

PROPOSED ORDINANCE

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

Chapter two entitled "Administration," Article XVI entitled "Cambridge Historical Commission," is amended by adding at the end of section 2-147 entitled "Powers and Duties of the Commission," as most recently amended by Ordinance No. 909 of 1979, the following new subsection:

(k) Establishment of Neighborhood Conservation Districts and Protected Landmarks

(1) Purposes. The City Council finds it necessary to enact this subsection under section 6 of the Home Rule Amendment in order to preserve, conserve and protect the beauty and heritage of the City of Cambridge 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

Revisions: May 9, 1979

October 27, 1980 C. Sullivan

November 16, 1980 D. Sullivan

December 16, 1980 C. Sullivan

January 12, 1981 W. King

WITH AMENDMENTS OF MARCH 23, 1981

may designate neighborhood conservation districts and landmarks to be administered as herein set forth.

(2) Definitions. In addition to terms defined in subsection (j)(2), the following terms, when used whether or not capitalized in this subsection, shall have the meanings set forth below, unless the context otherwise requires:

- (i) "Demolition" - 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.
- (ii) "Exterior architectural features" - 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.
- (iii) "Historic District" - an area so established under the authority of Chapter 40C of the General Laws.
- (iv) "Landmark" - any property within the City so designated in accordance with paragraph (4).
- (v) "Neighborhood Conservation District" - any area within the City so designated in accordance with paragraph (4).
- (vi) "Neighborhood Conservation District Commission" or "District Commission" - a commission provided for by paragraph (3).

(vii) "Structure" - a combination of materials including a building, sign, fence, wall, terrace, walk, driveway, street, bridge, statue, monument, or other man-made feature.

(3) Neighborhood Conservation District Commission. Upon designation as provided in paragraph (4) 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. AT LEAST THREE~~ conservation district commission to consist of four members and ~~OF THE MEMBERS SHALL RESIDE IN THE DISTRICT AND AT LEAST ONE OF THE MEMBERS SHALL OWN~~ two alternates who are residents of such district or owners of ~~PROPERTY IN THE DISTRICT. ONE MEMBER AND ONE ALTERNATE SHALL BE CHOSEN FROM THE HISTORICAL~~ property therein, and one member or alternate of the Historical

Commission. The neighborhood conservation district commission shall act solely in the exercise of those functions described in this subsection which are applicable to the district under its administration.

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 conservation and enhancement 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.

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.

(4) Designations. 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 (a) 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 (b) 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~~ **NO MEMS**
~~or to have a distinctive character; and may recommend amendments~~
to any designation of landmark or neighborhood conservation district theretofore made.

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 subsection and the provisions of paragraph (5) that are to be applied in making any determination of the type referred to in paragraphs (7), (8) and (9) with respect to the designated landmark or within the designated neighborhood conservation district.

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 who have demonstrated~~ **HISTORICAL COMMISSION AND FOUR PERSONS APPOINTED BY THE CITY MANAGER, INCLUDING AT LEAST**
~~one person who resides in the district under consideration, and one person who owns~~
~~interest in the district or area under consideration and who~~
~~shall be appointed by the City Manager.~~ **PROPERTY OR RESIDES ELSEWHERE AND HAS DEMONSTRATED KNOWLEDGE AND CONCERN FOR CONSERVATION AND ENHANCEMENT OF THOSE EXTERIOR FEATURES OF THE CITY WHICH ARE IMPORTANT TO ITS DISTINCTIVE CHARACTER.**

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 less than forty-five nor more than sixty 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** ~~hearing. The Commission shall give not less than seven days~~ notice of such public hearing by publication in the Cambridge Chronicle 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.

Prior to the public hearing, the Commission shall transmit copies of the report to the Planning Board for its consideration and recommendations.

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 SECTION [5] - [9] OF THIS SUBSECTION.**

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 Clerk and has been recorded with the Registry of Deeds for the South District of Middlesex County.

(5) Review Authority. Except as the order designating or amending a landmark or neighborhood conservation district may otherwise provide in accordance with this paragraph, 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.

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:

(a) 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.

(b) Alterations 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.

(c) The exterior appearance of a new structure that does not require a variance or special permit under the zoning ordinance then in effect.

(d) 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.

(e) Terraces, walks, driveways, sidewalks and similar structures substantially at grade level.

(f) Walls and fences.

(g) Storm doors and windows, screens, window air conditioners, lighting fixtures, antennae, trelliswork, and similar appurtenances.

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 paragraph, 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 subsection.

(6) Maintenance, repair and reconstruction. Nothing in this subsection 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 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 ORDER WHICH DESIGNATES THAT LANDMARK OR DISTRICT, NOR CONSTRUED~~ **DATE OF THE ORDER WHICH DESIGNATES THAT LANDMARK OR DISTRICT, NOR CONSTRUED** ~~date of the applicable ordinance, nor construed to prevent~~ **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.

(7) Certificates of appropriateness, non-applicability or hardship. 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 non-applicability or a certificate of hardship with respect to such construction or alteration.

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 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 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 subsection has been issued by the Historical Commission or neighborhood conservation district commission having jurisdiction.

(8) Factors to be considered by commissions. 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

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.

(10) Procedures for 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.

(11) Appeals. ~~Any person aggrieved by a designation of a landmark or district may appeal to the Superior Court within thirty days after voters of the City opposing a determination under this subsection such designation. Any applicant aggrieved by a determination of a neighborhood conservation district commission may within twenty days after the filing of the notice of such determination a determination under this subsection may appeal to the Historical Commission with the City Clerk, appeal to the Historical Commission, which shall review the decision of the neighborhood conservation district commission and may overrule the determination of that commission or return the case for reconsideration by that commission. Any applicant aggrieved by a determination of 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~~
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COURT MAY REVERSE A DETERMINATION IF IT'S NOT SUPPORTED BY SUBSTANTIAL
~~commission within thirty days, appeal to the Superior Court~~
EVIDENCE IN THE RECORD. IN ALL OTHER RESPECTS THE APPEAL SHALL BE MADE
~~in the same manner as provided in section 12 of chapter 40C~~
IN THE SAME MANNER AS PROVIDED UNDER SECTION 12A OF CHAPTER 40C OF THE
~~of the General Laws for appeals with respect to determinations~~
GENERAL LAWS.
~~with respect to historic districts.~~

(12) 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 subsection or to prevent a threatened violation thereof. Any violation of any provision of this subsection may be punished to the like extent provided in section 13 of Chapter 40C of the General Laws for a violation of said chapter. 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 subsection, 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.)

(13) Historical Commission authority not limited. No provisions of this subsection 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

said commission, or restrict the establishment of any future historic district under said chapter 40C.

(14) Limitation on applicability of demolition ordinance.

~~THE PROVISIONS OF SUBSECTION (j) (RELATIVE TO PROCEDURES FOR DEMOLITION)~~
~~The provisions of section 2-147 of the General Ordinances of~~

~~the City of Cambridge (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.

(15) Severability. The provisions of this subsection are 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.

Proposed Amendments to the Neighborhood Conservation District Ordinance

Section 3: Neighborhood Conservation District Commission

page 3, "...conservation district commission to consist of
lines 9-11; five members and three alternates. At least three
substitute: of the members shall reside in the district and at
least one of the members shall own property in the
district. One member and one alternate shall be
chosen from the Historical..."

Section 4: Designations

page 5, "...or to have a distinctive character in terms of
line 4; its exterior features; and may recommend amendments..."
substitute:

page 5, "...Historical Commission and four persons appointed
lines 25-27; by the City Manager, including at least one person
substitute: 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."

page 6, "...hearing. The Commission shall give not less
line 16; than fourteen days..."
substitute:

page 7, "In the case of a designation, the order shall include
add after a statement of the reasons for such designation and a
line 4: statement of standards which the Historical Commission
or neighborhood conservation district commission is to
apply under Sections [5] - [9] of this subsection."

Section 6: Maintenance, Repair and Reconstruction

page 9, "...date of the order which designates that landmark
line 16; or district, nor construed to prevent..."
substitute:

Section 11: Appeals

delete entire
Section and
substitute:

"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 subsection 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 substantive 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."

Section 14: Limitation on Applicability of Demolition Ordinance

page 14,
lines 4-5;
substitute:

"The provisions of subsection (j) (relative to procedures for demolition..."



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-One

AN ORDINANCE

In amendment to an ordinance entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge".

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

That Chapter Two entitled "Administration", Article XVI entitled "Cambridge Historical Commission", is amended by adding at the end thereof of section 2-147 entitled "Powers and Duties of the Commission" the following new subsection entitled "Establishment of Neighborhood Conservation Districts and Protected Landmarks".

In City Council March 23, 1981.

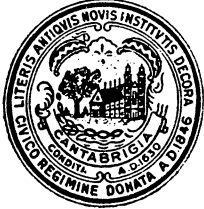
Passed to be ordained as amended by a yea and nay vote:- Yeas 7; Nays 2; Absent 0.

James L. Sullivan, City Manager.

ATTEST:- Paul E. Healy, City Clerk.

NOTE: Pursuant to the provisions of General Laws, Chapter 43, Section 23, Tercentenary Edition, being a part of the City Charter, the Ordinance as aforesaid, which exceed in length eight octavo pages of ordinary book print may be examined at the office of the City Clerk in the form of a printed pamphlet during office hours on or after March 10, 1981.

ATTEST:- Paul E. Healy, City Clerk.



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In City Council March 23, 1981.

Passed to be ordained as amended by a yeas and nays vote:— Yeas 7; Nays 2; Absent 0.

James L. Sullivan, City Manager.

ATTEST:— Paul E. Healy, City Clerk.

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City of Cambridge

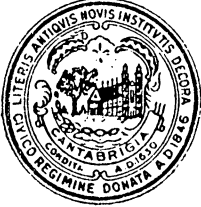
NOTICE OF PUBLIC HEARING

The Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on Wednesday, March 4, 1981 at 5:00 p.m. in the City Council Chamber on a proposed amendment to the General Ordinances of the City of Cambridge providing for the establishment of neighborhood conservation districts and protected landmarks.

All interested individuals are invited to attend and be heard at this time.

For the Committee,

Councillor David A. Wylie
Chairman.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-One

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Passed to a second reading at the City Council meeting held on March 9, 1981 and on or after March 23, 1981 the question comes on passing to be ordained.

ATTEST:- Paul E. Healy, City Clerk.

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Passed to a second reading at the City Council meeting held on March 9, 1981 and on or after March 23, 1981 the question comes on passing to be ordained.

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ATTEST:- Paul E. Healy, City Clerk.

Also speaking in favor of the proposed ordinance were:

Joan Lorentz, President Mid-Cambridge Neighborhood
Association
419 Broadway
Cambridge, MA

Robert Campbell
54 Antrim Street
Cambridge, MA

Christopher Hager
14 Magnolia Avenue
Cambridge, MA

Hugh Russell
1 Corliss Place
Cambridge, MA

Thomas Stouffer
341 Harvard Street
Cambridge, MA

William Cavileni
274 Brookline Street
Cambridge, MA

Robert LaTremouille
4 Trowbridge Place
Cambridge, MA

Mr. Lorentz also stated that she had received statements of support from the Agassiz School district, North Cambridge Planning Team and the Neighborhood Ten Association.

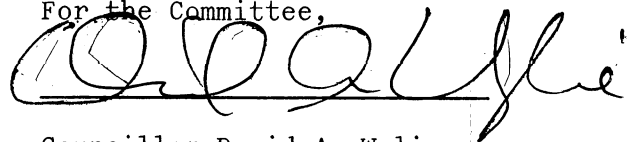
At this time Councillor Wylie reviewed several technical proposals with Mr. Sullivan which he, Mr. Sullivan stated he would consider.

At this time Councillor David Sullivan moved that this proposed amendment be referred to the full City Council for March 9, 1981 with a favorable recommendation from the Ordinance Committee.

The motion carried on a voice vote of the members present.

The hearing was adjourned at 6:35 p.m.

For the Committee,



Councillor David A. Wylie,
Chairman.

said commission, or restrict the establishment of any future historic district under said chapter 40C.

(14) Limitation on applicability of demolition ordinance.

The provisions of section 2-147 of the General Ordinances of the City of Cambridge (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.

(15) Severability. The provisions of this subsection are 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.

0-8

3/23 Passed to be
Ordained

7-2-0



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-One

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(k) Establishment of Neighborhood Conservation Districts and Protected Landmarks.

(1) Purposes. The City Council finds it necessary to enact this subsection under section 6 of the Home Rule Amendment in order to preserve, conserve and protect the beauty and heritage of the City of Cambridge 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 herein set forth.

(2) Definitions. In addition to terms defined in subsection (j)(2), the following terms, when used whether or not capitalized in this subsection, shall have the meanings set forth below, unless the context otherwise requires:

- (i) "Demolition" - 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.
- (ii) "Exterior architectural features" - 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.
- (iii) "Historic District" - an area so established under the authority of Chapter 40C of the General Laws.
- (iv) "Landmark" - any property within the City so designated in accordance with paragraph (4).
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- (vi) "Neighborhood Conservation District Commission" or "District Commission" - a commission provided for by paragraph (3).

(vii) "Structure" - a combination of materials including a building, sign, fence, wall, terrace, walk, driveway, street, bridge, statue, monument, or other man-made feature.

(3) Neighborhood Conservation District Commission.

Upon designation as provided in paragraph (4) 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. At least three of the members shall reside in the district and at least one of the members shall own property in the district. One member and one alternative shall be chosen from the Historical Commission. The neighborhood conservation district commission shall act solely in the exercise of those functions described in this subsection which are applicable to the district under its administration.

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 conservation and enhancement 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.

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.

(4) Designations. 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 (a) 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 (b) 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.

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 subsection and the provisions of paragraph (5) that are to be applied in making any determination of the type referred to in paragraphs (7), (8), and (9) with respect to the designated landmark or within the designated neighborhood conservation district.

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.

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 less than forty-five nor more than sixty 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 the Cambridge Chronicle 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.

Prior to the public hearing, the Commission shall transmit copies of the report to the Planning Board for its consideration and recommendations.

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 [5] - [9] of this subsection.

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.

(5) Review Authority. Except as the order designating or amending a landmark or neighborhood conservation district may otherwise provide in accordance with this paragraph, 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.

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.

(a) 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.

(b) Alterations 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.

(c) The exterior appearance of a new structure that does not require a variance or special permit under the zoning ordinance then in effect.

(d) 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.

(e) Terraces, walks, driveways, sidewalks and similar structures substantially at grade level.

(f) Walls and fences.

(g) Storm doors and windows, screens, window air conditioners, lighting fixtures, antennae, trelliswork, and similar appurtenances.

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 paragraph, 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 subsection.

(6) Maintenance, repair and reconstruction.

Nothing in this subsection 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 a 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.

(7) Certificates of appropriateness, non-applicability or hardship.

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 non-applicability or a certificate of hardship with respect to such construction or alteration.

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 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 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 subsection has been issued by the Historical Commission or neighborhood conservation district commission having jurisdiction.

(8) Factors to be considered by commissions. 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 set-back 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.

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.

(9) Powers, functions and duties of commissions. 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) - (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.

(10) Procedures for 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.

(11) Appeals.

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 subsection 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.

(12) 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 subsection or to prevent a threatened violation thereof. Any violation of any provision of this subsection may be punished to the like extent provided in section 13 of Chapter 40C of the General Laws for a violation of said chapter. 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 subsection, 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.)

(13) Historical Commission authority not limited.

No provisions of this subsection 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 said commission, or restrict the establishment of any future historic district under said chapter 40C.

(14) Limitation on applicability of demolition ordinance.

The provisions of subsection (j) of the General Ordinances of the City of Cambridge (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.

(15) Severability.

The provisions of this subsection are 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.

In City Council March 23, 1981.

Passed to be ordained as amended by a yea and nay vote: Yeas 7;
Nays 2; Absent 0.

James L. Sullivan, City Manager.

ATTEST:- Paul E. Healy, City Clerk.

- Work Sheet -

3/27/81
- AMENDMENTS INSERTED -

PROPOSED ORDINANCE

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

Chapter two entitled "Administration," Article XVI entitled "Cambridge Historical Commission," is amended by adding at the end of section 2-147 entitled "Powers and Duties of the Commission," as most recently amended by Ordinance No. 909 of 1979, the following new subsection:

(k) Establishment of Neighborhood Conservation Districts and Protected Landmarks

(1) Purposes. The City Council finds it necessary to enact this subsection under section 6 of the Home Rule Amendment in order to preserve, conserve and protect the beauty and heritage of the City of Cambridge 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

Revisions: May 9, 1979

October 27, 1980 C. Sullivan
November 16, 1980 D. Sullivan
December 16, 1980 C. Sullivan
January 12, 1981 W. King

may designate neighborhood conservation districts and landmarks to be administered as herein set forth.

(2) Definitions. In addition to terms defined in subsection (j)(2), the following terms, when used whether or not capitalized in this subsection, shall have the meanings set forth below, unless the context otherwise requires:

- (i) "Demolition" - 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.
- (ii) "Exterior architectural features" - 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.
- (iii) "Historic District" - an area so established under the authority of Chapter 40C of the General Laws.
- (iv) "Landmark" - any property within the City so designated in accordance with paragraph (4).
- (v) "Neighborhood Conservation District" - any area within the City so designated in accordance with paragraph (4).
- (vi) "Neighborhood Conservation District Commission" or "District Commission" - a commission provided for by paragraph (3).

Section 3: Neighborhood Conservation District Commission

page 3, "...conservation district commission to consist of
lines 9-11; five members and three alternates. At least three
substitute: of the members shall reside in the district and at
 least one of the members shall own property in the
 district. One member and one alternate shall be
 chosen from the Historical..."

(vii) "Structure" - a combination of materials including a building, sign, fence, wall, terrace, walk, driveway, street, bridge, statue, monument, or other man-made feature.

(3) Neighborhood Conservation District Commission. Upon designation as provided in paragraph (4) 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 four members and two alternates who are residents of such district or owners of property therein, and one member or alternate of the Historical Commission~~. The neighborhood conservation district commission shall act solely in the exercise of those functions described in this subsection which are applicable to the district under its administration.

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 conservation and enhancement 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.

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.

(4) Designations. 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 (a) 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 (b) 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

page 5,
lines 25-27;
substitute:

"...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."

Section 4: Designations

page 5,
line 4;
substitute:

"...or to have a distinctive character in terms of
its exterior features; and may recommend amendments..."

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

~~to have a distinctive character; and may recommend amendments/~~

to any designation of landmark or neighborhood conservation district theretofore made.

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 subsection and the provisions of paragraph (5) that are to be applied in making any determination of the type referred to in paragraphs (7), (8) and (9) with respect to the designated landmark or within the designated neighborhood conservation district.

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 who have demonstrated interest in the district or area under consideration and who shall be appointed by the City Manager.~~

*See
Amend
ment*

page 6,
line 16;
substitute:

"...hearing. The Commission shall give not less
than fourteen days..."

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 less than forty-five nor more than sixty 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 seven days~~ notice of such public hearing by publication in the Cambridge Chronicle 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.

Prior to the public hearing, the Commission shall transmit copies of the report to the Planning Board for its consideration and recommendations.

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.

insert amendment
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 Clerk and has been recorded with the Registry of Deeds for the South District of Middlesex County.

(5) Review Authority. Except as the order designating or amending a landmark or neighborhood conservation district may otherwise provide in accordance with this paragraph, 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.

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:

(a) 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.

(b) Alterations 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.

(c) The exterior appearance of a new structure that does not require a variance or special permit under the zoning ordinance then in effect.

(d) 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.

(e) Terraces, walks, driveways, sidewalks and similar structures substantially at grade level.

(f) Walls and fences.

(g) Storm doors and windows, screens, window air conditioners, lighting fixtures, antennae, trelliswork, and similar appurtenances.

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 paragraph, if the provisions of the

Section 6: Maintenance, Repair and Reconstruction

page 9, "...date of the order which designates that landmark
line 16; or district, nor construed to prevent..."
substitute:

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 subsection.

(6) Maintenance, repair and reconstruction. Nothing in this subsection 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 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 ordinance, nor construed to prevent~~ ^{all amendments} 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.

(7) Certificates of appropriateness, non-applicability or hardship. 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 non-applicability or a certificate of hardship with respect to such construction or alteration.

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 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 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 subsection has been issued by the Historical Commission or neighborhood conservation district commission having jurisdiction.

(8) Factors to be considered by commissions. 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 set-back 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.

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.

(9) Powers, functions and duties of commissions. 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) - (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

Section 11: Appeals

delete entire
Section and
substitute:

"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 subsection 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 substantive 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."

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.

(10) Procedures for 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.

Indent Amendment

~~(11) Appeals. Any applicant aggrieved by or ten registered voters of the City opposing a determination under this subsection of a neighborhood conservation district commission may within twenty days after the filing of the notice of such determination with the City Clerk, appeal to the Historical Commission, which shall review the decision of the neighborhood conservation district commission and may overrule the determination of that commission or return the case for reconsideration by that commission. Any applicant aggrieved by a determination of the Historical Commission or of the neighborhood conservation district commission may, if the Historical Commission has not acted upon an appeal to it from the neighborhood conservation district~~

~~commission within thirty days, appeal to the Superior Court in the same manner as provided in section 12 of chapter 40C of the General Laws for appeals with respect to determinations with respect to historic districts.~~

(12) 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 subsection or to prevent a threatened violation thereof. Any violation of any provision of this subsection may be punished to the like extent provided in section 13 of Chapter 40C of the General Laws for a violation of said chapter. 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 subsection, 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.)

(13) Historical Commission authority not limited. No provisions of this subsection 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

said commission, or restrict the establishment of any future historic district under said chapter 40C.

(14) Limitation on applicability of demolition ordinance.

~~The provisions of ^{subsection (j)} section 2-149 of the General Ordinances of the City of Cambridge (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.~~

(15) Severability. The provisions of this subsection are 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.

Section 14: Limitation on Applicability of Demolition Ordinance

page 14,
lines 4-5;
substitute:

"The provisions of subsection (j) (relative to procedures for demolition..."

29 Everett Street
Cambridge, MA 02238

(617) 868-9600

Office of the President



March 23, 1981

The Honorable City Council
Cambridge City Hall
Cambridge, Massachusetts

Re: Proposed Ordinance to Establish Neighborhood
Conservation Districts

To the Honorable City Council:

Lesley College wishes to express its opposition to the proposed ordinance which would amend the powers and duties of the Cambridge Historical Commission by adding a new subsection entitled "Establishment of Neighborhood Conservation Districts and Protected Landmarks."

Under Chapter 40C of the General Laws, from which the drafter of the proposed ordinance has borrowed heavily, the Cambridge Historical Commission has most of the powers with which the proposed ordinance would endow another strata of authority to be known as a "neighborhood conservation district commission." Because the Cambridge Historical Commission already has the power to recommend the creation of historic districts, to issue or withhold certificates of appropriateness, nonapplicability or hardship, and to seek enforcement of the provisions of Chapter 40C of the General Laws, Lesley College opposes the proposed ordinance as unnecessary, likely to promote confusion and duplication of efforts, and unduly burdensome to property owners in the City of Cambridge.

Lesley College respectfully submits that the Cambridge Historical Commission is presently empowered by the General Laws to take steps 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 Cambridge. Lesley urges the Cambridge City Council

29 Everett Street
Cambridge, MA 02238

(617) 868-9600

Office of the President



March 23, 1981

The Honorable Francis Duehay
Mayor of the City of Cambridge
Cambridge City Hall
Cambridge, Massachusetts

Re: Proposed Ordinance to Establish Neighborhood
Conservation Districts

To the Honorable Francis Duehay:

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not to pass the proposed ordinance because it is in large measure a reiteration of Chapter 40C without the safeguards imposed by the legislature to ensure adequate consideration and coordination of effort at both the local and the state levels through the involvement of the planning board and the Massachusetts Historical Commission. The proposed ordinance adds nothing to powers which the Cambridge Historical Commission may exercise legitimately, and detracts from the effectiveness of that body by creating confusion likely to result in litigation to interpret the applicability of the proposed ordinance.

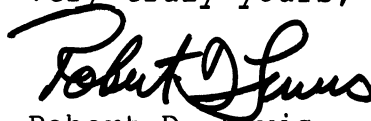
Very truly yours,

A handwritten signature in black ink, appearing to read "Robert D. Lewis". The signature is written in a cursive style with a large, prominent initial "R".

Robert D. Lewis
Executive Vice President

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Robert D. Lewis
Executive Vice President

HARVARD UNIVERSITY

OFFICE OF GOVERNMENT AND
COMMUNITY AFFAIRS

2 GARDEN STREET
CAMBRIDGE, MASSACHUSETTS 02138
617-495-4955

March 4, 1981

Cambridge City Council
City Hall
Cambridge, Massachusetts

Dear Councillors:

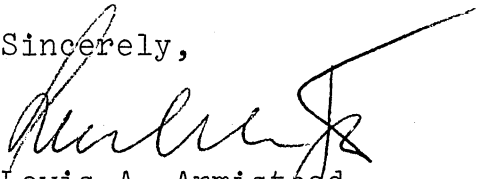
We recently received the proposed amendment to Ordinance No. 909 of 1979 entitled "Establishment of Neighborhood Conservation Districts and Protected Landmarks." We wish to register our opposition to this proposed amendment.

Chapter 40C of the Massachusetts General Laws grants a city or town power to designate and regulate historic districts and provides that each district proposal shall be submitted to the city council and that comments shall be solicited from many sources, including state authorities. Most of the regulatory power designated in the proposed ordinance is contained in this state statute, which also contains procedural safeguards not found in the ordinance currently before you. Chapter 40C may well extend the legislature's power as far as it may constitutionally be extended in matters affecting the ownership of private property without constituting a compensable taking.

We, therefore, believe that the proposed amendment to Ordinance No. 909 is neither necessary nor desirable.

The issues of necessity, authority, and structure of the ordinance require substantial further reflection by the city. The University recognizes and supports historical preservation, but actions toward that end must conform to applicable standards of law and public policy.

Sincerely,



Lewis A. Armistead

LAA:taf

Comm. from Lewis A. Armistead, Office of
Government and Community Affairs, Harvard
University, in opposition to the proposed
amendment to the General Ordinances entitled
"Establishment of Neighborhood Conservation
Districts and Protected Landmarks".

In City Council,

March 9, 1981

3/9/1981

Referred to the

COMMITTEE ON ORDINANCES

FILE WITH PETITION

*Copy sent to Ord. Committee
3/10/81 (OO)*

Ordinance #4
City of Cambridge

MASSACHUSETTS

In City Council March 28 1981

2
853
PM

*Passing to be ordained -
as amended -*

	YEA	NAY	ABSENT	PRESENT
Mr. Kevin P. Crane		✓		
Mr. Thomas W. Danehy	✓			
Ms. Sandra Graham	✓			
Mr. Leonard J. Russell	✓			
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan		✓		
Mr. Alfred Vellucci	✓			
Mr. David A. Wylie	✓			
Mayor Francis H. Duehay	✓			

7 2 0

CD Sullivan
SR-RF
A

1)

City of Cambridge

MASSACHUSETTS

In City Council March 23 1981

Police Department

	YEA	NAY	ABSENT	PRESENT
Mr. Kevin P. Crane	✓			
Mr. Thomas W. Danehy	✓			
Ms. Sandra Graham		✓		
Mr. Leonard J. Russell				✓
Mr. David E. Sullivan		✓		
Mr. Walter J. Sullivan	✓			
Mr. Alfred Vellucci				✓
Mr. David A. Wylie		✓		
Mayor Francis H. Duehay		✓		

3 4 0 2



CAMBRIDGE CITY COUNCIL

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9094

David E. Sullivan
City Councillor

January 16, 1981

Mr. Paul E. Healy
City Clerk
City Hall
Cambridge, Massachusetts 02139

Dear Mr. Healy:

On behalf of the Cambridge Historical Commission and the Mid-Cambridge Neighborhood Association, I am pleased to introduce the attached proposed ordinance providing for establishment of neighborhood conservation districts and protected landmarks.

At the next meeting of the City Council, I intend to move that this proposed ordinance be referred to the Committee on Ordinances for hearing and report.

Sincerely,

David E. Sullivan

David E. Sullivan

PROPOSED ORDINANCE

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

Chapter two entitled "Administration," Article XVI entitled "Cambridge Historical Commission," is amended by adding at the end of section 2-147 entitled "Powers and Duties of the Commission," as most recently amended by Ordinance No. 909 of 1979, the following new subsection:

(k) Establishment of Neighborhood Conservation Districts and Protected Landmarks

(1) Purposes. The City Council finds it necessary to enact this subsection under section 6 of the Home Rule Amendment in order to preserve, conserve and protect the beauty and heritage of the City of Cambridge 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

Revisions: May 9, 1979
October 27, 1980 C. Sullivan
November 16, 1980 D. Sullivan
December 16, 1980 C. Sullivan
January 12, 1981 W. King

may designate neighborhood conservation districts and landmarks to be administered as herein set forth.

(2) Definitions. In addition to terms defined in subsection (j)(2), the following terms, when used whether or not capitalized in this subsection, shall have the meanings set forth below, unless the context otherwise requires:

- (i) "Demolition" - 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.
- (ii) "Exterior architectural features" - 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.
- (iii) "Historic District" - an area so established under the authority of Chapter 40C of the General Laws.
- (iv) "Landmark" - any property within the City so designated in accordance with paragraph (4).
- (v) "Neighborhood Conservation District" - any area within the City so designated in accordance with paragraph (4).
- (vi) "Neighborhood Conservation District Commission" or "District Commission" - a commission provided for by paragraph (3).

(vii) "Structure" - a combination of materials including a building, sign, fence, wall, terrace, walk, driveway, street, bridge, statue, monument, or other man-made feature.

(3) Neighborhood Conservation District Commission. Upon designation as provided in paragraph (4) 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 four members and two alternates who are residents of such district or owners of property therein, and one member or alternate of the Historical Commission. The neighborhood conservation district commission shall act solely in the exercise of those functions described in this subsection which are applicable to the district under its administration.

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 conservation and enhancement 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.

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.

(4) Designations. 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 (a) 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 (b) 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

*C. Wylie
should be
designated
i.e. blocks
or building
area of consistent
pattern*

? Permit area to residential - C. Wylie

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; and may recommend amendments to any designation of landmark or neighborhood conservation district theretofore made.

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 subsection and the provisions of paragraph (5) that are to be applied in making any determination of the type referred to in paragraphs (7), (8) and (9) with respect to the designated landmark or within the designated neighborhood conservation district.

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 who have demonstrated interest in the district or area under consideration and who shall be appointed by the City Manager.

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 *HISTORICAL* 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 less than forty-five nor more than sixty 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 seven days notice of such public hearing by publication in the Cambridge Chronicle 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.

Prior to the ^{*FINAL*} public hearing, the Commission shall transmit copies of the report to the Planning Board for its consideration and recommendations.

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.

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 Clerk and has been recorded with the Registry of Deeds for the South District of Middlesex County.

(5) Review Authority. Except as the order designating or amending a landmark or neighborhood conservation district may otherwise provide in accordance with this paragraph, 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.

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:

(a) 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.

(b) Alterations 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.

(c) The exterior appearance of a new structure that does not require a variance or special permit under the zoning ordinance then in effect.

(d) 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.

(e) Terraces, walks, driveways, sidewalks and similar structures substantially at grade level.

(f) Walls and fences.

(g) Storm doors and windows, screens, window air conditioners, lighting fixtures, antennae, trelliswork, and similar appurtenances.

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 paragraph, 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 subsection.

(6) Maintenance, repair and reconstruction. Nothing in this subsection 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 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 ordinance, 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.

(7) Certificates of appropriateness, non-applicability or hardship. 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 non-applicability or a certificate of hardship with respect to such construction or alteration.

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 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 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 subsection has been issued by the Historical Commission or neighborhood conservation district commission having jurisdiction.

(8) Factors to be considered by commissions. 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 set-back 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.

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.

(9) Powers, functions and duties of commissions. 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) - (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.

(10) Procedures for 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.

(11) Appeals. Any applicant aggrieved by or ten registered voters of the City opposing a determination under this subsection of a neighborhood conservation district commission may within twenty days after the filing of the notice of such determination with the City Clerk, appeal to the Historical Commission, which shall review the decision of the neighborhood conservation district commission and may overrule the determination of that commission or return the case for reconsideration by that commission. Any applicant aggrieved by a determination of the Historical Commission or of the neighborhood conservation district commission may, if the Historical Commission has not acted upon an appeal to it from the neighborhood conservation district

commission within thirty days, appeal to the Superior Court in the same manner as provided in section 12 of chapter 40C of the General Laws for appeals with respect to determinations with respect to historic districts.

(12) 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 subsection or to prevent a threatened violation thereof. Any violation of any provision of this subsection may be punished to the like extent provided in section 13 of Chapter 40C of the General Laws for a violation of said chapter. 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 subsection, 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.)

(13) Historical Commission authority not limited. No provisions of this subsection 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

City of Cambridge

In City Council.....March 9, 1981.....

The Ordinance

Committee

to which was referred a proposed amendment to the General Ordinances relative to the establishment of neighborhood conservation districts and protected landmarks, conducted a public hearing on Wednesday, March 4, 1981 beginning at 5:30 p.m. in the City Council Chamber, City Hall.

Councillor Wylie, Chairman of the Committee requested that Mr. Charles Sullivan, Executive Director of the Historical Commission to explain the substance of the proposed amendment.

At this time Mr. Sullivan outlined to those present, essentially what the amendment provided. He further stated that this was enabling legislation that could not be effective, if passed, until a particular neighborhood initiated the request. He further stated that no neighborhood would be effected unless they wanted such a designation and that could only take place after an affirmative vote of the City Council.

Mr. Sullivan further stated that although he strongly supports this proposal he reminded the Ordinance Committee that his department, as other departments, has been reduced in staff people because of Proposition 2½ and if the proposed amendment is adopted it would be a while before it could be implemented.

At this time both Mayor Duehay and Councillor David Sullivan voiced their support for the proposed amendment.

Councillor David Sullivan stated that this ordinance could go along way in protecting the neighborhoods as well as historical landmarks in Cambridge. He further stated that although Harvard University has filed an objection to the proposal, he felt that the city's right to adopt such an ordinance would be upheld in a court of law.

At this time Councillor Vellucci questioned the areas and buildings which could fall into the jurisdiction of such a proposal and voiced support for the proposal as well as placing City Hall, itself, within the historical landmark category.

REPORT

Committee on Ordinances

RE: Establishment of Neighborhood
Conservation Districts and Pro-
tected Landmarks.

In City Council,

March 9, 1981