



Cambridge Historical Commission

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

March 22, 1999

To: Robert Healy, City Manager

From: Charles Sullivan, Historical Commission *CS*

Re: Council Order #068, dated 3/15/99 re: Report on the Possibility of Home
Rule to Landmark the Interior of Historical Building

RECEIVED
MAR 25 AM 8:41
OFFICE OF THE CITY MANAGER

On March 15, the City Council directed the Law Department and the Historical Commission to report on possible home rule legislation to enable the Historical Commission to landmark interiors of historic buildings. This memo responds to that request.

The Historical Commission regulates historic properties through the powers and authorities established in two laws: Chapter 40C of the Massachusetts General Laws, which enables the designation of historic districts, and Article III, Chapter 2.78 of the Cambridge City Code, which enables the designation of neighborhood conservation districts and protected landmarks and which tracks Chapter 40C on key definitions and procedures. It is the Historical Commission's opinion that, currently, neither the state enabling statute nor the city enabling ordinance provide for the designation of interiors of historic buildings.

Both Chapter 40C and Chapter 2.78 empower the Historical Commission to require the issuance of a certificate of appropriateness, hardship or non-applicability prior to altering or constructing any designated historic building or structure in any way that "affects [the] exterior architectural features" (Ch. 40C, MGL, § 6; Ch. 2.78, CCC, § 190.A). The city's ordinance employs the same definition of "exterior architectural feature" as that found in Chapter 40C: "such portion of the exterior of a building or structure as is open to view from a public street, public way, public park or public body of water. . ." (Ch. 40C, MGL, § 5) Currently in Massachusetts, the only municipality with the authority to designate interiors of historic buildings is the City of Boston, which is enabled to do so by a Special Act of the legislature, Chapter 777 of the Acts of 1975.

It is the Historical Commission's opinion that developing the capacity to designate historic interiors in Cambridge could be done in either of two ways. First, the City Council could pursue home rule legislation to amend Article III, Chapter 2.78 to specifically enable the designation of historic interiors. Alternatively, Chapter 40C could be amended to provide procedures for establishing and regulating protected historic

interiors. It is the opinion of the Commission staff that only interiors that could be characterized as “public” or “places of public assembly” could be recommended for designation (privately-owned interior spaces can currently be protected through donation by the owner of a preservation easement or restriction to a qualified organization under the terms of MGL, Ch. 184).

The Historical Commission has contacted the Law Department to investigate the process of developing home rule legislation to allow interior designations, but, given the limited extent to which interior designation authority has been used in Massachusetts, there are likely to be a number of legal issues to be accommodated before a specific proposal can be drafted.



City of Cambridge

Consent Agenda #5

IN CITY COUNCIL

March 29, 1999

COUNCILLOR DAVIS

ORDERED: That the City Manager be and hereby is requested to direct the Law Department to provide recommendations regarding the two choices presented by the Historical Commission to protect the interior of historical buildings, either an amendment to MGL Ch. 40C or a home rule petition.

In City Council March 29, 1999.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

A handwritten signature in cursive script, reading "D. Margaret Drury".

ATTEST:-

D. Margaret Drury
City Clerk

City of Cambridge

ORDERED: That the City Manager be and hereby is requested to ^{direct} ~~request~~ the Law Department ~~for~~ recommendations regarding the two choices presented by the Historical Commission with regard to a home rule petition to landmark the interior of historical buildings or the Chapter 40C Amendment.

to provide
~~and~~
~~draft~~
~~language~~

protect the
integrity of ~~the~~

an amendment

That the CM be & h b is requested
to direct the Law Department to provide
recommendations regarding the two choices
presented by the Historical Commission to
protect the integrity of historical buildings
either an amendment to ~~the~~ MGL Ch. 40C
or a home rule petition



CITY OF CAMBRIDGE
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EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

March 29, 1999

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 99-51, regarding a report on the possibility of a Home Rule Petition to landmark the interior of historical buildings, received from Charles Sullivan, Executive Director of the Cambridge Historical Commission.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
Attachment

Consent Agenda #5

5-2078

Relative to AW Rpt. #99-51, regarding
a report on the possibility of a
Home Rule Petition to landmark
the interior of historical buildings.

In City Council March 29, 1999

PLACED ON FILE

Referred to

law dept.

ORDER ADOPTED