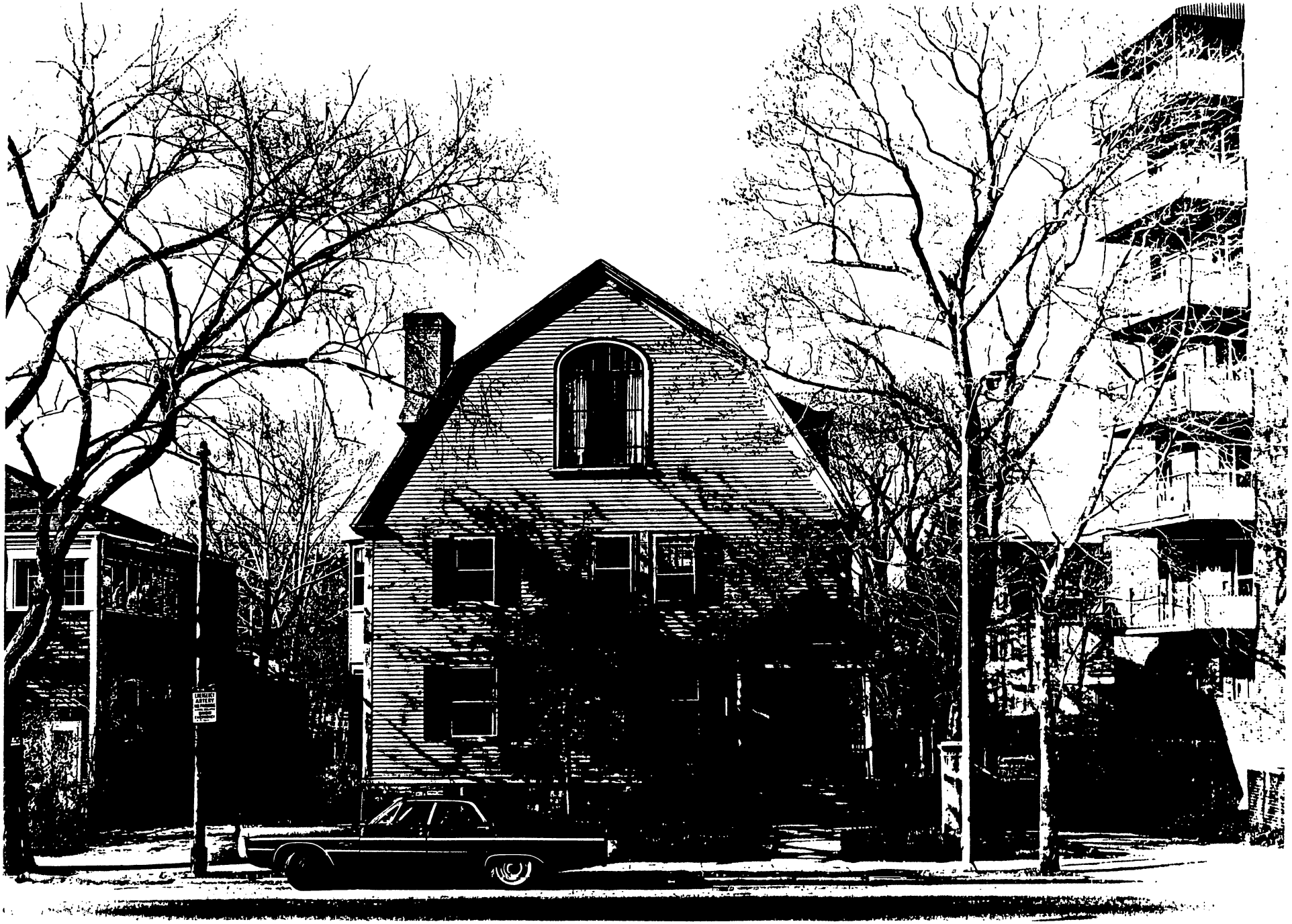
Walker Street is characterized by an unusually high proportion of one-story, Mansard-style double houses. Some of the earliest buildings were 57-59 and 68-70 Walker, which Thomas Stearns built in 1871 to rent, and the modest Bracketed/Italianate houses at 26 and 30, which a pianoforte

maker and a grocer built for themselves. The Study Committee considered the entire street as far as the intersection with Shepard Street to be worthy of preservation.

Arsenal Square is the point where Concord Avenue crosses from the Lower Common to the West End, uniting two neighborhoods that now retain only subtle differences. The area has never been architecturally homogeneous. From the Revolution to the Civil War, Wyeth's Greek Revival cottages in the West End faced the Arsenal, the omnibus stable, and Lewisville in the Lower Common. After the Civil War, the Lower Common became a desirable suburb; the Lewis cottage was replaced by an imposing Second Empire residence, the arsenal gave way to one of the City's most desirable estates, and the surrounding streets were filled with attractive houses. In the early 20th century, the larger houses on spacious lots facing the Common were almost all replaced by apartment houses and hotels, while smaller properties, such as those occupied by the Wyeth cottages, escaped redevelopment.

b. Recommended Study Area

Having reviewed the history and architecture of the initial study area, the Study Committee voted to recommend for priority protection a much smaller area comprised of the unprotected properties on Concord Avenue and Garden Street abutting Arsenal Square. This step was taken in recognition of the importance of protecting the surroundings of the Square, rather than just the park itself and the Abbot



Charles Peaslee house,
12 Concord Avenue (1969)

house, now the Longy School. The committee alsc recognized the continuity of the recommended study area with the surrounding Old Cambridge Historic District.

The most prominent structure in the square is the Franklin Perrin house at 1 Arsenal Square, which, though not unique architecturally, occupies a critical location at the intersection and relates well to the other surviving 19th century houses in the Historic District. Also of critical importance are the five 19th century houses on the west side of the square at 22, 24 and 26 Garden Street and 10 and 12 Concord Avenue, which are significant individually and provide an important reminder of the 19th century streetscape. The Erasmus D. Leavitt house at 33 Garden Street, is an important link between the Square and the Lower Common.

The most distinguished building on Arsenal Square, the Richardsonian-style Longy School of Music at 1 Follen Street, was built in 1889 as the home of Edwin H. Abbot. The concert hall and library addition of 1968 was designed in a contemporary style that successfully complements the earlier building. The Longy School was included in the Historic District expansion of 1986, as were two more 19th century houses, 7 and 9 Concord Avenue, that provide breathing space for the large apartments closer to the Common.

Not all the buildings in the proposed extension display a domestic character. The former Continental Hotel

at 29 Garden Street, a massive Georgian structure, was built by John J. Shine in 1929 to complement his recently completed Commander and Ambassador Hotels. Until it closed in 1972, the Continental was noted for its functions and served as a social center for West Cambridge families; the *Cambridge Chronicle* called it "one of the last refuges of the genteel, the rich, and the charming in Cambridge" (March 9, 1972). It now houses Harvard students and the University Police.

While the Continental was built in the spacious back yard of the Edwin Abbot house, two houses had to be razed for the apartment building across the Square at 14-16 Concord Avenue. Designed by Cambridge architect Arthur H. Brooks in 1963, this building has the virtue of its complicated massing, which breaks up what could be a oppressively tall building. The Harvard Registrar's office at 20 Garden Street, which replaced the Browne & Nichols School in 1967, is a Neo-Georgian building originally built as the Roscoe Pound Center. The apartments and institutional buildings that crowd Arsenal Square have diminished but not destroyed the suburban feeling of the surrounding 19th century houses.

2. The Need for Protection

Currently, the only constraints on development in the study area are the zoning code and the demolition review ordinance. For any given zone, minimum standards are designated for lot size, width, area per dwelling unit, open



Continental Hotel, 29 Garden St. (1972)

space, and front and side setbacks in order to regulate building density. Under the demolition review ordinance, all applications to demolish buildings over fifty years old are reviewed by the Historical Commission. Demolition can be delayed for up to six months, if a building is found significant and "preferably preserved", in the terms of the ordinance. During this period, threatened buildings can be designated for protection by the City Council.

Arsenal Square has been the focus of several development proposals which would have destroyed the remaining houses on the west side of the Square and the houses in the triangle between Concord Avenue and Garden Street. Two incidents illustrate the development pressure which the area is experiencing. In 1974, plans were circulated for the demolition of the houses at 22, 24 and 26 Garden Street to make way for a large apartment development; fortunately this did not occur. A few years later, the houses at 42 Garden Street and 21 Concord Avenue were demolished unexpectedly. The large side yards of both these buildings extended towards the critically located house at 1 Arsenal Square and provided an important neighborhood amenity. Despite intensive neighborhood opposition and a temporary stay of demolition, the houses were removed and for a time were to be replaced by a residential complex to be affiliated with the Institute for Contemporary Science. The property was finally sold for development in 1993, and

the houses built there do not fulfill the potential of the site allowed by the zoning.

In 1974, the Arsenal Square neighborhood was downzoned by the city in response to neighborhood concern that the zoning allowances in the area far exceeded the bulk, dimensions and density of most of the existing buildings, and therefore threatened their replacement with more intensive development. The five 19th century buildings which survive on the west side of Arsenal Square are still threatened by the Residence C-1 zoning classification there, which, although not allowing any greater height than more restrictive zones (35'), does allow multifamily densities.

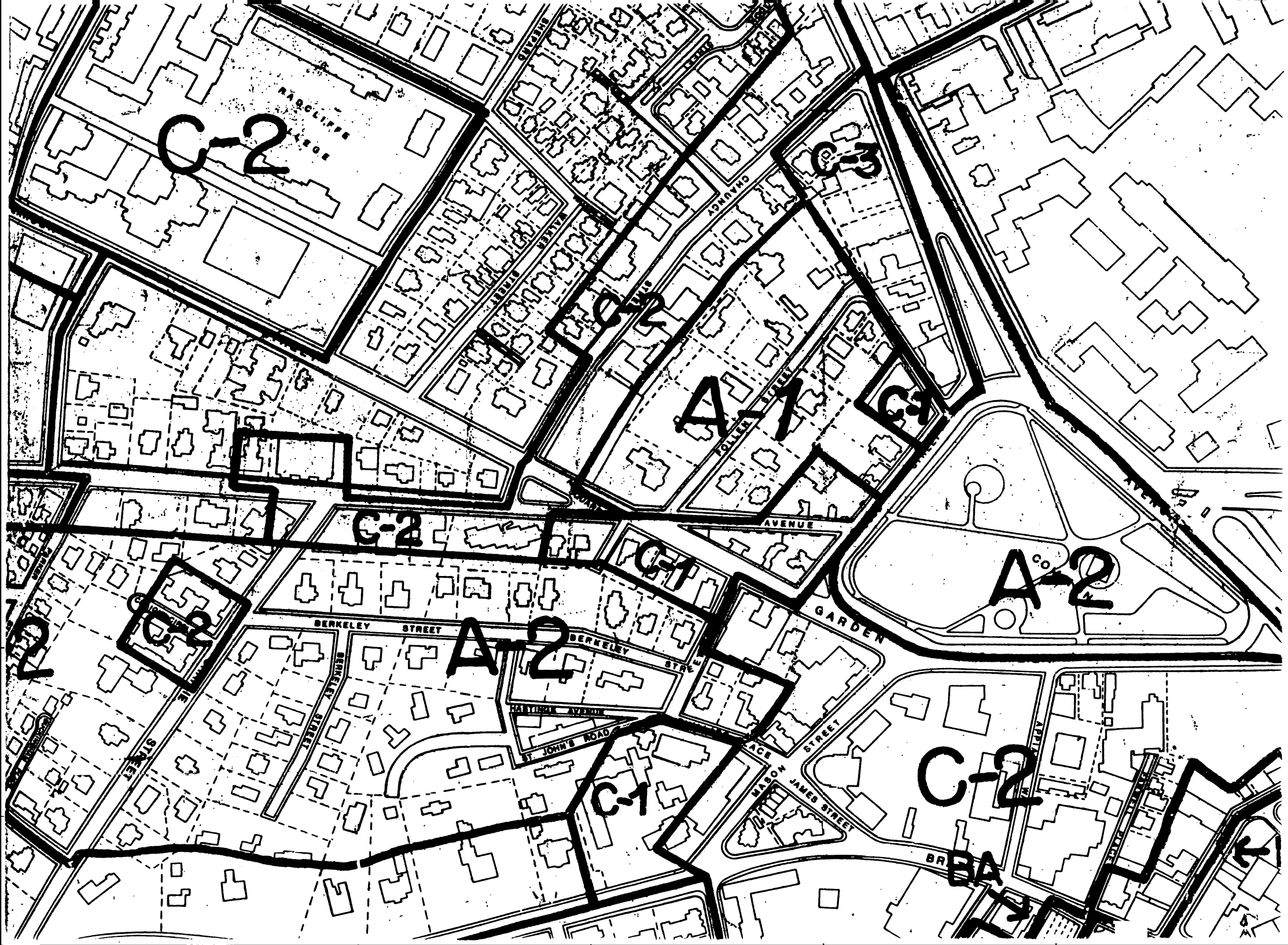
The zoning in the study area is an adequate control on development only in a general sense. It ensures that the area will remain primarily residential, but there is great latitude in the type of residential use and permitted density. Five types of residential districts are included in this area: A-1 and A-2 (single family), B (two-family or townhouses), C-1 (multifamily, townhouses, apartments and dormitories), and C-2 (also multifamily). Boundaries of these districts are shown in an accompanying map. Some of the zoning regulations which apply to the districts are summarized in Table 1.

For most of the area, construction is limited to dwelling units of three stories or less, on relatively large lots. Follen Street is an island of low density surrounded by districts where greater densities and greater heights are

permissible. To the west of Follen Street, dwelling units may not exceed 35', but greater densities are permitted. To the north, east and south, substantially greater heights as well as densities are permissible.

Throughout much of the study area surrounding Arsenal Square, existing apartment buildings significantly exceed the current allowable Floor Area Ratio (FAR). Such structures are not likely to be demolished because, under existing zoning, new buildings constructed on the same site would have to be smaller. Other existing buildings in the study area are well below allowable FAR. Several of the properties surrounding Arsenal Square, zoned multifamily and townhouse, or two-family and townhouse, are susceptible to further development. Nos. 10 and 12 Concord Avenue and 26-28 Garden Street, zoned for multifamily structures or townhouses, face each other across a narrow right-of-way. Their present FARs are only 56%, 60% and 72%, respectively, of the allowable FAR. Across the Square, nos. 33 and 39 Garden Street have FARs which are two-thirds or less of what is allowable. Present zoning would allow the construction of nine new units if these houses were demolished.

The site comprised by 22, 24, and 26-28 Garden Street consists of three houses located on four parcels totalling 23,175 square feet. The front 100 feet of the site was rezoned to Residence C-1 from Residence C-2 in June, 1975. The rear of the site, which is 115 feet deep, has been zoned Residence A-2 since 1943. The combined effect of these


C-2
RADCLIFFE
C-3
CHAUNCY
WALKER STREET
C-2
A-1
C-1
FOLLEN STREET
AVENUE
C-2
C-1
A-2
GARDEN
BERKELEY STREET
A-2
BERKELEY STREET
BERKELEY STREET
HASTINGS AVENUE
ST. JOHN'S ROAD
C-1
MASON STREET
JAMES STREET
C-2
BA

residential zones would be to allow 16 or 17 dwelling units as apartments or townhouses; the height limit is 35 feet, or 40 feet for townhouses.

According to the owner, the anticipated use of the property is accessory parking for the Commander Hotel. The Community Development Department, however, states that

> Hotel and Motel use is not permitted in either the Residence C-1 or A-2 zones. The use of the parcel for accessory hotel parking would require a use variance from the Board of Zoning Appeal.2

In addition, §6.22.1 of the Cambridge Zoning Ordinance further restricts accessory parking:

> Accessory off-street parking facilities may be located on the same lot as the use being served or on another lot that has the same or less restrictive zoning classification as the lot on which the use being served is located in accordance with the following conditions . . .
>
> (b) said lot is not now and was not within the last five (5) years the location of a preferably preserved significant building . . . as determined by the Cambridge Historical Commission.

Finally, the proposed use would require a permit and an allocation of parking spaces from the Interim Parking Control Committee.

Current zoning in the Arsenal Square area has two principal limitations that the proposal for an extension of the Old Cambridge Historic District would correct. First, it allows increased densities under the townhouse amendment, which applies to the B and C-1 districts around Arsenal Square; second, like all zoning, it cannot address the

2 Cambridge Community Development Department Zoning Analysis, February 14, 1995; see Appendices

architectural character of permitted structures and alterations in any significant way.

The inability of zoning alone to preserve the existing character of a neighborhood is a primary impetus for the proposed protection measures. Within the minimum and maximum requirements set by zoning, it is possible to construct buildings which are in no way compatible with their surroundings. Similarly, nothing guarantees consideration of the effect of a variance that allows alterations to an existing building. If the zoning requirements are met, significant alterations which disrupt the streetscape can be undertaken as a matter of right. Distinctive features can be completely removed if desired, and inappropriate alterations which can adversely affect surrounding property values are given free rein.

Summary of Cambridge Zoning Regulations

	Allowable FAR*	Maximum Height	Minimum Lot Area Per Dwelling Unit	Maximum Dwelling Units Per Acre
A-1 Residence Single family	0.5	35′	6000 sq. ft.	7
A-2 Residence Single family	0.5	35′	4500 sq. ft.	9
B Residence Two family	0.5	35′	2500 sq. ft.	17
C-1 Residence Multi family, apts., dorms	0.75	35′	1200 sq.ft.	36
C-2 Residence Multifamily	1.75	85′	600 sq.ft.	72
C-3 Residence Multifamily	3.0	none	300 sq.ft.	145

*FAR = Floor Area Ratio, expressed as a ratio of the square footage of a building divided by the area of the lot. For example, a FAR of .75 means that the total allowable floor area is 3/4 of the total land area of the building lot.

II. THE NATURE OF LANDMARK AND HISTORIC DISTRICT PROTECTION

The objective of the Study Committee in proposing expansion of the Old Cambridge Historic District within the study area is to provide protection against inappropriate change in one of the City's most significant historic areas. Historic district status provides this protection by giving the Historical Commission the authority to review all new construction, additions, and alterations to structures within the district and visible from a public way. This authority is derived from Chapter 40C of the General Laws of the Commonwealth, and has been exercised by the Cambridge Historical Commission since 1963. Since the passage of the enabling legislation in 1960, over one hundred districts have been established in Massachusetts.

Landmark protection in Cambridge is exercised under the authority of Chapter 2.78, Article III of the City Code, which was first adopted in 1978. This ordinance was enacted under the home rule authority of the city, but tracks Chapter 40C in important respects. It was considered at the time that Chapter 40C did not permit designation of individual buildings as historic districts. The city's landmark ordinance was planned to allow single-building designations while applying the goals and procedures of Chapter 40C. In the following discussion, a landmark is understood to be similar to an historic district unless otherwise noted.

Just as zoning is intended to protect property owners against inappropriate uses or bulk of buildings next door or in the immediate neighborhood, so inclusion in an historic district is intended to prevent incongruous changes or developments which might diminish the character and setting of structures with historical significance. However, the Commission may not prohibit developments that are not incongruous to the character of the district.

A. Objectives

The purpose of historic districts is stated in the enabling legislation, Chapter 40C of the General Laws. The Act is intended

> to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the Commonwealth and its cities and towns or their architecture, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.3

The first Massachusetts historic districts, on Beacon Hill and in Nantucket, were established by special Acts in 1955 following an opinion of the Massachusetts Supreme Judicial Court that such legislation was a constitutional use of the State's power to promote the public welfare. The Massachusetts Court cited a United States Supreme Court decision in the case of Berman vs. Parker (1954).

> The concept of the public welfare is broad and inclusive . . . The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine

3 Chapter 373, Acts of 1960, §2

> that the community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled. 4

Subsequently, the Massachusetts Supreme Judicial Court ruled, in connection with the right of a municipality to prohibit billboards, that "aesthetics alone may justify the exercise of the police power," and quoted Article 97 of the Amendments to the Massachusetts Constitution, which established as state policy the right of the people to "the natural, scenic, historic, and aesthetic qualities of their environment. . ."5

The courts have also upheld historic districts on the grounds of their contribution to the economic well-being of a community. The Supreme Judicial Court in the Nantucket opinion noted that "the erection of a few wholly incongruous structures might destroy one of the principal assets of the town."6 The courts have noted that these benefits may accrue to the individual property owner as well as to the community at large, but have considered that public purposes are served if the public good, measured in terms of increased property value or business volume, outweighs private costs.7 It has been judicially determined that historic district designation does not necessarily constitute a taking of private property without compensation, and it has been noted that many zoning ordinances are as demanding in their

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4 348 U.S. 25 (1954).
5 John Donnelly & Sons vs. Outdoor Advertising Board (1975).
6 333 Mass. 773, 780 (1955).
7 T. J. Reed, Land Use Controls in Historic Areas, 44 Notre Dame Lawyer 3, 387.

application.8 Once again, the public benefit is held superior to a reasonable degree of private sacrifice, a principle that was upheld by the Appellate Division of the New York Supreme Court in confirming the landmark designation of Grand Central Terminal.

Power to establish historic districts is not given lightly. Chapter 40C requires a thorough survey and report on the areas proposed for protection, review and comment by other public agencies, a public hearing with notification of all affected property owners, and passage of the historic district ordinance by the City Council by a two-thirds majority. Once a district has been established, the historic district commission holds the power to review all construction and alterations of structures that will be visible from a public street, sidewalk, or park. This authority cannot be arbitrarily exercised, however; the legislation requires that a commission "shall not make any recommendations or requirement except for the purpose of preventing developments incongruous to the historic aspects or architectural features of the . . . district." The Supreme Judicial Court, in reviewing the Nantucket ordinance in 1955, warned that enforcement actions would need to be carefully circumscribed, since in some instances decisions of an historic district commission might give rise to "peculiar hardship and remoteness from the legitimate purpose of the act" which would amount to unconstitutional

8 33 Mass. 773, 778 (1955).

applications of it. Accordingly, the legislation establishes a time limit requiring a commission to act on a petition within a given period, and provides for appeal of commission decisions.

B. Administration of Landmarks and Historic Districts

The administration of historic districts is guided in every respect by the provisions of Chapter 40C, except as specially provided for in the local ordinance creating the district, or as established as a policy by an historic district commission.

All buildings of whatever size or function, as well as all structures, including signs, fences, walks, terraces, driveways, walls, light fixtures, or the like, which are "open to view from a public street, public way, public park or public body of water", fall within the review of the commission. Building projects which must be reviewed include construction, reconstruction, erection, demolition, removal, and changes in color as they affect exterior features of a structure visible from a public street, way, or park. Such features include, but are not limited to, the kind, color, and texture of exterior building materials, the color of paint or materials used on exterior surfaces, and the type and style of windows, doors, lights, signs, and other fixtures.

Although the legislation provides for review of every exterior architectural feature visible from a public way, certain items may be excluded from control when the

ordinance is drafted. These may include terraces, walkways, driveways, and sidewalks; walls and fences; temporary signs and structures; storm doors and windows, air conditioners, lighting fixtures, antennae and the like; and color of paint and roofs. An historic district commission may also impose dimensional and setback requirements more stringent than required by the zoning code.

After reviewing the proposed work, the commission may issue a Certificate of Appropriateness, a Certificate of Hardship, or a Certificate of Nonapplicability, as the case may be, and no building or demolition permit for work in a district can be issued by the City until a certificate has been issued unless more than 45 days have elapsed without commission action.

Certificate are issued after evaluation of the circumstances. A Certificate of Appropriateness will be issued when the commission has determined that a project is not incongruous with the preservation of the historic district; this is the most common certificate issued by most commissions. A Certificate of Nonapplicability is issued for a project which the commission determines does not involve an exterior feature, or one not visible from a public way. Finally, a Certificate of Hardship may be issued when refusal to issue a Certificate of Appropriateness or Nonapplicability would cause the applicant substantial hardship, financial or otherwise, as long as there is no substantial detriment to the district.

Application for a certificate is made by submitting a description of the proposed alteration along with plans or photographs sufficient for the commission to judge the effect of the proposed alteration. The commission must determine within fourteen days of an application whether a certificate is required.

In passing on applications for certificates, a commission is required to consider, among other things, the historic and architectural values and significance of the site, building, or structure, the general design, arrangement, texture, material and color of the features involved, and the relationship of these features to similar features of buildings in the surrounding area. In the case of new construction or additions to existing buildings, the commission must consider the size and shape of the building, in relation to both its site and surrounding buildings, and can establish a policy to exclude certain features from control after the historic district is established. The commission can also establish appropriate designs or lists of paint colors, roofing materials, or the like for the guidance of property owners.

A commission cannot prevent alterations to interiors of structures, nor alterations which are not visible from a public way, even though such alterations may still be within a district. Furthermore, landscaping with plants, trees or shrubs is specifically excluded from review, and the commission is not concerned with ordinary maintenance,

repair, or replacements that do not involve a change in exterior appearance.

Enactment of an historic district in no way requires owners to alter their properties, nor requires restoration of a structure to any set historical period. Work must be reviewed only if it involves a change from that which exists on enactment of the ordinance; maintenance or replacement of an architectural feature incongruous with the historic or architectural qualities of the district may take place without a certificate as long as there is no change in exterior appearance.

If a commission deems the alteration to require a certificate, it may take action either through a public hearing or by simple vote after notice to surrounding property owners. A public hearing is held in the event that the alterations are deemed substantial; surrounding property owners are given two weeks' notice, and the application is given consideration in terms of the criteria listed above. However, if the application involves an alteration which is considered insubstantial in its effect, the commission may simply vote on the matter subject to a ten day period for comment or objection by surrounding property owners.

If the commission disapproves the application for a certificate, it must give its reasons to the applicant in writing. However, the commission is specifically authorized to make recommendations for changes which would make the application acceptable. If the applicant modifies the

application to conform to the commission's suggestions, a certificate must be issued.

An applicant aggrieved by a decision of the commission may appeal to the Superior Court; costs are not assessed against the appellant unless the court finds that action was taken in bad faith. Similarly, the Superior Court may enforce the provisions of the historic district legislation through injunction, court order, and fine.

C. Establishment of Landmarks and Historic Districts

Procedures for the establishment or expansion of an historic district are dictated by Chapter 40C. An historic district commission (such as the Cambridge Historical Commission) is empowered under the legislation to initiate consideration of possible districts. Acting as an historic district study committee, it must prepare a report on the historical and architectural significance of the buildings, structures or sites to be protected, a map showing the boundaries of the area to be included in the historic district, and an ordinance for consideration by the city council.

The report must be submitted to the local planning board and the Massachusetts Historical Commission. A public hearing, for which all affected property owners must be given two weeks written notice, must be held no less than sixty days after the report has been released. After the hearing, the historic district commission prepares a final report which takes into account the comments received at the

public hearing and the recommendations of the planning board and the state Historical Commission. The report may then be submitted to the city council, where a two-thirds majority vote is required for adoption. The district or district extension goes into effect when a map showing the boundaries is filed with the registry of deeds.

In Cambridge, landmarks are established under the provisions of Chapter 2.78, Article III of the City Code. As previously noted, the commission may recommend for designation as landmarks any structure

> which it determines to be either (1) importantly associated with one or more historic persons or events, or with the broad architectural, aesthetic, cultural, political, economic or social history of the City or the Commonwealth or (2) historically or architecturally significant (in terms of period, style, method of construction or association with a famous architect or builder) either by itself or in the context of a group of structures.9

The study process, notice requirements, and other procedural matters are similar to those for historic districts. The study report, however, may recommend "specific standards and appropriate criteria" that are to be applied to the landmark. Designations are implemented by order of the City Council, requiring a simple majority vote.

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9 Cambridge City Code, §2.78.180.A

III. ADMINISTRATION OF LANDMARKS AND HISTORIC DISTRICTS IN CAMBRIDGE

The Cambridge Historical Commission was established in 1963 to administer four Historic Districts around Cambridge Common and along Brattle Street, to conduct a survey of Cambridge architecture and to engage in other duties concerned with the protection of architecturally and historically important buildings and sites.10 The authority of the commission to regulate landmarks was enacted by the City Council in 1983. Landmarks and historic districts are administered in an identical manner, although the provisions of an order designating a landmark may dictate that special conditions be taken into consideration.

The Old Cambridge Historic District now contains a wide variety of structures that are not the high-style residences traditionally associated with historic districts, such as the vernacular houses on Farwell Place, retail stores on Church Street, Victorian dormitories in Harvard Yard, and 20th century apartment houses on Waterhouse Street. Most of the approximately 240 buildings within the district are large single-family homes, or were originally designed as such, and about fifty are devoted to institutional uses of various sorts. A handful of commercial buildings are also included. The district also contains a National Historic

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10 Under the provisions of Chapter 2.78, Article I, the Cambridge Historical Commission exercises the authority of an historical commission under M.G.L. Ch. 40, Section 8D, and of an historic district commission under Ch. 40C.

Site operated by the National Park Service, the Longfellow House, and all or portions of four public parks.

At the present time, there are 17 designated landmarks in Cambridge. These include single-family residences, such as 10 Frost Street and 24 Reservoir Street; residential-style buildings owned by institutions, such as 42 and 54 Brattle Street and 98 Winthrop Street; multi-unit buildings, such as 113 River Street and 1626 Massachusetts Avenue; and commercial office buildings, including 135 Main Street and 763 Massachusetts Avenue. Most of these properties are regulated as though they were in historic districts, but in several cases renovation plans were negotiated and pre-approved before designation.

A. Design Objectives

Some historical commissions have attempted to establish a single architectural style in the areas under their jurisdiction, and this has been a legitimate cause of concern among property owners and architects. The Cambridge Historical Commission has recognized that no single style is "correct", and that a large measure of the architectural and historical value of the proposed district stems from the diversity of periods and architectural styles represented there. Brattle Street is an example of an urban neighborhood which has never fallen on hard times, and which possesses houses of exceptional quality in almost every American architectural style. In the case of 133 Brattle Street, the commission explicitly accepted an uncompromisingly modern

design that was deemed compatible with its surroundings. Historic district review is necessary in such areas as Brattle Street to protect against developments which are incompatible in scale, size, or degree of intrusion, not to guard against incursions of modern architecture. A similar philosophy of only preventing developments that are incongruous to the Historic District governs the commission's approach to alterations to existing structures.

B. Case Review Procedures

In the thirty-two years since the districts were established there have been 630 applications for certificates; about ten have been denied. Relatively few applications have involved major new construction. Three involved demolition of existing structures; two, the construction of a single new house, 133 Brattle Street; and two, parking lots. In addition, there have been five applications for major public construction projects: the construction of the Cambridge Street underpass, the reconstruction of the Common, the construction of the Dawes Common, and the reconstruction of the Brattle-Craigie-Sparks and Follen Street-Concord Avenue intersections. City agencies continue to be subject to the rules of the Historic District.

The majority of the applications have involved additions or alterations of relatively minor features, although many of these have involved important issues of historical appropriateness and architectural design. In this

category have been numerous cases involving small additions, driveways, fences, changes of color, and lights. Most applicants receive a Certificate of Appropriateness, although not always without substantial changes in the submitted application following a public hearing and suggestions from the Historical Commission.

The availability of full-time staff allows the commission to expedite review of projects in the Historic District. The Executive Director reviews all applications for building permits within the Historic District and screens them for further review by the commission. The Director usually views the site with the applicant and the applicant's architect, if one has been retained. This visit involves a thorough review of the applicant's proposal, generally with suggestions aimed at improving the acceptability of the design. These consultations have sometimes have resulted in thorough revisions which have improved the acceptability of the project to the applicant as well as to the commission.

The commission cannot prevent work that involves routine maintenance, and the Executive Director is authorized to approve applications for building permits that involve no exterior change or no change in exterior materials, color, or appearance. In addition, plumbing and electrical permits are granted by the Inspectional Services Department without review.

Determination of whether a public hearing is required is made on the basis of the legislation; that is, if the alteration involved is considered substantial in its effect on the Historic District. A public hearing is held after a notice has been placed in the newspaper and all surrounding or otherwise affected property owners have been notified by mail. A finding must be reached within forty-five days of the submission of the application. If the alteration is considered insubstantial in its effect, as many have been in the past, a certificate is granted after surrounding property owners have been given the opportunity to object or to comment on the impending decision through a ten-day notice procedure. In the recent past, Certificates of Appropriateness have been granted following the ten-day notice procedure in cases involving fences, storm windows on institutional buildings, and construction of pathways and paved areas.

The commission has also adopted two policies to simplify administration of the districts. One, adopted in 1967, permits the erection of temporary signs advertising charitable events. A second, adopted in 1970, permits screens, storm windows, and storm doors to be installed on residential properties without a certificate of appropriateness as long as the shape of the window is retained, crossbars are made to coincide, and the color matches that of the sash. Policies covering other

alterations are permitted by statute, and may be adopted in the future.

Landmarks are administered in the same manner as historic district properties, although specific standards and criteria may be applied pursuant to the designation order in each case. The designation order adopted by the City Council usually incorporates the Historical Commission's findings in a study report that describes significant exterior architectural features. Except as the order designating or amending the landmark may otherwise provide, those exterior features should be preserved or enhanced in any construction, demolition, or alteration of a landmark.

The Commission's primary charge with respect to designated landmarks under Chapter 2.78, Article III, is to review "all construction, demolition, or alteration that affects the exterior architectural features, other than color, of any landmark." Applicants for changes to a landmark are also entitled to 10-day review of applications for certificates.

Section 2.78.220 of the ordinance sets guidelines to be considered by the Historical Commission in reviewing changes to landmarks. Among other things, the Commission is directed to consider:

> the historic and architectural value and significance of the site or structure, the general design, arrangement, texture and material of the features involved, and the relation of such features to similar features or structures in the surrounding area.

In all cases, a Certificate of Appropriateness, Hardship, or Non-Applicability must be issued by the commission before an work can begin. The Commission does not have authority to regulate the interiors of landmarks nor can it control changes to exterior architectural features not subject to public view. Nonetheless, Certificates of Non-Applicability must be issued for those changes. All applications are carefully reviewed by the Commission at public meetings.

The Historical Commission recommends adoption of the following general standards for landmark administration:

1. Historic and architectural features of the landmark shall be preserved.

2. Changes and additions to the landmark which have taken place over time are evidence of the history of the property and the neighborhood. These changes to the property may have acquired significance in their own right and that significance should be recognized and respected.

3. Deteriorated architectural features should be repaired rather than replaced.

4. When replacement of architectural features is necessary, it should be based on physical or documentary evidence.

5. New materials should, whenever possible, match the material being replaced in physical properties, design, color, texture, and appearance. The use of imitation replacement materials is discouraged.

6. The surface cleaning of a landmark shall be done by the gentlest possible means. Sandblasting and other cleaning methods that damage exterior architectural features shall not be used.

7. New additions must not destroy significant exterior architectural features and shall not be incongruous to the historic aspects, architectural significance, or

distinctive character of the landmark, neighborhood and environment.

8. New additions should be done in such a way that if they were to be removed in the future, the essential form and integrity of the landmark would be unimpaired.

IV. IMPLEMENTATION OF THE PROPOSED DESIGNATIONS

The Cambridge Historical Commission first considered the extension of the Old Cambridge Historic District to include Arsenal Square in the course the study process that resulted in the annexation of Berkeley and Follen streets in 1986. That process began in 1983 with a petition by residents of Follen Street. When a petition was received from residents of Berkeley Street in 1984 the commission voted to combine the study areas as well as the Arsenal Square area linking the two streets.

While residential property owners were uniformly supportive of the extensions, commercial and institutional owners were more cautious. The former Continental Hotel property of Harvard University was excluded on the grounds that the structure was already non-conforming under present zoning and no foreseeable change could make it less acceptable to the neighborhood. The properties between Concord Avenue and Garden Street, except for 1 Arsenal Square, were excluded as being properly the concern of the adjacent neighborhoods. The Longy School expressed concern about the need to provide parking for staff and pupils and the difficulty of maintaining an historic property. The owners of the Commander Hotel were also concerned about parking, having recently acquired four houses on the south side of Concord Avenue and Garden Street with the idea of razing them for a parking garage. Accordingly, they strongly opposed including that area in the Historic District,

claiming that the difficulty of parking was a serious impediment to the operations of the hotel. The boundaries of the proposed extension were adjusted by the Historical Commission in deference to these concerns. The commission also declined to include the north side of Craigie Street because of the inappropriate mix of uses and building types. Finally, the Episcopal Divinity School expressed concern about the proposal to include St. John's Road, a private street with no structures visible from any public way. This adjustment of boundaries was made by the City Council, as was the exclusion of 1 Arsenal Square on the grounds that the owner had not been adequately notified of the proposal.

To some extent, the proposed extension and/or designation represents unfinished business from 1986. The commission remained acutely aware of the absence of this area from the district. The recent analysis by the Study Committee reexamined the past exclusion of buildings on Arsenal Square, and concluded that the continuity of the Historic District was paramount.

The present proposals were triggered by the application for the demolition of 22, 24, and 26-28 Garden Street, which was received in February, 1995. A public hearing on the proposal was held in March, and the buildings were found to be significant and preferably preserved.

On April 6, 1995, the commission voted to constitute itself as a study committee as provided under the Historic Districts Act and to undertake a study of possible landmark

designation under §2.78.180 of the City Code. The historic district study area was defined as Arsenal Square and its environs, while 22, 24, and 26-28 Garden Street were to be studied for landmark designation. The Executive Director was directed to organize community meetings and to prepare the required report.

A. The Public Response

Neighborhood meetings were held at the Bunting Institute on May 15, May 23, June 6, and June 20. Property owners in the study area were invited to each meeting, at which the substance of the proposals were discussed and participation solicited.

Response to the proposal at the public meetings was generally positive, although it was understood that Adams Realty Trust and Harvard University had strong reservations about the inclusion of their properties. Most participants favored the extension of the Historic District over landmark designation of the three properties. Many encouraged the Study Committee to extend the Historic District well beyond the presently proposed boundaries.

The Historic District Study Committee reported its findings at a public hearing of the Historical Commission on June 29, 1995. The committee's report recommended either landmark designation of the three properties or the expansion of the Old Cambridge Historic District discussed above, the specific decision to be made by the Historical Commission following a a public hearing. The report of the

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Study Committee was transmitted to the Cambridge Planning Board and the Massachusetts Historical Commission, as required by the statute, as well as to the property owners within the proposed expansion area, on July 14, 1995, and the 60-day review process began on that date. A public hearing on the proposals was initially scheduled for September 7, 1995, but later changed to October 5 in order to comply with the sixty-day requirement. Notice of the public hearing will be given at least 14 days prior to October 5.

B. Proposed Boundaries

The area initially proposed for inclusion in the Old Cambridge Historic District included unprotected properties in the vicinity of Arsenal Square. In the course of the public meetings, the study committee examined an area that included both sides of Concord Avenue and Garden Street (and the streets leading to them) from Arsenal Square to Bond Street, as well as the north side of Craigie Street. By studying this larger area, the Committee wished to make sure that the boundaries of the proposed extension would not artificially exclude other properties worthy of inclusion. Also, there was a strong sentiment among some of those attending the neighborhood meetings that the west end of Chauncy, Walker, and Shepard streets in the Lower Common should be included in the Historic District.

The Study Committee agreed that parts of the Lower Common were worthy of protection, but felt that the

Chauncy/Walker/Shepard area was a distinct neighborhood that might seek to establish a separate historic district or neighborhood conservation district.11 The block between Garden, Concord and Bond was observed to contain some significant houses that appeared threatened by development, but also seemed far afield from the Old Cambridge Historic District; these structures were considered strong candidates for landmark designation or inclusion in a neighborhood conservation district. The Bunting Institute campus itself was considered, but deemed not to be threatened by development. Finally, the north side of Craigie Street received serious consideration, but the need to enter negotiations with another institution, the Buckingham Browne & Nichols School, presented insurmountable barriers to including these properties in this proposal.

In conclusion, the Study Committee decided to recommend inclusion of only the properties on Concord Avenue and Garden Street facing the Arsenal Square. These boundaries would protect the environs of the Square, as well as the threatened buildings there, and would eliminate a pocket of unprotected properties that threaten the integrity of the surrounding Historic District.

The Study Committee recommended that both the Walker-Shepard-Chauncy streets area and the north side of Craigie

11 Neighborhood conservation districts (NCD) are established by the City Council under Chapter 2.78, Article III, and are administered by boards of neighborhood property owners. The degree of protection afforded by an NCD can be tailored to the specific needs of the neighborhood.

Street, possibly including some or all of Buckingham Street, be scheduled for further consideration in the near future. No immediate action was recommended for other parts of the study area, although their eligibility for future protection was acknowledged.

The boundaries of the proposed extension include structures that are similar in character and significance to those in the Old Cambridge Historic District. Protection of Arsenal Square is necessary not only to preserve the buildings themselves but also to protect the existing Historic District from inappropriate change and development.

C. Implementation

Following a public hearing, the Cambridge Historical Commission must decide whether to make a recommendation to the City Council. Extension of the Historic District will require a two-thirds majority vote of the Council, while landmark designation of 22, 24, and 26-28 Garden Street can be implemented by simple majority. In the past, the Historical Commission's recommendations have been referred to the Ordinance Committee of the Council for a public hearing prior to consideration by the full body. A draft amendment and a draft order implementing these measures are included in the Appendices. Both would take effect upon passage.

APPENDICES

A. Historic Districts Act, Chapter 40 C, General Laws
B. Cambridge Historical Commission Ordinance
C. Proposed Order Designating 22, 24, and 26-28 Garden Street as Landmarks *
D. Proposed Amendment to the Cambridge Historical Commission Ordinance*
E. Description of Buildings to be Landmarked or Included in the Proposed District
F. Cambridge Community Development Department Zoning Analysis, February 14, 1995

*Omitted from this appendix; see front section for current versions.

Appendix A: Massachusetts General Laws, Ch. 40C

CHAPTER 40C.

HISTORIC DISTRICTS.

Section
1. Citation.
2. Purpose.
3. Establishment of historic districts; pre-requisites; enlargement or reduction of boundaries; amendment of creating ordinance; filing of maps.
4. Study committees; commissions; establishment; membership; terms; vacancies; compensation; officers.
5. Definitions.
6. Certificates of appropriateness, non-applicability or hardship; necessity; applications and plans, etc.; building and demolition permits restricted.
7. Factors to be considered by commission.
8. Review authority of commission over certain categories of buildings, structures or exterior architectural features limited; authorization.
9. Maintenance and repair, etc.
10. Additional powers, functions and duties of commission.
11. Approval or disapproval of exterior architectural features by commission; meetings; applications for certificates; public hearings; notices.
12. Review procedure provided by local ordinance or by-law.
12A. Appeal to superior court.
13. Jurisdiction of superior court; penalty.
14. Powers and duties of commissions established hereunder as historical commissions.
15. Filing of ordinances, maps, reports, etc.
16. Special historic districts; acceptance and effect of this chapter.
17. Severability.

40C:1. Citation.

Section 1. This chapter shall be known and may be cited as the Historic Districts Act.

40C:2. Purpose.

Section 2. The purpose of this chapter is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the commonwealth and its cities and towns or their architecture, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

40C:3. Establishment of historic districts; pre-requisites; enlargement or reduction of boundaries; amendment of creating ordinance; filing of maps.

Section 3. A city or town may, by ordinance or by-law adopted by two-thirds vote of the city council in a city or by a two-thirds vote of a town meeting in a town, establish historic districts subject to the following provisions:— Prior to the establishment of any historic district in a city or town an investigation and report on the historical and architectural significance of the buildings, structures or sites to be included in the proposed historic district or districts shall be made by an historic district study committee or by an historic district commission, as provided in this section and in section four, who shall transmit copies of the report to the planning board, if any, of the city

or town, and to the Massachusetts historical commission for their respective consideration and recommendations. The buildings, structures or sites to be included in the proposed historic district may consist of one or more parcels or lots of land, or one or more buildings or structures on one or more parcels or lots of land. The Massachusetts historical commission may consult with the executive director of the Massachusetts office of business development, the secretary of communities and development and the commissioner of environmental management with respect to such reports, and may make guidelines for such reports, and, after public hearing, establish rules as to their form and manner of transmission. Not less than sixty days after such transmittal the study committee shall hold a public hearing on the report after due notice given at least fourteen days prior to the date thereof, which shall include a written notice mailed postage prepaid, to the owners as they appear on the most recent real estate tax list of the board of assessors of all properties to be included in such district or districts. The committee shall submit a final report with its recommendations, a map of the proposed district or districts and a draft of a proposed ordinance or by-law, to the city council or town meeting.

An historic district may be enlarged or reduced or an additional historic district in a city or town created in the manner provided for creation of the initial district, except that (a) in the case of the enlargement or reduction of an existing historic district the investigation, report and hearing shall be by the historic district commission having jurisdiction over such historic district instead of by a study committee; (b) in the case of creation of an additional historic district the investigation, report and hearing shall be by the historic district commission of the city or town, or by the historic district commissions acting jointly if there be more than one, instead of by a study committee unless the commission or commissions recommend otherwise; and (c) if the district is to be reduced written notice as above provided of the commission's hearing on the proposal shall be given to said owners of each property in the district.

Any ordinance or by-law creating an historic district may, from time to time, be amended in any manner not inconsistent with the provisions of this chapter by a two-thirds vote of the city council in a city or by a two-thirds vote of a town meeting in a town, provided that the substance of such amendment has first been submitted to the historic district commission having jurisdiction over such district for its recommendation and its recommendation has been received or sixty days have elapsed without such recommendation.

No ordinance or by-law creating an historic district, or changing the boundaries of an historic district, shall become effective until a map or maps setting forth the boundaries of the historic district, or the change in the boundaries thereof, has been filed with the city clerk or

town clerk and has been recorded in the registry of deeds for the county or district in which the city or town is located, and the provisions of section thirteen A of chapter thirty-six shall not apply.

40C:4. Study committees; commissions; establishment; membership; terms; vacancies; compensation; officers.

Section 4. An historic district study committee may be established in any city or town by vote of the city council or board of selectmen for the purpose of making an investigation of the desirability of establishing an historic district or districts therein. The study committee shall consist of not less than three nor more than seven members appointed in a city by the mayor, subject to confirmation by the city council, or in a town by the board of selectmen, including one member from two nominees submitted by the local historical society or, in the absence thereof, by the Society for the Preservation of New England Antiquities, one member from two nominees submitted by the chapter of the American Institute of Architects covering the area, and one member from two nominees of the board of realtors, if any, covering the area. If within thirty days after submission of a written request for nominees to any of the organizations herein named no such nominations have been made the appointing body may proceed to appoint the study committee without nominations by such organization.

Whenever an historic district is established as provided in section three an historic district commission shall be established which shall consist of not less than three nor more than seven members. An historic district commission shall be appointed in a city by the mayor, subject to confirmation by the city council, or in a town by the board of selectmen, in the same manner as an historic district study committee unless (a) the report recommending its establishment recommends alternate or additional organizations to submit nominees for membership and states reasons why such alternate or additional organizations would be appropriate or more appropriate for the particular city or town, the Massachusetts historical commission does not recommend otherwise prior to the public hearing on the establishment of the district, and the ordinance or by-law so provides; or (b) there is an existing historic district commission in the city or town which the report recommends should administer the new district, and the ordinance or by-law so provides. Unless the report recommends otherwise on account of the small number of residents or individual property owners, and the ordinance or by-law so provides, the members of the historic district commission shall include one or more residents of or owners of property in an historic district to be administered by the commission. If within thirty days after submission of a written request for nominees to an organization entitled to submit nominations for membership on the commission no such nominations have been made the appointing body may proceed to make the appointment

to the commission without nomination by such organization. The appointments to membership in the commission shall be so arranged that the term of at least one member will expire each year, and their successors shall be appointed in the same manner as the original appointment for terms of three years. Vacancies shall be filled in the same manner as the original appointment for the unexpired term. Ordinances or by-laws adopted hereunder may provide for the appointment of alternate members not exceeding in number the principal members who need not be from nominees of organizations entitled to nominate members. In case of the absence, inability to act or unwillingness to act because of self-interest on the part of a member of the commission, his place shall be taken by an alternate member designated by the chairman. Each member and alternate shall continue in office after the expiration of his term until his successor is duly appointed and qualified. All members shall serve without compensation. The commission shall elect annually a chairman and vice-chairman from its own number and a secretary from within or without its number.

40C:5. Definitions.

Section 5. As used in this chapter the word "altered" includes the words "rebuilt", "reconstructed", "restored", "removed" and "demolished" and the phrase "changed in exterior color"; the word "building" means a combination of materials forming a shelter for persons, animals or property; the word "commission" means the commission acting as the historic district commission; the word "constructed" includes the words "built", "erected", "installed", "enlarged", and "moved"; the words "exterior architectural feature" mean such portion of the exterior of a building or structure as is open to view from a public street, public way, public park or public body of water, including but not limited to the architectural style and general arrangement and setting thereof, the kind, color and texture of exterior building materials, the color of paint or other materials applied to exterior surfaces and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures; the words "person aggrieved" mean the applicant, an owner of adjoining property, an owner of property within the same historic district as property within one hundred feet of said property lines and any charitable corporation in which one of its purposes is the preservation of historic structures or districts; and the word "structure" means a combination of materials other than a building, including a sign, fence, wall, terrace, walk or driveway.

40C:6. Certificates of appropriateness, non-applicability or hardship; necessity; applications and plans, etc.; building and demolition permits restricted.

Section 6. Except as the ordinance or by-law may otherwise provide in accordance with section eight or said section eight or nine, no

building or structure within an historic district shall be constructed or altered in any way that affects exterior architectural features unless the commission shall first have issued a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship with respect to such construction or alteration.

Any person who desires to obtain a certificate from the commission shall file with the commission an application for a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship, as the case may be, in such form as the commission may reasonably determine, together with 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.

No building permit for construction of a building or structure or for alteration of an exterior architectural feature within an historic district and no demolition permit for demolition or removal of a building or structure within an historic district shall be issued by a city or town or any department thereof until the certificate required by this section has been issued by the commission.

40C:7. Factors to be considered by commission.

Section 7. In passing upon matters before it the commission shall consider, among other things, 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 to similar features of buildings and structures in the surrounding area. In the case of new construction or additions to existing buildings or structures the commission shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity, and the commission may in appropriate cases impose dimensional and set-back requirements in addition to those required by applicable ordinance or by-law. When ruling on applications for certificates of appropriateness for solar energy systems, as defined in section one A of chapter forty A, the commission shall also consider the policy of the commonwealth to encourage the use of solar energy systems and to protect solar access. The commission shall not consider interior arrangements or architectural features not subject to public view.

The commission shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the surroundings and of the historic district.

40C:8. Review authority of commission over certain categories of buildings, structures or exterior architectural features limited; authorization.

Section 8. (a) Any city or town may provide in the ordinance or by-law establishing a district or in any amendment thereof that the authority of the commission shall not extend to the review of one or more of the following categories of buildings or structures or exterior architectural features in the historic district, and, in this event, the buildings or structures or exterior architectural features so excluded may be constructed or altered within the historic district without review by the commission:

(1) Temporary structures or signs, subject, however, to such conditions as to duration of use, location, lighting, removal and similar matters as the commission may reasonably specify.

(2) Terraces, walks, driveways, sidewalks and similar structures, or any one or more of them, provided that any such structure is substantially at grade level.

(3) Walls and fences, or either of them.

(4) Storm doors and windows, screens, window air conditioners, lighting fixtures, antennae and similar appurtenances, or any one or more of them.

(5) The color of paint.

(6) The color of materials used on roofs.

(7) Signs of not more than one square foot in 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 twelve square feet in area, consist of letters painted on wood without symbol or trademark and if illuminated is illuminated only indirectly; or either of them.

(8) 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.

(b) A commission may determine from time to time after public hearing that certain categories of exterior architectural features, colors, structures or signs, including, without limitation, any of those enumerated under paragraph (a), if the provisions of the ordinance or by-law do not limit the authority of the commission with respect thereto, may be constructed or altered without review by the commis-

sion without causing substantial derogation from the intent and purposes of this chapter.

(c) A city or town may provide in its ordinance or by-law, or in any amendment thereof, that the authority of the commission shall be limited to exterior architectural features within a district which are subject to view from one or more designated public streets, public ways, public parks or public bodies of water, although other portions of buildings or structures within the district may be otherwise subject to public view, and, in the absence of such provision of the ordinance or by-law, a commission may determine from time to time after public hearing that the authority of the commission may be so limited without substantial derogation from the intent and purposes of this chapter.

(d) Upon request the commission shall issue a certificate of nonapplicability with respect to construction or alteration in any category then not subject to review by the commission in accordance with the provisions of paragraph (a), (b) or (c).

40C:9. Maintenance and repair, etc.

Section 9. Nothing in this chapter shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature within an historic district which does not involve a change in design, material, color 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 the applicable historic district ordinance or by-law.

40C:10. Additional powers, functions and duties of commission.

Section 10. The commission shall have the following additional powers, functions and duties:— (a) 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 historic district, the commission shall cause a certificate of appropriateness to be issued to the applicant. In the case of a disapproval of an application for a certificate of appropriateness the commission shall place upon its records the reasons for such determination and shall forthwith cause a notice of its determination, accompanied by a copy of the reasons therefor as set forth in the records of the commission, to be issued to the applicant, and the commission may make recommendations to the applicant with respect to appropriateness of design, arrangement, texture, material and similar features. Prior to the issuance of any

disapproval the commission may notify the applicant of its proposed action accompanied by recommendations of changes in the applicant's proposal which, if made, would make the application acceptable to the commission. If within fourteen days of the receipt of such a notice the applicant files a written modification of his application in conformity with the recommended changes of the commission, the commission shall cause a certificate of appropriateness to be issued to the applicant.

(b) In the case of a determination by the commission that an application for a certificate of appropriateness or for a certificate of nonapplicability does not involve any exterior architectural feature, or involves an exterior architectural feature which is not then subject to review by the commission in accordance with the provisions of section eight, the commission shall cause a certificate of non-applicability to be issued to the applicant.

(c) If the construction or alteration for which an application for a certificate of appropriateness has been filed shall be determined to be inappropriate, 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 historic 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 chapter. 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, or in the event of failure to make a determination on an application within the time specified in section eleven, the commission shall cause a certificate of hardship to be issued to the applicant.

(d) Each certificate issued by the commission shall be dated and signed by its chairman, vice-chairman, secretary or such other person designated by the commission to sign such certificates on its behalf.

(e) The commission shall keep a permanent record of its resolutions, transactions, and determinations and of the vote of each member participating therein, and may adopt and amend such rules and regulations not inconsistent with the provisions of this act and prescribe such forms as it shall deem desirable and necessary for the regulation of its affairs and the conduct of its business. The commission shall file a copy of any such rules and regulations with the city or town clerk.

(f) The commission shall file with the city or town clerk and with any department of the city or town having authority to issue building

permits a copy or notice of all certificates and determinations of disapproval issued by it.

(g) A commission may after public hearing set forth in such manner as it may determine the various designs of certain appurtenances, such as light fixtures, which will meet the requirements of an historic district and a roster of certain colors of paint and roofing materials which will meet the requirements of an historic district, but no such determination shall limit the right of an applicant to present other designs or colors to the commission for its approval.

(h) The commission may, subject to appropriation, employ clerical and technical assistants or consultants and incur other expenses appropriate to the carrying on of its work, and may accept money gifts and expend the same for such purposes. The commission may administer on behalf of the city or town any properties or easements, restrictions or other interests in real property which the city or town may have or may accept as gifts or otherwise and which the city or town may designate the commission as the administrator thereof.

(i) The commission shall have, in addition to the powers, authority and duties granted to it by this act, such other powers, authority and duties as may be delegated or assigned to it from time to time by vote of the city council or town meeting.

40C:11. Approval or disapproval of exterior architectural features by commission; meetings; applications for certificates; public hearings; notices.

Section 11. Meetings of a commission shall be held at the call of the chairman and shall be called at the request of two members of the commission and in such other manner as the commission shall determine in its rules. A majority of the members of a commission shall constitute a quorum. The concurring vote of a majority of the members of the commission shall be necessary to issue a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship.

A commission shall determine promptly, and in all events within fourteen days after the filing of an application for a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship, as the case may be, whether the application involves any exterior architectural features which are subject to approval by the commission. If a commission determines that such application involves any such features which are subject to approval by the commission shall hold a public hearing on such application unless such hearing is dispensed with as hereinafter provided.

The commission shall fix a reasonable time for the hearing on any application and shall give public notice of the time, place and purposes thereof at least fourteen days before said hearing in such manner as

it may determine, and by mailing, postage prepaid, a copy of said notice to the applicant, to the owners of all adjoining property and other property deemed by the commission to be materially affected thereby as they appear on the most recent real estate tax list of the board of assessors, to the planning board of the city or town, to any person filing 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.

As soon as convenient after such public hearing but in any event within sixty days after the filing of the application, or such lesser period as the ordinance or by-law may provide, or within such further time as the applicant may allow in writing, the commission shall make a determination on the application. If the commission shall fail to make a determination within such period of time the commission shall thereupon issue a certificate of hardship.

A public hearing on an application 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 may be waived by the commission if the commission determines that the exterior architectural feature involved or its category or color, as the case may be, is so insubstantial in its effect on the historic district that it may be reviewed by the commission without public hearing on the application, provided, however, that if the commission dispenses with a public hearing on an application notice of the application shall be given to the owners of all adjoining property and other property deemed by the commission to be materially affected thereby as above provided and ten days shall elapse after the mailing of such notice before the commission may act upon such application.

40C:12. Review procedure provided by local ordinance or by-law.

Section 12. A city or town may provide in its ordinance or by-law or in any amendment thereof, for a review procedure whereby any person aggrieved by a determination of the commission may, within twenty days after the filing of the notice of such determination with the city or town clerk, file a written request with the commission for a review by a person or persons of competence and experience in such matters, designated by the regional planning agency of which the city or town is a member. If the city or town is not a member of a regional planning agency, the department of community affairs shall select the appropriate regional planning agency.

The finding of the person or persons making such review shall be filed with the city or town clerk within forty-five 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 section twelve A.

40C:12A. Appeal to superior court.

Section 12A. Any person aggrieved by a determination of the commission, or by the finding of a person or persons making a review, if the provisions of section twelve are included in a local ordinance or by-law, may, within twenty days after the filing of the notice of such determination or such finding with the city or town clerk, appeal to the superior court sitting in equity for the county in which the city or town is situated. The court shall hear all pertinent evidence and shall annul the determination of the commission if it finds the decision of the commission to be unsupported by the evidence or to exceed the authority of the commission, or may remand the case for further action by the commission or make such other decree as justice and equity may require. The remedy provided by this section shall be exclusive but the parties shall have all rights of appeal and exception as in other equity cases. Costs shall not be allowed against the commission unless it shall appear to the court that the commission acted with gross negligence, in bad faith or with malice in the matter from which the appeal was taken. Costs shall not be allowed against the party appealing from such determination of the commission unless it shall appear to the court that such party acted in bad faith or with malice in making the appeal to the court.

40C:13. Jurisdiction of superior court; penalty.

Section 13. The superior court sitting in equity for the county in which the city or town is situated shall have jurisdiction to enforce the provisions of this chapter and any ordinance or by-law enacted hereunder and the determinations, rulings and regulations issued pursuant thereto and may, upon the petition of the mayor or of the board of selectmen or of the commission, restrain by injunction violations thereof; and, without limitation, such court may order the removal of any building, structure or exterior architectural feature constructed in violation thereof, or the substantial restoration of any building, structure or exterior architectural feature altered or demolished in violation thereof, and may issue such other orders for relief as may be equitable.

Whoever violates any of the provisions of this chapter shall be punished by a fine of not less than ten dollars nor more than five hundred dollars. Each day during any portion of which a violation continues to exist shall constitute a separate offense.

40C:14. Powers and duties of commissions established hereunder as historical commissions.

Section 14. If the city council or town meeting so votes a commission established hereunder shall have the powers and duties of an historical commission as provided in section eight D of chapter forty

and, in this event, a commission may be entitled an historical commission.

40C:15. Filing of ordinances, maps, reports, etc.

Section 15. All ordinance or by-laws creating an historic district adopted by a city or town under authority of this chapter and under authority of any special law, unless the special law shall otherwise provide, amendments thereto, maps of historic districts created thereunder, and annual reports and other publications of commissions, and rosters of membership therein, shall be filed with the Massachusetts historical commission.

40C:16. Special historic districts; acceptance and effect of this chapter.

Section 16. A city or town in which there is located an historic district established under a special law may, upon recommendation of the historic district commission having jurisdiction over such district, accept the provisions of this chapter with respect to such district by a two-thirds vote of the city council in a city or by two-thirds vote of a town meeting in a town, and thereafter such historic district shall be subject to the provisions of this chapter notwithstanding the terms of any special act pursuant to which such historic district was created. The provisions of this chapter shall not impair the validity of an historic district established under any special act.

40C:17. Severability.

Section 17. The provisions of this chapter shall be deemed to be severable if any of its provisions shall be held to be invalid or unconstitutional by any court of competent jurisdiction the remaining provisions shall continue in full force and effect.

Chapter 2.78 HISTORICAL BUILDINGS AND LANDMARKS

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2.78.009ART Article I. Administration

2.78.010 Established—Appointment—Terms.

The Cambridge Historical Commission established under the Historic Districts Act, General Laws Chapter 40C, with all the powers and duties of an historic district commission, shall consist of seven members and three alternate members to be appointed by the City Manager with the approval of the Council, including one member from two nominees submitted by the Cambridge Historical Society, one member from two nominees submitted by the Chapter of the American Institute of Architects covering Cambridge, one member or alternate from two nominees submitted by the Boston Society of Landscape Architects, and one member from two nominees of the Board of Realtors covering Cambridge. One or more of the members so appointed shall be a resident of an historic district established in the City pursuant to the Historic Districts Act, and at least one member or alternate shall be a lawyer.

The members and alternate members shall serve for terms of three years and until their successors are appointed and qualified. If within thirty days after submission of a written request for nominees to any of the above-named organizations no such nominations have been submitted, the City Manager may make such appointment without nomination by such

appointment without nomination by such organization.

To the extent a person meets more than one of the foregoing specific membership requirements, then each such specific membership requirement so met shall be satisfied by such person's appointment (whether as member or alternate) to the Commission.

The Commission shall, in addition to the powers and duties contained in this chapter and under the Historic Districts Act as in effect from time to time, also have all the powers and duties of an Historical Commission as provided in Section 8D of General Laws, Chapter 40 as in effect from time to time. (Ord. 1166 §§1, 14, 1995; Ord. 869 (part), 1976: prior code § 2-145)

2.78.020 Powers and duties.

The Commission shall have in addition to the powers and duties of an historical district commission and of an historical commission the following further powers and duties (and may in exercise of any of its powers or duties accept money, gifts and expend the same, and subject to appropriation or receipt of such gifts, employ clerical and technical assistants or consultants):

A. To conduct a survey of Cambridge buildings for the purpose of determining those of historic significance architecturally or otherwise, and pertinent facts about them, acting in collaboration with the Planning Board and the Redevelopment Authority to the extent either may from time to time be able to undertake such work, and to maintain and from time to time revise detailed listings of historic sites and buildings, and data about them, appropriately classified with respect to national, State or local significance, to period or field of interest, or otherwise;

B. To propose from time to time as it may deem appropriate, the establishment in accordance with the provisions of the Historic Districts Act of additional historic districts and changes in historic districts;

C. To determine an appropriate system of markers for selected historic sites and buildings not already sufficiently marked, to arrange for preparation and installation of such markers, and to arrange for care of historic markers;

D. To arrange for preparation and publication of maps and brochures and descriptive material about City historic sites and buildings, arranged for convenient walks or tours, or otherwise;

E. To arrange for construction and placing under appropriate cover at a convenient place on or near the Cambridge Common of a model of Cambridge as it existed in the latter part of 1775;

F. To cooperate with and advise the Planning Board, the Redevelopment Authority, the Public Works Department and other City agencies in matters involving historic sites and buildings;

G. To cooperate with and enlist assistance for the City from the National Park Service, the National Trust for Historic Preservation, the Society for the Preservation of New England Antiquities and other agencies, public and private, from time to time concerned with historic sites and buildings;

H. To advise owners of historic buildings in the City on problems of preservation; and

I. To make recommendations with respect to any place determined by the Commission to be of historical or archaeological value to the Massachusetts Historical Commission that such place be certified as an historical or archaeological landmark or nominated to the National Register of Historic Places. (Ord. 1166 §2, 1995; Ord. 869 (part), 1976: prior code § 2-147(a)—(i))

2.78.030 Adoption of rules and regulations.

The Commission shall adopt rules and regulations for the conduct of its business, not inconsistent with the provisions of the Historic Districts Act or this chapter. (Prior code § 2-149)

2.78.040 Advisory Committee—Appointment—Recommendation.

The Commission may recommend to the Manager from time to time as needed appointment of advisory committees of historians and persons experienced in architecture or other arts or in historic restoration or preservation, to assist in manner comparable to the National Park Service Advisory Board or Consulting Committee. (Prior code § 2-148)

2.78.050 Historic district established.

A. There is hereby established under the provisions of the Historic Districts Act an Old Cambridge Historic District consisting of the areas heretofore known as the Cambridge Common Historic District, the Longfellow Historic District, the Lowell Historic District, and the Fayerweather-Lee Historic District and the other areas bounded as shown on the map entitled "Old Cambridge Historic District Map 1976" attached to the ordinance codified in this chapter and made a part of this chapter.

B. There is further established under the provisions of the Historic Districts Act (Massachusetts General Laws Chapter 40C) a Fort Washington Historic District consisting of Fort Washington Park and an additional area shown on the map entitled "Fort Washington Historic District, 1981," attached to the ordinance codified in this chapter and incorporated in this chapter in full.

C. The Old Cambridge Historic District, established by vote of the City Council on December 13, 1976, is extended pursuant to the provisions of the Historic Districts Act, Massachusetts General Laws Chapter 40C, by the addition thereto of properties located on Arsenal Square, Berkeley Place, Berkeley Street, Concord Avenue, Craigie Street and Follen Street and portions of said streets bounded as shown on the map entitled "Old Cambridge Historic District Extension 1986," attached to the ordinance codified in this chapter and incorporated in this chapter in full. As so extended, the Old Cambridge Historic District remains in full effect and such extended district shall be subject to the provisions of Massachusetts General Laws Chapter 40C and this section. (Ord. 1166 §§3—5, 1995; Ord. 1037, 1986; Ord. 975, 1982; Ord. 869 (part), 1976: prior code § 2-146)

2.78.060 Application for certificate of appropriateness—Time limitations.

When taking action under the provisions of the fourth paragraph of Section 11 of the Historic Districts Act, the Commission shall make its determination within forty-five days after the filing of the application for a certificate of appropriateness, or such further time as the applicant may in writing allow. (Prior code § 2-150)

2.78.069ART Article II. Demolition of Buildings Determined to be Historically Significant

2.78.070 Purpose.

The ordinance codified in this article is adopted for the purpose of preserving and protecting significant buildings within the City which constitute or reflect distinctive features of the architectural, cultural, political, economic or social history of the city; to resist and restrain environmental influences adverse to this purpose; to encourage owners of preferably-preserved significant buildings to seek out persons who might be willing to purchase and to preserve, rehabilitate or restore such buildings, rather than demolish them; and by furthering these purposes to promote the public welfare, to preserve the resources of the City and to make the City a more attractive and desirable place in which to live. To achieve these purposes, the Cambridge Historical Commission is empowered to advise the Building Commissioner with respect to the issuance of permits for demolition, and the

issuance of demolition permits for significant buildings is regulated as provided in this article. (Ord. 965 § 1, 1981: Ord. 909 (part), 1978: prior code § 2-147(j) (part))

2.78.080 Definitions for Article II.

The following terms, when used whether or not capitalized in this article, shall have the meanings set forth in this section, unless the context otherwise requires:

A. "Application" means an application for a permit for the demolition of a building, which application contains the information referred to in Section 2.78.100 of this article.

B. "Building" means any combination of materials forming a shelter for persons, animals or property.

C. "Building Commissioner" means the person occupying the office of Commissioner of Buildings or otherwise authorized to issue demolition permits.

D. "Business day" means a day which is not a legal municipal holiday, Saturday or Sunday.

E. "Commission" means the Cambridge Historical Commission.

F. "Commission staff" means the executive director of the Commission, the person performing the functions of such director in the event there is no person with the title of Executive Director as such, or any other person regularly providing staff services for the Commission to whom the Commission has delegated authority to act as Commission staff under this article.

G. "Demolition" means the act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.

H. "Historic district" means the Old Cambridge Historic District and any other historic district that may from time to time have been established by ordinance.

I. "Initial determination" means any determination contemplated in Section 2.78.090C of this chapter made by the Commission or the Commission staff.

J. "Permit" means a permit issued by the Building Commissioner for demolition of a building pursuant to an application therefor.

K. "Preferably preserved significant building" means any significant building which the Commission determines, as provided in Section 2.78.090D of this chapter, that it is in the public interest to be preserved or rehabilitated rather than to be demolished.

L. "Significant building" means any building within the City which is in whole or in part fifty years or more old and:

1. Which is within any historic district; or

2. Which is listed on, or is within an area listed on, the National Register of Historic Places, or which is the subject of a pending application for listing on the National Register; or

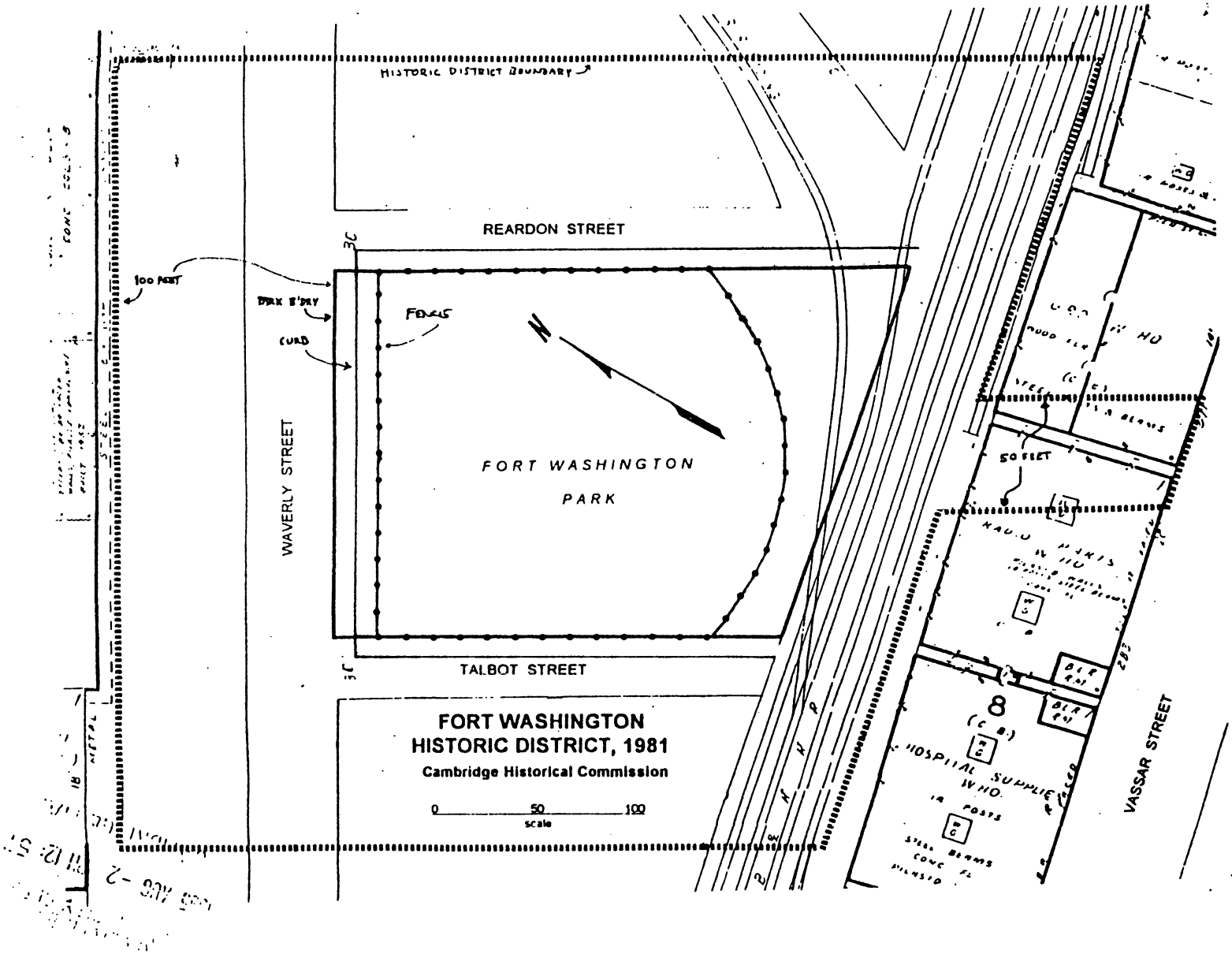
3. Which is or has been designated by the Commission to be a significant building after a finding by the Commission that a building either:

a. Is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the City or the Commonwealth, or

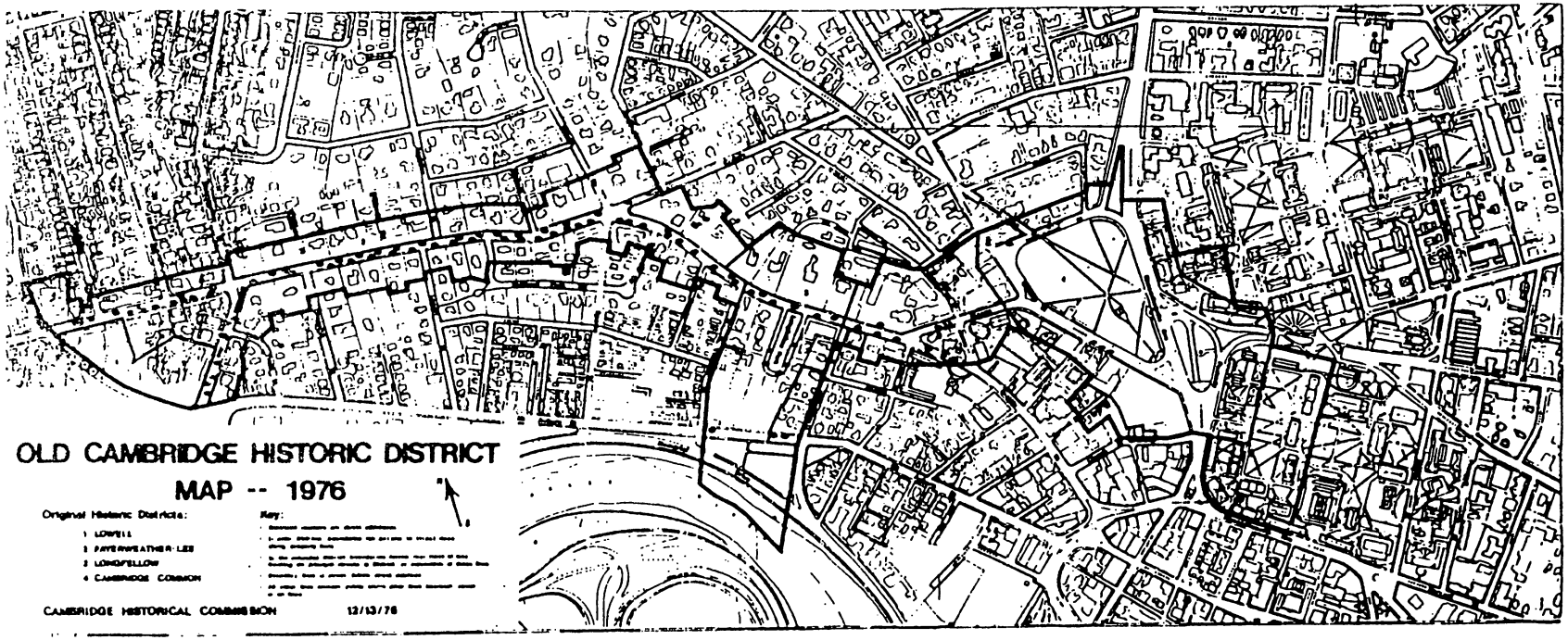
b. Is historically or architecturally significant (in terms of period, style, method of building construction or association with a famous architect or builder) either by itself or in the context of a group of buildings. (Ord. 1166 § 6, 1995; Ord. 965 § 2, 1981: Ord. 909 (part), 1978: prior code § 2-147(j) (part))

2.78.090 Procedures for demolition.

A. No permit for the demolition of a building which is in whole or in part fifty years or more old shall be issued other than in conformity with the provisions of this article, as well as in conformity with the provisions of other laws and ordinances applicable to the demolition of buildings and the issuance of permits therefor generally. An application for


HISTORIC DISTRICT BOUNDARY
REARDON STREET
100 FEET
PARK S'DRY
CURB
FENCE
WAVERLY STREET
FORT WASHINGTON
PARK
TALBOT STREET
50 FEET
VASSAR STREET
8
FORT WASHINGTON
HISTORIC DISTRICT, 1981
Cambridge Historical Commission
0
50
100
scale


1986
CHAUNCY ST
FOLLEN ST
WATERHOUSE ST
OLD CAMBRIDGE HISTORIC DISTRICT
Existing Historic District boundaries
Proposed extension to existing boundaries
0 30 60 120


OLD CAMBRIDGE HISTORIC DISTRICT
MAP -- 1976
Original Historic Districts:
1 LOWELL
2 PAYE/WEATHERLEE
3 LONGFELLOW
4 CAMBRIDGE COMMON
Key:
CAMBRIDGE HISTORICAL COMMISSION
12/13/76

demolition of a building over fifty years in age shall be made only by the person, partnership, corporation or realty trust which is the owner thereof at the time of such application.

B. The Building Commissioner shall cause a copy of each application for a demolition permit to be forwarded to (or shall satisfy himself that a duplicate of such application has been submitted to) the Commission for determination by the Commission whether the building which is the subject of such application is a preferably preserved significant building.

C. If the Commission staff shall make an initial determination that the building which is the subject of the application is or may be a significant building, the members of the Commission and the Building Commissioner shall be so advised, and no demolition permit or building permit for new construction or alterations as defined in Ch. 40C §6 shall at that time be issued pending review of the initial determination by the Commission pursuant to subsection D of this section. If the Building Commissioner shall not receive advice of any such initial determination within five business days of the date that a copy of the application is submitted to the Commission staff, then, subject to Section 2.78.130 of this article, the Building Commissioner may grant the permit applied for unless prior to such grant he is advised that such an initial determination has been made.

D. If the Commission staff shall have made an initial determination that a building which is the subject of the application is or may be a significant building, the Commission shall review the application and such initial determination at a public meeting of the Commission for which the Commission shall cause to be published in a newspaper of general circulation in the City notice that such application will be considered. Such notice, which shall specify the address of the subject building, shall be published in an issue of such newspaper distributed in the week preceding the week in which such meeting is held, or in an earlier week. If requested either by the applicant for the demolition permit or by ten citizens not later than the date of such public meeting, or if at any time the Commission wishes to have the benefit of a public hearing, the Commission shall hold a public hearing prior to making the determination provided for in this section. If the Commission determines, after such a hearing if one has been held or without such hearing if no hearing has so been requested, that the demolition of the subject building would result in the demolition of a significant building whose loss would be detrimental to the historical or architectural heritage or resources of the City, such building shall be considered a preferably preserved significant building. The Commission may delegate to the Commission staff authority to determine without any hearing that a building is not a preferably preserved significant building and to so advise the Building Commissioner. Upon determination by the Commission or by the Commission staff that a building is not a preferably preserved significant building or upon failure by the Commission to make any determination within forty-five days of the date that a copy of the application was submitted to the Commission, the Building Commissioner may, subject to Section 2.78.130 of this article, grant the permit applied for.

E. Upon a determination by the Commission that any building which is the subject of an application is a preferably preserved significant building, it shall so advise the person who submitted the application and the Building Commissioner, and no demolition permit or building permit for new construction or alterations on the premises shall be issued until six months after the date of such determination by the Commission except as may be provided for in subsection I of this section. Notwithstanding the preceding sentence, the Building Commissioner may issue a demolition permit for a preferably preserved significant building at any time after receipt of written advice from the Commission to the effect either (1) that the Commission is satisfied that there is no reasonable likelihood that either the owner or

some other person or group willing to purchase the preferably preserved significant building would be willing to preserve, rehabilitate or restore such building, or (2) that the Commission is satisfied that for at least six months since the owner first sought the advice of the Commission or the Commission staff in locating a person or group that might be willing to purchase such building and to preserve, rehabilitate or restore the same, the owner of the preferably preserved significant building has made continuing, bona fide, reasonable and unsuccessful efforts to locate such a purchaser.

F. No permit for demolition of a building determined to be a preferably preserved significant building under subsection D of this section shall be granted until all proceedings relating to amendments of the zoning ordinance of the City have been completed, if such proceedings have been initiated prior to the expiration of any period of delay of demolition resulting from such determination, and if such amendments affect the site of the building whose demolition has been thereby delayed.

G. No permit for erection of a new structure on the site of an existing building over fifty years old may be issued prior to issuance of a permit for demolition of such existing building.

H. No permit for demolition of a building determined to be a preferably preserved significant building under subsection D of this section shall be granted until plans for use or development of the site after demolition have been filed with the Building Department and found to comply with all laws pertaining to the issuance of a building permit, or if for a parking lot, a certificate of occupancy, for that site. All approvals necessary for the issuance of such a building permit or certificate of occupancy including without limitation any necessary zoning variances or special permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.

I. During the six-month delay of demolition, no application for a building permit for new construction or alterations on the premises of a preferably reserved significant building shall be granted until reviewed by the Commission as though the property were designated as a landmark under Article III of this chapter 2.78. Until the expiration of the six-month delay period, the Commission shall review all construction, demolition, or alteration that affects the exterior architectural features, other than color, of the structures on the premises of a preferably preserved significant building. (Ord. 1166 §15, 1995; Ord. 965 § 3, 1981: Ord. 909 (part), 1978: prior code § 2-147(j) (part))

2.78.100 Application—Publication of notice.

A. Application Contents. Every application for a demolition permit for a building shall contain the following information:

1. The applicant's name, address and interest in the property;

2. The owner's name and address, if different from the applicant's;

3. The address or location of the building to be demolished;

4. A brief description of the type of building and the condition requiring issuance of the permit; and

5. A brief description of the proposed reuse, reconstruction or replacement of the premises upon which the building is located.

B. Notice. In addition to the publication provided for in Section 2.78.090D of this article, notice of any hearing or determination provided for in this article shall in any event be given by the Commission to the applicant for the demolition permit, and shall also be given to such other persons and in such manner as the Commission may determine. The Commission may among other forms of notice require that the applicant maintain on the building which is the subject of an application a notice, in a form designated by the Commission, visible from the

nearest public way, of any hearing upon the subject matter of such applicant; and the applicant shall comply with such requirement. (Ord. 965 § 4, 1981: Ord. 909 (part), 1978: prior code § 2-147(j) (part))

2.78.110 Emergency demolition.

A. In the event that a Board of Survey is convened to consider the condition of a building over fifty years old, the Executive Director of the Cambridge Historical Commission shall be notified to accompany the Board during its inspection. The Commissioner of Inspectional Services shall pursue all reasonable courses of action to prevent emergency demolition of such a building which the Executive Director makes an initial determination is or may be a significant building, including but not limited to requiring the owner to secure it against further danger to the public.

B. Nothing in this chapter shall prevent the construction, reconstruction, alteration or demolition of any feature which the Commissioner of Inspectional Services shall certify is required for public safety because of an unsafe or dangerous condition. (Ord. 1166 §1A 1995: Ord. 965 § 5, 1981: Ord. 909 (part), 1978: prior code § 2-147(j) (part))

2.78.120 Enforcement and remedies.

A. Enforcement. The Commission and/or the Building Commissioner are each specifically authorized to institute any and all actions and proceedings, in law or in equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this article or to prevent a threatened violation thereof.

B. Building Permit to be Withheld. No building permit shall be issued with respect to any premises upon which a building fifty years or more old has been voluntarily demolished otherwise than pursuant to a demolition permit granted after compliance with the provisions of this article for a period of two years after the date of the completion of such demolition. As used in this article "premises" refers to the parcel of land upon which the demolished building was located and all adjoining parcels of land under common ownership or control.

C. Securing of Building Required. Upon a determination by the Commission that a building is a preferably preserved significant building, the owner shall be responsible for properly securing the building in compliance with the regulations of the Building Department. Should the owner fail so to secure the building, the loss of such building through fire or other cause shall be considered voluntary demolition for the purposes of subsection B of this section. (Ord. 965 § 7, 1981: Ord. 909 (part), 1978: prior code § 2-147(j) (part))

2.78.130 Conflicts with Historic Districts Act.

Nothing in this article shall be deemed to conflict with the provisions of the Historic Districts Act, General Laws Chapter 40C, with respect to requirements as to notice, hearing and issuance by the Commission of a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship prior to demolition of any building in an historic district; provided, however, that any temporary building erected or maintained in an historic district pursuant to a certificate issued by the Commission may be demolished in a manner not inconsistent with the terms of such certificate. (Ord. 965 § 6, 1981: Ord. 909 (part), 1978: prior code § 2-147(j) (part))

2.78.139ART Article III. Establishment of Neighborhood Conservation Districts and Protected Landmarks

2.78.140 Purpose.

The City Council finds it necessary to enact this article under Section 6 of the Home Rule Amendment in order to preserve, conserve and protect the beauty and heritage of the City and to improve the quality of its environment

through identification, conservation and maintenance of neighborhoods, areas, sites and structures which constitute or reflect distinctive features of the architectural, cultural, political, economic or social history of the City; to resist and restrain environmental influences adverse to this purpose; to foster appropriate use and wider public knowledge and appreciation of such neighborhoods, areas or structures; and by furthering these purposes to promote the public welfare by making the City a more attractive and desirable place in which to live and work. To achieve these purposes, the City may designate neighborhood conservation districts and landmarks to be administered as set forth in this article. (Ord. 1002 (part), 1983: prior code § 2-147(k) (1))

2.78.150 Definitions for Article III.

In addition to the terms defined in Section 2.78.080 of this chapter, the following terms, when used whether or not capitalized in this subsection, shall have the meanings set forth in this section, unless the context otherwise requires:

A. "Demolition" means the act of pulling down, destroying, removing or razing structures, or commencing the work of total or substantial destruction with the intent of completing the same.

B. "Exterior architectural features" means and includes such portion of the exterior of a structure as is open to view from a public street, way, park or body of water, including but not limited to the architectural style and general arrangement and setting thereof, the kind, material and texture of exterior building materials, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.

C. "Historic district" means an area so established under the authority of Chapter 40C of the General Laws.

D. "Landmark" means any property within the City so designated in accordance with Section 2.78.180 of this article.

E. "Neighborhood conservation district" means any area within the City so designated in accordance with Section 2.78.180 of this article.

F. "Neighborhood conservation district commission" or "district commission" means a commission provided for by Section 2.78.160 of this article.

G. "Structure" means a combination of materials including a building, sign, fence, wall, terrace, walk, driveway, street, bridge, statue, monument or other manmade feature.

H. "Gross floor area" means the floor area so defined in Article 2.000 of the Zoning Ordinance of the City of Cambridge. (Ord. 1166 §§7, 16, 1995; Ord. 1002 (part), 1983: prior code § 2-147(k)(2))

2.78.160 Neighborhood conservation district commission—Established—Membership requirements.

A. Upon designation as provided in Section 2.78.180 of this article of any neighborhood conservation district, and unless the designation provides that the Historical Commission itself shall exercise authority with respect thereto, the City Manager shall appoint a neighborhood conservation district commission to consist of five members and three alternates. The members shall include three residents of the neighborhood, not less than two of whom shall be homeowners; one neighborhood property owner (who may or may not be a neighborhood homeowner); and one member or alternate of the Cambridge Historical Commission. The three alternates shall all be neighborhood property owners. The neighborhood conservation district commission shall act solely in the exercise of those functions described in this article which are applicable to the district under its administration.

B. Any member or alternate of the Historical Commission may be appointed to a neighborhood conservation district commission for a term coterminous with such person's term as a member or alternate of the Historical

Commission. Members and alternates of a neighborhood conservation district commission who are not members of the Historical Commission shall by reason of experience or education have demonstrable knowledge and concern for improvement, conservation and enhancement of the district, and at least two of the members or alternates shall have professional qualifications related to real estate or architecture or historic preservation. The members of the neighborhood conservation district commission shall be appointed by the City Manager with regard to the diverse viewpoints expressed in the creation of the district. Such members shall serve for a term of three years, except that the initial appointments shall be for one member to serve one year and one member to serve two years, and vacancies shall be filled for the unexpired term of office. Each member and alternate shall continue in office after expiration of his or her term until a successor is duly appointed and qualified, except that no member shall serve more than two consecutive terms.

C. The neighborhood conservation district commission shall elect annually a Chairman and Vice-Chairman from its own number. In the case of absence, inability to act, or unwillingness to act because of self-interest on the part of a member, his or her place shall be taken by an alternate member designated by the Chairman, if available, otherwise by the Vice-Chairman if available, otherwise by a majority vote of the members and alternate members of the Commission present. The person exercising the function of Executive Director of the Historical Commission shall serve as secretary of each neighborhood conservation district commission. Persons serving as members or alternate members of a neighborhood conservation district commission shall, as a result of such service, be considered as "special municipal employees" for purposes of Chapter 268A of the General Laws. (Ord. 1166 §8, 1995; Ord. 1002 (part), 1983: prior code § 2-147(k)(3))

2.78.170 Powers and duties.

The Historical Commission and each neighborhood conservation district commission shall have like powers, functions and duties with respect to each landmark and neighborhood conservation district over which it has jurisdiction as is provided Historic District Commissions under clauses (a) through (g) under Section 10 of Chapter 40C of the General Laws with respect to historic districts, including without limitation with respect to the approval and disapproval of certificates of appropriateness, nonapplicability and hardship, the dating and signing of such certificates, the keeping of records and adoption of rules and regulations, the filing with the City Clerk and Building Department of certificates and determinations of disapproval by it, and the determination of designs of appurtenances (excluding colors) which will meet the requirements of the landmark or neighborhood conservation district. (Ord. 1002 (part), 1983: prior code § 2-147(k) (9))

2.78.180 Designation procedures.

A. The Historical Commission by majority vote may recommend for designation as a landmark any property within the City being or containing a place, structure, feature or object which it determines to be either (1) importantly associated with one or more historic persons or events, or with the broad architectural, aesthetic, cultural, political, economic or social history of the City or the Commonwealth or (2) historically or architecturally significant (in terms of period, style, method of construction or association with a famous architect or builder) either by itself or in the context of a group of structures; may recommend for designation as a neighborhood conservation district any area within the City containing places and structures which it determines are of importance to the architectural, aesthetic, cultural, political, economic or social history of the City, and which considered together cause such area to constitute a distinctive neighborhood or to have

a distinctive character in terms of its exterior features; and may recommend amendments to any designation of landmark or neighborhood conservation district theretofore made.

B. Prior to the recommendation of designation or amendment of designation of any landmark or neighborhood conservation district an investigation and report on the historical, architectural and other relevant significance thereof shall be made. The report shall recommend the boundaries of any proposed landmark or neighborhood conservation district and shall recommend for incorporation in the order of the City Council designating each landmark or neighborhood conservation district general and/or specific standards and appropriate criteria consistent with the purposes of this article and the provisions of Section 2.78.190 of this article that are to be applied in making any determination of the type referred to in Sections 2.78.170, 2.78.210 and 2.78.220 of this article, with respect to the designated landmark or within the designated neighborhood conservation district.

C. In the case of a landmark, the report shall be prepared by the Historical Commission. In the case of a neighborhood conservation district, the report shall be prepared by a study committee consisting of three members or alternates of the Historical Commission and four persons appointed by the City Manager, including at least one person who resides in the district under consideration, at least one person who owns property in the district under consideration, and one person who owns property or resides elsewhere in the City and has demonstrated knowledge and concern for conservation and enhancement of those exterior features of the City which are important to its distinctive character.

D. Any ten registered voters of the City may petition that the Historical Commission initiate, or the Historical Commission on its own may initiate, the process of designating a landmark or neighborhood conservation district or amending or rescinding any such designation theretofore made. The Commission shall within forty-five days following the filing of such request or petition hold a preliminary hearing and arrange for the preparation of a report and, if required, request the appointment of a study committee. The Historical Commission shall not reconsider a proposed designation, amendment or rescission of designation within one year of its previous hearing thereon, unless two-thirds of all its members vote to do so. No later than forty-five days after the transmittal of a report to the Commission pertaining to a proposed designation, the Commission shall hold a public hearing. The Commission shall give not less than fourteen days notice of such public hearing by publication in a newspaper of general circulation in the City and by mailing notice thereof to the owner of the proposed landmark and to every owner abutting the proposed landmark or within the proposed neighborhood conservation district, each such owner to be determined from the then current records of the Assessing Department, and to the City Manager, the Planning Board and the City Clerk.

E. Prior to the public hearing, the Commission shall transmit copies of the report to the Planning Board for its consideration and recommendations.

F. The recommendation of the Historical Commission with regard to any designation, amendment or rescission shall be transmitted to the City Manager and to the City Clerk with a copy of the approved designation report. Designation of a landmark or a neighborhood conservation district or amendment or rescission of designation shall be by order of the City Council. In the case of a designation, the order shall include a statement of the reasons for such designation and a statement of standards which the Historical Commission or neighborhood conservation district commission is to apply under Sections 2.78.170 and 2.78.190 through 2.78.220 of this article.

G. No designation, amendment or rescission of designation shall become effective until a map setting forth the boundaries of the landmark or

neighborhood conservation district or change in the boundaries thereof, has been filed with the City Council and has been recorded with the Registry of Deeds for the South District of Middlesex County.

H. If the order establishing or amending a neighborhood conservation district contains provisions for both regulatory and educational/incentive programs, the regulatory provisions of the order shall not be effective unless and until the educational/incentive provisions of the order are funded.

I. Following acceptance of a designation petition by the Historical Commission, no application for a building permit for new construction or alterations on the premises of a property being considered for designation shall be granted until reviewed by the Commission as though the property were designated as a landmark or a neighborhood conservation district under this Article III. Beginning with the acceptance of a designation petition and until (a) the Historical Commission makes a negative recommendation on a proposed designation, (b) the City Council determines not to enact the proposed designation, or (c) one year has elapsed, whichever is less, the Commission shall review all proposed construction, demolition, or alteration that affects the exterior architectural features, other than color, of the structures on the premises of a proposed landmark or within a proposed neighborhood conservation district. (Ord. 1166 §§9, 10, 17, 18, 1995; Ord. 1009A (part), 1984; Ord. 1002 (part), 1983: prior code § 2-147(k)(4))

2.78.190 Review procedures.

A. Except as the order designating or amending a landmark or neighborhood conservation district may otherwise provide in accordance with this article, the Historical Commission or neighborhood conservation district commission having jurisdiction shall review all construction, demolition or alteration that affects the exterior architectural features, other than color, of any landmark or within any neighborhood conservation district.

B. The order designating or amending a landmark or neighborhood conservation district may provide that the authority of the Historical Commission or neighborhood conservation district commission having jurisdiction shall not extend to the review of one or more of the following categories of structures or exterior architectural features of the landmark or within the neighborhood conservation district in which event the structures or exterior architectural features so excluded may be constructed or altered without review by the Commission:

1. The application of exterior wall material in a manner that does not require the removal or enclosure of any cornice, fascia, soffit, bay, porch, hood, window or door casing, or any other protruding decorative element;

2. Alternations to the exterior of existing structures that do not increase or diminish the size and location of windows and doors, cause the removal of any bay, porch, hood, window or door casing or any other protruding decorative element, or alter the appearance of a roof;

3. The exterior appearance of a new structure that does not require a variance or special permit under the zoning ordinance then in effect;

4. Signs, temporary structures, lawn statuary, or recreational equipment, subject to such conditions as to duration of use, dimension, location, lighting, removal and similar matters as the Commission may reasonably specify;

5. Terraces, walks, driveways, sidewalks and similar structures substantially at grade level;

6. Walls and fences;

7. Storm doors and windows, screens, window air conditioners, lighting fixtures, antennae, trelliswork and similar appurtenances.

C. The Historical Commission or a neighborhood conservation district commission may determine from time to time after a public hearing that certain categories of exterior architectural features or structures, including, without limitation, any of those enumerated in

this section, if the provisions of the applicable order do not limit the authority of such commission with respect thereto, may be constructed or altered without review by such commission without causing substantial derogation from the intent and purposes of this article.

D. If the order establishing or amending a neighborhood conservation district provides, the determination of a neighborhood conservation district commission shall be binding only with regard to applications to construct a new building, to demolish an existing structure if a demolition permit is required, to construct a parking lot as a principal use, and to construct an addition to an existing structure that would increase its gross floor area, and in all other cases the determinations of a commission shall be advisory only and not binding on an applicant. In no case shall a building permit be issued until the commission has made a determination under the applicable provisions of this article. (Ord. 1002 (part), 1983: prior code § 2-147(k)(5))

2.78.200 Maintenance, repair and reconstruction.

Nothing in this chapter shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature of a landmark or within a neighborhood conservation district which does not involve a change in design or 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 duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, not construed to prevent any construction or alteration under a permit duly issued prior to the effective date of the order which designates that landmark or district, nor construed to prevent the reconstruction, substantially similar in exterior design, of a 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. (Ord. 1002 (part), 1983: prior code § 2-147(k) (6))

2.78.210 Certificates of appropriateness, nonapplicability or hardship.

A. Except as the order establishing or amending a landmark or neighborhood conservation district may otherwise provide, no structure designated a landmark or within a neighborhood conservation district shall be constructed or altered in any way that affects exterior architectural features unless the Historical Commission or neighborhood conservation district commission having jurisdiction shall first have issued a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship with respect to such construction or alteration.

B. Any person who desires to obtain a certificate from the Historical Commission or neighborhood conservation district commission shall file with the Commission an application for a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship, as the case may be, in such form as the commission may reasonably determine, together with 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.

C. No building permit for alteration of an exterior architectural feature of a landmark or construction of a structure or for alteration of an exterior architectural feature within a neighborhood conservation district and no demolition permit for demolition or removal of a landmark or of a structure within a neighborhood conservation district shall be issued by the City or any department thereof until the certificate required by this article has been issued by the Historical Commission or

neighborhood conservation district commission having jurisdiction. (Ord. 1166 §§11, 12, 1995; Ord. 1002 (part), 1983: prior code § 2-147(k)(7))

2.78.220 Factors considered by Commissions.

A. In passing upon matters before it, the Historical Commission or neighborhood conservation district commission shall consider, among other things, the historic and architectural value and significance of the site or structure, the general design, arrangement, texture and material of the features involved, and the relation of such features to similar features of structures in the surrounding area. In the case of new construction or additions to existing structures a commission shall consider the appropriateness of the size and shape of the structure both in relation to the land area upon which the structure is situated and to structures in the vicinity, and a Commission may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable provision of the zoning ordinance. A Commission shall not consider interior arrangements or architectural features not subject to public view.

B. A Commission shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects, architectural significance or the distinctive character of the landmark or neighborhood conservation district. (Ord. 1002 (part), 1983: prior code § 2-147(k) (8))

2.78.230 Public meetings and hearings.

The Historical Commission and each neighborhood conservation district commission shall adopt rules for the reasonable conduct of its meetings and public hearings, which rules shall not be inconsistent with the procedures provided for meetings of and hearings by historic district commissions under Section 11 of Chapter 40C of the General Laws; and in the absence of the adoption of any such rules, meetings and public hearings of the Historical Commission and of each neighborhood conservation district commission shall be in conformity with the provisions of Section 11 of Chapter 40C applicable to historic district commissions. (Ord. 1002 (part), 1983: prior code § 2-147(k) (10))

2.78.240 Appeal procedure.

Any person aggrieved by a designation of a landmark or district may appeal to the superior court within thirty days after such designation. Any applicant aggrieved by a determination of a neighborhood conservation district commission or ten registered voters of the City opposing a determination under this article may appeal to the Historical Commission within twenty days after the filing of the notice of such determination with the City Clerk. The Historical Commission may overrule the determination and return it for reconsideration consistent with that finding. If the applicant is aggrieved by the determination of the Historical Commission, or if action is not taken by the Historical Commission within thirty days of filing for review, the applicant may appeal to the superior court. Appeal from a Historical Commission determination shall be taken within thirty days of the formal decision; appeal from a failure to act shall be taken within sixty days after the filing for review. The superior court may reverse a determination if it is not supported by substantial evidence in the record. In all other respects, the appeal shall be made in the same manner as provided under Section 12A of Chapter 40C of the General Laws. (Ord. 1166 §13, 1995; Ord. 1002 (part), 1983: prior code § 2-147(k)(11))

2.78.250 Historical Commission authority not limited.

No provisions of this article shall alter or diminish the duties and functions of the Historical Commission under the authority of Chapter 40, Section 8D and Chapter 40C of the General Laws, or apply to any historic district

currently administered by such commission, or restrict the establishment of any future historic district under Chapter 40C of the General Laws. (Ord. 1002 (part), 1983: prior code § 2-147(k) (13))

2.78.260 Limitation on applicability.

The provisions of Article II of this chapter (relative to procedures for demolition permits for significant buildings) shall not be applicable with respect to the demolition of any structure within a neighborhood conservation district if the appropriate neighborhood conservation district commission has issued a certificate of appropriateness or a certificate of hardship permitting the demolition of such structure. (Ord. 1002 (part), 1983: prior code § 2-147(k) (14))

2.78.270 Enforcement and remedies.

The Historical Commission and any neighborhood conservation district commission are each specifically authorized to institute any and all actions, proceedings in law and in equity, as they deem necessary and appropriate to obtain compliance with the requirements of this article or to prevent a threatened violation thereof. Any violation of any provision of this article may be punished to the like extent provided in Section 13 of Chapter 40C of the General Laws for a violation of said Chapter 40C. In addition to the foregoing, no building permit shall be issued, with respect to any premises upon which a landmark or a structure within any neighborhood conservation district has been voluntarily demolished otherwise than pursuant to a certificate granted after compliance with the provisions of this article, for a period of two years after the date of the completion of such demolition (the word "premises" for the purposes of this sentence referring to the parcel of land upon which the demolished structure was located and all adjoining parcels of land under common ownership or control.) (Ord. 1002 (part), 1983: prior code § 2-147(k) (12))

Appendix F

CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

SUSAN B. SCHLESINGER,
Assistant City Manager for Community Development

February 14, 1995

Zoning Analysis

22, 24, 26 Garden Street (Assessor's Plat number 216, Lots #36, 37, 18, and 8). The site is owned by Edward N. Guleserian & Mary A. Bergoudian, Trustees of Adams Realty Trust, 16 Garden Street, Cambridge, MA 02138.

The front 100 feet of the site was rezoned to Residence C-1 from Residence C-2 in June 1975 (Ordinance #847). From 1943 to 1977 the site was Residence C-2. The rear of the site has been zoned Residence A-2 since 1943.

	Residence C-1	Residence A-2	Total Site
Parcel Size			23,175 sq ft
	20,682 sq ft	2,774 sq ft	
Floor Area Ratio (FAR)	.75 .825 (TH)	.5	
Gross Floor Area (GFA)	15,511.5 sq ft 17,062.6 (TH)	1,387 sq ft	16,898.5 sq ft 18,448 sq ft (TH)
Height	35 ft/40 ft TH	35 ft	
# of Dwelling Units (DU)/Lot Area	17 DU	0	17 DU
# of Dwelling Units/1,000 sq ft of GFA	15 DU 17 DU	0	16 DU 18 Townhouses

The Hotel and Motel use is not allowed in either the Residence C-1 or A-2 districts. The use of the parcel for accessory Hotel parking would require a use variance from the Board of Zoning Appeal. It would also require a permit and an allocation of parking spaces from the Interim Parking Control Committee.

The Historical Commission has scheduled a demolition hearing for March 2, 1995, at 4 pm.

City Hall Annex
57 Inman Street
Cambridge, MA 02139
617 349-4600
Fax: 617 349-4669

was noted for its functions and served as a social center for West Cambridge families; the *Cambridge Chronicle* called it "one of the last refuges of the genteel, the rich, and the charming in Cambridge" (March 9, 1972). It now houses Harvard students and the University Police.

The building is distinguished largely by its cast-stone base, quoins, and decorative features, and by its small-paned windows. The Commission's objective in reviewing changes to this building would be to preserve the functionality of the building for any permitted use while avoiding conspicuously inappropriate alterations as well as those that would detract from the predominantly residential appearance of the neighborhood. In this case, the major concern would be that any future restoration preserve the character of the masonry and the appearance of the fenestration.

projecting balconies. Parking is located in the back yard, rather than under the building.

The Commission's objectives with regard to Continental Gardens would be to avoid conspicuously inappropriate alterations as well as those that would detract from the predominantly residential appearance of the neighborhood.

8. 1 Arsenal Square (15 Concord Avenue), Franklin Perrin House. Condominium.

Franklin Perrin, a Boston businessman, built the present Second Empire house at 1 Arsenal Square (15 Concord Avenue) in 1870. It is now the most prominent structure in the square, and, although not unique architecturally, it occupies a critical location at the intersection and relates well to the other surviving 19th century houses in the Historic District.

The Perrin house was successfully restored in 1992 as a group home. The Commission's objective in protecting the Perrin house would be to preserve its present appearance and setting and to discourage inappropriate alterations.

9. Erasmus D. Leavitt House, 35 Concord Avenue. Student International Meditation Center.

The E.D. Leavitt house is an architecturally-important stuccoed Italian villa at 33 Garden Street designed by Charles K. Cummings in 1905. It was built for the distinguished mechanical engineer, Erasmus D. Leavitt, who moved to Arsenal Square to be near his daughter, Mrs. Walter Wesselhoeft, at 26-28 Garden Street. Probably the last significant single-family house built in this neighborhood, it anchors the important corner of Chauncy and Garden Streets.

The Leavitt house is distinguished by its stuccoed exterior, central arched loggia, dormers, and widely-overhanging roof. The setting is also important; the house sits well back from the street on both sides of its corner lot, providing an important measure of open space to its neighbors.

The Commission's objectives with regard to the Leavitt house would be to preserve its present appearance and setting and to discourage inappropriate alterations.

10. 29 Garden Street (Continental Hotel), Harvard University. Dormitory and police headquarters.

The former Continental Hotel at 29 Garden Street, a massive red-brick Georgian structure, was built by John J. Shine in 1929 to complement his recently completed Commander and Ambassador Hotels. Until it closed in 1972, the Continental

The early appearance of the Wyeth-Wesselhoeft house is not practicably recoverable. The Commission's objective would be to discourage inappropriate alterations and to encourage recovery of the 1897 appearance of the house. Under certain circumstances the ell could be removed, but development of the surroundings of the house would be carefully reviewed to preserve the essential character of the setting.

5. 10 Concord Avenue, Wyeth-Murdock house. Adams Realty Trust, owner.

The Wyeth-Murdock house is a Federal style cottage built for rental by Jonas Wyeth in 1837-38. It was rented to Charles J. Murdock, a Boston businessman and a Common Councilman in Cambridge. It is significant, architecturally, as one of two remaining houses in Cambridge of this type, and its importance is enhanced by the fact that it has largely retained its original appearance. On the principal facade, only the square columns and entrance vestibule are not original, but these alterations were unusually well done.

The Commission's objective in protecting the Wyeth-Murdock house would be to preserve its present appearance and setting and to discourage inappropriate alterations.

6. 12 Concord Avenue, Charles Peaslee house. Condominium.

The Charles Peaslee house is a large, heavy-gabled 2½-story Queen Anne house designed in 1890 by the Boston firm of Cabot, Everett & Mead. The principal of this firm, Edward Clark Cabot, had designed the Boston Athenaeum in 1847, while his partner, Arthur G. Everett, had designed several dormitories for Harvard. While the firm's practice specialized in civic and commercial buildings, they also designed "numerous suburban homes in the New England area, typical examples of the picturesque rural style of the late 19th century" (Withey, 103). The distinguishing features of the house are the large arched studio window in the north gable and unusually complex design and support of the front porch and side verandah.

The Commission's objective in protecting the Peaslee house would be to preserve its present appearance and setting and to discourage inappropriate alterations.

7. 14-16 Concord Avenue, Continental Gardens. Condominium.

Continental Gardens is a 48-unit, seven-story apartment building that was designed by Arthur H. Brooks & Associates in 1963. It is by far the tallest building immediately visible from Arsenal Square, but the architect disguised its bulk by siting it at an angle to Concord Avenue and by breaking up the facade into a series of recessed planes with

the structure, while later alterations could, under appropriate circumstances, be removed. Replacements for such features as windows and doors would be carefully reviewed to ensure authenticity.

Under certain circumstances the ell could be removed, but development of the surroundings of the house would be carefully reviewed to preserve the essential character of the setting.

3. 24 Garden Street, George H. Browne house. Adams Realty Trust, owner

The George H. Browne house (1897) was built by the headmaster of the Browne & Nichols School on the Wyeth-Webster lot in 1897. It is a well-developed example of the Queen Anne style, with a complex cross-gabled plan and romantic detailing of corbelled overhangs and small-paned windows. Originally shingled, the house was covered with vinyl siding in 1990. Numerous alterations carried out between 1942 and 1957 converted it to apartments; the most drastic of these was the enclosure of the second floor sleeping porch in 1948. The house appears to be in good condition. The history and significance of the George H. Browne house are described in part I.B above.

The Commission's objectives and concerns in preserving the Browne house would be similar to those for the Wyeth-Webster house. The Commission would encourage (but could not require) the removal of the vinyl siding and the return of the exterior to its original appearance consistent with its present use as a multi-family residence. Under certain circumstances the ell could be removed, but development of the surroundings of the house would be carefully reviewed to preserve the essential character of the setting.

4. 26-28 Garden Street, Wyeth-Wesselhoeft house. Adams Realty Trust, owner.

The Wyeth-Wesselhoeft house was built by Jonas Wyeth 3rd in 1841. Originally a fully-developed example of the Greek Revival style, the house had a portico with two bow windows underneath that are the hallmark of houses built by the Cambridge housewright Oliver Hastings. The house was altered in 1897, when the portico was removed and a number of rooms added, giving it a large ell, dormers, and bay windows that it did not originally possess. The original clapboards and trim were covered with vinyl siding in 1988, and the condition appears to be good. The history and significance of the Wyeth-Wesselhoeft house are described in part I.B above.

Appendix E. Description of Buildings to be Landmarked or Included in the Proposed District

1. 20 Garden Street, Harvard University Registrar's Office (American Trial Lawyers Association building). Harvard University, owner.

The American Trial Lawyers' Association built the Roscoe Pound Center in 1968, having razed the Browne & Nichols School classroom building the previous fall. The three-story red-brick Georgian Revival building with a full-height Classical portico was designed by the firm of Larkin and Glassman Associates. It was acquired by Harvard and housed the Extension School before becoming the Registrar's office.

The significance of the Registrar's Office is entirely contextual. It perpetuates the massing and material of the B&N building that it replaced, and provides a useful transition between the massive bulk of the Commander Hotel and the residentially-scaled neighborhood beyond.

The Commission's objective in reviewing changes to this building would be to preserve the functionality of the building for any permitted use while avoiding conspicuously inappropriate alterations as well as those that would detract from the predominantly residential appearance of the neighborhood.

2. 22 Garden Street, Wyeth-Webster house. Adams Realty Trust, owner

The Wyeth-Webster house is thought to have been built in 1837, although an examination of the basement revealed the massive frame of a possibly much earlier structure. It is a very early example of the Greek Revival style, with a triangular pediment with a triangular window and a recessed entry framed by wide pilasters. The present entrance in the gable end indicates the presence of a side-hall plan, but the house originally faced east, toward the Common; a full-length portico on that side has been removed. The two-story ell is original, but a one-story shed on the rear of the main house is a relatively recent addition. The house suffers from many years of deferred maintenance and shows signs of carpenter ant or termite infestation. The history and significance of the Wyeth-Webster house are more fully described in part I.B above.

The Commission's objectives in preserving the Wyeth-Webster house, either as a landmark or in the Historic District, would be to preserve the exterior fabric of the structure and to enhance its setting as a residential structure. Replacement or reconstruction of building fabric should match existing material or recover the early appearance of

35.

CITY OF CAMBRIDGE
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EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

July 27, 1998

To The Honorable, The City Council:

Please find attached for your consideration the Cambridge Historical Commission revised Final Report on the proposed Arsenal Square Extension of the Old Cambridge Historic District and/or the proposed Landmark Designation of 22, 24 and 26-28 Garden Street.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
Attachment

Consent Agenda #35

Relative to a recommendation from the Historical Commission on its revised Final Report on the Proposed Arsenal Square Extension of the Old Cambridge Historic District.

In City Council July 27, 1998

Referred to.
Ordinance Committee

7/30 Sent to C. Davis

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Historical Buildings
and Landmarks, Chapter 2.78
Passed to be ordained
9-0-0.
January 11, 1999