Final Publication No. 2221. First publication in the Boston Herald on Nov. 25, 198

City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Three

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", Section 2-147 entitled "Powers and Duties of the Commission", Subsection K entitled "Establishment of Neighborhood Conservation Districts and Protected Lankmarks" is hereby amended by striking out the present subsection K and substituting in place thereof a new subsection K which reads as follows:

(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).

(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 Histroical Commission itself shall exercise authority with respect thereto, the City Manager shall appoint a neighborhood conservation district commission to consist of five members and three alternates. The members shall include three residents of the neighborhood, not less than two of whom shall be homeowners; one neighborhood property owner (who may or may not be a neighborhood homeowner); and one member or alternate of the Cambridge Historical Commission. The three alternates shall all be neighborhood property owners. The neighborhood conservation district commission shall act solely in the exercise of those functions described in this 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 improvement, conservation and enhancement of the district, and at least two of the members or alternates shall have professional qualifications related to real estate or architecture or historic preservation. The members of the Commission shall be appointed by the City Manager with regard to the diverse viewpoints expressed in the creation of the District. Such members shall serve for a term of three years, except that the initial appointments shall be for one member to serve one year and one member to serve two years, and vacancies shall be filled for the unexpired term of office. Each member and alternate shall continue in office after expiration of his or her term until a successor is duly appointed and qualified, except that no member shall serve more than two consecutive terms.

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 intitiate, 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.

If the order establishing or amending a neighborhood conservation district contains provisions for both regulatory and educational/incentive programs, the regulatory provisions of the order shall not be effective unless and until the educational/incentive provisions of the order are funded.

(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.

If the order establishing or amending a neighborhood conservation district provides, the determination of a neighborhood conservation district commission shall be binding only with regard to applications to construct a new building, to demolish an existing structure if a demolition permit is required, to construct a parking lot as a principal use, and to construct an addition to an existing structure that would increase its gross floor area, and in all other cases the determinations of a commission shall be advisory only and not binding on an applicant. In no case shall a building permit be issued until the commission has made a determination under the applicable provisions of this ordinance.

(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 December 12, 1983.
Passed to be ordained by a yea and nay vote:- Yeas 6; Nays 1, Absent 2.

Robert W. Healy, City Manager.

ATTEST:- Paul E. Healy, City Clerk.

#4 Unfinished Business

C. C. 106

City of Cambridge

MASSACHUSETTS

In City Council 12/12/ 1983

#1 Amendment by D. Sullivan
Filed-

	YEA	NAY	ABSENT	PRESENT
Mr. Daniel J. Clinton			✓	
Mr. Thomas W. Danehy		✓		
Mr. Francis H. Duehay		✓		
Ms. Saundra Graham	✓			
Mr. Leonard J. Russell		✓		
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan		✓		
Mr. Wylie			✓	
Mayor Vellucci	✓			
	3	4	2	

Amendment Attached

(AMENDMENT OFFERED BY COUNCILLOR DAVID SULLIVAN AT THE CITY COUNCIL MEETING OF MONDAY, DECEMBER 5, 1983 TO FURTHER AMEND THE HISTORICAL COMMISSION ORDINANCE CURRENTLY PENDING ON THE CALENDAR):

"If the order establishing or amending a neighborhood conservation district contains provisions for both regulatory and educational/ incentive programs, the order may provide that its regulatory provisions shall not be effective unless and until the educational/ incentive provisions of the order are funded. "

C. C. 108

#4 Unfinished Business

City of Cambridge

MASSACHUSETTS

#2

In City Council 12/12/ 1983

Passed to be Ordained

	YEA	NAY	ABSENT	PRESENT
Mr. Daniel J. Clinton			✓	
Mr. Thomas W. Danehy	✓			
Mr. Francis H. Duehay	✓			
Ms. Saundra Graham	✓			
Mr. Leonard J. Russell	✓			
Mr. David E. Sullivan		✓		
Mr. Walter J. Sullivan	✓			
Mr. Wylie			✓	
Mayor Vellucci	✓			
	6	1	2	

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A

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NOTICE OF PUBLIC HEARING
The Planning Board of the City of Cambridge will hold a public hearing on Tuesday, January 3, 1984 in the Ackerman Room, City Hall, 795 Massachusetts Avenue, Cambridge on a petition by the Marcus Organization for a **Special Permit for a Planned Unit Development** under Sections 12.20 and 13.50 - PUD-4 District in the Kendall Square area to construct 240,000 square feet of office and retail uses in two building, two phase development on the Lechmere Canal in East Cambridge. The development parcel is located at the intersection of Cambridge Street and First Street (2-40 First Street, 4-66 Cambridge Street). Two, four story structures are proposed with parking in the basement, retail on the ground level and offices above.
Copies of the petition are on file in the office of the City Clerk, City Hall, and at the Community Development Department. Questions concerning the petition may be addressed to James Campbell at 498-9034.
(C)Dec.15,22

DEPARTMENT OF TRAFFIC & PARKING
By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation:
Regulation No. 83-28
Regulation No. 66-1 Schedule 6A **"Parking Sides Prohibited At All Times On Certain Sides Of Certain Streets, Tow Away Zone"** is hereby amended by adding the following:
Huron Avenue, north and south sides, between Park Avenue and Larchwood Drive.
This regulation shall take effect 1 January 1984.
PROMULGATED
DATE:
Dec. 6, 1983
George Teso
Traffic Director
(C)Dec.15,22,29

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 153853
Summons by Publication
Barbara M. Hemingway
Plaintiff
vs
Samuel C. Hemingway
Defendant
To the above-named Defendant:
A complaint has been presented to this Court by your spouse, Barbara M. Hemingway, seeking a Divorce for Cruel and Abusive Treatment.
You are required to serve upon William F. Maloney, plaintiff's attorney, whose address is 645 Mörrissey Blvd., Dorchester, MA 02122 your answer on or before January 9, 1984. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.
Witness Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.
November 28, 1983.
Paul J. Cavanaugh
Register of Probate
(C)Dec.8,15,22

LEGAL NOTICE
Request for **bids for renovations** at 656 Mass. Ave., Boston including: masonry, flooring, carpentry, landscaping, and other work.
This project is funded by the City of Boston under the Community Development Block Grant.
For bid package including all applicable local, state, and federal regulations contact Shelter, Inc., 103-109 School Street, Cambridge, 02139, Tel. - (617) 547-1885. $20 refundable deposit required. Deadline for receipt of bids December 21, 1983 at 12:00 PM. Public opening of sealed bids will be held at the above address at 4:00 PM December 21, 1983.
(C)Dec.15

DEPARTMENT OF TRAFFIC & PARKING
By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation:
Regulation No. 83-25
Regulation No.66-1 Schedule 6 "Parking Prohibited At All Times On Certain Sides of Certain Streets" is hereby amended by striking out the following:
Water Street, west side, from Bridge Street to 70'N of Bridge Street.
This regulation shall take effect 22 December 1983.
PROMULGATED
DATE
Nov. 28,1983
George Teso
Traffic Director
(C)Dec.8,15,22

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 153871
Summons by Publication
Steven Ensign Smith
Plaintiff
vs
Linda Dale Smith
Defendant
To the above-named Defendant:
A complaint has been presented to this Court by your spouse, Steven Ensign Smith, seeking Divorce.
You are required to serve upon John E. Sutherland, plaintiff - plaintiff's attorney, whose address is Rosencranz & Sutherland, 262 Washington St., Boston, MA 02108 your answer on or before January 30th, 1984. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.
Witness Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.
November 28, 1983.
Paul J. Cavanaugh
Register of Probate
(C)Dec.8,15,22

DEPARTMENT OF TRAFFIC & PARKING
By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation:
Regulation No. 83-27
Regulation No. 66-1 Schedule A **"Turn Restrictions"** is hereby amended by adding the following:
Huron Avenue, at Aberdeen Avenue, eastbound traffic, at All Hours, Right Lane Must Turn Right
Huron Avenue at Aberdeen Avenue, westbound traffic, at All Hours, Left Lane Must Turn Left.
This regulation shall take effect 1 January 1984
PROMULGATED
DATE:
Dec. 6, 1983
George Teso
Traffic Director
(C)Dec.15,22,29

COMMONWEALTH OF MASSACHUSETTS
LAND COURT DEPARTMENT OF THE TRIAL COURT
(Seal) Case No. 112088
To **James T. Speros** and **Frederika Speros**, both of Cambridge, Middlesex County, and **American District Telegraph Co.**, having an usual place of business in Burlington, Middlesex County, all of said Commonwealth, and to all persons entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended:
Community Co-operative Bank, a duly existing corporation having an usual place of business in Medford, Middlesex County, and said Commonwealth, claiming to be the holder of a mortgage covering real property in said Cambridge, numbered 314 Columbia Street, given by James T. Speros and Frederika Speros to plaintiff, dated April 30, 1982, recorded with Middlesex County (Southern District) Registry of Deeds, Book 14600, Page 205, has filed with said court a petition for authority to foreclose said mortgage in the manner following: by entry and possession and exercise of power of sale.
If you are entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended and desire such benefit, you may be required to file a written appearance and answer in said court at Boston on or before the sixteenth day of January 1984, or you may be forever barred from claiming that such foreclosure is invalid under said act.
Witness, William I. Randall, Chief Justice of said Court this thirtieth day of November 1983.
John G. Kelleher
Recorder
(C)Dec.15

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
To **Daniel A. Sullivan** of Cambridge in the County of Middlesex and to all other persons interested.
A petition has been presented to said Court by **Caroline L. Sullivan** of Eden, North Carolina representing that she holds as tenant in common one undivided half per share of certain land lying in Cambridge, in said County Middlesex, and briefly described as follows: A certain parcel of land with the buildings thereon situated in said Cambridge, now known as and numbered 377 Prospect Street, bounded and described as follows:
Southeasterly by said Prospect St., 27 feet;
Southwesterly, by land now or formerly of **Elizabeth Baker**, 58 feet;
Northwesterly by land now or formerly of **Francis H. Stickney**, 28 feet, more or less, and
Northeasterly, by land now or formerly of **Rudolph Stickney**, 58 feet.
Containing 1556 square feet of land setting forth that she desires that all the following described parcel of land may be sold at private sale for not less than forty-five thousand ($45,000) dollars, and praying that partition may be made of all the land aforesaid according to the law, and to that end a commissioner be appointed to make such partition and be ordered to make sale and conveyance of all, or any part of said land which the Court finds cannot be advantageously divided either at private sale or public auction, and be ordered to distribute the net proceeds thereof.
If you desire to object thereto you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 16th day of January 1984, the return day of this citation.
Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 29th day of November 1983.
Paul J. Cavanaugh
Register
(C)Dec.8,15,22

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
Middlesex Division
Docket No. 153046
NOTICE
To all persons interested in the estate of **Ellen B. Fiedler**, also known as **Ellen Bernstein Fiedler** of Cambridge in said County of Middlesex.
A petition has been presented by The First National Bank of Boston, of Boston in the County of Suffolk conservator of the property of said Ellen B. Fiedler, praying for the authority to make gifts from the ward's estate up to $10,000 annually to each of the ward's three children.
If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before December 29, 1983.
Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the seventh day of December, in the year of our Lord one thousand nine hundred and eighty-three.
Paul J. Cavanaugh
Register of Probate
(C)Dec.15

DEPARTMENT OF TRAFFIC & PARKING
By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation:
Regulation No. 83-26
Regulation No. 66-1 Schedule 9 **"Stopping, Standing, or Parking Prohibited During Certain Hours on Certain Sides of Certain Streets"** is hereby amended by striking out the following:
Huron Avenue, south side, from Aberdeen Avenue to 150' east of Aberdeen Avenue, at All Hours, No Days Excepted.
This regulation shall take effect 1 January 1984.
PROMULGATED
DATE:
Dec. 6, 1983
George Teso
Traffic Director
(C)Dec.15,22,29

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
Middlesex Division
Docket No. 153046
NOTICE
To all persons interested in the estate of **Ellen B. Fiedler**, also known as **Ellen Bernstein Fiedler** of Cambridge in said County of Middlesex.
A petition has been presented by The First National Bank of Boston, of Boston in the County of Suffolk conservator of the property of said Ellen B. Fiedler, praying for the authority to make gifts from the ward's estate up to $10,000 annually to each of the ward's three children.
If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before December 29, 1983.
Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the seventh day of December, in the year of our Lord one thousand nine hundred and eighty-three.
Paul J. Cavanaugh
Register of Probate
(C)Dec.15

DEPARTMENT OF TRAFFIC & PARKING
By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation:
Regulation No. 83-24
Regulation No. 66-1 Schedule 6A "Parking Prohibited At All Times on Certain Sides of Certain Streets Tow Away Zone" is hereby amended by adding the following:
Water Street, west side, from Bridge Street Northerly to 70'N of Msgr. O'Brien Highway.
This regulation shall take effect 22 December 1983.
PROMULGATED
DATE
Nov.25,1983
George Teso
Traffic Director
(C)Dec.8,15,22

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
To **Mary N. George** of Cambridge in said County and her heirs apparent or presumptive.
A petition has been presented in the above-captioned matter alleging that said Mary N. George has become incapacitated by reason of mental weakness to care properly for her property and praying that **Joyce P. Aseman** of Stoneham in the County of Middlesex, or some other suitable person, be appointed conservator of her property.
If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before January 10, 1984.
Witness, Sheila E. McGovern, Esquire, First Judge of said Court at Cambridge, the sixth day of December in the year of our Lord one thousand nine hundred and eighty-three.
Paul J. Cavanaugh
Register of Probate
(C)Dec.15

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
Middlesex Division
ORDER OF NOTICE
Probate of Will Without Sureties
Estate of **Joseph W. Santora**
late of **Cambridge**
in the County of **Middlesex**
NOTICE
A petition has been presented in the above-captioned matter praying that certain instruments purporting to be the last will of said deceased may be proved and allowed and that **Joseph A. Santora** of Cambridge in the County of Middlesex be appointed executor thereof. If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on January 10, 1984.
In addition you must file a written statement of objections to the petition, giving the specific grounds therefore, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 2A.
Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the sixth day of December in the year of our Lord one thousand nine hundred and eighty-three.
Paul J. Cavanaugh
Register of Probate
(C)Dec.15

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
To **Daniel A. Sullivan** of Cambridge in the County of Middlesex and to all other persons interested.
A petition has been presented to said Court by **Caroline L. Sullivan** of Eden, North Carolina representing that she holds as tenant in common one undivided half per share of certain land lying in Cambridge, in said County Middlesex, and briefly described as follows: A certain parcel of land with the buildings thereon situated in said Cambridge, now known as and numbered 377 Prospect Street, bounded and described as follows:
Southeasterly by said Prospect St., 27 feet;
Southwesterly, by land now or formerly of **Elizabeth Baker**, 58 feet;
Northwesterly by land now or formerly of **Francis H. Stickney**, 28 feet, more or less, and
Northeasterly, by land now or formerly of **Rudolph Stickney**, 58 feet.
Containing 1556 square feet of land setting forth that she desires that all the following described parcel of land may be sold at private sale for not less than forty-five thousand ($45,000) dollars, and praying that partition may be made of all the land aforesaid according to the law, and to that end a commissioner be appointed to make such partition and be ordered to make sale and conveyance of all, or any part of said land which the Court finds cannot be advantageously divided either at private sale or public auction, and be ordered to distribute the net proceeds thereof.
If you desire to object thereto you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 16th day of January 1984, the return day of this citation.
Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 29th day of November 1983.
Paul J. Cavanaugh
Register
(C)Dec.8,15,22

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
Middlesex Division
ORDER OF NOTICE
Probate of Will Without Sureties
Estate of **Joseph W. Santora**
late of **Cambridge**
in the County of **Middlesex**
NOTICE
A petition has been presented in the above-captioned matter praying that certain instruments purporting to be the last will of said deceased may be proved and allowed and that **Joseph A. Santora** of Cambridge in the County of Middlesex be appointed executor thereof. If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on January 10, 1984.
In addition you must file a written statement of objections to the petition, giving the specific grounds therefore, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 2A.
Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the sixth day of December in the year of our Lord one thousand nine hundred and eighty-three.
Paul J. Cavanaugh
Register of Probate
(C)Dec.15

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 214068
NOTICE OF FIDUCIARY'S ACCOUNT
To all persons interested in the estate of **Helen L. Hubbard** late of Cambridge, in said County, deceased.
You are hereby notified pursuant to Mass. R.Civ.P. Rule 72 that the seven thru ninth accounts of **G. D'Andelot Belin** and **Brinley M. Hall** as Trustees (the fiduciaries) of the will of said deceased for the benefit of **Eliot Hubbard** and others have been presented to said Court for allowance.
If you desire to preserve your right to file an objection to said accounts, you or your attorney must file a written appearance in said Court at Cambridge on or before the thirtieth day of December, 1983, the return day of this citation. You may upon written request by registered or certified mail to the fiduciaries, or to the attorney for the fiduciaries, obtain without cost a copy of said accounts. If you desire to object to each objection thereto, a copy to be served upon the fiduciaries pursuant to Mass. R.Civ.P. Rule 5.
Witness, Sheila E. McGovern, Esquire, First Judge of said Court this first day of December 1983.
Paul J. Cavanaugh
Register
(C)Dec.15

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
To **Joseph Marcinkewich** of Medford and **The Cambridge Portugese Credit Union** of Cambridge, both in the County of Middlesex and to all other persons interested.
A petition has been presented to said Court by **Robert Marcin** of Cambridge in the County of Middlesex representing that he holds as tenant in common one undivided half part or share of certain land lying in Cambridge in said County and briefly described as follows:
A certain parcel of land with the buildings thereon situated in Cambridge, Middlesex County, Massachusetts, being Lot 145 on a "Plan of Land in Cambridge and Somerville, belonging to Amory Houghton, W.A. Mason & Co., Surveyors, dated March 1859", recorded with Middlesex South District Deeds in Plan Book 9, Plan 61., as follows:
Northwesterly: By Tremont Street, forty (40) feet;
Northeasterly: By Lot 144 on said plan, ninety (90) feet and two (2) inches;
Southeasterly: By Lot 113 on said plan, forty (40) feet and one-fourth (¼) inches;
Southwesterly: By Lot 146 on said plan, ninety-one (91) feet and five (5) inches
Hereby conveying the same premises conveyed to **John W. Marcinkewich** and the said **Iona G. Marcinkewich** by **Josephine Bonsigner** by deed dated September 22, 1949, recorded with said Deeds, Book 7482, Page 228. The said John W. Marcinkewich died April 28, 1961. Further for grantors title see said deed dated March 5, 1971 from **Iona G. Mercier** to us duly recorded in Middlesex South District Deeds, Book 11965, Page 545.
The common title to said land is derived under deed of Iona G. Mercier & Joseph Marcinkewich dated March 5, 1975, recorded with said Deeds, Book 12769 Page 332, will of setting forth that he desires that — all — the following described real — of said land may be sold at private sale for not less than eighty thousand dollars, and praying that partition may be made of all the land aforesaid according to law, and to that end that a commissioner be appointed to make such partition and be ordered to make sale and conveyance of all, or any part of said land which the Court finds cannot be advantageously divided either at private sale or public auction, and be ordered to distribute the net proceeds thereof.
If you desire to object thereto you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 16th day of January 1984, the return day of this citation.
Witness, Sheila E. McGovern Esquire, First Judge of said Court, this 29th day of November 1983.
Paul J. Cavanaugh
Register
(C)Dec.15,22 29

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 153630
Summons by Publication
Diane Patricia Fitzpatrick
Plaintiff
vs.
Michael Patrick Fitzpatrick
Defendant
To the above-named Defendant:
A complaint has been presented to this Court by your spouse, Diane Patricia Fitzpatrick, seeking a divorce.
You are required to serve upon J. Shoshanna Hiebert, plaintiff's attorney, whose address is 187 Hampshire Street, Cambridge MA 02139 your answer on or before February 21, 1984. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.
Witness Sheila E. McGovern Esq., First Judge of said Court at Cambridge.
November 18, 1983.
Paul J. Cavanaugh
Register of Probate
(C)Dec.1,8,15

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 544671
NOTICE OF FIDUCIARY'S ACCOUNT
To all persons interested in the estate of **Grayce Deakyne** of Cambridge, in said County, deceased.
You are hereby notified pursuant to Mass. R.Civ.P. Rule 72 that the first and final account and a petition for distribution account of **Shawmut Bank of Boston, N.A.** as Administrator (the fiduciary) of said estate have been presented to said Court for allowance.
If you desire to preserve your right to file an objection to said accounts, you or your attorney must file a written appearance in said Court at Cambridge on or before the thirtieth day of December, 1983, the return day of this citation. You may upon written request by registered or certified mail to the fiduciary, obtain without cost a copy of said accounts. If you desire to object to each item of said accounts, you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciary pursuant to Mass. R.Civ.P. Rule 5.
Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 30th day of November 1983.
Paul J. Cavanaugh
Register
(C)Dec.15

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 527673
NOTICE OF FIDUCIARY'S ACCOUNT
To all persons interested in the estate of **William V. Tennis** (late) of Cambridge in said County.
You are hereby notified pursuant to Mass. R. Civ.P. Rule 72 that the First and Final account(s) of Russell B. Higley as Executor of the will of said estate have been presented to said Court for allowance.
If you desire to preserve your right to file an objection to said account(s), you or your attorney must file a written appearance in said Court at Cambridge on or before the Sixth day of January, 1984, the return day of this citation. You may upon written request by registered or certified mail to the fiduciary, or to the attorney for the fiduciary, obtain without cost a copy of said account(s). If you desire to object to any item of said account(s), you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciary pursuant to Mass. R.Civ.P. Rule 5.
Witness, Sheila E. McGovern, Esquire, First Judge of said Court this Sixth, day of December 1983.
Paul J. Cavanaugh
Register
(C)Dec.15

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate and Family Court No. 554706
NOTICE OF FIDUCIARY'S ACCOUNT
To all persons interested in the estate of **William V. Tennis** (late) of Cambridge in said County.
You are hereby notified pursuant to Mass. R.Civ.P. Rule 72 that the First and Final account(s) of Russell B. Higley as Special Administrator of said estate have been presented to said Court for allowance.
If you desire to preserve your right to file an objection to said account(s), you or your attorney must file a written appearance in said Court at Cambridge on or before the Sixth day of January, 1984, the return day of this citation. You may upon written request by registered or certified mail to the fiduciary, or to the attorney for the fiduciary obtain without cost a copy of said account(s). If you desire to object to any item of said account(s), you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciary pursuant to Mass. R.Civ.P. Rule 5.
Witness, Sheila E. McGovern, Esquire, First Judge of said Court this Sixth day of December, 1983.
Paul J. Cavanaugh
Register
(C)Dec.15

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 527673
NOTICE OF FIDUCIARY'S ACCOUNT
To all persons interested in the estate of **William V. Tennis** (late) of Cambridge in said County.
You are hereby notified pursuant to Mass. R. Civ.P. Rule 72 that the First and Final account(s) of Russell B. Higley as Special Administrator of said estate have been presented to said Court for allowance.
If you desire to preserve your right to file an objection to said account(s), you or your attorney must file a written appearance in said Court at Cambridge on or before the Sixth day of January, 1984, the return day of this citation. You may upon written request by registered or certified mail to the fiduciary, or to the attorney for the fiduciary obtain without cost a copy of said account(s). If you desire to object to any item of said account(s), you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciary pursuant to Mass. R. Civ. P. Rule 5.
Witness, Sheila E. McGovern, Esquire, First Judge of said Court this Sixth day of December, 1983.
Paul J. Cavanaugh
Register
(C)Dec.15

CITY OF CAMBRIDGE PURCHASING DEPARTMENT
Sealed proposals will be received at the Office of the Purchasing Agent, Room 307, City Hall, Cambridge, Mass., until 11:00 o'clock A.M. Thursday, December 29, 1983 at which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge:
Sale of used equipment
Motor vehicle fluids
Automotive batteries
Computer paper
See proposal for bid deposit.
The City of Cambridge reserves the right to waive any informalities or to reject any or all proposals.
Specifications may be obtained at the Office of the Purchasing Agent, Room 307, City Hall, Cambridge, Mass.
Each proposal must be in a sealed envelope plainly marked "Proposal for Designate Item ..." and addressed to Barbara L. Duffy, Purchasing Agent, City Hall, Cambridge, Massachusetts.
Barbara L. Duffy
Purchasing Agent
(C)Dec.15,22

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 525502
NOTICE OF FIDUCIARY'S ACCOUNT
To all persons interested in the estate of **Grayce Deakyne** of Cambridge, in said County, a mentally ill person.
You are hereby notified pursuant to Mass. R.Civ.P. Rule 72 that the first thru fourth and final accounts of **Shawmut Bank of Boston, N.A.** as Guardian (the fiduciary) of the property of said ward have been presented to said Court for allowance.
If you desire to preserve your right to file an objection to said accounts, you or your attorney must file a written appearance in said Court at Cambridge on or before the thirtieth day of December, 1983, the return day of this citation. You may upon written request by registered or certified mail to the fiduciary, or to the attorney for the fiduciary, obtain without cost a copy of said accounts. If you desire to object to any item of said accounts, you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciary pursuant to Mass. R.Civ.P. Rule 5.
Witness, Sheila E. McGovern, Esquire, First Judge of said Court this 30th day of November, 1983.
Paul J. Cavanaugh
Register
(C)Dec.15

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
Middlesex Division
Docket No. 553313
NOTICE OF Probate of Will Without Sureties
Estate of **John J. Healy**
late of **Cambridge**
in the County of **Middlesex**
NOTICE
A petition has been presented in the above-captioned matter praying that certain instrument purporting to be the last of will of said deceased may be proved and allowed and that **Mary F. Collins** of Cambridge be appointed executrix thereof, without giving surety on her bond.
If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before the thirtieth day of December, 1983, the return day of this citation. You may upon written request by registered or certified mail to the fiduciary, or to the attorney for the fiduciary, obtain without cost a copy of said account(s). If you desire to object to any item of said account(s), you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciary pursuant to Mass. R.Civ.P. Rule 5.
Witness, Sheila E. McGovern, Esquire, First Judge of said Court this 29th day of December, 1983.
Paul J. Cavanaugh
Register
(C)Dec.15

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
Middlesex Division
Docket No. 553313
NOTICE OF Probate of Will Without Sureties
Estate of **John J. Healy**
late of **Cambridge**
in the County of **Middlesex**
NOTICE
A petition has been presented in the above-captioned matter praying that certain instrument purporting to be the last of will of said deceased may be proved and allowed and that **Thomas V. Daly** of Boston in the County of Suffolk be appointed executor thereof, without giving surety on his bond.
If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on January 24, 1984.
In addition you must file a written statement of objections to the petition, giving the specific grounds therefore within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 2A.
Witness, Sheila E. McGovern, Esquire, First Justice of said Court at

Horne's life story 'sings' in pages of new book

(Continued from page 1)

Another reason why it has taken many of Horne's 30 years in opera for her name to become known outside of the immediate circle of opera lovers is that she takes neither her career or voice for granted. While she works hard and often, jetting around the globe for concert dates, opera productions and recording sessions, Horne is carefully protective of that unique piece of throat cartilage.

Scovell tells the story of Horne being asked to sing live over the Italian radio network, RAI, on New Year's Eve a few years ago. While the invitation offered Horne the chance to be heard "by millions," Scovell says, she turned it down because she had already committed herself to a Jan. 3 concert in Venice before an audience of 2800 and wanted to be able to give them her best.

Horne is every bit as protective of her career as she is her voice. As Scovell puts it, "she is the keeper of a great flame." In the book, Horne speaks critically of an unnamed singer who allowed herself to be photographed in a two-piece bathing suit while perched on the rippling chest of a Hollywood film star. That doesn't mean that Horne disdains publicity or that she forgets for a moment that she is "in the business of singing." She has made guest appearances on Carol Burnett's show, her friend Jim Nabors' Christmas special and, at the request of unabashed opera freak Tony Randall, played a society matron named Jackie on an episode of "The Odd Couple." On that particular show, her character was afflicted with both a bad case of stage fright and a crush on Oscar Madison (Jack Klugman).

"She just won't run out and play games," Scovell says. "She is, first and foremost, an artist."

While Horne's career has been shaped by others — beginning with her music-loving parents, and including her teachers, her former husband, conductor Henry Lewis, as well as agents and managers — there has never been any doubt as to who is running this particular show. In spite of several entreaties from the legendary former general director of the Metropolitan Opera, Sir Rudolf Bing, Horne would not agree to her Met debut until the right role was offered — Adalgesa to Sutherland's Norma. Anyone who knows opera knows that few singers, other than Callas, ever said "no" to Bing, or, for that matter, to the chance for their Met debut.

Horne makes no apologies for being every bit as tough as she is reputed to be; her autobiography is laced with stories of battles she has fought over every aspect of a full production or a concert appearance, from costumes to publicity.

"If you don't look out for yourself, no one else is going to do it for you," Scovell says in a general statement that could be said by Horne herself and, in fact, is said throughout the book. At the same time, Horne is known for being unusually generous toward other artists.

One story in the book evidences both aspects of Marilyn Horne. In 1969, she was asked by La Scala to perform the "trouser role" of Neocle in Rossini's "L'Assedio di Corinto" (The Siege of Corinth). When first Montserrat Caballe and then Renato Scotto had to bow out of the soprano role of Parmira, Horne successfully lobbied La Scala to retain Beverly Sills for what would be the Brooklyn-born soprano's La Scala debut — no minor milestone in a singer's career. Given the attention Sills was then receiving at home for her New York City Opera performance in "Julius Caesar," a "smaller" mezzo might have been reluctant to chance losing the limelight to another singer but Horne's personal concern was for the strength of the entire production. It remained so through the production itself, but that didn't mean Horne was willing to be excluded from the attendant publicity. Upon discovering Sills and an unnamed "gentleman from New York" conspiring to exclude her from photos which were to be forwarded to the American press, Horne threw a tantrum of Wagnerian proportion.

"I know that nobody's perfect — I'm no June Allyson myself — but that whole episode left a bitter taste in my mouth," Horne says in the book. "For years, I felt that I had extended my hand in friendship and Beverly had bitten it."

In general, Horne reserves her candidly directed criticism for those who, for reasons of self-concern or inadequate preparation, fail to do their best to give audiences the performances and full productions she feels they deserve. Horne has little use, for example, for the Opera Company of Boston's Sarah Caldwell. While Caldwell has been criticized by others for haphazard casting and occasionally shoddy productions (the OCB's recent "Turandot" being a notable exception to the latter), what Horne cannot forgive is Caldwell's lack of adequate preparation — evidenced in the book in Horne's memory of a "clash" with "Carmen" in Boston and her anxiety over working with Caldwell again in a Dallas production of Ambroise Thomas's "Mignon."

"All my fears about Sarah Caldwell materialized on the first day in Dallas when she brought out her score and opened it to a resounding crack as the spine of the book bore its first pressure," she says.

If, in Horne's book, failing to give one's best is a cardinal sin not easily forgiven, she is most demanding on herself. At the same time, she speaks with gracious appreciation of other singers like Price, Sutherland, the late Donald Gramm and even Lotte Lehmann who once viciously upbraided the young singer in front of other voice students for failing to master the German language.

In spite of having her hand "bitten" by Sills, Horne hasn't stopped going to bat for struggling artists. Scovell says, and her generosity extends beyond singers per se. Scovell recalls walking with her friend in New York one afternoon when the pair came upon two young boys playing their violins on the sidewalk behind Lincoln Center.

"They were playing Vivaldi and she stopped to listen. We must have stood there for about ten minutes. After a while, a small crowd gathered and you could tell several people knew this was Marilyn Horne listening to a couple of New York street kids playing Vivaldi. When we finally moved on, she dropped a $10 bill in one of their violin cases. I said, 'Jackie, you gave them $10!' She said, 'Well, they weren't that bad.' Somewhere in New York, there are two kids who will never know they were playing for Marilyn Horne."

After 16 years of friendship with Horne, Scovell obviously has many such stories to tell, but what makes the book such a pleasurable read is that a great many of those stories are here to be savored. While opera lovers will find a wealth of information about their beloved musical idiom, the wonderful and frequently very funny anecdotes in "Marilyn Horne: My Life" make the book quite accessible even for those who don't like opera.

There is, for example, what has become notorious as the Marilyn Horne "crabs story." It was Christmas Eve and Horne was alone in Heidelberg when she discovered the infestation. The fact that she probably picked up the unwelcome visitors from a former roommate's boyfriend's use of their common bathroom facilities did little to mitigate Horne's discomfort. Since it was Christmas Eve and no other remedy was available, Horne ended up "evicting" her bodily squatters with a heavy dose of "4711" cologne.

While the story is typical of the good humor, much of it self-deprecating, which runs through the book, it also points up the frequent loneliness of life on the road for a globe-trotting diva. Unlike many first I sang this role, then I sang that one" autobiographies, "Marilyn Horne: My Life" is correctly titled. She speaks honestly about her long romantic involvement with Greek basso Nicola Zaccaria, who is still married but long-separated from his wife of 35 years. Candor also graces her discussion of her 1969 marriage to painful divorce 14 years later from Lewis, who remains a friend, frequent colleague and professional advisor. And, in spite of the unending demand for her vocal services, Horne makes it clear that Angela, her 18-year-old daughter by Lewis, will always come first in her life.

Today, Marilyn Horne is everywhere it seems. Her latest records include an exquisite recital album from La Scala (including what are probably the most beautiful renditions of "I Dream of Jeannie" and "Beautiful Dreamer" you're ever likely to hear), Beethoven's Ninth with the New York Philharmonic (to be released in 1984), a recording of Handel arias that is both technically and emotionally dazzling, and a Christmas album with the Mormon Tabernacle Choir, which is just a tad disappointing because there's too much tabernacle choir and not enough Horne.

On Wednesday, Dec. 28, you can hear Horne pay tribute to American music on WGBH-TV, Channel 2, in "Marilyn Horne's Great American Songbook." Lewis will conduct the New Jersey Symphony.

Next month, however, is destined to be a very special one for Marilyn Horne. Not only will she mark her 50th birthday (on Jan. 16) and the 30th anniversary of her career in opera, she will also sing Handel's "Rinaldo" at the Met (which is marking its own anniversary — the 100th). It will be the Met's first ever production of a Handel opera.

Because the operatic voice is the delicate instrument that it is, you'll sometimes hear it said that other singers are "burned out" at one point or another in their careers, but no one is saying that about Marilyn Horne as she nears the half-century mark in her life. Indeed, as evidenced by her recent recordings, the Horne pipes are in better shape than ever. Her voice is like the finest brandy warmed with years of careful training and perfect control, and to hear it is to imbibe.

Whether in a live performance, on record or, now, through the pages of her autobiography, Marilyn Horne's is a voice that truly sings.

***

"Marilyn Horne: My Life" by Marilyn Horne with Jane Scovell. Atheneum, New York, 1983, 258 pages; $16.95.

Local author Jane Scovell tells how she got that story

(Continued from page 1)

Horne asked what she could do to make up for the accident and Scovell, seeing her chance, didn't miss a beat before responding: "Come to the party."

Marilyn Horne attended the party and the rest, as it were, is the history of a friendship that is still going strong today.

In writing a biography, knowing your subject too well came often be more hinderance than help, but that wasn't the case when Scovell and Horne began their collaboration.

"It was really easier because I wrote in her words, not my own," Scovell says. "I didn't have to make any value judgments."

Because the book is remarkably candid — Jackie says she never used to use four-letter words until she met me," Scovell says), it's hard to imagine that anyone but Jane Scovell could have collaborated on Horne's life story.

How Scovell got that story is a story in itself, and one which is as unlikely as that of their first meeting.

Originally, Stephen Rubin, late of "Vanity Fair" magazine, was approached by an agent to do the book. Knowing of Scovell's friendship with Horne, he asked her to play John Alden on his behalf.

"Immediately, I thought 'God, why didn't I think of it first?' But I didn't want to butt into anyone's thing, so I went to Jackie on Steve's behalf and she said, 'Sure, why not?'"

Some time later, Scovell happened to ask Horne how the book was coming along, "and Jackie said, 'What book?' It seems the original deal fell through, so I saw my opportunity."

To begin the book, Scovell and Horne settled in for a couple of weeks at the Hawaiian estate of Horne's friend, singer and television star Jim Nabors.

"There we were, trying to work at the foot of Diamond Head, with the ocean and the sun and the palm trees. We have 20 hours of tape of nothing but hysterical laughter."

Once they stopped laughing and began the actual taping and writing, the process of shaping the resulting autobiography was relatively hassle-free. After Horne had approved a final version of Scovell's writing, there were a few minor tussles with the publishers, chiefly over some of those four-letter words Horne says she learned from Scovell. The publishers also wanted to purge the infamous "body lice" scene, but Horne and Scovell held their ground, arguing — correctly, it turns out — that the otherwise funny story was particularly indicative of the loneliness of being on the road.

The ease of the writing process derived, of course, from the empathy between the two women developed through their years of friendship. But at one point in that process, Scovell withheld from Horne the fact that her marriage was breaking up; knowing that "if you are her friend, you are her friend," she also knew Horne would want to drop everything to offer support.

Scovell's prediction proved accurate, for when Horne learned of the divorce, through her accompanist, Martin Katz, "she felt hurt that she didn't know."

"Everything she did along the way helped me," Scovell emphasizes. "It was as if she didn't have another thing in the world to worry about. I tell you there isn't a phony bone in that woman's body."

Horne went through her own marital crisis which ended in divorce after 14 years of marriage to conductor Henry Lewis. In 1960, when she married the black conductor, interracial unions were more of a rarity than they are today. And while Lewis had already achieved an enviable reputation in his own right, many felt the marriage would harm Horne's career.

Instead, the marriage nurtured both careers; today, even after their divorce, Horne and Lewis remain close, both personally and professionally. (Lewis, who frequently conducts for his former wife, will conduct the New Jersey Symphony on Dec. 28 for Horne's concert of American music on WGBH-TV, Channel 2.)

As she makes clear in the book, balancing a hectic professional schedule with the obligations of motherhood and maintaining a personal life at the same time is not easy for Marilyn Horne. It's sometimes just as difficult for Jane Scovell. She recalls one occasion when Horne was in Venice to sing "Tancredi" during the day season and I didn't want to be away from my kids. They're older now, of course, but it was still difficult. I had to justify being a writer and a mother."

(Scovell has three children by her former husband — Amy, 22, works at the Harvard Coop, Lucy, 19, works at Clothware and designs greeting cards, and Billy is finishing up at Milton Academy and is an avid hockey player.)

Justifying motherhood and career has never been easy, Scovell concedes; although she has worked as a teacher and a writer for many years, it has been only recently that she feels she has been able to achieve the proper balance in her life.

Born in Brockton, Scovell grew up in Brookline and majored in English at Wheaton College. After graduation, she headed for New York where she "had seven jobs in two years," working mostly in publishing and advertising.

After a period of joblessness, "I got married and that ended all that."

(Continued on page 17)

Obituaries

Mercedes Menezes

Mercedes L. (Costa) Menezes, a longtime Cambridge resident and a member of the Holy Rosary Sodality and Manny Rogers Association, died December 9 in her Cambridge home after a lengthy illness. She was 79.

Mrs. Menezes was born in St. Michael's, Azores, Portugal.

She was the wife of the late Joseph Menezes; the mother of Arthur J. Menezes, Lucy Heck, Frank J. Menezes, Joseph Jr., Alice Botelho and George Menezes; the sister of Louise Alessio; the grandmother of 35, and the great-grandmother of 24.

A funeral Mass was held in St. Anthony's Church. She was buried in Cambridge Cemetery.

Funeral arrangements were made by the Rogers Funeral Home.

York Parris

York Russell Parris, a retired staff sergeant in the United States Air Force and a 21-year Cambridge resident, died December 3 in Bellevue, Nebraska after a brief illness. He was 51.

Mr. Parris retired from the Air Force 21 years ago after serving in both the Korean and Vietnam Wars.

He was a graduate of the Cambridge public schools and was ordained Deacon at the Bethel Baptist Church in Omaha, Nebraska on April 9, 1972.

He is survived by his wife, Francia (Harte) Parris; three children, Valerie Bolden and Michelle L. of Nebraska and York R. Jr. of Ca.; a granddaughter, Angela Bolden of Nebraska; two sisters, Gwendolyn Ward of Roxbury and Elaine Brown of Cambridge, and two brothers, Noel Parris of Boston and Ervin Parris of Acton.

A funeral Service was held in the First Holiness Church, Cambridge. He was buried in Cambridge Cemetery with full military honors.

Funeral arrangements were made by the A.J. Spears Funeral Home.

Matthew Smith

Matthew F. Smith Jr., 62, an employee of the federal government for 30 years, died December 5 in St. Francis Hospital and Medical Center in Hartford, Connecticut after a lengthy illness.

Mr. Smith, a native of Cambridge, lived in Suffield, Ct., for 17 years and was a member of the Knights of Columbus in Windsor Locks, Ct., and the Landry Post, VFW in Suffield.

He served in the Navy during World War II.

He is survived by his wife, Natalie (Engels) Smith.

A Mass of Christian Burial was held at Sacred Heart Church in West Suffield. He was buried in St. Joseph's Cemetery.

Funeral arrangements were made by the Heritage Funeral Home in West Suffield.

Mary Holmes

Mary E. (Harlow) Holmes, 68, a retired bookmaker for the Boston Woven Hose Company, died unexpectedly December 6 in Massachusetts General Hospital.

Mrs. Smith, a lifelong Cambridge resident, retired six years ago from Boston Woven Hose.

She is survived by her husband, John Holmes; three sisters, Emma Ackerly, Marguerite Frasso and Jeanne Vollor, and two brothers, James and William R. Harlow.

A funeral Mass was held in St. Mary's Church. She was buried in Woodlawn Cemetery, Everett.

Funeral arrangements were made by the Daniel F. O'Brien Funeral Home.

Stanley Witkos

Stanley A. Witkos, an employee of the Boston Woven Hose Company and a lifelong Cambridge resident, died December 12 in the Manning Apartments in Cambridge after a lengthy illness. He was 53.

He is survived by his children, Mary and Stanley Witkos; his father, Joseph Witkos; two sisters, Lillian Spero and Hannah Keating, and a brother, Joseph R. Witkos.

Funeral Services were held in the Chapel of the Watson Funeral Home. He was buried in Mt. Auburn Cemetery.

Lillian Devereaux

Lillian Devereaux, 72, a longtime Somerville resident who spent the past few years in Cambridge, died December 12 in Massachusetts General Hospital after a brief illness.

She was the wife of the late William Devereaux; the mother of Lillian Marshall of Hudson, Maurice Reidy of Somerville, Jean Lovell of Revere and Francis Devereaux of Somerville; the sister of Dorothy Macklin and Georgina Harding of Florida; the grandmother of 13, and the great-grandmother of four.

A funeral Mass was held in St. Joseph's Church. She was buried in Woodlawn Cemetery, Everett.

Funeral arrangements were made by the E.L. Kelleher Funeral Home.

Thomas Maguire

Thomas Maguire, 53, a cab driver for the Green Cab Company of Somerville, died unexpectedly December 11 in Mt. Auburn Hospital in Cambridge.

A native of Cambridge, Mr. Maguire was a longtime resident of both Cambridge and Somerville.

He is survived by his wife, Helen P. (Murphy) Maguire; three sisters, Mrs. Claire Naughton of Somerville, Mrs. Margaret McIvor of Plymouth and Mrs. Susan Gleavey of Somerville; two brothers, Francis Maguire of Billerica and Gerard Maguire of Weymouth, and several nieces and nephews.

A funeral Mass was held in St. Clement's Church, Somerville. He was buried in Woodlawn Cemetery, Everett.

Funeral arrangements were made by the Wilson and Fudge Funeral Home.

Joseph Sanderson

Joseph C. Sanderson, 82, a machinist and longtime Cambridge resident, died unexpectedly December 8 in his Cambridge home.

Mr. Sanderson graduated from Cambridge public schools.

He is survived by his brother, Peter T. Sanderson.

A funeral Mass was held in St. Mary's Church. He was buried in St. Michael's Cemetery.

Funeral arrangements were made by the Watson Funeral Home.

Christina Desmond

Christina C. (Sullivan) Desmond, 83, a native of Ireland and 35-year Cambridge resident, died December 9 in Sancta Maria Hospital in Cambridge after a lengthy illness.

She was the wife of the late Dennis J. Desmond; the mother of Maureen J. Pease; the grandmother of Mark and Stephen Pease, and the aunt of Timothy O'Leary and Margaret MacDonald.

A funeral Mass was held in the Sacred Heart Church, Watertown. She was buried in Cambridge Cemetery.

Funeral arrangements were made by the Daniel F. O'Brien Funeral Home.

Geraldine Patrician

Geraldine A. Patrician, a member of the Cambridge Women's Center and active in retarded children and elderly affairs, died unexpectedly December 8 in her Cambridge home. She was 47.

Born in Boston, Miss Patrician lived in Cambridge for several years and was an insurance secretary.

She was the daughter of the late Howard L. and Charlotte (Tobin) Patrician of Billerica, and the sister of James Patrician of Maryland and Mary Nadeau of Billerica.

A funeral Mass was held in St. Theresa's Church, Billerica. She was buried in Mt. Benedict's Cemetery, Boston.

Funeral arrangements were made by the Sweeney Memorial Funeral Home.

Annie Dymond

Annie E. Dymond, 92, a retired secretary at the Bryant and Stratton School in Boston, died December 9 in Cambridge Hospital after a lengthy illness.

Born in Cambridge, she was a longtime resident of the city.

She was the wife of the late Wilbur Dymond; the aunt of Herbert Halliday; the great-aunt of Richard E., Ronald V., Gregory C., Halliday, Judith I. McDowell and Beverly Orlebar, and the great-great-aunt of two nieces and two nephews.

Funeral Services were held at the A.J. Spears Funeral Home. She was buried in Cambridge Cemetery.

Violet Layne

Violet (Gibbs) Layne, 86, a native of Barbados, West Indies, and a resident of Cambridge for many years, died December 9 in Cambridge Hospital after a lengthy illness.

She was the wife of the late James M. Layne; the mother of Louise B. Harris, Loretta B. Poindexter, Harold E., James E. Layne, all of Cambridge, Laureston "Larry" A. Layne of Boston and the late Erma L. Braxton, Kenneth M. Layne and Muriel Waterman; the grandmother of 14, and the great-grandmother of 10.

Funeral Services were held at the A.J. Spears Funeral Home. She was buried in Cambridge Cemetery.

Raymond McPherson

Raymond McPherson, a rigger for the G.H. Harnum Company, died December 11 in the Melrose-Wakefield Hospital in Melrose after a lengthy illness. He was 39.

Born in St. John's, Newfoundland, Canada, Mr. McPherson lived in Wakefield for the past few months as well as Cambridge for many years.

He is survived by his mother, Mary McPherson; a son, Raymond McPherson III; three brothers, Ronald, Robert and John McPherson, and three sisters, Cathy McPherson, Janice LeRoux and Beverly Eicewicz.

A funeral Mass was held in St. Joseph's Church. He was buried in Forest Glade Cemetery, Wakefield.

Funeral arrangements were made by the Donovan-Aufiero Funeral Home.

Josephine Trigona

Josephine (Delli Colli) Trigona, 85, a Cambridge and Arlington resident of many years, died December 11 in a North End convalescent home after a lengthy illness.

Mrs. Trigona was a native of Italy.

She was the wife of the late Joseph Trigona; the mother of Ophelia Worthington and Dorothy Wise; the sister of the late Ralph Delli Colli; the grandmother of six, and the great-grandmother of six.

A funeral Mass was held in St. John's Church. She was buried in Cambridge Catholic Cemetery.

Funeral arrangements were made by the Keefe Funeral Home.

Eileen Forgett

Eileen (Sullivan) Forgett, 70, a member of the Francis P. Sullivan American Legion Post No. 19 and the St. Patrick's Sodality as well as a lifelong Cambridge resident, died December 9 in Cambridge Hospital after a brief illness.

She is survived by her husband, Arthur E. Forgett; three sons, Arthur, Lawrence and Gerard Forgett; a sister, Dorothy Philbrick of West Roxbury, and seven grandchildren.

A funeral Mass was held in St. Patrick's Church. She was buried in Cambridge Cemetery.

Funeral arrangements were made by the John C. Burns and Son Funeral Home.

Gordon Whelan

Gordon M. Whelan, 64, a hotel waiter and lifelong Cambridge resident, died December 6 in his Cambridge home after a brief illness.

Mr. Whelan graduated from the Cambridge public schools and was a former member of the Carlson Marine Raiders during World War II.

He is survived by two brothers, John of Florida and Daniel Whelan of Quincy, and a sister, Ignatius (Babe) Whelan of Tewksbury.

A funeral Mass was held in St. Mary's Church. He was buried in New Calvary Cemetery, Boston.

Funeral arrangements were made by the John C. Burns and Son Funeral Home.

Marie Moakler

Marie V. (Clark) Moakler, 97, a lifelong Cambridge resident, died December 11 in Cambridge Hospital after a brief illness.

She was the wife of the late Vincent J. Moakler; the mother of Marie Costello of Cambridge, Gertrude E. Kaufman of Concord, Alice E. Walsh of Arizona and Beatrice T. Kearns of Sudbury; the grandmother of 11, and the great-grandmother of 15.

A funeral Mass was held in St. Paul's Church. She was buried in Cambridge Cemetery.

Donations may be made in her memory to the Somerville Home.

Eileen Stavropoulos

Eileen (Theodoropoulos) Stavropoulos, 87, of San Diego, California, a native of Tripoli, Greece and a former resident of Cambridge, died November 29 in California after a lengthy illness.

She was the wife of the late Nicholas Stavropoulos; the mother of James Cross-Stavropoulos of San Diego and the late Phillip Stavropoulos; the grandmother of two; the great-grandmother of three, and the sister of Charles Theodore of Cambridge.

Funeral Services were held in the Sts. Constantine and Helen Greek Orthodox Church. She was buried in Cambridge Cemetery.

Funeral arrangements were made by the Babalas and DeMarkles Funeral Home.

Donations may be made in her memory to the Sts. Constantine and Helen Greek Orthodox Church, 14 Magazine St., Cambridge.

Wilbert Todd

The Rev. Wilbert L. Todd, Associate Pastor of the Columbus Avenue A.M.E. Zion Church in Cambridge, died December 5 in Mt. Auburn Hospital after a brief illness. He was 90.

Rev. Todd was born in Barbados, West Indies and lived in Cambridge for many years. He served in the Church of All Nations in Boston when he first came to Massachusetts.

He is survived by three children, Adelaide, Wilbur and Iris Todd, all of Cambridge; a brother, Edward Todd of Barbados, West Indies, and a niece, Barbara Todd of N.Y.

Funeral Services were held in the Church of All Nations. He was buried in Cambridge Cemetery.

Funeral arrangements were made by the A.J. Spears Funeral Home.

Christine Brock

Christine Brock, 91, a school teacher for the City of Boston and a longtime Cambridge resident, died unexpectedly December 5 in the Somerville Home.

She was the sister of the late Gladys Brock.

Memorial Services were held at the Somerville Home. She was buried in Cambridge Cemetery.

Donations may be made in her memory to the Somerville Home.

'Distressed buildings'

(Continued from page 1)

been drafted to address those buildings directly.

"The question is, which buildings are you thinking about," Turk said. "Why did you see a pressing need for developing this policy? You can't adopt a policy until you identify a building, and you don't vote on this until you know your buildings, so you know what your policy needs to do.

"If you really have a lot of small homeowners whose buildings are crumbling, somebody must know about them," Turk said.

"I'm not happy with it," said Cambridge City Councilor David Sullivan. "There is potential here for a problem, which will allow landlords to let their buildings deteriorate and get them removed from rent control as a result."

Discussion of a distressed building policy began after removal permits were denied for the Harvard-owned Craigie Arms apartments, 60 unit building in serious disrepair.

One of the fears expressed by both Turk and Sullivan is that the policy may have been tailored to accomodate development plans for the Craigie and other buildings that have been involved in removal permit battles.

Developer Robert Kuehn, who is involved in the plans for the Craigie, last month approached the board with a plan that would include some moderate- and low-income units in a rehabilitated Craigie Arms if removal permits were granted — much along the lines of the new policy's requirement.

Also, Harvard Real Estate, which manages the Craigie, is now seeking an eviction certificate for the last remaining Craigie tenant.

"I'm concerned that the driving force behind these regulations is the board's intention to do something about Craigie Arms," Sullivan said. "I'm concerned about what's going on here."

Rent board landlord representative Sally Ackerman, who voted for the policy said, "I think Craigie Arms can certainly present their plans in the context of this," but added that "we've got a very full of buildings that are over 100 years old. We have a list of 12 or 14 buildings now, and next year who knows what'll turn up?"

Rent board members Acheson Callaghan and Fred Cohn also voted for the policy. Tenant representative Celia Josephson voted "present."

One of the tenant complaints against the policy is whether its purpose is consistent with the rent board mandate of protecting low- and moderate-income tenants.

"It's an invitation to rehab decontrol," Turk said. "It represents a serious weakening of rent control. The definition is way too broad, and I think the signal that it gives is that as the city attempts to maintain and fix up rental housing, that housing will go off rent control and be taken away from low- and moderate-income tenants. Behind it all is an effort to accomodate existing bank policy," Turk said.

Sullivan said that the regulations may be contradictory to the city removal permit ordinance.

"I don't see anything in the ordinance that allows the rent board to take a building off rent control because it is deteriorating," Sullivan said. "There's no provision for that. I have serious questions about the policy of these regulations and serious questons about whether they're consistent with the ordinance."

Ackerman, however, saw the policy as constructive change. "What are you going to do in such an old city?" she said. "If there's a so-called housing emergency then you want to have a housing policy that gets housing in service immediately."

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FIRST PUBLICATION NO. 2220.

City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Three

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", Section 2-147 entitled "Powers and Duties of the Commission", Subsection K entitled "Establishment of Neighborhood Conservation Districts and Protected Lankmarks" is hereby amended by striking out the present subsection K and substituting in place thereof a new subsection K which reads as follows:

(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).

(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 Histroical Commission itself shall exercise authority with respect thereto, the City Manager shall appoint a neighborhood conservation district commission to consist of five members and three alternates. The members shall include three residents of the neighborhood, not less than two of whom shall be homeowners; one neighborhood property owner (who may or may not be a neighborhood homeowner); and one member or alternate of the Cambridge Historical Commission. The three alternates shall all be neighborhood property owners. The neighborhood conservation district commission shall act solely in the exercise of those functions described in this 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 improvement, conservation and enhancement of the district, and at least two of the members or alternates shall have professional qualifications related to real estate or architecture or historic preservation. The members of the Commission shall be appointed by the City Manager with regard to the diverse viewpoints expressed in the creation of the District. Such members shall serve for a term of three years, except that the initial appointments shall be for one member to serve one year and one member to serve two years, and vacancies shall be filled for the unexpired term of office. Each member and alternate shall continue in office after expiration of his or her term until a successor is duly appointed and qualified, except that no member shall serve more than two consecutive terms.

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 intitiate, 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.

C.D. Sullivan

If the order establishing or amending a neighborhood conservation district contains provisions for both regulatory and educational/ order may provide incentive programs, the regulatory provisions of the order shall not be effective unless and until the educational/incentive provisions of the order are funded.

12/5/83 PC action on amendment ordinance remains on table

12/12/83 Amendment Failed 3-4-2

12/12/83 Ordained 6-1-2

(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.

If the order establishing or amending a neighborhood conservation district provides, the determination of a neighborhood conservation district commission shall be binding only with regard to applications to construct a new building, to demolish an existing structure if a demolition permit is required, to construct a parking lot as a principal use, and to construct an addition to an existing structure that would increase its gross floor area, and in all other cases the determinations of a commission shall be advisory only and not binding on an applicant. In no case shall a building permit be issued until the commission has made a determination under the applicable provisions of this ordinance.

(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.

NOTE: This is the second publication of the entire text of subsection K entitled "Establishment of Neighborhood Conservation Districts and Protected Landmarks" with the amendments as submitted underlined.

Passed to a second reading at the City Council meeting held on November 21, 1983 and on or after December 5, 1983 the question comes on passing to be ordained.

ATTEST:- Paul E. Healy, City Clerk.

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9017

OFFICE OF
THE CITY CLERK

file

December 13, 1983

Russell B. Higley, Esquire
City Solicitor
City Hall
Cambridge, MA

Dear Sir:

Enclosed you will find a proposed amendment to the General Ordinances of the City of Cambridge which was passed to be ordained at the City Council meeting held on December 12, 1983 relative to Establishment of Neighborhood Conservation Districts and Protected Landmarks.

Would you kindly review this ordinance and indicate your approval or disapproval on the bottom of the enclosed ordinance and return to this office.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Paul E. Healy

Paul E. Healy, City Clerk

PEH/dl

Enc. Ordinance No. 1002.

Final Publication No. 2221. First publication in the Boston Herald on Nov. 25, 1983.

City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Three

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", Section 2-147 entitled "Powers and Duties of the Commission", Subsection K entitled "Establishment of Neighborhood Conservation Districts and Protected Lankmarks" is hereby amended by striking out the present subsection K and substituting in place thereof a new subsection K which reads as follows:

(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).

(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 Histroical Commission itself shall exercise authority with respect thereto, the City Manager shall appoint a neighborhood conservation district commission to consist of five members and three alternates. The members shall include three residents of the neighborhood, not less than two of whom shall be homeowners; one neighborhood property owner (who may or may not be a neighborhood homeowner); and one member or alternate of the Cambridge Historical Commission. The three alternates shall all be neighborhood property owners. The neighborhood conservation district commission shall act solely in the exercise of those functions described in this 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 improvement, conservation and enhancement of the district, and at least two of the members or alternates shall have professional qualifications related to real estate or architecture or historic preservation. The members of the Commission shall be appointed by the City Manager with regard to the diverse viewpoints expressed in the creation of the District. Such members shall serve for a term of three years, except that the initial appointments shall be for one member to serve one year and one member to serve two years, and vacancies shall be filled for the unexpired term of office. Each member and alternate shall continue in office after expiration of his or her term until a successor is duly appointed and qualified, except that no member shall serve more than two consecutive terms.

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 intitiate, 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.

If the order establishing or amending a neighborhood conservation district contains provisions for both regulatory and educational/incentive programs, the regulatory provisions of the order shall not be effective unless and until the educational/incentive provisions of the order are funded.

(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.

If the order establishing or amending a neighborhood conservation district provides, the determination of a neighborhood conservation district commission shall be binding only with regard to applications to construct a new building, to demolish an existing structure if a demolition permit is required, to construct a parking lot as a principal use, and to construct an addition to an existing structure that would increase its gross floor area, and in all other cases the determinations of a commission shall be advisory only and not binding on an applicant. In no case shall a building permit be issued until the commission has made a determination under the applicable provisions of this ordinance.

(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 December 12, 1983.
Passed to be ordained by a yea and nay vote:- Yeas 6; Nays 1, Absent 2.

Robert W. Healy, City Manager.

ATTEST:- Paul E. Healy, City Clerk.

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9017

OFFICE OF
THE CITY CLERK

December 13, 1983

Mr. Charles Sullivan
Historical Commission
57 Inman Street
Cambridge, MA

Dear Sir:

Enclosed you will find a copy of a proposed amendment to the General Ordinances of the City of Cambridge which was passed to be ordained at theCCity Council meeting held on December 12, 1983 relative to Establishment of Neighborhood Conservation Districts and Protected Landmarks for your file.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Paul E. Healy

Paul E. Healy, City Clerk.

PEH/dl

Enc. Ordinance No. 1002

c.c. Building Dept.
Community Development Dept.
Board of Zoning Appeal

Final Publication No. 2221. First publication in the Boston Herald on Nov. 25, 1983.

City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Three

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", Section 2-147 entitled "Powers and Duties of the Commission", Subsection K entitled "Establishment of Neighborhood Conservation Districts and Protected Lankmarks" is hereby amended by striking out the present subsection K and substituting in place thereof a new subsection K which reads as follows:

(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).

(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 Histroical Commission itself shall exercise authority with respect thereto, the City Manager shall appoint a neighborhood conservation district commission to consist of five members and three alternates. The members shall include three residents of the neighborhood, not less than two of whom shall be homeowners; one neighborhood property owner (who may or may not be a neighborhood homeowner); and one member or alternate of the Cambridge Historical Commission. The three alternates shall all be neighborhood property owners. The neighborhood conservation district commission shall act solely in the exercise of those functions described in this 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 improvement, conservation and enhancement of the district, and at least two of the members or alternates shall have professional qualifications related to real estate or architecture or historic preservation. The members of the Commission shall be appointed by the City Manager with regard to the diverse viewpoints expressed in the creation of the District. Such members shall serve for a term of three years, except that the initial appointments shall be for one member to serve one year and one member to serve two years, and vacancies shall be filled for the unexpired term of office. Each member and alternate shall continue in office after expiration of his or her term until a successor is duly appointed and qualified, except that no member shall serve more than two consecutive terms.

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 intitiate, 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.

If the order establishing or amending a neighborhood conservation district contains provisions for both regulatory and educational/incentive programs, the regulatory provisions of the order shall not be effective unless and until the educational/incentive provisions of the order are funded.

(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.

If the order establishing or amending a neighborhood conservation district provides, the determination of a neighborhood conservation district commission shall be binding only with regard to applications to construct a new building, to demolish an existing structure if a demolition permit is required, to construct a parking lot as a principal use, and to construct an addition to an existing structure that would increase its gross floor area, and in all other cases the determinations of a commission shall be advisory only and not binding on an applicant. In no case shall a building permit be issued until the commission has made a determination under the applicable provisions of this ordinance.

(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 December 12, 1983.
Passed to be ordained by a yea and nay vote:- Yeas 6; Nays 1, Absent 2.

Robert W. Healy, City Manager.

ATTEST:- Paul E. Healy, City Clerk.

Final Publication No. 2221. First publication in the Boston Herald on Nov. 25, 1983.

City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Three

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", Section 2-147 entitled "Powers and Duties of the Commission", Subsection K entitled "Establishment of Neighborhood Conservation Districts and Protected Lankmarks" is hereby amended by striking out the present subsection K and substituting in place thereof a new subsection K which reads as follows:

(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).

(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 Histroical Commission itself shall exercise authority with respect thereto, the City Manager shall appoint a neighborhood conservation district commission to consist of five members and three alternates. The members shall include three residents of the neighborhood, not less than two of whom shall be homeowners; one neighborhood property owner (who may or may not be a neighborhood homeowner); and one member or alternate of the Cambridge Historical Commission. The three alternates shall all be neighborhood property owners. The neighborhood conservation district commission shall act solely in the exercise of those functions described in this 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 improvement, conservation and enhancement of the district, and at least two of the members or alternates shall have professional qualifications related to real estate or architecture or historic preservation. The members of the Commission shall be appointed by the City Manager with regard to the diverse viewpoints expressed in the creation of the District. Such members shall serve for a term of three years, except that the initial appointments shall be for one member to serve one year and one member to serve two years, and vacancies shall be filled for the unexpired term of office. Each member and alternate shall continue in office after expiration of his or her term until a successor is duly appointed and qualified, except that no member shall serve more than two consecutive terms.

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 intitiate, 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.

If the order establishing or amending a neighborhood conservation district contains provisions for both regulatory and educational/incentive programs, the regulatory provisions of the order shall not be effective unless and until the educational/incentive provisions of the order are funded.

(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.

If the order establishing or amending a neighborhood conservation district provides, the determination of a neighborhood conservation district commission shall be binding only with regard to applications to construct a new building, to demolish an existing structure if a demolition permit is required, to construct a parking lot as a principal use, and to construct an addition to an existing structure that would increase its gross floor area, and in all other cases the determinations of a commission shall be advisory only and not binding on an applicant. In no case shall a building permit be issued until the commission has made a determination under the applicable provisions of this ordinance.

(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 December 12, 1983.
Passed to be ordained by a yea and nay vote:- Yeas 6; Nays 1, Absent 2.

Robert W. Healy, City Manager.

ATTEST:- Paul E. Healy, City Clerk.

City of Cambridge

In City Council October 24, 1983

The Ordinance *Committee*

Comprised of the entire membership of the City Council

to which was referred the petition of the Historical Commission to amend the General Ordinances of the City of Cambridge in Chapter Two entitled "Administration", Article XVI, entitled "Cambridge Historical Commission", met on Wednesday, October 19, 1983 at 5:05 p.m. in the City Council Chamber, City Hall.

Councillor Walter J. Sullivan, Chairman, presided and called for the proponents to appear.

In response to the Call of the Chair, the Committee heard from Charles Harrington, who referred to a June 9, 1983 communication addressed to the City Manager and outlined the objectives of the proposed amendment, after study by two committees, the Mid-Cambridge and the Half Crown Neighborhood, with a third report due from the Hastings Square Committee. He further stated that the first objective was to provide for representation by neighborhood property owners and professional qualifications for members of neighborhood conservation commissions. The second objective would provide greater flexibility to exclude features and actions from control. The final objective would provide that study committees could propose alterations to existing buildings that do not increase the floor area could be subject to mandatory review, but the findings of the Commission would not be binding. He concluded by stating that the present ordinance requires more flexibility, more neighborhood choices and would provide for a broadening of choices to the committees with representation by neighborhood property owners.

Councillor Duehay moved to amend the proposal by inserting the word "improvement" in the second paragraph in the seventh line before the word "conservation".

Charles Harrington stated that all parties were happy with the draft and that it was improtant to move the amendment for action by the City Council.

A second amendment by Councillor Duehay would change the alternate members qualifications in the first paragraph, providing that the three alternates be property owners.

The Committee heard from Edward Fineman of 76 Inman Street and Nan Stone of 15 Gerry Street, who recorded themselves in favor.

The two amendments proposed by Councillor Duehay were incorporated into the final draft by agreement of all present.

The case for the proponents being closed, the Chair called for the opposition to appear.

No one appeared at the Call of the Chair.

On motion of Councillor Francis Duehay and without objection, the proposed ordinance as amended was reported to the City Council for their consideration.

At 5:17 p.m. the Committee adjourned.

For the Committee,

Councillor Walter J. Sullivan
Chairman.

City of Cambridge

In City Council October 24, 1983

The Ordinance *Committee*

Comprised of the entire membership of the City Council

to which was referred the petition of the Historical Commission to amend the General Ordinances of the City of Cambridge in Chapter Two entitled "Administration", Article XVI, entitled "Cambridge Historical Commission", met on Wednesday, October 19, 1983 at 5:05 p.m. in the City Council Chamber, City Hall.

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On motion of Councillor Francis Duehay and without objection, the proposed ordinance as amended was reported to the City Council for their consideration.

At 5:17 p.m. the Committee adjourned.

For the Committee,

Councillor Walter J. Sullivan
Chairman.

C. C. 106

Resolution #

City of Cambridge

MASSACHUSETTS

In City Council 11/7/1983

— Passing to be Ordained —

	YEA	NAY	ABSENT	PRESENT
Mr. Daniel J. Clinton	✓			
Mr. Thomas W. Danehy	✓			
Mr. Francis H. Duehay	✓			
Ms. Saundra Graham			✓	
Mr. Leonard J. Russell	✓			
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan	✓			
Mr. Wylie	✓			
Mayor Vellucci	✓			
	8	0	1	

CITY OF CAMBRIDGE

In the Year One Thousand, Nine Hundred Eighty-Three
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," Section 2-147 entitled "Powers and Duties of the Commission," Subsection K entitled "Establishment of Neighborhood Conservation Districts and Protected Landmarks" is hereby amended by striking out the present subsection K and substituting in place thereof a new subsection K which reads as follows:

(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).

(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. The members shall include three residents of the neighborhood, not less than two of whom shall be homeowners; one neighborhood property owner (who may or may not be a neighborhood homeowner); and one member or alternate of the Cambridge Historical Commission. The three alternates shall all be neighborhood property owners. The neighborhood conservation district commission shall act solely in the exercise of those functions described in this 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 co-terminous with such person's term as a member or alternate of the Historical Commission. Members and alternates of a neighborhood conservation district commission who are not members of the Historical Commission shall by reason of experience or education have demonstrable knowledge and concern for improvement, conservation and enhancement of the district, and at least two of the members or alternates shall have professional qualifications related to real estate or architecture or historic preservation. The members of the Commission shall be appointed by the City Manager with regard to the diverse viewpoints expressed in the creation of the District. Such members shall serve for a term of three years, except that the initial appointments shall be for one member to serve one year and one member to serve two years, and vacancies shall be filled for the unexpired term of office. Each member and alternate shall continue in office after expiration of his or her term until a successor is duly appointed and qualified, except that no member shall serve more than two consecutive terms.

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 recommmend 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 recommmend 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 or 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 refered 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 of rescission shall be transmitted to the City Manager and 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) - (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

If the order establishing or amending a neighborhood conservation district contains provisions for both regulatory and educational/incentive programs, the regulatory provisions of the order shall not be effective unless and until the educational/incentive provisions of the order are funded.

(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 architectual 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 apperarance 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.

If the order establishing or amending a neighborhood conservation district provides, the determination of a neighborhood conservation district commission shall be binding only with regard to applications to construct a new building, to demolish an existing structure if a demolition permit is required, to construct a parking lot as a principal use, and to construct an addition to an existing structure that would increse its gross floor area, and in all other cases the determinations of a commission shall be advisory only and not binding on an applicant. In no case shall a building permit be issued until the commission has made a determination under the applicable provisions of this ordinance.

(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 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 realtion 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 fetures 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, functins 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, non-applicability 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 requrements 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.

NOTE: This is the second publication of the entire text of subsection K entitled "Establishment of Neighborhood Conservation Districts and Protected Landmarks" with the amendments as submitted underlined.

Passed to a second reading at the City Council meeting held on November 21, 1983 and on or after December 5, 1983 the question comes on pasing to be ordained.

ATTEST: Paul E. Healy, City Clerk. Nov. 25

ADVERTISEMENT
CITY OF BOSTON

DEPARTMENT OF PLANNING AND ENGINEERING

Invitation for bids for MODERNIZATION OF PLUMBING FACILITIES AT THE JAMES J. CHITTICK SCHOOL, 154 RUSKINDALE ROAD, MATTAPAN, MASS.

The School Committee of the City of Boston, acting by its Department of Planning and Engineering, 26 Court Street, Boston, Mass. 02108, hereinafter referred to as the Awarding Authority, hereby invites sealed bids for the above-entitled project, subject to all applicable provisions of law, including without limitation, Sections 39F and 39K through 39P of Chapter 30, and Sections 29 and 44A to 44I, inclusive, of Chapter 149 of the General Laws, as amended, and in accordance with the terms and provisions of the contract documents entitled MODERNIZATION OF PLUMBING FACILITIES AT THE JAMES J. CHITTICK SCHOOL, 154 RUSKINDALE ROAD, MATTAPAN, MASS. SCOPE OF WORK: In General Includes: Plumbing, Masonry, Carpentry, Cutting and Drilling of Holes and all other work herein specified.

TIME AND PLACE FOR FILING BID APPLICATIONS: General bids will only be considered from bidders who have filed an Application to Bid and a Contractors Qualification Statement regarding eligibility to bid. A list of eligible bidders will be available at the Awarding Authority. ALL SUBBIDS for a subtrade designated in Item 2 of the form for general bid shall be filed with the Awarding Authority at the above address before twelve o'clock noon on Thursday, December 29, 1983, and ALL GENERAL BIDS will be received before twelve o'clock noon on Thursday, January 5, 1984 at which time and place respective bids will be opened and real aloud.

SUBBIDS:
Ceramic Tile, Section 2.
Plumbing, Section 3.
BID DEPOSIT
5% of Bid
5% of Bid

PLANS AND SPECS will be available on or about Thursday, December 15, 1983 at the Department of Planning and Engineering, 26 Court Street, Boston, Mass. 02108 to all interested parties. Plans and Specs must be returned in good condition within thirty days of Bid opening. Bidders are hereby notified that Bid Deposits must be five percent (5%) of his/her Bid. Bid deposits may be in the form of a certified check, or a treasurer's or cashier's check issued by, a responsible bank or trust company, payable to the City of Boston, or a bid bond in a form satisfactory to the Awarding Authority with a surety company qualified to do business in the Commonwealth and satisfactory to the Awarding Authority and conditioned upon the faithful performance by the principal of the agreements contained in the subbid or general bid.

The attention of all bidders is specifically directed to the equal employment opportunity section of the specifications and the obligations of the contractor and all subcontractors to take affirmative action in connection with employment practices throughout the work.

Pursuant to Minority Participation, the contractor must give satisfactory assurance that at least 10% of his bid price shall be expended for Minority Business Enterprise. For the purposes of this paragraph, the term Minority Business Enterprise means a business organization in which at least 51% of the beneficial ownership is held by minority group members who are Black, Hispanic, Oriental or American Indians.

PAUL W. MOONEY,
Senior Structural Engineer.
November 25, 1983
December 2, 1983
Nov. 25, Dec. 2

ADVERTISEMENT
CITY OF BOSTON

DEPARTMENT OF PLANNING AND ENGINEERING

Invitation for bids for REPLACEMENT OF CHILLER AT THE WILLIAM BLACKSTONE SCHOOL, 380 SHAWMUT AVENUE, BOSTON, MASS.

The School Committee of the City of Boston, acting by its Department of Planning and Engineering, 26 Court Street, Boston, Mass. 02108, hereinafter referred to as the Awarding Authority, hereby invites sealed bids for the above-entitled project, subject to all applicable provisions of law, including without limitation, Sections 39F and 39K through 39P of Chapter 30, and Sections 29 and 44A to 44I, inclusive, of Chapter 149 of the General Laws, as amended, and in accordance with the terms and provisions of the contract documents entitled REPLACEMENT OF CHILLER AT THE WILLIAM BLACKSTONE SCHOOL, 380 SHAWMUT AVENUE, BOSTON, MASS.

SCOPE OF WORK: Replacing the Chiller and all other incidental work outlined in the specifications.

TIME AND PLACE FOR FILING BID APPLICATIONS: General bids will only be considered from bidders who have filed an Application to Bid and a Contractors Qualification Statement with the Awarding Authority at 26 Court Street, Boston, Mass. 02108, Second Floor no later than twelve o'clock noon, Boston Time, Thursday, December 8, 1983. Forms for the Application to Bid and Contractors Qualification Statement may be obtained without charge from the Awarding Authority. Applicants will be notified within one week after closing date for the receipt of Application to Bid and Contractors Qualification Statement regarding eligibility to bid. A list of eligible bidders will be available at the Awarding Authority. NO SUBBIDS for a subtrade designated in Item 2 of the form for general bid shall be filed, and ALL GENERAL BIDS will be received before twelve o'clock noon on Thursday, December 29, 1983 at which time and place respective bids will be opened and real aloud.

PLANS AND SPECS will be available on or about Thursday, December 15, 1983 at the Department of Planning and Engineering, 26 Court Street, Boston, Mass. 02108 to all interested parties. Plans and Specs must be returned in good condition within thirty days of Bid opening. Bidders are hereby notified that Bid Deposits must be five percent (5%) of his/her Bid. Bid deposits may be in the form of a certified check, or a treasurer's or cashier's check issued by, a responsible bank or trust company, payable to the City of Boston, or a bid bond in a form satisfactory to the Awarding Authority with a surety company qualified to do business in the Commonwealth and satisfactory to the Awarding Authority and conditioned upon the faithful performance by the principal of the agreements contained in the subbid or general bid.

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PAUL W. MOONEY,
Senior Structural Engineer
November 25, 1983
December 2, 1983
Nov 25, Dec 2

Cape Cod Real Estate

ASSUMABLE MORTRG. 3 BR. Ranch, close to bchs. $42,500. MARTINGALE ASSOC.,1-295-4900

BOURNE Seaside Builders, 6 models open daily, Clay Pond Rd. Monument Beach,759-2131

DENNIS BED & BREAKFAST, $198,000. BUD McDEVITT R.E., 385-8316

Dennisport Homes & Business. Arthur J. Welch, Realtor, Route 28, 398-2051.

DENNISPORT Walk to beach, 2 bedrm. Cottage, frpl. livrm, gas HA heat, $58,000.CAPESIDE REALTY, 398-0126

FALMOUTH-CAPE COD Investment/tax shelters. Fully managed rental homes nr ocean beaches. Priced below market, from $45,000. FOLEY R.E., 548-3415

FALMOUTH Steps to priv. beach, 4 bedrm., 2 1/2 bath Cape, $180,000. FOLEY R.E., 1-548-3415

40 ACRES - $14,900 1700 FEET BROOK FRONTAGE 2 3/4 hrs. to Boston

Imagine fishing this beautiful stream from your own tree-studded parcel. Access to large pond only mins. away and major ski area 15 mins. distance. Nr. national forest for hiking, camping, etc. Fully-surveyed. 20% down w/ 10 yr. financ. Call owner.

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CENTRAL MAINE - Homes, Camps, Farms & Land! Something for everyone. Free List. Maine Land Realty Pittsfield, ME 04967. 207-487-3263.

GOURMET RESTAURANT with lounge, seats 100,can be expanded. . $395,000. McABEE R.E., 362-2123

HOW CAN YOU BEAT THIS?

Bass River, a nice 2 bdrm cttg. 1/2 mi. to ocean beach, pine pnlld liv.rm. w/frplc., full bath,sun room, oak flrs. & furn'd. Not many left like this one. $54,900. LBJ REALTY 394-6511.

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THINK CAPE COD! THINK JIM DOOLEY RLTY. Rt. 28, S. Yar. 398-2271

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Maine Real Estate

DISTINCTIVE, UNIQUE COLONIAL in a very private neighborhood situated on nicely wooded lot that lends to privacy. This home is full of special qualities,4 bedrms, 2 baths, livrm w/lrg. brick hearth. Located in Saco, Me. Minutes from ocean. $126,000. Tim Snyder, Century 21 Ronell Realty 207-282-2210/883-5952

UNITY -5 Yr Old chalet-style restaurant. Potential home-/business. Excel. cond. Only $22,500. Owner. Steve Brown, Clinton, Me. 207-426-8991

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SACO - 90 ft. ocean front. Ferry beach. Choice loc. 90 x 90 ft. lot are only two of the many fine features offered w/this 7rm, 4 bdrms finished off in cedar & pine, 1 1 /2 bths, year round home. All major applc. & furnishgs are included in asking price of $140,000. Enjoy the new AAA Baseball Team coming into the area next year along w/the sun, surf & sand. Call Libbie Williams at Century 21 Ronell Realty 207-883-5952 dys 207-772-6384 eves

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5 ACRES

Loudon, NH - Beaut. rural loc. Town rd. wooded & survyd. Nice view possible. Conv.to Rt. 107 & Rt. 4. $13,500. Finan. Avail. 603-332-0312.

20 ACRES $8,500

Madison, NH - wooded & survyd. Beaut. area. Town rd. Nr. Rt. 16, Lake Chocorua & Silver Lake. Mobile Home allowed. Low down pay. Fin. arranged. 603-539-2209.

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VERMONT - 14 yr. old Colonial, 7 br, 3 bths, within 1/2 hr. of major ski areas. Ideal for SHARING w/ SKIERS & FAMILIES. Only $105,000. 617-585-8120.

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LOST-'Pete' lge. brwn. male dog, has Tags, vic. Pru Ctr 11/22. Reward. 262-3327.

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ADVERTISEMENT CITY OF BOSTON

DEPARTMENT OF PLANNING AND ENGINEERING

Invitation for bids for MODERNIZATION OF PLUMBING FACILITIES AT THE PATRICK J. KENNEDY SCHOOL, 65 PRESCOTT STREET, EAST BOSTON, MASS.

The School Committee of the City of Boston, acting by its Department of Planning and Engineering, 26 Court Street, Boston, Mass. 02108, hereinafter referred to as the Awarding Authority, hereby invites sealed bids for the above-entitled project, subject to all applicable provisions of law, including without limitation, Sections 39F and 39K through 39P of Chapter 30, and Sections 29 and 44A to 44I, inclusive, of Chapter 149 of the General Laws, as amended, and in accordance with the terms and provisions of the contract documents entitled MODERNIZATION OF PLUMBING FACILITIES AT THE PATRICK J. KENNEDY SCHOOL, 65 PRESCOT STREET, EAST BOSTON, MASS.

SCOPE OF WORK: In General Includes: Plumbing, Masonry, Carpentry, Cutting and Drilling of Holes and all other work herein specified.

TIME AND PLACE FOR FILING BID APPLICATIONS: General bids will only be considered from bidders who have filed an Application to Bid and a Contractors Qualification Statement with the Awarding Authority at 26 Court Street, Boston, Mass. 02108, Second Floor no later than twelve o'clock noon, Boston Time, Thursday, December 8, 1983. Forms for the Application to Bid and Contractors Qualification Statement may be obtained without charge from the Awarding Authority. Applicants will be notified within one week after closing date for the receipt of Application to Bid and Contractors Qualification Statement regarding eligibility to bid. A list of eligible bidders will be available at the Awarding Authority. ALL SUBBIDS for a subtrade designated in Item 2 of the form for general bid shall be filed with the Awarding Authority at the above address before twelve o'clock noon on Thursday, December 29, 1983, and ALL GENERAL BIDS will be received before twelve o'clock noon on Thursday, January 5, 1984 at which time and place respective bids will be opened and read aloud.

SUBBIDS:
Ceramic Tile, Section 2.
Plumbing, Section 3.

BID DEPOSIT
5% of Bid
5% of Bid

PLANS AND SPECS will be available on or about Thursday, December 15, 1983 at the Department of Planning and Engineering, 26 Court Street, Boston, Mass. 02108 to all interested parties. Plans and Specs must be returned in good condition within thirty days of Bid opening. Bidders are hereby notified that Bid Deposits must be five percent (5%) of his/her Bid. Bid deposits may be in the form of a certified check, or a treasurer's or cashier's check issued by, a responsible bank or trust company, payable to the City of Boston, or a bid bond in a form satisfactory to the Awarding Authority with a surety company qualified to do business in the Commonwealth and satisfactory to the Awarding Authority and conditioned upon the faithful performance by the principal of the agreements contained in the subbid or general bid.

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Pursuant to Minority Participation, the contractor must give satisfactory assurance that at least 10% of his bid price shall be expended for Minority Business Enterprise. For the purposes of this paragraph, the term Minority Business Enterprise means a business organization in which at least 51% of the beneficial ownership is held by minority group members who are Black, Hispanic, Oriental or American Indians.

PAUL W. MOONEY, Senior Structural Engineer.
November 25, 1983
December 2, 1983
Nov 25, Dec 2

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CITY OF CAMBRIDGE

In the Year One Thousand, Nine Hundred Eighty-Three
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," Section 2-147 entitled "Powers and Duties of the Commission," Subsection K entitled "Establishment of Neighborhood Conservation Districts and Protected Landmarks" is hereby amended by striking out the present subsection K and substituting in place thereof a new subsection K which reads as follows:

(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).

(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. The members shall include three residents of the neighborhood, not less than two of whom shall be homeowners; one neighborhood property owner (who may or may not be a neighborhood homeowner); and one member or alternate of the Cambridge Historical Commission. The three alternates shall all be neighborhood property owners. The neighborhood conservation district commission shall act solely in the exercise of those functions described in this 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 co-terminous with such person's term as a member or alternate of the Historical Commission. Members and alternates of a neighborhood conservation district commission who are not members of the Historical Commission shall by reason of experience or education have demonstrable knowledge and concern for improvement, conservation and enhancement of the district, and at least two of the members or alternates shall have professional qualifications related to real estate or architecture or historic preservation. The members of the Commission shall be appointed by the City Manager with regard to the diverse viewpoints expressed in the creation of the District. Such members shall serve for a term of three years, except that the initial appointments shall be for one member to serve one year and one member to serve two years, and vacancies shall be filled for the unexpired term of office. Each member and alternate shall continue in office after expiration of his or her term until a successor is duly appointed and qualified, except that no member shall serve more than two consecutive terms.

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 recommmend 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 recommmend 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 or 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 refered 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 of rescission shall be transmitted to the City Manager and 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) - (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

If the order establishing or amending a neighborhood conservation district contains provisions for both regulatory and educational/incentive programs, the regulatory provisions of the order shall not be effective unless and until the educational/incentive provisions of the order are funded.

(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 architectual 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 apperarance 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.

If the order establishing or amending a neighborhood conservation district provides, the determination of a neighborhood conservation district commission shall be binding only with regard to applications to construct a new building, to demolish an existing structure if a demolition permit is required, to construct a parking lot as a principal use, and to construct an addition to an existing structure that would increse its gross floor area, and in all other cases the determinations of a commission shall be advisory only and not binding on an applicant. In no case shall a building permit be issued until the commission has made a determination under the applicable provisions of this ordinance.

(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 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 realtion 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 fetures 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, functins 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, non-applicability 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.

NOTE: This is the second publication of the entire text of subsection K entitled "Establishment of Neighborhood Conservation Districts and Protected Landmarks" with the amendments as submitted underlined.

Passed to a second reading at the City Council meeting held on November 21, 1983 and on or after December 5, 1983 the question comes on pasing to be ordained.

ATTEST: Paul E. Healy, City Clerk. Nov. 25

ADVERTISEMENT
CITY OF BOSTON

DEPARTMENT OF PLANNING AND ENGINEERING

Invitation for bids for MODERNIZATION OF PLUMBING FACILITIES AT THE JAMES J. CHITTICK SCHOOL, 154 RUSKINDALE ROAD, MATTAPAN, MASS.

The School Committee of the City of Boston, acting by its Department of Planning and Engineering, 26 Court Street, Boston, Mass. 02108, hereinafter referred to as the Awarding Authority, hereby invites sealed bids for the above-entitled project, subject to all applicable provisions of law, including without limitation, Sections 39F and 39K through 39P of Chapter 30, and Sections 29 and 44A to 44I, inclusive, of Chapter 149 of the General Laws, as amended, and in accordance with the terms and provisions of the contract documents entitled MODERNIZATION OF PLUMBING FACILITIES AT THE JAMES J. CHITTICK SCHOOL, 154 RUSKINDALE ROAD, MATTAPAN, MASS. SCOPE OF WORK: In General includes: Plumbing, Masonry, Carpentry, Cutting and Drilling of Holes and all other work herein specified.

TIME AND PLACE FOR FILING BID APPLICATIONS: General bids will only be considered from bidders who have filed an Application to Bid and a Contractors Qualification Statement regarding eligibility to bid. A list of eligible bidders will be available at the Awarding Authority. ALL SUBBIDS for a subtrade designated in Item 2 of the form for general bid shall be filed with the Awarding Authority at the above address before twelve o'clock noon on Thursday, December 29, 1983, and ALL GENERAL BIDS will be received before twelve o'clock noon on Thursday, January 5, 1984 at which time and place respective bids will be opened and real aloud.

SUBBIDS:
Ceramic Tile, Section 2.
Plumbing, Section 3.

BID DEPOSIT
5% of Bid
5% of Bid

PLANS AND SPECS will be available on or about Thursday, December 15, 1983 at the Department of Planning and Engineering, 26 Court Street, Boston, Mass. 02108 to all interested parties. Plans and Specs must be returned in good condition within thirty days of Bid opening. Bidders are hereby notified that Bid Deposits must be five percent (5%) of his/her Bid. Bid deposits may be in the form of a certified check, or a treasurer's or cashier's check issued by, a responsible bank or trust company, payable to the City of Boston, or a bid bond in a form satisfactory to the Awarding Authority with a surety company qualified to do business in the Commonwealth and satisfactory to the Awarding Authority and conditioned upon the faithful performance by the principal of the agreements contained in the subbid or general bid.

The attention of all bidders is specifically directed to the equal employment opportunity section of the specifications and the obligations of the contractor and all subcontractors to take affirmative action in connection with employment practices throughout the work.

Pursuant to Minority Participation, the contractor must give satisfactory assurance that at least 10% of his bid price shall be expended for Minority Business Enterprise. For the purposes of this paragraph, the term Minority Business Enterprise means a business organization in which at least 51% of the beneficial ownership is held by minority group members who are Black, Hispanic, Oriental or American Indians.

PAUL W. MOONEY,
Senior Structural Engineer.
November 25, 1983
December 2, 1983
Nov. 25, Dec. 2

ADVERTISEMENT
CITY OF BOSTON

DEPARTMENT OF PLANNING AND ENGINEERING

Invitation for bids for REPLACEMENT OF CHILLER AT THE WILLIAM BLACKSTONE SCHOOL, 380 SHAWMUT AVENUE, BOSTON, MASS.

The School Committee of the City of Boston, acting by its Department of Planning and Engineering, 26 Court Street, Boston, Mass. 02108, hereinafter referred to as the Awarding Authority, hereby invites sealed bids for the above-entitled project, subject to all applicable provisions of law, including without limitation, Sections 39F and 39K through 39P of Chapter 30, and Sections 29 and 44A to 44I, inclusive, of Chapter 149 of the General Laws, as amended, and in accordance with the terms and provisions of the contract documents entitled REPLACEMENT OF CHILLER AT THE WILLIAM BLACKSTONE SCHOOL, 380 SHAWMUT AVENUE, BOSTON, MASS.

SCOPE OF WORK: Replacing the Chiller and all other incidental work outlined in the specifications.

TIME AND PLACE FOR FILING BID APPLICATIONS: General bids will only be considered from bidders who have filed an Application to Bid and a Contractors Qualification Statement with the Awarding Authority at 26 Court Street, Boston, Mass. 02108, Second Floor no later than twelve o'clock noon, Boston Time, Thursday, December 8, 1983. Forms for the Application to Bid and Contractors Qualification Statement may be obtained without charge from the Awarding Authority. Applicants will be notified within one week after closing date for the receipt of Application to Bid and Contractors Qualification Statement regarding eligibility to bid. A list of eligible bidders will be available at the Awarding Authority. NO SUBBIDS for a subtrade designated in Item 2 of the form for general bid shall be filed, and ALL GENERAL BIDS will be received before twelve o'clock noon on Thursday, December 29, 1983 at which time and place respective bids will be opened and real aloud.

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PAUL W. MOONEY,
Senior Structural Engineer.
November 25, 1983
December 2, 1983
Nov 25, Dec 2

Cape Cod Real Estate

ASSUMABLE MORTRG. 3 BR. Ranch, close to bchs. $42,500. MARTINGALE ASSOC.,1-295-4900

BOURNE Seaside Builders, 6 models open daily, Clay Pond Rd. Monument Beach,759-2131

DENNIS BED & BREAKFAST, $198,000. BUD McDEVITT R.E., 385-8316

Dennisport Homes & Business. Arthur J. Welch, Realtor, Route 28, 398-2051.

DENNISPORT Walk to beach, 2 bedrm. Cottage, frpl. livrm, gas HA heat, $58,000.CAPESIDE REALTY, 398-0126

FALMOUTH-CAPE COD Investment/tax shelters. Fully managed rental homes nr ocean beaches. Priced below market, from $45,000. FOLEY R.E., 548-3415

FALMOUTH Steps to priv. beach, 4 bedrm., 2 1/2 bath Cape, $180,000. FOLEY R.E., 1-548-3415

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CENTRAL MAINE - Homes, Camps, Farms & Land! Something for everyone. Free List. Maine Land Realty Pittsfield, ME 04967. 207-487-3263.

GOURMET RESTAURANT with lounge, seats 100,can be expanded. $395,000. McABEE R.E., 362-2123

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Bass River, a nice 2 bdrm cttg. 1/2 mi. to ocean beach, pine pnlld liv.rm. w/frplc., full bath,sun room, oak flrs. & furn'd. Not many left like this one. $54,900. LBJ REALTY 394-6511.

SO. YARMOUTH - Spacious 3 bedrm., 2 bath Ranch w/gar. Stunning white cab kit, formal dinrm., 1st flr laun. $84,900. SURETTE REALTY, 394-6588.

THINK CAPE COD! THINK JIM DOOLEY RLTY. Rt. 28, S. Yar. 398-2271

W. BARNSTABLE - Acre lot, good area. $16,900 or best offer. Jones & Stone, 362-2929 or 775-3044 eves and weekends.

Maine Real Estate

DISTINCTIVE, UNIQUE COLONIAL in a very private neighborhood situated on nicely wooded lot that lends to privacy. This home is full of special qualities,4 bedrms, 2 baths, livrm w/lrg. brick hearth. Located in Saco, Me. Minutes from ocean. $126,000. Tim Snyder, Century 21 Ronell Realty 207-282-2210/883-5952

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5 ACRES

Loudon, NH - Beaut. rural loc. Town rd. wooded & survyd. Nice view possible. Conv.to Rt. 107 & Rt. 4. $13,500. Finan. Avail. 603-332-0312.

20 ACRES $8,500

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MATTAPAN Area fem. roommate wanted, share 2 br apt, in 6-fam.298-2497.

NEWTON-Brookline 2 & 3 bdrms, mod. $650 mo. Priv homes. TASOS 254-6867

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LYNN- Recently renovated Studio Apts, some w/water views. Rents from $295 incl heat, hot water, stove, refrig, w-w carpeting. 596-0595

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LOST-11/18 vic. of Bedford, fem. Germ. Shep. tan body w/blk. face. Ans. to 'SHANNON'. Call 275-1781.

LOST-'Pete' lge. brwn. male dog, has Tags, vic. Pru Ctr 11/22. Reward. 262-3327.

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DEPARTMENT OF PLANNING AND ENGINEERING

Invitation for bids for MODERNIZATION OF PLUMBING FACILITIES AT THE PATRICK J. KENNEDY SCHOOL, 65 PRESCOTT STREET, EAST BOSTON, MASS.

The School Committee of the City of Boston, acting by its Department of Planning and Engineering, 26 Court Street, Boston, Mass. 02108, hereinafter referred to as the Awarding Authority, hereby invites sealed bids for the above-entitled project, subject to all applicable provisions of law, including without limitation, Sections 39F and 39K through 39P of Chapter 30, and Sections 29 and 44A to 44I, inclusive, of Chapter 149 of the General Laws, as amended, and in accordance with the terms and provisions of the contract documents entitled MODERNIZATION OF PLUMBING FACILITIES AT THE PATRICK J. KENNEDY SCHOOL, 65 PRESCOT STREET, EAST BOSTON, MASS.

SCOPE OF WORK: In General includes: Plumbing, Masonry, Carpentry, Cutting and Drilling of Holes and all other work herein specified.

TIME AND PLACE FOR FILING BID APPLICATIONS: General bids will only be considered from bidders who have filed an Application to Bid and a Contractors Qualification Statement with the Awarding Authority at 26 Court Street, Boston, Mass. 02108, Second Floor no later than twelve o'clock noon, Boston Time, Thursday, December 8, 1983. Forms for the Application to Bid and Contractors Qualification Statement may be obtained without charge from the Awarding Authority. Applicants will be notified within one week after closing date for the receipt of Application to Bid and Contractors Qualification Statement regarding eligibility to bid. A list of eligible bidders will be available at the Awarding Authority. ALL SUBBIDS for a subtrade designated in Item 2 of the form for general bid shall be filed with the Awarding Authority at the above address before twelve o'clock noon on Thursday, December 29, 1983, and ALL GENERAL BIDS will be received before twelve o'clock noon on Thursday, January 5, 1984 at which time and place respective bids will be opened and real aloud.

SUBBIDS:
Ceramic Tile, Section 2.
Plumbing, Section 3.
BID DEPOSIT
5% of Bid
5% of Bid

PLANS AND SPECS will be available on or about Thursday, December 15, 1983 at the Department of Planning and Engineering, 26 Court Street, Boston, Mass. 02108 to all interested parties. Plans and Specs must be returned in good condition within thirty days of Bid opening. Bidders are hereby notified that Bid Deposits must be five percent (5%) of his/her Bid. Bid deposits may be in the form of a certified check, or a treasurer's or cashier's check issued by, a responsible bank or trust company, payable to the City of Boston, or a bid bond in a form satisfactory to the Awarding Authority with a surety company qualified to do business in the Commonwealth and satisfactory to the Awarding Authority and conditioned upon the faithful performance by the principal of the agreements contained in the subbid or general bid.

The attention of all bidders is specifically directed to the equal employment opportunity section of the specifications and the obligations of the contractor and all subcontractors to take affirmative action in connection with employment practices throughout the work.

Pursuant to Minority Participation, the contractor must give satisfactory assurance that at least 10% of his bid price shall be expended for Minority Business Enterprise. For the purposes of this paragraph, the term Minority Business Enterprise means a business organization in which at least 51% of the beneficial ownership is held by minority group members who are Black, Hispanic, Oriental or American Indians.

PAUL W. MOONEY, Senior Structural Engineer.
November 25, 1983
December 2, 1983
Nov 25, Dec 2

CITY OF CAMBRIDGE

In the Year One Thousand, Nine Hundred Eighty-Three
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," Section 2-147 entitled "Powers and Duties of the Commission," Subsection K entitled "Establishment of Neighborhood Conservation Districts and Protected Landmarks" is hereby amended by striking out the present subsection K and substituting in place thereof a new subsection K which reads as follows:

(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).

(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. The members shall include three residents of the neighborhood, not less than two of whom shall be homeowners; one neighborhood property owner (who may or may not be a neighborhood homeowner); and one member or alternate of the Cambridge Historical Commission. The three alternates shall all be neighborhood property owners. The neighborhood conservation district commission shall act solely in the exercise of those functions described in this 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 co-terminous with such person's term as a member or alternate of the Historical Commission. Members and alternates of a neighborhood conservation district commission who are not members of the Historical Commission shall by reason of experience or education have demonstrable knowledge and concern for improvement, conservation and enhancement of the district, and at least two of the members or alternates shall have professional qualifications related to real estate or architecture or historic preservation. The members of the Commission shall be appointed by the City Manager with regard to the diverse viewpoints expressed in the creation of the District. Such members shall serve for a term of three years, except that the initial appointments shall be for one member to serve one year and one member to serve two years, and vacancies shall be filled for the unexpired term of office. Each member and alternate shall continue in office after expiration of his or her term until a successor is duly appointed and qualified, except that no member shall serve more than two consecutive terms.

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 recommmend 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 recommmend 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 or 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 refered 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 of rescission shall be transmitted to the City Manager and 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) - (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

If the order establishing or amending a neighborhood conservation district contains provisions for both regulatory and educational/incentive programs, the regulatory provisions of the order shall not be effective unless and until the educational/incentive provisions of the order are funded.

(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 architectual 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 apperarance 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.

If the order establishing or amending a neighborhood conservation district provides, the determination of a neighborhood conservation district commission shall be binding only with regard to applications to construct a new building, to demolish an existing structure if a demolition permit is required, to construct a parking lot as a principal use, and to construct an addition to an existing structure that would increse its gross floor area, and in all other cases the determinations of a commission shall be advisory only and not binding on an applicant. In no case shall a building permit be issued until the commission has made a determination under the applicable provisions of this ordinance.

(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 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 realtion 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 fetures 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, functins 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, non-applicability 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 requrements 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.

NOTE: This is the second publication of the entire text of subsection K entitled "Establishment of Neighborhood Conservation Districts and Protected Landmarks" with the amendments as submitted underlined.

Passed to a second reading at the City Council meeting held on November 21, 1983 and on or after December 5, 1983 the question comes on pasing to be ordained.

ATTEST: Paul E. Healy, City Clerk. Nov. 25

ADVERTISEMENT
CITY OF BOSTON

DEPARTMENT OF PLANNING AND ENGINEERING

Invitation for bids for MODERNIZATION OF PLUMBING FACILITIES AT THE JAMES J. CHITTICK SCHOOL, 154 RUSKINDALE ROAD, MATTAPAN, MASS.

The School Committee of the City of Boston, acting by its Department of Planning and Engineering, 26 Court Street, Boston, Mass. 02108, hereinafter referred to as the Awarding Authority, hereby invites sealed bids for the above-entitled project, subject to all applicable provisions of law, including without limitation, Sections 39F and 39K through 39P of Chapter 30, and Sections 29 and 44A to 44I, inclusive, of Chapter 149 of the General Laws, as amended, and in accordance with the terms and provisions of the contract documents entitled MODERNIZATION OF PLUMBING FACILITIES AT THE JAMES J. CHITTICK SCHOOL, 154 RUSKINDALE ROAD, MATTAPAN, MASS. SCOPE OF WORK: In General includes: Plumbing, Masonry, Carpentry, Cutting and Drilling of Holes and all other work herein specified.

TIME AND PLACE FOR FILING BID APPLICATIONS: General bids will only be considered from bidders who have filed an Application to Bid and a Contractors Qualification Statement regarding eligibility to bid. A list of eligible bidders will be available at the Awarding Authority. ALL SUBBIDS for a subtrade designated in Item 2 of the form for general bid shall be filed with the Awarding Authority at the above address before twelve o'clock noon on Thursday, December 29, 1983, and ALL GENERAL BIDS will be received before twelve o'clock noon on Thursday, January 5, 1984 at which time and place respective bids will be opened and real aloud.

SUBBIDS:
Ceramic Tile, Section 2.
Plumbing, Section 3.

BID DEPOSIT
5% of Bid
5% of Bid

PLANS AND SPECS will be available on or about Thursday, December 15, 1983 at the Department of Planning and Engineering, 26 Court Street, Boston, Mass. 02108 to all interested parties. Plans and Specs must be returned in good condition within thirty days of Bid opening. Bidders are hereby notified that Bid Deposits must be five percent (5%) of his/her Bid. Bid deposits may be in the form of a certified check, or a treasurer's or cashier's check issued by, a responsible bank or trust company, payable to the City of Boston, or a bid bond in a form satisfactory to the Awarding Authority with a surety company qualified to do business in the Commonwealth and satisfactory to the Awarding Authority and conditioned upon the faithful performance by the principal of the agreements contained in the subbid or general bid.

The attention of all bidders is specifically directed to the equal employment opportunity section of the specifications and the obligations of the contractor and all subcontractors to take affirmative action in connection with employment practices throughout the work.

Pursuant to Minority Participation, the contractor must give satisfactory assurance that at least 10% of his bid price shall be expended for Minority Business Enterprise. For the purposes of this paragraph, the term Minority Business Enterprise means a business organization in which at least 51% of the beneficial ownership is held by minority group members who are Black, Hispanic, Oriental or American Indians.

PAUL W. MOONEY,
Senior Structural Engineer.
November 25, 1983
December 2, 1983
Nov. 25, Dec. 2

ADVERTISEMENT
CITY OF BOSTON

DEPARTMENT OF PLANNING AND ENGINEERING

Invitation for bids for REPLACEMENT OF CHILLER AT THE WILLIAM BLACKSTONE SCHOOL, 380 SHAWMUT AVENUE, BOSTON, MASS.

The School Committee of the City of Boston, acting by its Department of Planning and Engineering, 26 Court Street, Boston, Mass. 02108, hereinafter referred to as the Awarding Authority, hereby invites sealed bids for the above-entitled project, subject to all applicable provisions of law, including without limitation, Sections 39F and 39K through 39P of Chapter 30, and Sections 29 and 44A to 44I, inclusive, of Chapter 149 of the General Laws, as amended, and in accordance with the terms and provisions of the contract documents entitled REPLACEMENT OF CHILLER AT THE WILLIAM BLACKSTONE SCHOOL, 380 SHAWMUT AVENUE, BOSTON, MASS.

SCOPE OF WORK: Replacing the Chiller and all other incidental work outlined in the specifications.

TIME AND PLACE FOR FILING BID APPLICATIONS: General bids will only be considered from bidders who have filed an Application to Bid and a Contractors Qualification Statement with the Awarding Authority at 26 Court Street, Boston, Mass. 02108, Second Floor no later than twelve o'clock noon, Boston Time, Thursday, December 8, 1983. Forms for the Application to Bid and Contractors Qualification Statement may be obtained without charge from the Awarding Authority. Applicants will be notified within one week after closing date for the receipt of Application to Bid and Contractors Qualification Statement regarding eligibility to bid. A list of eligible bidders will be available at the Awarding Authority. NO SUBBIDS for a subtrade designated in Item 2 of the form for general bid shall be filed, and ALL GENERAL BIDS will be received before twelve o'clock noon on Thursday, December 29, 1983 at which time and place respective bids will be opened and real aloud.

PLANS AND SPECS will be available on or about Thursday, December 15, 1983 at the Department of Planning and Engineering, 26 Court Street, Boston, Mass. 02108 to all interested parties. Plans and Specs must be returned in good condition within thirty days of Bid opening. Bidders are hereby notified that Bid Deposits must be five percent (5%) of his/her Bid. Bid deposits may be in the form of a certified check, or a treasurer's or cashier's check issued by, a responsible bank or trust company, payable to the City of Boston, or a bid bond in a form satisfactory to the Awarding Authority with a surety company qualified to do business in the Commonwealth and satisfactory to the Awarding Authority and conditioned upon the faithful performance by the principal of the agreements contained in the subbid or general bid.

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PAUL W. MOONEY,
Senior Structural Engineer.
November 25, 1983
December 2, 1983
Nov 25, Dec 2

Cape Cod Real Estate

ASSUMABLE MORTRG. 3 BR. Ranch, close to bchs. $42,500. MARTINGALE ASSOC.,1-295-4900

BOURNE Seaside Builders, 6 models open daily, Clay Pond Rd. Monument Beach,759-2131

DENNIS BED & BREAKFAST, $198,000. BUD McDEVITT R.E., 385-8316

Dennisport Homes & Business. Arthur J. Welch, Realtor, Route 28, 398-2051.

DENNISPORT Walk to beach, 2 bedrm. Cottage, frpl. livrm, gas HA heat, $58,000.CAPESIDE REALTY, 398-0126

FALMOUTH-CAPE COD Investment/tax shelters. Fully managed rental homes nr ocean beaches. Priced below market, from $45,000. FOLEY R.E., 548-3415

FALMOUTH Steps to priv. beach, 4 bedrm., 2 1/2 bath Cape, $180,000. FOLEY R.E., 1-548-3415

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Imagine fishing this beautiful stream from your own tree-studded parcel. Access to large pond only mins. away and major ski area 15 mins. distance. Nr. national forest for hiking, camping, etc. Fully-surveyed. 20% down w/ 10 yr. financ. Call owner.

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CENTR.ME- 5 Acres for $2,500. Survyd. wooded, 300 ft. rd. frontg. More Avail. 207-634-3314/474-3605.

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GOURMET RESTAURANT with lounge, seats 100,can be expanded. $395,000. McABEE R.E., 362-2123

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Bass River, a nice 2 bdrm cttg. 1/2 mi. to ocean beach, pine pnlld liv.rm. w/frplc., full bath,sun room, oak flrs. & furn'd. Not many left like this one. $54,900. LBJ REALTY 394-6511.

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DISTINCTIVE, UNIQUE COLONIAL in a very private neighborhood situated on nicely wooded lot that lends to privacy. This home is full of special qualities,4 bedrms, 2 baths, livrm w/lrg. brick hearth. Located in Saco, Me. Minutes from ocean. $126,000. Tim Snyder, Century 21 Ronell Realty 207-282-2210/883-5952

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Loudon,-NH - Beaut. rural loc. Town rd. wooded & survyd. Nice view possible. Conv.to Rt. 107 & Rt. 4. $13,500. Finan. Avail. 603-332-0312.

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Madison, NH - wooded & survyd. Beaut. area. Town rd. Nr. Rt. 16, Lake Chocorua & Silver Lake. Mobile Home allowed. Low down pay. Fin. arranged. 603-539-2209.

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Ossipee, NH - 1.36 acres - 200 ft. frontg. on yr-round rd. Conven. to town beach & trout pond. Excel. wooded primary or secondary homesite. Priced to sell at $5,900. Low down pay. 603-539-2209.

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NEWTON-Brookline 2 & 3 bdrms, mod. $650 mo. Priv homes. TASOS 254-6867

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DEPARTMENT OF PLANNING AND ENGINEERING

Invitation for bids for MODERNIZATION OF PLUMBING FACILITIES AT THE PATRICK J. KENNEDY SCHOOL, 65 PRESCOTT STREET, EAST BOSTON, MASS.

The School Committee of the City of Boston, acting by its Department of Planning and Engineering, 26 Court Street, Boston, Mass. 02108, hereinafter referred to as the Awarding Authority, hereby invites sealed bids for the above-entitled project, subject to all applicable provisions of law, including without limitation, Sections 39F and 39K through 39P of Chapter 30, and Sections 29 and 44A to 44I, inclusive, of Chapter 149 of the General Laws, as amended, and in accordance with the terms and provisions of the contract documents entitled MODERNIZATION OF PLUMBING FACILITIES AT THE PATRICK J. KENNEDY SCHOOL, 65 PRESCOT STREET, EAST BOSTON, MASS.

SCOPE OF WORK: In General includes: Plumbing, Masonry, Carpentry, Cutting and Drilling of Holes and all other work herein specified.

TIME AND PLACE FOR FILING BID APPLICATIONS: General bids will only be considered from bidders who have filed an Application to Bid and a Contractors Qualification Statement with the Awarding Authority at 26 Court Street, Boston, Mass. 02108, Second Floor no later than twelve o'clock noon, Boston Time, Thursday, December 8, 1983. Forms for the Application to Bid and Contractors Qualification Statement may be obtained without charge from the Awarding Authority. Applicants will be notified within one week after closing date for the receipt of Application to Bid and Contractors Qualification Statement regarding eligibility to bid. A list of eligible bidders will be available at the Awarding Authority. ALL SUBBIDS for a subtrade designated in Item 2 of the form for general bid shall be filed with the Awarding Authority at the above address before twelve o'clock noon on Thursday, December 29, 1983, and ALL GENERAL BIDS will be received before twelve o'clock noon on Thursday, January 5, 1984 at which time and place respective bids will be opened and real aloud.

SUBBIDS:
Ceramic Tile, Section 2.
Plumbing, Section 3.

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5% of Bid

PLANS AND SPECS will be available on or about Thursday, December 15, 1983 at the Department of Planning and Engineering, 26 Court Street, Boston, Mass. 02108 to all interested parties. Plans and Specs must be returned in good condition within thirty days of Bid opening. Bidders are hereby notified that Bid Deposits must be five percent (5%) of his/her Bid. Bid deposits may be in the form of a certified check, or a treasurer's or cashier's check issued by, a responsible bank or trust company, payable to the City of Boston, or a bid bond in a form satisfactory to the Awarding Authority with a surety company qualified to do business in the Commonwealth and satisfactory to the Awarding Authority and conditicned upon the faithful performance by the principal of the agreements contained in the subbid or general bid.

The attention of all bidders is specifically directed to the equal employment opportunity section of the specifications and the obligations of the contractor and all subcontractors to take affirmative action in connection with employment practices throughout the work.

Pursuant to Minority Participation, the contractor must give satisfactory assurance that at least 10% of his bid price shall be expended for Minority Business Enterprise. For the purposes of this paragraph, the term Minority Business Enterprise means a business organization in which at least 51% of the beneficial ownership is held by minority group members who are Black, Hispanic, Oriental or American Indians.

PAUL W. MOONEY,
Senior Structural Engineer.
November 25, 1983
December 2, 1983
Nov 25, Dec 2

FIRST PUBLICATION NO. 2220.

City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Three

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", Section 2-147 entitled "Powers and Duties of the Commission", Subsection K entitled "Establishment of Neighborhood Conservation Districts and Protected Lankmarks" is hereby amended by striking out the present subsection K and substituting in place thereof a new subsection K which reads as follows:

(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).

(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 Histroical Commission itself shall exercise authority with respect thereto, the City Manager shall appoint a neighborhood conservation district commission to consist of five members and three alternates. The members shall include three residents of the neighborhood, not less than two of whom shall be homeowners; one neighborhood property owner (who may or may not be a neighborhood homeowner); and one member or alternate of the Cambridge Historical Commission. The three alternates shall all be neighborhood property owners. The neighborhood conservation district commission shall act solely in the exercise of those functions described in this 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 improvement, conservation and enhancement of the district, and at least two of the members or alternates shall have professional qualifications related to real estate or architecture or historic preservation. The members of the Commission shall be appointed by the City Manager with regard to the diverse viewpoints expressed in the creation of the District. Such members shall serve for a term of three years, except that the initial appointments shall be for one member to serve one year and one member to serve two years, and vacancies shall be filled for the unexpired term of office. Each member and alternate shall continue in office after expiration of his or her term until a successor is duly appointed and qualified, except that no member shall serve more than two consecutive terms.

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 intitiate, 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.

If the order establishing or amending a neighborhood conservation district contains provisions for both regulatory and educational/incentive programs, the regulatory provisions of the order shall not be effective unless and until the educational/incentive provisions of the order are funded.

(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.

If the order establishing or amending a neighborhood conservation district provides, the determination of a neighborhood conservation district commission shall be binding only with regard to applications to construct a new building, to demolish an existing structure if a demolition permit is required, to construct a parking lot as a principal use, and to construct an addition to an existing structure that would increase its gross floor area, and in all other cases the determinations of a commission shall be advisory only and not binding on an applicant. In no case shall a building permit be issued until the commission has made a determination under the applicable provisions of this ordinance.

(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.

NOTE: This is the second publication of the entire text of subsection K entitled "Establishment of Neighborhood Conservation Districts and Protected Landmarks" with the amendments as submitted underlined.

Passed to a second reading at the City Council meeting held on November 21, 1983 and on or after December 5, 1983 the question comes on passing to be ordained.

ATTEST:- Paul E. Healy, City Clerk.

FIRST PUBLICATION NO. 2220.

City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Three

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", Section 2-147 entitled "Powers and Duties of the Commission", Subsection K entitled "Establishment of Neighborhood Conservation Districts and Protected Lankmarks" is hereby amended by striking out the present subsection K and substituting in place thereof a new subsection K which reads as follows:

(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).

(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 Histroical Commission itself shall exercise authority with respect thereto, the City Manager shall appoint a neighborhood conservation district commission to consist of five members and three alternates. The members shall include three residents of the neighborhood, not less than two of whom shall be homeowners; one neighborhood property owner (who may or may not be a neighborhood homeowner); and one member or alternate of the Cambridge Historical Commission. The three alternates shall all be neighborhood property owners. The neighborhood conservation district commission shall act solely in the exercise of those functions described in this 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 improvement, conservation and enhancement of the district, and at least two of the members or alternates shall have professional qualifications related to real estate or architecture or historic preservation. The members of the Commission shall be appointed by the City Manager with regard to the diverse viewpoints expressed in the creation of the District. Such members shall serve for a term of three years, except that the initial appointments shall be for one member to serve one year and one member to serve two years, and vacancies shall be filled for the unexpired term of office. Each member and alternate shall continue in office after expiration of his or her term until a successor is duly appointed and qualified, except that no member shall serve more than two consecutive terms.

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 intitiate, 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.

If the order establishing or amending a neighborhood conservation district contains provisions for both regulatory and educational/incentive programs, the regulatory provisions of the order shall not be effective unless and until the educational/incentive provisions of the order are funded.

(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.

If the order establishing or amending a neighborhood conservation district provides, the determination of a neighborhood conservation district commission shall be binding only with regard to applications to construct a new building, to demolish an existing structure if a demolition permit is required, to construct a parking lot as a principal use, and to construct an addition to an existing structure that would increase its gross floor area, and in all other cases the determinations of a commission shall be advisory only and not binding on an applicant. In no case shall a building permit be issued until the commission has made a determination under the applicable provisions of this ordinance.

(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.

NOTE: This is the second publication of the entire text of subsection K entitled "Establishment of Neighborhood Conservation Districts and Protected Landmarks" with the amendments as submitted underlined.

Passed to a second reading at the City Council meeting held on November 21, 1983 and on or after December 5, 1983 the question comes on passing to be ordained.

ATTEST:- Paul E. Healy, City Clerk.

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9017

OFFICE OF
THE CITY CLERK

November 22, 1983

Russell B. Higley, Esquire
City Solicitor
City Hall
Cambridge, MA

Dear Sir:

Enclosed you will find a proposed amendment to the General Ordinances of the City of Cambridge which was passed to a second reading at the City Council meeting held on November 21, 1983 relative to the Establishment of Neighborhood Conservation Districts and Protected Landmarks.

Would you kindly review this ordinance and indicate your approval or disapproval on the bottom of the enclosed ordinance and return to this office.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Paul E. Healy

Paul E. Healy, City Clerk.

PEH/dl

Enc. First Publication No. 2220.

FIRST PUBLICATION NO. 2220.

City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Three

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", Section 2-147 entitled "Powers and Duties of the Commission", Subsection K entitled "Establishment of Neighborhood Conservation Districts and Protected Lankmarks" is hereby amended by striking out the present subsection K and substituting in place thereof a new subsection K which reads as follows:

(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).

(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 Histroical Commission itself shall exercise authority with respect thereto, the City Manager shall appoint a neighborhood conservation district commission to consist of five members and three alternates. The members shall include three residents of the neighborhood, not less than two of whom shall be homeowners; one neighborhood property owner (who may or may not be a neighborhood homeowner); and one member or alternate of the Cambridge Historical Commission. The three alternates shall all be neighborhood property owners. The neighborhood conservation district commission shall act solely in the exercise of those functions described in this 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 improvement, conservation and enhancement of the district, and at least two of the members or alternates shall have professional qualifications related to real estate or architecture or historic preservation. The members of the Commission shall be appointed by the City Manager with regard to the diverse viewpoints expressed in the creation of the District. Such members shall serve for a term of three years, except that the initial appointments shall be for one member to serve one year and one member to serve two years, and vacancies shall be filled for the unexpired term of office. Each member and alternate shall continue in office after expiration of his or her term until a successor is duly appointed and qualified, except that no member shall serve more than two consecutive terms.

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 intitiate, 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.

If the order establishing or amending a neighborhood conservation district contains provisions for both regulatory and educational/incentive programs, the regulatory provisions of the order shall not be effective unless and until the educational/incentive provisions of the order are funded.

(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.

If the order establishing or amending a neighborhood conservation district provides, the determination of a neighborhood conservation district commission shall be binding only with regard to applications to construct a new building, to demolish an existing structure if a demolition permit is required, to construct a parking lot as a principal use, and to construct an addition to an existing structure that would increase its gross floor area, and in all other cases the determinations of a commission shall be advisory only and not binding on an applicant. In no case shall a building permit be issued until the commission has made a determination under the applicable provisions of this ordinance.

(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.

NOTE: This is the second publication of the entire text of subsection K entitled "Establishment of Neighborhood Conservation Districts and Protected Landmarks" with the amendments as submitted underlined.

Passed to a second reading at the City Council meeting held on November 21, 1983 and on or after December 5, 1983 the question comes on passing to be ordained.

ATTEST:- Paul E. Healy, City Clerk.

ENACTED MARCH 12, 1981. PROPOSED AMENDMENTS IN RED.

City of Cambridge

In the Year One Thousand, Nine Hundred

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 hereby 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", which reads as follows:

(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).

(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).

(3) Neighborhood Conservation District Commission.

Upon designation as provided in paragraph (4) of any neighborhood conservation district, and unless the designation provides that the Histroical Commission itself shall exercise authority with respect thereto, the City Manager shall appoint a neighborhood conservation district commission to consist of five members and three alternates. The members shall include three residents of the neighborhood, not less than two of whom shall be homeowners; one neighborhood property owner (who may or may not be a neighborhood homeowner); and one member or alternate of the Cambridge Historical Commission. The three alternates shall all be neighborhood property owners. The neighborhood conservation district commission shall act solely in the exercise of those functions described in this 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 improvement, conservation and enhancement of the district, and at least two of the members or alternates shall have professional qualifications related to real estate or architecture or historic preservation. The members of the Commission shall be appointed by the City Manager with regard to the diverse viewpoints expressed in the creation of the District. Such members shall serve for a term of three years, except that the initial appointments shall be for one member to serve one year and one member to serve two years, and vacancies shall be filled for the unexpired term of office. Each member and alternate shall continue in office after expiration of his or her term until a successor is duly appointed and qualified, except that no member shall serve more than two consecutive terms.

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 intitiate, 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.

If the order establishing or amending a neighborhood conservation district contains provisions for both regulatory and educational/incentive programs, the regulatory provisions of the order shall not be effective unless and until the educational/incentive provisions of the order are funded.

(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.

If the order establishing or amending a neighborhood conservation district provides, the determination of a neighborhood conservation district commission shall be binding only with regard to applications to construct a new building, to demolish an existing structure if a demolition permit is required, to construct a parking lot as a principal use, and to construct an addition to an existing structure that would increase its gross floor area, and in all other cases the determinations of a commission shall be advisory only and not binding on an applicant. In no case shall a building permit be issued until the commission has made a determination under the applicable provisions of this ordinance.

(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

[redacted] 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.

CITY OF CAMBRIDGE

INTEROFFICE CORRESPONDENCE

To Robert Healy, City Manager **Date** June 9, 1983

From Charles Sullivan, Historical Commission **Reference**

Subject Amendments to Ordinance 953

Ordinance 953, the landmark and neighborhood conservation district enabling ordinance, was enacted in 1981. Three study committees have since been appointed and two have submitted their reports to the Commission: Mid Cambridge in June, 1982, and the Half Crown neighborhood in April, 1983. The Hastings Square committee is expected to submit a report before the end of 1983.

All three study committees have encountered substantial objections, and have requested changes in the enabling ordinance to allow greater flexibility. The attached amendments meet this goal in three areas:

1. Membership. Representation of neighborhood property owners and professional qualifications for members of neighborhood conservation commissions (NCD) are strengthened, and terms are limited.

2. Exclusions from control. Study committees are given greater flexibility to exclude features and actions from control.

3. Non-binding review. Study committees could propose that alterations to existing buildings that do not increase the floor area could be subject to mandatory review, but that the commission's findings would not be binding. This is intended to introduce an educational element into the commission's review.

These amendments have been drawn in part from discussions of the Mid Cambridge committee coordinated by Kathy Spiegelman, although that group has not concluded its work and has not endorsed them. They are being submitted at this time to allow the Half Crown proposal to proceed as drafted by that study committee.

Proposed Amendments to Ordinance 953, the Neighborhood Conservation District and Landmark Ordinance

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 hereby amended by deleting the first two paragraphs of Section 2-147(k), paragraph (3), and substituting the following:

(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. The members shall include three residents of the neighborhood, not less than two of whom shall be homeowners; one neighborhood property owner (who may

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Note: Additions and substitutions to paragraph (3) are underlined for clarity only.

or may not be a neighborhood homeowner); and one member or alternate of the Cambridge Historical Commission. The three alternates shall all be property owners, and not less than two shall be neighborhood residents. 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, and at least two of the members or alternates shall have professional qualifications related to real estate or architecture or historic preservation. The members of the Commission shall be appointed by the City Manager with regard to the

diverse viewpoints expressed in the creation of the District. Such members shall serve for a term of three years, except that the initial appointments shall be for one member to serve one year and one member to serve two years, and vacancies shall be filled for the unexpired term of office. Each member and alternate shall continue in office after expiration of his or her term until a successor is duly appointed and qualified, except that no member shall serve more than two consecutive terms.

Section 2-147 (k) 5 is further amended by the addition of the following new paragraph 5.1:

5.1 If the order establishing or amending a neighborhood conservation district provides, the determination of a neighborhood conservation district commission shall be binding only with regard to applications to construct a new building, to demolish an existing structure if a demolition permit is required, to construct a parking lot as a principal use, and to

construct an addition to an existing structure that would increase its gross floor area, and in all other cases the determinations of a commission shall be advisory only and not binding on an applicant. In no case shall a building permit be issued until the commission has made a determination under the applicable provisions of this ordinance.

June 11, 1983

21.

CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

June 13, 1983

To the Honorable, the City Council:

I transmit herewith communication from the Historical Commission relative to the proposed amendment to Ordinance 953, the landmark and neighborhood conservation district enabling ordinance.

Very truly yours,

Robert W. Healy
City Manager

RWH/b

0-16

Agenda Item Number 21

Proposed amendment to the General Ordinances to amend the Neighborhood Conservation District and Landmark Ordinance.

In City Council,

June 13, 1983

6/13/83
Referred to the
Ordinance
Committee.

Copy sent to the Ordinance Committee 6/14/83 mk

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9017

OFFICE OF
THE CITY CLERK

November 28, 1983

Ms. Kathy Spiegelman
Community Development Department
57 Inman Street
Cambridge, MA

Dear Ms. Spiegelman:

Enclosed you will find a copy of a proposed amendment to the General Ordinances of the City of Cambridge relative to the Establishment of Neighborhood Conservation Districts and Protected Landmarks, which was passed to a second reading at the City Council meeting held on November 21, 1983 and comes on passing to be ordained on or after December 5, 1983, for your file.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Paul E. Healy

Paul E. Healy, City Clerk

PEH/dl

Enc. First Publication No. 2220.

FIRST PUBLICATION NO. 2220.

City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Three

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", Section 2-147 entitled "Powers and Duties of the Commission", Subsection K entitled "Establishment of Neighborhood Conservation Districts and Protected Lankmarks" is hereby amended by striking out the present subsection K and substituting in place thereof a new subsection K which reads as follows:

(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).

(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 Histroical Commission itself shall exercise authority with respect thereto, the City Manager shall appoint a neighborhood conservation district commission to consist of five members and three alternates. The members shall include three residents of the neighborhood, not less than two of whom shall be homeowners; one neighborhood property owner (who may or may not be a neighborhood homeowner); and one member or alternate of the Cambridge Historical Commission. The three alternates shall all be neighborhood property owners. The neighborhood conservation district commission shall act solely in the exercise of those functions described in this 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 improvement, conservation and enhancement of the district, and at least two of the members or alternates shall have professional qualifications related to real estate or architecture or historic preservation. The members of the Commission shall be appointed by the City Manager with regard to the diverse viewpoints expressed in the creation of the District. Such members shall serve for a term of three years, except that the initial appointments shall be for one member to serve one year and one member to serve two years, and vacancies shall be filled for the unexpired term of office. Each member and alternate shall continue in office after expiration of his or her term until a successor is duly appointed and qualified, except that no member shall serve more than two consecutive terms.

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 intitiate, 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.

If the order establishing or amending a neighborhood conservation district contains provisions for both regulatory and educational/incentive programs, the regulatory provisions of the order shall not be effective unless and until the educational/incentive provisions of the order are funded.

(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.

If the order establishing or amending a neighborhood conservation district provides, the determination of a neighborhood conservation district commission shall be binding only with regard to applications to construct a new building, to demolish an existing structure if a demolition permit is required, to construct a parking lot as a principal use, and to construct an addition to an existing structure that would increase its gross floor area, and in all other cases the determinations of a commission shall be advisory only and not binding on an applicant. In no case shall a building permit be issued until the commission has made a determination under the applicable provisions of this ordinance.

(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.

NOTE: This is the second publication of the entire text of subsection K entitled "Establishment of Neighborhood Conservation Districts and Protected Landmarks" with the amendments as submitted underlined.

Passed to a second reading at the City Council meeting held on November 21, 1983 and on or after December 5, 1983 the question comes on passing to be ordained.

ATTEST:- Paul E. Healy, City Clerk.

October 20, 1983

PROPOSED AMENDMENT TO ORDINANCE # 953

Section 2-147 (K) 4 is further amended by the addition of the following new paragraph 4.1 :

4.1 If the order establishing or amending a neighborhood conservation district contains provisions for both regulatory and educational/ incentive programs, the regulatory provisions of the order shall not be effective unless and until the educational/incentive provisions of the order are funded.

October 20, 1983

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C. C. 106

City of Cambridge

PUBLIC HEARING

The Committee on Ordinances, comprised of the entire membership of the City Council, will conduct a public hearing on Wednesday, October 19, 1983 at 5:00 p. m. in the City Council Chamber, City Hall, Cambridge, Massachusetts on the petition of the Historical Commission to amend the General Ordinances of the City of Cambridge in Chapter Two entitled "Administration", Article XVI entitled "Cambridge Historical Commission".

All persons interested are invited to be heard at this time.

For the Committee,

Councillor Walter J. Sullivan,
Chairman.

C. C. 106

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All persons interested are invited to be heard at this time.

For the Committee,

Councillor Walter J. Sullivan,
Chairman.

The two amendments proposed by Councillor Duehay were incorporated into the final draft by agreement of all present.

The case for the proponents being closed, the Chair called for the opposition to appear.

No one appeared at the Call of the Chair.

On motion of Councillor Francis Duehay and without objection, the proposed ordinance as amended was reported to the City Council for their consideration.

At 5:17 p.m. the Committee adjourned.

For the Committee,

Walter J. Sullivan

Councillor Walter J. Sullivan
Chairman.

City of Cambridge

In City Council October 24, 1983

The Ordinance *Committee*

Comprised of the entire membership of the City Council

to which was referred the petition of the Historical Commission to amend the General Ordinances of the City of Cambridge in Chapter Two entitled "Administration", Article XVI, entitled "Cambridge Historical Commission", met on Wednesday, October 19, 1983 at 5:05 p.m. in the City Council Chamber, City Hall.

Councillor Walter J. Sullivan, Chairman, presided and called for the proponents to appear.

In response to the Call of the Chair, the Committee heard from Charles Harrington, who referred to a June 9, 1983 communication addressed to the City Manager and outlined the objectives of the proposed amendment, after study by two committees, the Mid-Cambridge and the Half Crown Neighborhood, with a third report due from the Hastings Square Committee. He further stated that the first objective was to provide for representation by neighborhood property owners and professional qualifications for members of neighborhood conservation commissions. The second objective would provide greater flexibility to exclude features and actions from control. The final objective would provide that study committees could propose alterations to existing buildings that do not increase the floor area could be subject to mandatory review, but the findings of the Commission would not be binding. He concluded by stating that the present ordinance requires more flexibility, more neighborhood choices and would provide for a broadening of choices to the committees with representation by neighborhood property owners.

Councillor Duehay moved to amend the proposal by inserting the word "improvement" in the second paragraph in the seventh line before the word "conservation".

Charles Harrington stated that all parties were happy with the draft and that it was improtant to move the amendment for action by the City Council.

A second amendment by Councillor Duehay would change the alternate members qualifications in the first paragraph, providing that the three alternates be property owners.

The Committee heard from Edward Fineman of 76 Inman Street and Nan Stone of 15 Gerry Street, who recorded themselves in favor.

The two amendments proposed by Councillor Duehay were incorporated into the final draft by agreement of all present.

The case for the proponents being closed, the Chair called for the opposition to appear.

No one appeared at the Call of the Chair.

On motion of Councillor Francis Duehay and without objection, the proposed ordinance as amended was reported to the City Council for their consideration.

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For the Committee,

Councillor Walter J. Sullivan
Chairman.

City of Cambridge

In City Council October 24, 1983

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REPORT O-35

Committee on Ordinances

Re: petition of the Historical Commission to amend the General Ordinances in Chapter Two entitled "Administration", in Article XVI entitled "Cambridge Historical Commission" & recommending adoption of the petition as amended.

10/24/83
Passed to second Reading with a late amendment See 4.1 amendment Enclosed

In City Council,

October 24, 1983

12/12/83 passed to be ordained
6-1-2