

MID-CAMBRIDGE
NEIGHBORHOOD CONSERVATION DISTRICT

As Designated by the Cambridge City Council, January 28, 1985
April 1, 1982 Mid-Cambridge Neighborhood Conservation District Study Committee

CCM-101

(A)

City of Cambridge

Agenda Item No. 3

IN CITY COUNCIL

December 17, 1985

WHEREAS: The procedures set forth in paragraph (4) of Section 2.147 (k) of Article XVI of Chapter Two of the General Ordinances of the City of Cambridge (City Ordinance authorizing the establishment of Neighborhood Conservation Districts and establishing procedures and standards) appear to have been satisfied with respect to the designation of a neighborhood conservation district to be known as the "Mid Cambridge Neighborhood Conservation District" having the boundaries set forth on the map hereto attached entitled Mid Cambridge Neighborhood Conservation District, as designated by the Cambridge City Council, January 28, 1985 and a report of a study committee and the recommendation of the Historical Commission has been received with regard to the designation of such a district; now therefore be it

ORDERED: By the City Council of the City of Cambridge as follows:

1. Designation of Mid Cambridge Neighborhood Conservation District

Pursuant to paragraph (4) of Section 2.147 (k) of Article XVI of Chapter Two of the General Ordinances of the City of Cambridge, (designation procedures) there is hereby designated as a neighborhood conservation district the Mid Cambridge Neighborhood Conservation district having the boundaries set forth on the map entitled "Mid Cambridge Neighborhood Conservation District, as designated by the Cambridge City Council January 28, 1985 (for the purposes of this Order, the "District"), which District shall be administered by a commission to be known as the "Mid Cambridge Neighborhood Conservation District Commission" (for the purposes of this Order, the "Commission"), appointed by the City Manager pursuant to paragraph (3) of said Section 2.147 (k). The reasons for the designation of the District are those set forth in the designation report (for the purposes of this Order, the "Report"), of the study committee and as approved by the Historical Commission with respect to said District, which reasons shall guide the Commission in its administration of the District.

2. Membership

Pursuant to paragraph (3) of Section 2.147 (k) (membership requirements), the Mid Cambridge Neighborhood Conservation District shall consist of five members and three alternates appointed by the City Manager and having qualifications as defined in paragraph (3), with the additional requirements that one neighborhood resident member of the Commission shall be a tenant, the neighborhood property owner member shall be a resident of the District, and all alternate members shall be resident property owners of the District.

For the purpose of this order a property owner of record may consent to have another adult member of his/her immediate household fill a property owner position on the Commission. Notice of vacancies on the Commission shall be posted at the Office of the City Clerk for at least two weeks prior to any appointment to fill such vacancies.

3. Review Authority

The authority of the Commission shall extend to the following two required categories of review of proposed changes in the District:

A. Any alteration of the exterior of existing Listed National Register structures, structures containing or proposed to contain conforming non-residential uses.

(1) The alteration(s) is visible from a public street; and

(2) The alteration(s) involves significant changes in the following features: bay windows, cornice, facia boards below the cornice including gutter and trim detail, porches, cornerboards, window and door casings, skylights covering more than 1/3 of the visible roof area, all signs except home-occupation signs.

The Commission may make recommendations regarding such alterations which shall not be binding on the applicant.

B. Any activity visible from a public way involving any one of the following:

(1) Demolition of 33% or more of the floor area of an existing structure not used principally to garage automobiles;

(2) New construction of more than 750 square feet of floor area including additions to existing structures;

(3) New construction of structure on more than 33% of the lot area not already occupied by structures;

(4) Enlargement of the floor area of an existing structure by more than 33%;

(5) Relocation of an existing structure onto or out of a site;

(6) Any alteration or construction of a structure containing or proposed to contain nonconforming uses.

(7) Publicly owned structures.

The Commission may make recommendations regarding such activities which shall be binding on the applicant. Where a review by the Commission is determined by the change in lot area covered by structures or change in the floor area of structures on a lot, such review shall be based upon the cumulative total of such changes in the three years preceding the date of application for a building permit for any such change as determined by certificates of occupancy or zoning compliance or building permits issued and/or still in force during that three year period.

4. Review Criteria to be Considered by the Commission

The Commission shall apply certain criteria in addition to those contained in paragraph (8) of Section 2.147(k) in considering applications for certificates of appropriateness, nonapplicability, and hardship.

A. General Criteria. All applications shall be considered in terms of the impact of the proposed new construction or alteration, relocation or demolition of an existing building on the District as a whole, and in addition with regard to the potential adverse effects of the proposed construction, alteration, relocation or demolition on the surrounding properties and on the immediate streetscape and the economic assessment of the alternatives to the proposed action. General objectives shall be to:

(1) Avoid excessive infill;

(2) Encourage new construction which complements existing buildings;

(3) Encourage preservation of neighborhood buildings; and

(4) Protect National Register structures, and

(5) Enhance the economic vitality of the neighborhood.

B. Construction of a New Building and Alterations to Existing Buildings. Review of the design of a proposed new building, relocated building, or applicable alteration of an existing building, shall be made with regard to the compatibility of the building with its surroundings, and the following elements of the project shall be among those considered:

(1) Site layout;

(2) Provisions for parking;

(3) Volume and dimensions of the building;

(4) Provisions for open space and landscaping;

(5) The scale of the building in relation to its surroundings; and

(6) The changes to existing buildings as related to new construction.

C. Demolition or Relocation of an Existing Building. The Commission shall apply the provisions of Section 2.147(k) with regard to the proposed demolition of an existing building, and in addition shall consider the following factors:

(1) the physical condition of the building;

(2) a claim of substantial hardship, financial or otherwise for the owner or occupants; and

(3) the design of the proposed replacement structure, if any.

5. Determination by the Commission

The determinations of the Commission shall be binding regarding activities detailed in paragraph 3B of this order and shall be expressed through the issuance of certificates of appropriatensss, nonapplicability or hardship. Any determination may contain such conditions as the Commission determines to be necessary to fulfill the objectives of the District. Such conditions may impose limitations stricter than the applicable zoning regulations only to the extent of a one-third reduction in (1) the additional floor area or (2) additional dwelling units permitted on the site, or a one-third reduction or one-half increase in the number of parking spaces required by zoning, except that in the case of a building damaged by fire that structure may be rehabilitated to its full extent prior to the fire.

In imposing binding conditions with the issuance of a certificate, or in denying a certificate, a concurring vote of at least four (4) of the members of the Commission shall be required.

All determinations which impose restrictions on an applicant shall be in written form stating the findings of facts and the standards and criteria upon which the decision is based, and the reasoning by which the restrictions were found to be necessary. All determinations shall be available for inspection at the office of the Cambridge Historical Commission. In no case shall a building permit be issued until the Commission has made a determination under the provisions of Section 2.147(k) of Article XVI.

6. Education and Incentive Program

The Commission shall, in cooperation with the Cambridge Historical Commission, conduct an ongoing educational program in the district to make known the objectives of the District

and the Commission, to encourage preservation of the District's historical character, and to make available information to advance and encourage voluntary protection of the District's distinctive architecture.

The regulatory provisions of this order shall not take effect until an initial appropriation of $10,000 to the Cambridge Historical Commission is made by the Cambridge City Council to support such an educational program and further provided that an additional $5,000 is so appropriated in each subsequent fiscal year. Should the additional funding not be appropriated for any given fiscal year the regulatory provisions of this Order shall not be enforced for any application for a building permit made after July 1 of that fiscal year or until such appropriation is made.

7. Fees

The Commission may establish a schedule of fees which may be mandatory for those activities subject to review under paragraph 3B of this order. All other fees shall be voluntary.

8. Coordination with Other Agencies and Boards

The Board of Zoning Appeal, Board of Appeals, Building Commission, Mid Cambridge Neighborhood Conservation District Commission, and other City boards, agencies, and officials are directed to coordinate all review, hearing, permitting, and other procedures relative to physical changes within the District to the extent practicable, consistent with their respective responsibilities.

9. Procedure

In addition to the provisions of paragraph (8) of Section 2.147(k) of the enabling ordinance, the Commission shall observe the following procedural requirements:

A. The following review periods shall be required for reviews for which recommendations are not binding. (Those alterations detailed in paragraph 3B of this Order.)

(1) For alterations involving National Register structures, a public meeting if required shall be held within fourteen (14) days of an application for a building permit; final recommendations shall be made to the applicant within twenty-one (21) days.

(2) For alteration of non-residential buildings a public meeting if required shall be held within twenty-one (21) days of an application for a building permit; recommendations shall be made available within thirty (30) days.

B. For any review for which the recommendations are binding (those activities detailed in paragraph 3B of this Order) the issuance of the appropriate certificate shall be made within forty-five (45) days of an application for a building permit.

C. Failure to act within the time periods specified in this paragraph 8 shall mean approval of the application unless an extension of time is granted by the applicant in writing.

D. Where a public hearing is held by the Commission, notice shall be given to property owners and tenants of property required to receive such notice under Chapter 40C using the current street listing maintained by the Cambridge Election Commission. Such notification shall be considered educational expense under the provisions of Section 6 of this Order.

E. In addition to any appeal allowed pursuant to Section 2.147(k), the Commission may agree to the appointment of an arbitrator acceptable to both the Commission and the applicant who would make recommendations to both parties where disagreement between the Commission and the applicant persists.

F. Four members shall constitute a quorum for the Commission.

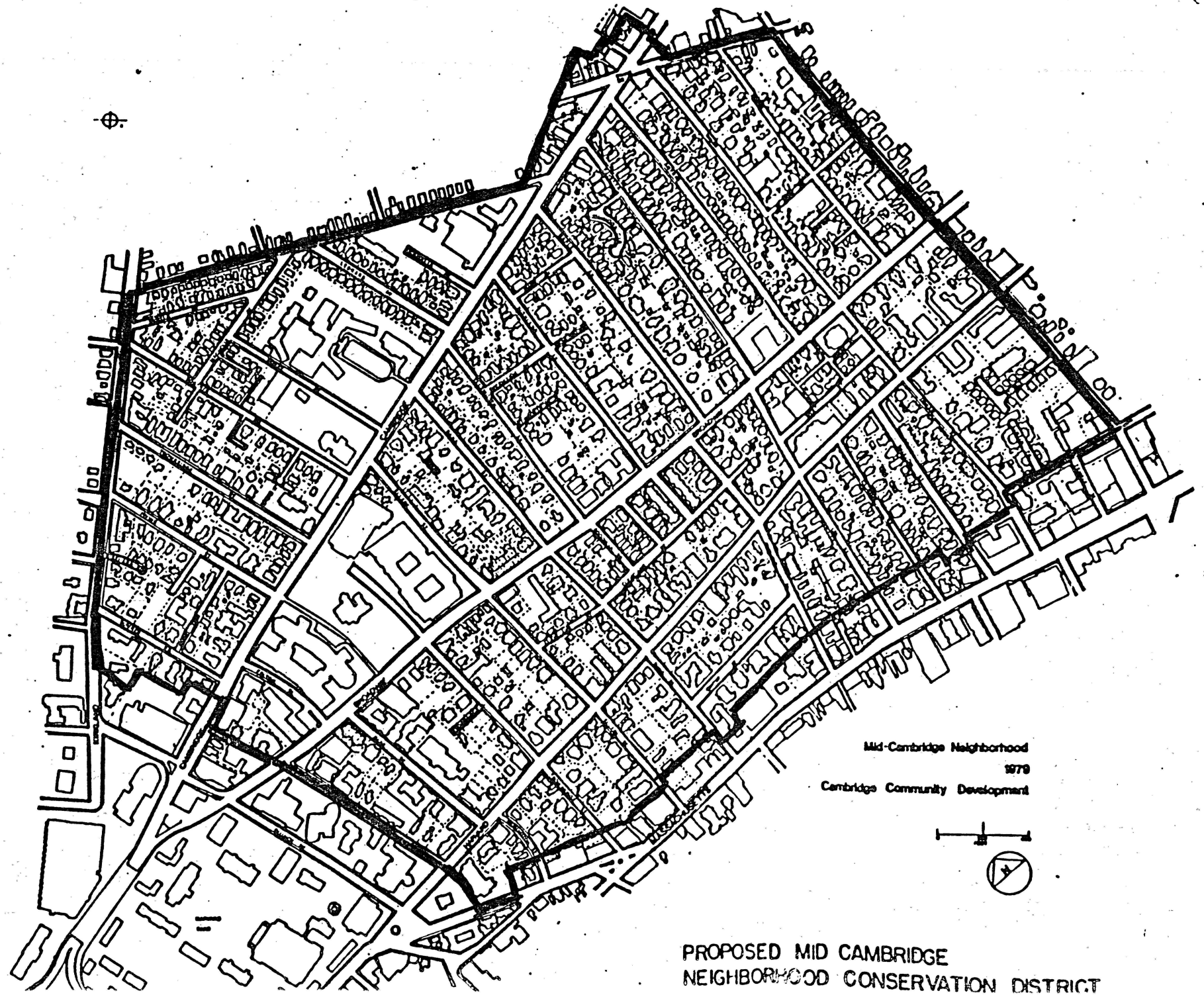
10. Periodic Neighborhood Review

For the first two years from the date of establishment the Mid-Cambridge Conservation District Commission shall hold a public meeting at six month intervals at which neighborhood residents are invited to review the actions of the Commission, assess its effectiveness in carrying out the intent of this order and make recommendations for changes in its policies and procedures. The Commission shall make a summary of each meeting which shall be filed for public inspection at the Cambridge Historical Commission and filed with the Office of the City Council.

11. Continued Designation

The Mid-Cambridge Neighborhood Conservation District designation made in Section 1 of this Order shall be for a period of two years from the date of adoption of this order. Continuation of the designation of the District for and additional two or more years shall require an affirmative vote of the City Council prior to the expiration of the initial two year designation.

12/17/84 REFERRED TO HEARING ON JANUARY 21, 1985 AT 6:00 P.M. ON MOTION OF COUNCILLOR DAVID SULLIVAN



PROPOSED MID CAMBRIDGE
NEIGHBORHOOD CONSERVATION DISTRICT

CCM-101

(1B)

City of Cambridge

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5. Determination by the Commission

The determinations of the Commission shall be binding regarding activities detailed in paragraph 3B of this order and shall be expressed through the issuance of certificates of appropriatensss, nonapplicability or hardship. Any determination may contain such conditions as the Commission determines to be necessary to fulfill the objectives of the District. Such conditions may impose limitations stricter than the applicable zoning regulations only to the extent of a one-third reduction in (1) the additional floor area or (2) additional dwelling units permitted on the site, or a one-third reduction or one-half increase in the number of parking spaces required by zoning, except that in the case of a building damaged by fire that structure may be rehabilitated to its full extent prior to the fire.

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A. The following review periods shall be required for reviews for which recommendations are not binding. (Those alterations detailed in paragraph 3B of this Order.)

(1) For alterations involving National Register structures, a public meeting if required shall be held within fourteen (14) days of an application for a building permit; final recommendations shall be made to the applicant within twenty-one (21) days.

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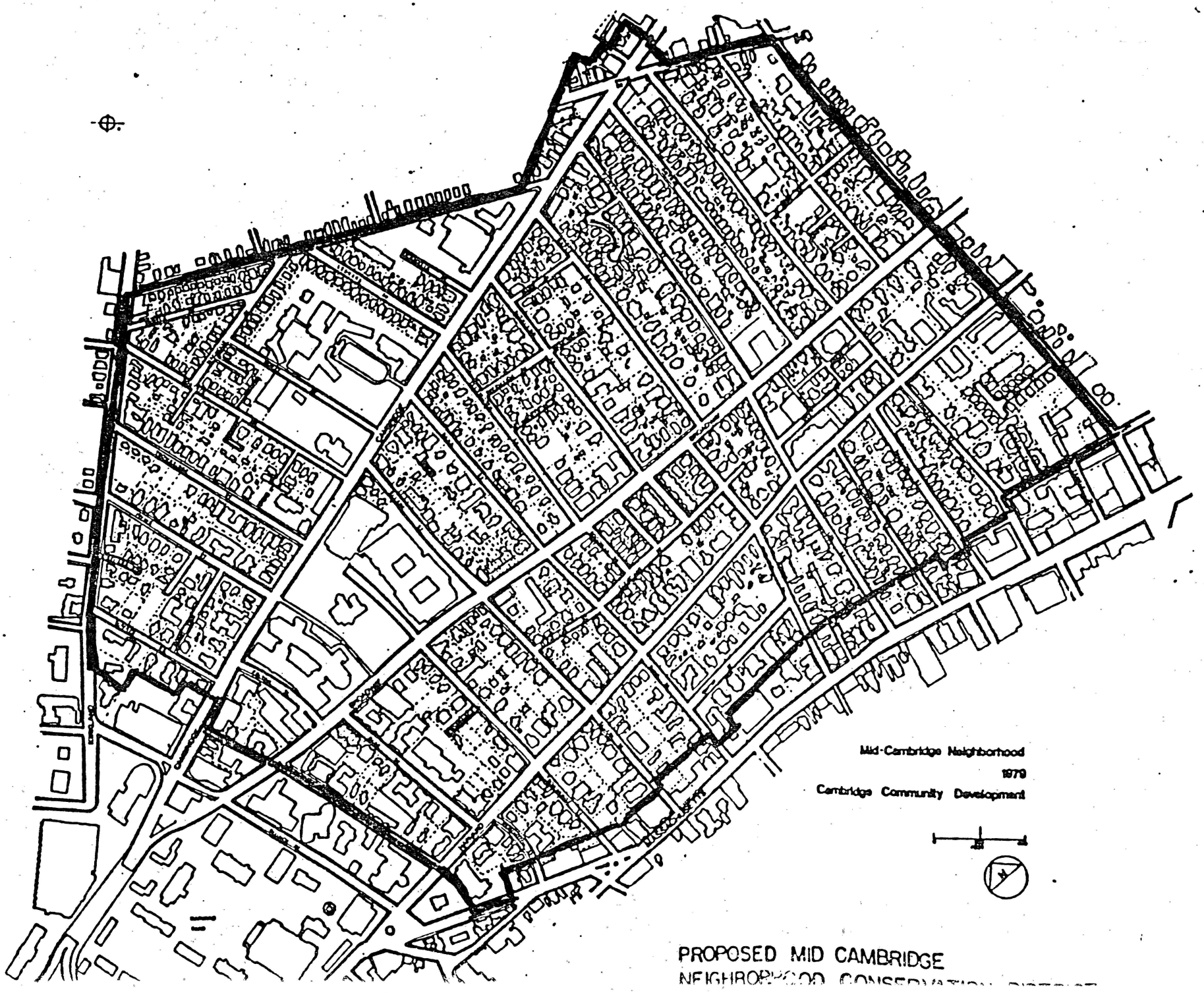

PROPOSED MID CAMBRIDGE
NEIGHBORHOOD CONSERVATION DISTRICT

In City Council January 21, 1985.
Adopted by a yea and nay vote:-
Yeas 5; Nays 3; Absent 1.
Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:- Paul E. Healy

Paul E. Healy, City Clerk.

MAYOR RUSSELL HAS NOTIFIED THE CITY CLERK OF HIS INTENTION TO MOVE RECONSIDERATION IN THIS MATTER.

CCM-101

(A)

City of Cambridge

Agenda Item No. 3

IN CITY COUNCIL

December 17, 1985

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B. For any review for which the recommendations are binding (those activities detailed in paragraph 3B of this Order) the issuance of the appropriate certificate shall be made within forty-five (45) days of an application for a building permit.

C. Failure to act within the time periods specified in this paragraph 8 shall mean approval of the application unless an extension of time is granted by the applicant in writing.

D. Where a public hearing is held by the Commission, notice shall be given to property owners and tenants of property required to receive such notice under Chapter 40C using the current street listing maintained by the Cambridge Election Commission. Such notification shall be considered educational expense under the provisions of Section 6 of this Order.

E. In addition to any appeal allowed pursuant to Section 2.147(k), the Commission may agree to the appointment of an arbitrator acceptable to both the Commission and the applicant who would make recommendations to both parties where disagreement between the Commission and the applicant persists.

F. Four members shall constitute a quorum for the Commission.

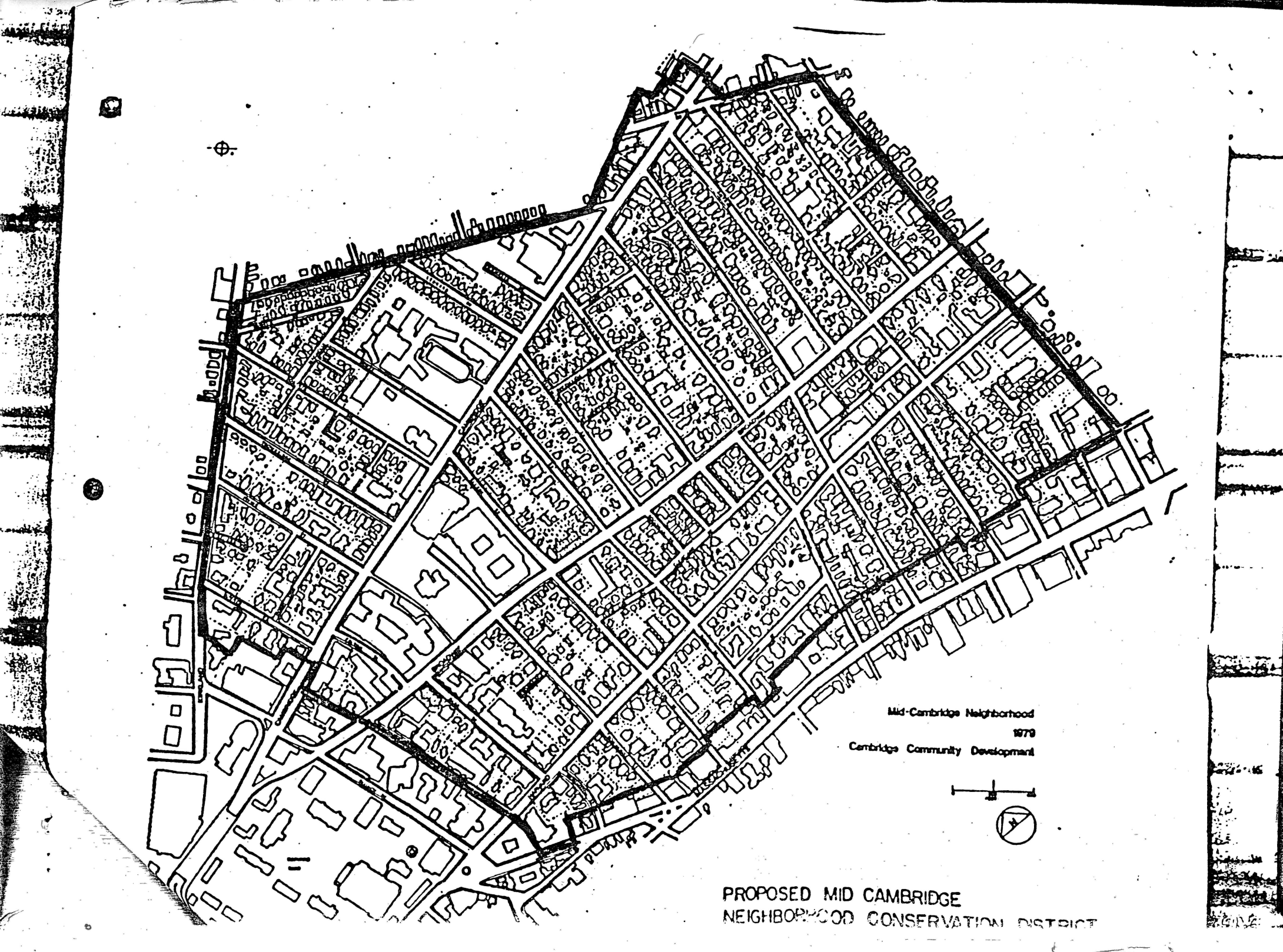
10. Periodic Neighborhood Review

For the first two years from the date of establishment the Mid-Cambridge Conservation District Commission shall hold a public meeting at six month intervals at which neighborhood residents are invited to review the actions of the Commission, assess its effectiveness in carrying out the intent of this order and make recommendations for changes in its policies and procedures. The Commission shall make a summary of each meeting which shall be filed for public inspection at the Cambridge Historical Commission and filed with the Office of the City Council.

11. Continued Designation

The Mid-Cambridge Neighborhood Conservation District designation made in Section 1 of this Order shall be for a period of two years from the date of adoption of this order. Continuation of the designation of the District for and additional two or more years shall require an affirmative vote of the City Council prior to the expiration of the initial two year designation.

12/17/84 REFERRED TO HEARING ON JANUARY 21, 1985 AT 6:00 P.M. ON MOTION OF COUNCILLOR DAVID SULLIVAN



PROPOSED MID CAMBRIDGE
NEIGHBORHOOD CONSERVATION DISTRICT

Correction to pg 5 Section 9 Paragraph A-

CITY OF CAMBRIDGE

COMMUNITY DEVELOPMENT DEPARTMENT

City Hall Annex - Inman & Broadway - Cambridge, Mass. 02139

498-9034

Change "B" to "A"

October 25, 1984

To: Robert W. Healy
City Manager

From: Kathy A. Spiegelman
Assistant City Manager
for Community Development

Subject: Mid-Cambridge Conservation District Recommendation

I am forwarding to you, for consideration by City Council, a compromise draft order for the establishment of a Mid-Cambridge Conservation District as formulated by the Mid-Cambridge Conservation District Working Group which the Council instructed me to assemble. The draft order which the Working Group is recommending is a carefully crafted compromise achieved after more than twenty working sessions held by the group over the past two years. In addition, it reflects comments and concerns expressed at a series of three public meetings held in Mid-Cambridge in the Spring of this year, meetings to which all property owners in the district were invited by mail. The draft has received endorsement by the Mid-Cambridge Neighborhood Association at its annual membership meeting held in May.

The order as now proposed has significantly changed the emphasis of the suggested Conservation District from its earlier version. As recommended, only a few properties in the district (buildings on the National Register of Historic Places and properties subject to development or redevelopment) are subject to regulatory control. The vast majority of properties will only be affected, in a positive way, by the educational and incentive programs which will be established by the new Neighborhood Commission. To this end the Working Group has incorporated a funding program in the order the implementation of which is a prerequisite to the Working Group's support of the regulatory aspects of the order.

It is anticipated that the Historical Commission will make a recommendation on the draft to the Council early in November. The Council may wish to await that recommendation before taking final action on the order or holding a public hearing. I will supplement the Council's regular notice of this hearing by mailing copies of the Work Group's recommended order to everyone who expressed an interest in the meetings and discussions held last Spring.

Mid-Cambridge Conservation
District Recommendation

After many months of dedicated effort, the Working Group would like to recommend adoption of this order to establish a Mid-Cambridge Conservation District. One member of the Group, however, did wish to be recorded in opposition to its adoption.

KAS/tm

October 18, 1984

RECOMMENDED ORDER ESTABLISHING THE MID CAMBRIDGE NEIGHBORHOOD CONSERVATION DISTRICT COMMISSION

WHEREAS, the procedures set forth in paragraph (4) of Section 2.147(k) of Article XVI of Chapter Two of the General Ordinances of the City of Cambridge (City Ordinance authorizing the establishment of Neighborhood Conservation Districts and establishing procedures and standards) appear to have been satisfied with respect to the designation of a neighborhood conservation district to be known as the "Mid Cambridge Neighborhood Conservation District" having the boundaries set forth on the map hereto attached entitled Mid Cambridge Neighborhood Conservation District, as designated by the Cambridge City Council, (date of this order) and a report of a study committee and the recommendation of the Historical Commission has been received with regard to the designation of such a district;

NOW, THEREFORE, be it ordained and ordered by the City Council of the City of Cambridge as follows:

1. Designation of Mid Cambridge Neighborhood Conservation District

Pursuant to paragraph (4) of Section 2.147(k) of Article XVI of Chapter Two of the General Ordinances of the City of Cambridge, (designation procedures) there is hereby designated as a neighborhood conservation district the Mid Cambridge Neighborhood Conservation District having the boundaries set forth on the map entitled "Mid Cambridge Neighborhood Conservation District, as designated by the Cambridge City Council (date of this order) (for purposes of this Order, the "District"), which District shall be administered by a commission to be known as the "Mid Cambridge Neighborhood Conservation District Commission" (for purposes of this Order, the "Commission"), appointed by the City Manager pursuant to paragraph (3) of said Section 2.147(k). The reasons for the designation of the District are those set forth in the designation report (for the purposes of this Order, the "Report"), of the study committee and as approved by the Historical Commission with respect to said District, which reasons shall guide the Commission in its administration of the District.

2. Membership

Pursuant to paragraph (3) of Section 2.147(k) (membership requirements), the Mid Cambridge Neighborhood Conservation District shall consist of five members and three alternates appointed by the City Manager and having qualifications as defined in paragraph (3), with the additional requirements that one neighborhood resident member of the Commission shall be a tenant, the neighborhood property owner member shall be a resident of the District, andall alternate members shall be resident property owners of the District.

For the purpose of this order a property owner of record may consent to have another adult member of his/her immediate household fill a property owner position on the Commission. Notice of vacancies on the Commission shall be posted at the Office of the City Clerk for at least two weeks prior to any appointment to fill such vacancies.

3. Review Authority

The authority of the Commission shall extend to the following two required categories of review of proposed changes in the District:

A. Any alteration of the exterior of existing Listed National Register structures, structures containing or proposed to contain conforming non-residential uses.

(1) The alteration(s) is visible from a public street; and

(2) The alteration(s) involves significant changes in the following features: bay windows, cornice, facia boards below the cornice including gutter and trim detail, porches, cornerboards, window and door casings, skylights covering more than 1/3 of the visible roof area, all signs except home-occupation signs.

The Commission may make recommendations regarding such alterations which shall not be binding on the applicant.

B. Any activity visible from a public way involving any one of the following:

(1) Demolition of 33% or more of the floor area of an existing structure not used principally to garage automobiles;

(2) New construction of more than 750 square feet of floor area including additions to existing structures;

(3) New construction of structure on more than 33% of the lot area not already occupied by structures;

(4) Enlargement of the floor area of an existing structure by more than 33%;

(5) Relocation of an existing structure onto or out of a site;

(6) Any alteration or construction of a structure containing or proposed to contain nonconforming uses.

(7) Publicly owned structures.

The Commission may make recommendations regarding such activities which shall be binding on the applicant. Where a review by the Commission is determined by the change in lot area covered by structures or change in the floor area of structures on a lot, such review shall be based upon the cumulative total of such changes in the three years preceding the date of application for a building permit for any such change as determined by certificates of occupancy or zoning compliance or building permits issued and/or still in force during that three year period.

4. Review Criteria to be Considered by the Commission

The Commission shall apply certain criteria in addition to those contained in paragraph (8) of Section 2.147(k) in considering applications for certificates of appropriateness, nonapplicability, and hardship.

A. General Criteria. All applications shall be considered in terms of the impact of the proposed new construction or alteration, relocation or demolition of an existing building on the District as a whole, and in addition with regard to the potential adverse effects of the proposed construction, alteration, relocation or demolition on the surrounding properties and on the immediate streetscape and the economic assessment of the alternatives to the proposed action. General objectives shall be to:

(1) Avoid excessive infill;

(2) Encourage new construction which complements existing buildings;

(3) Encourage preservation of neighborhood buildings; and

(4) Protect National Register structures, and

(5) Enhance the economic vitality of the neighborhood.

B. Construction of a New Building and Alterations to Existing Buildings. Review of the design of a proposed new building, relocated building, or applicable alteration of an existing building, shall be made with regard to the compatibility of the building with its surroundings, and the following elements of the project shall be among those considered:

(1) Site layout;

(2) Provisions for parking;

(3) Volume and dimensions of the building;

(4) Provisions for open space and landscaping;

(5) The scale of the building in relation to its surroundings; and

(6) The changes to existing buildings as related to new construction.

C. Demolition or Relocation of an Existing Building. The Commission shall apply the provisions of Section 2.147(k) with regard to the proposed demolition of an existing building, and in addition shall consider the following factors:

(1) the physical condition of the building;

(2) a claim of substantial hardship, financial or otherwise for the owner or occupants; and

(3) the design of the proposed replacement structure, if any.

5. Determination by the Commission

The determinations of the Commission shall be binding regarding activities detailed in paragraph 3B of this order and shall be expressed through the issuance of certificates of appropriatensss, nonapplicability or hardship. Any determination may contain such conditions as the Commission determines to be necessary to fulfill the objectives of the District. Such conditions may impose limitations stricter than the applicable zoning regulations only to the extent of a one-third reduction in (1) the additional floor area or (2) additional dwelling units permitted on the site, or a one-third reduction or one-half increase in the number of parking spaces required by zoning, except that in the case of a building damaged by fire that structure may be rehabilitated to its full extent prior to the fire.

In imposing binding conditions with the issuance of a certificate, or in denying a certificate, a concurring vote of at least four (4) of the members of the Commission shall be required.

All determinations which impose restrictions on an applicant shall be in written form stating the findings of facts and the standards and criteria upon which the decision is based, and the reasoning by which the restrictions were found to be necessary. All determinations shall be available for inspection at the office of the Cambridge Historical Commission. In no case shall a building permit be issued until the Commission has made a determination under the provisions of Section 2.147(k) of Article XVI.

6. Education and Incentive Program

The Commission shall, in cooperation with the Cambridge Historical Commission, conduct an ongoing educational program in the district to make known the objectives of the District

and the Commission, to encourage preservation of the District's historical character, and to make available information to advance and encourage voluntary protection of the District's distinctive architecture.

The regulatory provisions of this order shall not take effect until an initial appropriation of $10,000 to the Cambridge Historical Commission is made by the Cambridge City Council to support such an educational program and further provided that an additional $5,000 is so appropriated in each subsequent fiscal year. Should the additional funding not be appropriated for any given fiscal year the regulatory provisions of this Order shall not be enforced for any application for a building permit made after July 1 of that fiscal year or until such appropriation is made.

7. Fees

The Commission may establish a schedule of fees which may be mandatory for those activities subject to review under paragraph 3B of this order. All other fees shall be voluntary.

8. Coordination with Other Agencies and Boards

The Board of Zoning Appeal, Board of Appeals, Building Commission, Mid Cambridge Neighborhood Conservation District Commission, and other City boards, agencies, and officials are directed to coordinate all review, hearing, permitting, and other procedures relative to physical changes within the District to the extent practicable, consistent with their respective responsibilities.

9. Procedure

In addition to the provisions of paragraph (8) of Section 2.147(k) of the enabling ordinance, the Commission shall observe the following procedural requirements:

A. The following review periods shall be required for reviews for which recommendations are not binding. (Those alterations detailed in paragraph 3A of this Order.) Was 3B in original submission

(1) For alterations involving National Register structures, a public meeting if required shall be held within fourteen (14) days of an application for a building permit; final recommendations shall be made to the applicant within twenty-one (21) days.

(2) For alteration of non-residential buildings a public meeting if required shall be held within twenty-one (21) days of an application for a building permit; recommendations shall be made available within thirty (30) days.

B. For any review for which the recommendations are binding (those activities detailed in paragraph 3B of this Order) the issuance of the appropriate certificate shall be made within forty-five (45) days of an application for a building permit.

C. Failure to act within the time periods specified in this paragraph 8 shall mean approval of the application unless an extension of time is granted by the applicant in writing.

D. Where a public hearing is held by the Commission, notice shall be given to property owners and tenants of property required to receive such notice under Chapter 40C using the current street listing maintained by the Cambridge Election Commission. Such notification shall be considered educational expense under the provisions of Section 6 of this Order.

E. In addition to any appeal allowed pursuant to Section 2.147(k), the Commission may agree to the appointment of an arbitrator acceptable to both the Commission and the applicant who would make recommendations to both parties where disagreement between the Commission and the applicant persists.

F. Four members shall constitute a quorum for the Commission.

10. Periodic Neighborhood Review

For the first two years from the date of establishment the Mid-Cambridge Conservation District Commission shall hold a public meeting at six month intervals at which neighborhood residents are invited to review the actions of the Commission, assess its effectiveness in carrying out the intent of this order and make recommendations for changes in its policies and procedures. The Commission shall make a summary of each meeting which shall be filed for public inspection at the Cambridge Historical Commission and filed with the Office of the City Council.

11. Continued Designation

The Mid-Cambridge Neighborhood Conservation District designation made in Section 1 of this Order shall be for a period of two years from the date of adoption of this order. Continuation of the designation of the District for and additional two or more years shall require an affirmative vote of the City Council prior to the expiration of the initial two year designation.

Cambridge Historical Commission

City Hall Annex, 57 Inman Street, Cambridge, Massachusetts, 02139. 617/498-9040

Robert G. Neiley, *Chairman;* William B. King, *Vice Chairman;* Charles M. Sullivan, *Executive Director.*
Dwight H. Andrews; Arthur H. Brooks, Jr.; James F. Clapp, Jr.; Charles W. Eliot, 2nd; Joseph G. Sakey; *Commission Members.*
Allison M. Crump, Suzanne R. Green, John Lyons, *Alternates.*

December 14, 1984

To the Honorable, the City Council:

On December 6, 1984 the Cambridge Historical Commission unanimously voted to make the following recommendation to the Cambridge City Council with regard to the proposed Mid Cambridge Neighborhood Conservation District:

MOVED,

That the Cambridge Historical Commission

strongly supports the establishment of the Mid Cambridge Neighborhood Conservation District and the concept that there be adequate funding for an educational program within the District. We support the adoption of the recommended Order establishing the District and do not object to the initial effectiveness of its regulatory provisions being conditioned upon adequate funding for education, but we do not approve in principle the notion in the proposed Order that continued effectiveness of its regulatory provisions be conditioned upon subsequent funding specifically earmarked for education within that District.

Respectfully submitted,

Charles M. Sullivan

Charles M. Sullivan
Executive Director

Final Publication No. 2221. First publication in the Boston Herald on Nov. 25, 19

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.

ORDER ESTABLISHING THE MID CAMBRIDGE NEIGHBORHOOD CONSERVATION DISTRICT COMMISSION

WHEREAS, the procedures set forth in paragraph (4) of Section 2.147(k) of Article XVI of Chapter Two of the General Ordinances of the City of Cambridge (City Ordinance authorizing the establishment of Neighborhood Conservation Districts and establishing procedures and standards) appear to have been satisfied with respect to the designation of a neighborhood conservation district to be known as the "Mid Cambridge Neighborhood Conservation District" having the boundaries set forth on the map hereto attached entitled Mid Cambridge Neighborhood Conservation District, as designated by the Cambridge City Council January 21, 1985 and a report of a study committee and the recommendation of the Historical Commission has been received with regard to the designation of such a district;

NOW, THEREFORE, be it ordained and ordered by the City Council of the City of Cambridge as follows:

1. Designation of Mid Cambridge Neighborhood Conservation District

Pursuant to paragraph (4) of Section 2.147(k) of Article XVI of Chapter Two of the General Ordinances of the City of Cambridge, (designation procedures) there is hereby designated as a neighborhood conservation district the Mid Cambridge Neighborhood Conservation District having the boundaries set forth on the map entitled "Mid Cambridge Neighborhood Conservation District, as designated by the Cambridge City Council (date of this order) (for purposes of this Order, the "District"), which District shall be administered by a commission to be known as the "Mid Cambridge Neighborhood Conservation District Commission" (for purposes of this Order, the "Commission"), appointed by the City Manager pursuant to paragraph (3) of said Section 2.147(k). The reasons for the designation of the District are those set forth in the designation report (for the purposes of this Order, the "Report"), of the study committee and as approved by the Historical Commission with respect to said District, which reasons shall guide the Commission in its administration of the District.

2. Membership

Pursuant to paragraph (3) of Section 2.147(k)(membership requirements), the Mid Cambridge Neighborhood Conservation District shall consist of five members and three alternates appointed by the City Manager and having qualifications as defined in paragraph (3),with the additional requirements that one neighborhood resident member of the Commission shall be a tenant, the neighborhood property owner member shall be a resident of the District, andall alternate members shall be resident property owners of the District. No member of any other appointed board or commission, with the exception of one member of the Cambridge Historical Commission, shall serve on the Commission.

For the purpose of this order a property owner of record may consent to have another adult member of his/her immediate household fill a property owner position on the Commission. Notice of vacancies on the Commission shall be posted at the Office of the City Clerk for at least two weeks prior to any appointment to fill such vacancies.

3. Review Authority

The authority of the Commission shall extend to the following two required categories of review of proposed changes in the District:

A. Any alteration of the exterior of existing Listed National Register structures, structures containing or proposed to contain conforming non-residential uses.

(1) The alteration(s) is visible from a public street; and

(2) The alteration(s) involves significant changes in the following features: bay windows, cornice, facia boards below the cornice including gutter and trim detail, porches, cornerboards, window and door casings, skylights covering more than 1/3 of the visible roof area, all signs except home-occupation signs.

The Commission may make recommendations regarding such alterations which shall not be binding on the applicant.

B. Any activity visible from a public way involving any one of the following:

(1) Demolition of 33% or more of the floor area of an existing structure not used principally to garage automobiles;

(2) New construction of more than 750 square feet of floor area including additions to existing structures;

(3) New construction of structure on more than 33% of the lot area not already occupied by structures;

(4) Enlargement of the floor area of an existing structure by more than 33%;

(5) Relocation of an existing structure onto or out of a site;

(6) Any alteration or construction of a structure containing or proposed to contain nonconforming uses.

(7) Publicly owned structures.

The Commission may make recommendations regarding such activities which shall be binding on the applicant. Where a review by the Commission is determined by the change in lot area covered by structures or change in the floor area of structures on a lot, such review shall be based upon the cumulative total of such changes in the three years preceding the date of application for a building permit for any such change as determined by certificates of occupancy or zoning compliance or building permits issued and/or still in force during that three year period.

4. Review Criteria to be Considered by the Commission

The Commission shall apply certain criteria in addition to those contained in paragraph (8) of Section 2.147(k) in considering applications for certificates of appropriateness, nonapplicability, and hardship.

A. General Criteria. All applications shall be considered in terms of the impact of the proposed new construction or alteration, relocation or demolition of an existing building on the District as a whole, and in addition with regard to the potential adverse effects of the proposed construction, alteration, relocation or demolition on the surrounding properties and on the immediate streetscape and the economic assessment of the alternatives to the proposed action. General objectives shall be to:

(1) Avoid excessive infill;

(2) Encourage new construction which complements existing buildings;

(3) Encourage preservation of neighborhood buildings; and

(4) Protect National Register structures, and

(5) Enhance the economic vitality of the neighborhood.

B. Construction of a New Building and Alterations to Existing Buildings. Review of the design of a proposed new building, relocated building, or applicable alteration of an existing building, shall be made with regard to the compatibility of the building with its surroundings, and the following elements of the project shall be among those considered:

(1) Site layout;

(2) Provisions for parking;

(3) Volume and dimensions of the building;

(4) Provisions for open space and landscaping;

(5) The scale of the building in relation to its surroundings; and

(6) The changes to existing buildings as related to new construction.

C. Demolition or Relocation of an Existing Building. The Commission shall apply the provisions of Section 2.147(k) with regard to the proposed demolition of an existing building, and in addition shall consider the following factors:

(1) the physical condition of the building;

(2) a claim of substantial hardship, financial or otherwise for the owner or occupants; and

(3) the design of the proposed replacement structure, if any.

5. Determination by the Commission

The determinations of the Commission shall be binding regarding activities detailed in paragraph 3B of this order and shall be expressed through the issuance of certificates of appropriatensss, nonapplicability or hardship. Any determination may contain such conditions as the Commission determines to be necessary to fulfill the objectives of the District. Such conditions may impose limitations stricter than the applicable zoning regulations only to the extent of a one-third reduction in (1) the additional floor area or (2) additional dwelling units permitted on the site, or a one-third reduction or one-half increase in the number of parking spaces required by zoning, except that in the case of a building damaged by fire that structure may be rehabilitated to its full extent prior to the fire.

In imposing binding conditions with the issuance of a certificate, or in denying a certificate, a concurring vote of at least four (4) of the members of the Commission shall be required.

All determinations which impose restrictions on an applicant shall be in written form stating the findings of facts and the standards and criteria upon which the decision is based, and the reasoning by which the restrictions were found to be necessary. All determinations shall be available for inspection at the office of the Cambridge Historical Commission. In no case shall a building permit be issued until the Commission has made a determination under the provisions of Section 2.147(k) of Article XVI.

6. Education and Incentive Program

The Commission shall, in cooperation with the Cambridge Historical Commission, conduct an ongoing educational program in the district to make known the objectives of the District

and the Commission, to encourage preservation of the District's historical character, and to make available information to advance and encourage voluntary protection of the District's distinctive architecture.

The regulatory provisions of this order shall not take effect until an initial appropriation of $10,000 to the Cambridge Historical Commission is made by the Cambridge City Council to support such an educational program and further provided that an additional $5,000 is so appropriated in each subsequent fiscal year. Should the additional funding not be appropriated for any given fiscal year the regulatory provisions of this Order shall not be enforced for any application for a building permit made after July 1 of that fiscal year or until such appropriation is made.

7. Fees

The Commission may establish a schedule of fees which may be mandatory for those activities subject to review under paragraph 3B of this order. All other fees shall be voluntary.

8. Coordination with Other Agencies and Boards

The Board of Zoning Appeal, Board of Appeals, Building Commission, Mid Cambridge Neighborhood Conservation District Commission, and other City boards, agencies, and officials are directed to coordinate all review, hearing, permitting, and other procedures relative to physical changes within the District to the extent practicable, consistent with their respective responsibilities.

9. Procedure

In addition to the provisions of paragraph (8) of Section 2.147(k) of the enabling ordinance, the Commission shall observe the following procedural requirements:

A. The following review periods shall be required for reviews for which recommendations are not binding. (Those alterations detailed in paragraph 3A of this Order.)

(1) For alterations involving National Register structures, a public meeting if required shall be held within fourteen (14) days of an application for a building permit; final recommendations shall be made to the applicant within twenty-one (21) days.

(2) For alteration of non-residential buildings a public meeting if required shall be held within twenty-one (21) days of an application for a building permit; recommendations shall be made available within thirty (30) days.

B. For any review for which the recommendations are binding (those activities detailed in paragraph 3B of this Order) the issuance of the appropriate certificate shall be made within forty-five (45) days of an application for a building permit.

C. Failure to act within the time periods specified in this paragraph 8 shall mean approval of the application unless an extension of time is granted by the applicant in writing.

D. Where a public hearing is held by the Commission, notice shall be given to property owners and tenants of property required to receive such notice under Chapter 40C using the current street listing maintained by the Cambridge Election Commission. Such notification shall be considered educational expense under the provisions of Section 6 of this Order.

E. In addition to any appeal allowed pursuant to Section 2.147(k), the Commission may agree to the appointment of an arbitrator acceptable to both the Commission and the applicant who would make recommendations to both parties where disagreement between the Commission and the applicant persists.

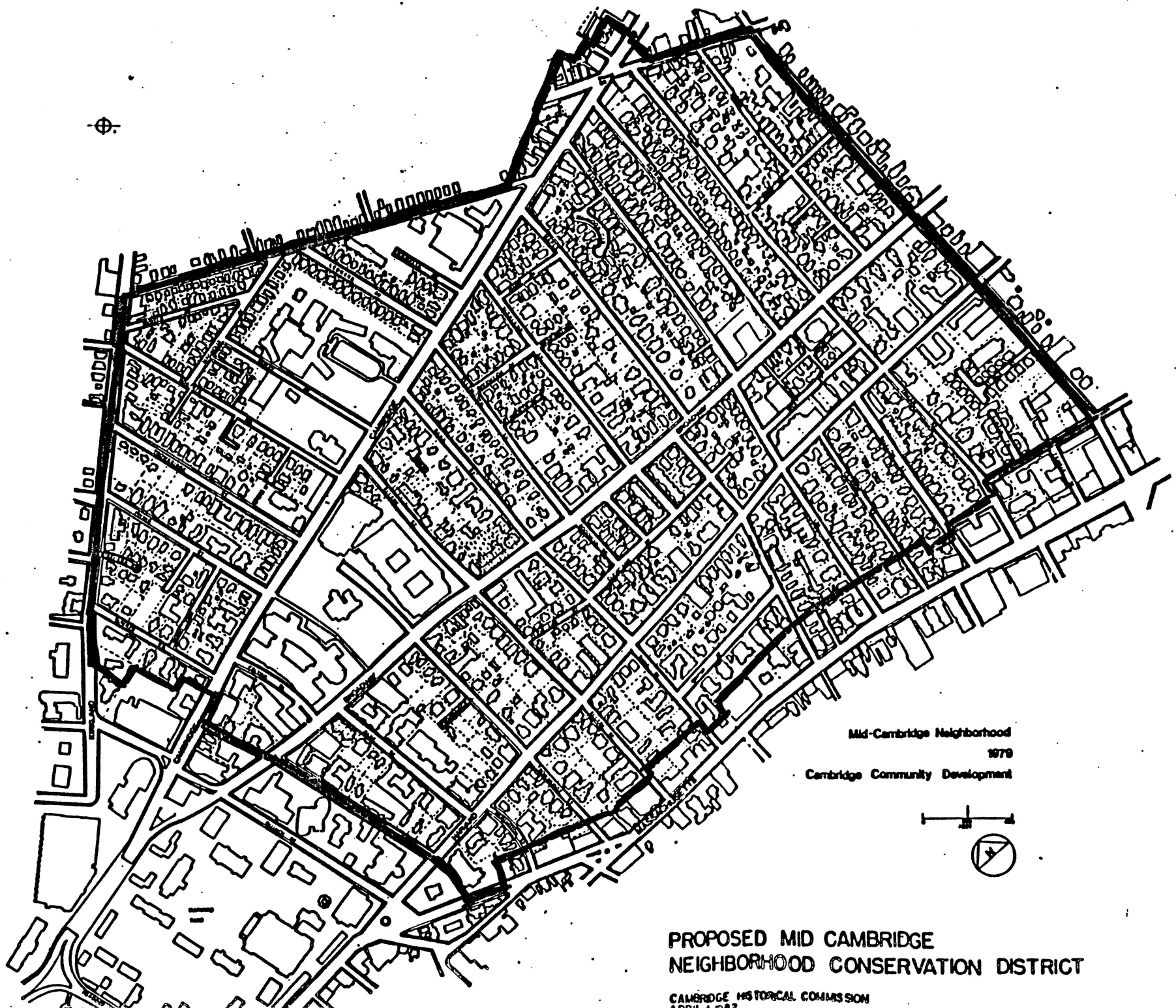
F. Four members shall constitute a quorum for the Commission.

10. Periodic Neighborhood Review

For the first two years from the date of establishment the Mid-Cambridge Conservation District Commission shall hold a public meeting at six month intervals at which neighborhood residents are invited to review the actions of the Commission, assess its effectiveness in carrying out the intent of this order and make recommendations for changes in its policies and procedures. The Commission shall make a summary of each meeting which shall be filed for public inspection at the Cambridge Historical Commission and filed with the Office of the City Council.

11. Continued Designation

The Mid-Cambridge Neighborhood Conservation District designation made in Section 1 of this Order shall be for a period of two years from the date of adoption of this order. Continuation of the designation of the District for and additional two or more years shall require an affirmative vote of the City Council prior to the expiration of the initial two year designation.



PROPOSED MID CAMBRIDGE NEIGHBORHOOD CONSERVATION DISTRICT

CAMBRIDGE HISTORICAL COMMISSION

C. C. 106

Resolution #12

City of Cambridge

MASSACHUSETTS

In City Council 1/28/ 1985

	YEA	NAY	ABSENT	PRESENT
Mr. Daniel J. Clinton				
Mr. Thomas W. Danehy				
Mr. Francis H. Duehay				
Ms. Saundra Graham				
Mr. David E. Sullivan				
Mr. Walter J. Sullivan				
Mr. Alfred Vellucci				
Ms. Alice K. Wolf				
Mayor Russell				

Voice Vote of 7 members

Mid-Cambridge Neighborhood

MOTION FOR RECONSIDERATION SUBMITTED BY COUNCILLOR MAYOR LEONARD J. RUSSELL

JANUARY 21, 1985

Date

Mayor Russell notified the City Clerk of his intention to move Reconsideration of the vote of the City Council taken on January 21, 1985, adopting the recommendation of the Cambridge Historical Commission providing for the establishment of the Mid-Cambridge Neighborhood Conservation District and the concept of providing adequate funding for an educational program within the District.

Signature

Received after Hearing
1/21/85

Mayor Powell notified the City Clerk of his intention to veto Recommendation of the vote of the City Council on January 8, 1975 adopting the recommendations of the Lansdale Historical Commission providing for the establishment of the Mill Lansdale Neighborhood Conservation District and the concept of providing adequate funding for an educational program within the district

C. C. 106

Councillor Vellucci 747/pm

City of Cambridge

MASSACHUSETTS

In City Council 1/21 1985

On adoption of Mid-Cambridge Neighborhood Conservation District

	YEA	NAY	ABSENT	PRESENT
Mr. Daniel J. Clinton		✓		
Mr. Thomas W. Danehy		✓		
Mr. Francis H. Duehay	✓			
Ms. Saundra Graham	✓			
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan			✓	
Mr. Alfred Vellucci	✓			
Ms. Alice K. Wolf	✓			
Mayor Russell		✓		
	5	3	1	0

Order is Adopted as Amd 1/21/85

Note amendment

CCM-101

City of Cambridge

~~Agenda Item No. 3~~
Calendar Item No. 12

IN CITY COUNCIL

~~December 17, 1984~~
January 28, 1985

WHEREAS: The procedures set forth in paragraph (4) of Section 2.147 (k) of Article XVI of Chapter Two of the General Ordinances of the City of Cambridge (City Ordinance authorizing the establishment of Neighborhood Conservation Districts and establishing procedures and standards) appear to have been satisfied with respect to the designation of a neighborhood conservation district to be known as the "Mid Cambridge Neighborhood Conservation District" having the boundaries set forth on the map hereto attached entitled Mid Cambridge Neighborhood Conservation District, as designated by the Cambridge City Council, January 28, 1985 and a report of a study committee and the recommendation of the Historical Commission has been received with regard to the designation of such a district; now therefore be it

ORDERED: By the City Council of the City of Cambridge as follows:

1. Designation of Mid Cambridge Neighborhood Conservation District

Pursuant to paragraph (4) of Section 2.147 (k) of Article XVI of Chapter Two of the General Ordinances of the City of Cambridge, (designation procedures) there is hereby designated as a neighborhood conservation district the Mid Cambridge Neighborhood Conservation district having the boundaries set forth on the map entitled "Mid Cambridge Neighborhood Conservation District, as designated by the Cambridge City Council January 28, 1985 (for the purposes of this Order, the "District"), which District shall be administered by a commission to be known as the "Mid Cambridge Neighborhood Conservation District Commission" (for the purposes of this Order, the "Commission"), appointed by the City Manager pursuant to paragraph (3) of said Section 2.147 (k). The reasons for the designation of the District are those set forth in the designation report (for the purposes of this Order, the "Report"), of the study committee and as approved by the Historical Commission with respect to said District, which reasons shall guide the Commission in its administration of the District.

2. Membership

Pursuant to paragraph (3) of Section 2.147 (k) (membership requirements), the Mid Cambridge Neighborhood Conservation District shall consist of five members and three alternates appointed by the City Manager and having qualifications as defined in paragraph (3), with the additional requirements that one neighborhood resident member of the Commission shall be a tenant, the neighborhood property owner member shall be a resident of the District, and all alternate members shall be resident property owners of the District.

For the purpose of this order a property owner of record may consent to have another adult member of his/her immediate household fill a property owner position on the Commission. Notice of vacancies on the Commission shall be posted at the Office of the City Clerk for at least two weeks prior to any appointment to fill such vacancies.

3. Review Authority

The authority of the Commission shall extend to the following two required categories of review of proposed changes in the District:

A. Any alteration of the exterior of existing Listed National Register structures, structures containing or proposed to contain conforming non-residential uses.

(1) The alteration(s) is visible from a public street; and

(2) The alteration(s) involves significant changes in the following features: bay windows, cornice, facia boards below the cornice including gutter and trim detail, porches, cornerboards, window and door casings, skylights covering more than 1/3 of the visible roof area, all signs except home-occupation signs.

The Commission may make recommendations regarding such alterations which shall not be binding on the applicant.

B. Any activity visible from a public way involving any one of the following:

(1) Demolition of 33% or more of the floor area of an existing structure not used principally to garage automobiles;

(2) New construction of more than 750 square feet of floor area including additions to existing structures;

(3) New construction of structure on more than 33% of the lot area not already occupied by structures;

(4) Enlargement of the floor area of an existing structure by more than 33%;

(5) Relocation of an existing structure onto or out of a site;

(6) Any alteration or construction of a structure containing or proposed to contain nonconforming uses.

(7) Publicly owned structures.

The Commission may make recommendations regarding such activities which shall be binding on the applicant. Where a review by the Commission is determined by the change in lot area covered by structures or change in the floor area of structures on a lot, such review shall be based upon the cumulative total of such changes in the three years preceding the date of application for a building permit for any such change as determined by certificates of occupancy or zoning compliance or building permits issued and/or still in force during that three year period.

4. Review Criteria to be Considered by the Commission

The Commission shall apply certain criteria in addition to those contained in paragraph (8) of Section 2.147(k) in considering applications for certificates of appropriateness, nonapplicability, and hardship.

A. General Criteria. All applications shall be considered in terms of the impact of the proposed new construction or alteration, relocation or demolition of an existing building on the District as a whole, and in addition with regard to the potential adverse effects of the proposed construction, alteration, relocation or demolition on the surrounding properties and on the immediate streetscape and the economic assessment of the alternatives to the proposed action. General objectives shall be to:

(1) Avoid excessive infill;

(2) Encourage new construction which complements existing buildings;

(3) Encourage preservation of neighborhood buildings; and

(4) Protect National Register structures, and

(5) Enhance the economic vitality of the neighborhood.

B. Construction of a New Building and Alterations to Existing Buildings. Review of the design of a proposed new building, relocated building, or applicable alteration of an existing building, shall be made with regard to the compatibility of the building with its surroundings, and the following elements of the project shall be among those considered:

(1) Site layout;

(2) Provisions for parking;

(3) Volume and dimensions of the building;

(4) Provisions for open space and landscaping;

(5) The scale of the building in relation to its surroundings; and

(6) The changes to existing buildings as related to new construction.

C. Demolition or Relocation of an Existing Building. The Commission shall apply the provisions of Section 2.147(k) with regard to the proposed demolition of an existing building, and in addition shall consider the following factors:

(1) the physical condition of the building;

(2) a claim of substantial hardship, financial or otherwise for the owner or occupants; and

(3) the design of the proposed replacement structure, if any.

5. Determination by the Commission

The determinations of the Commission shall be binding regarding activities detailed in paragraph 3B of this order and shall be expressed through the issuance of certificates of appropriatensss, nonapplicability or hardship. Any determination may contain such conditions as the Commission determines to be necessary to fulfill the objectives of the District. Such conditions may impose limitations stricter than the applicable zoning regulations only to the extent of a one-third reduction in (1) the additional floor area or (2) additional dwelling units permitted on the site, or a one-third reduction or one-half increase in the number of parking spaces required by zoning, except that in the case of a building damaged by fire that structure may be rehabilitated to its full extent prior to the fire.

In imposing binding conditions with the issuance of a certificate, or in denying a certificate, a concurring vote of at least four (4) of the members of the Commission shall be required.

All determinations which impose restrictions on an applicant shall be in written form stating the findings of facts and the standards and criteria upon which the decision is based, and the reasoning by which the restrictions were found to be necessary. All determinations shall be available for inspection at the office of the Cambridge Historical Commission. In no case shall a building permit be issued until the Commission has made a determination under the provisions of Section 2.147(k) of Article XVI.

6. Education and Incentive Program

The Commission shall, in cooperation with the Cambridge Historical Commission, conduct an ongoing educational program in the district to make known the objectives of the District

and the Commission, to encourage preservation of the District's historical character, and to make available information to advance and encourage voluntary protection of the District's distinctive architecture.

The regulatory provisions of this order shall not take effect until an initial appropriation of $10,000 to the Cambridge Historical Commission is made by the Cambridge City Council to support such an educational program and further provided that an additional $5,000 is so appropriated in each subsequent fiscal year. Should the additional funding not be appropriated for any given fiscal year the regulatory provisions of this Order shall not be enforced for any application for a building permit made after July 1 of that fiscal year or until such appropriation is made.

7. Fees

The Commission may establish a schedule of fees which may be mandatory for those activities subject to review under paragraph 3B of this order. All other fees shall be voluntary.

8. Coordination with Other Agencies and Boards

The Board of Zoning Appeal, Board of Appeals, Building Commission, Mid Cambridge Neighborhood Conservation District Commission, and other City boards, agencies, and officials are directed to coordinate all review, hearing, permitting, and other procedures relative to physical changes within the District to the extent practicable, consistent with their respective responsibilities.

9. Procedure

In addition to the provisions of paragraph (8) of Section 2.147(k) of the enabling ordinance, the Commission shall observe the following procedural requirements:

A. The following review periods shall be required for reviews for which recommendations are not binding. (Those alterations detailed in paragraph 3B of this Order.)

(1) For alterations involving National Register structures, a public meeting if required shall be held within fourteen (14) days of an application for a building permit; final recommendations shall be made to the applicant within twenty-one (21) days.

(2) For alteration of non-residential buildings a public meeting if required shall be held within twenty-one (21) days of an application for a building permit; recommendations shall be made available within thirty (30) days.

B. For any review for which the recommendations are binding (those activities detailed in paragraph 3B of this Order) the issuance of the appropriate certificate shall be made within forty-five (45) days of an application for a building permit.

C. Failure to act within the time periods specified in this paragraph 8 shall mean approval of the application unless an extension of time is granted by the applicant in writing.

D. Where a public hearing is held by the Commission, notice shall be given to property owners and tenants of property required to receive such notice under Chapter 40C using the current street listing maintained by the Cambridge Election Commission. Such notification shall be considered educational expense under the provisions of Section 6 of this Order.

E. In addition to any appeal allowed pursuant to Section 2.147(k), the Commission may agree to the appointment of an arbitrator acceptable to both the Commission and the applicant who would make recommendations to both parties where disagreement between the Commission and the applicant persists.

F. Four members shall constitute a quorum for the Commission.

10. Periodic Neighborhood Review

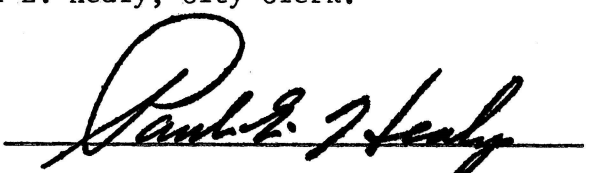
For the first two years from the date of establishment the Mid-Cambridge Conservation District Commission shall hold a public meeting at six month intervals at which neighborhood residents are invited to review the actions of the Commission, assess its effectiveness in carrying out the intent of this order and make recommendations for changes in its policies and procedures. The Commission shall make a summary of each meeting which shall be filed for public inspection at the Cambridge Historical Commission and filed with the Office of the City Council.

11. Continued Designation

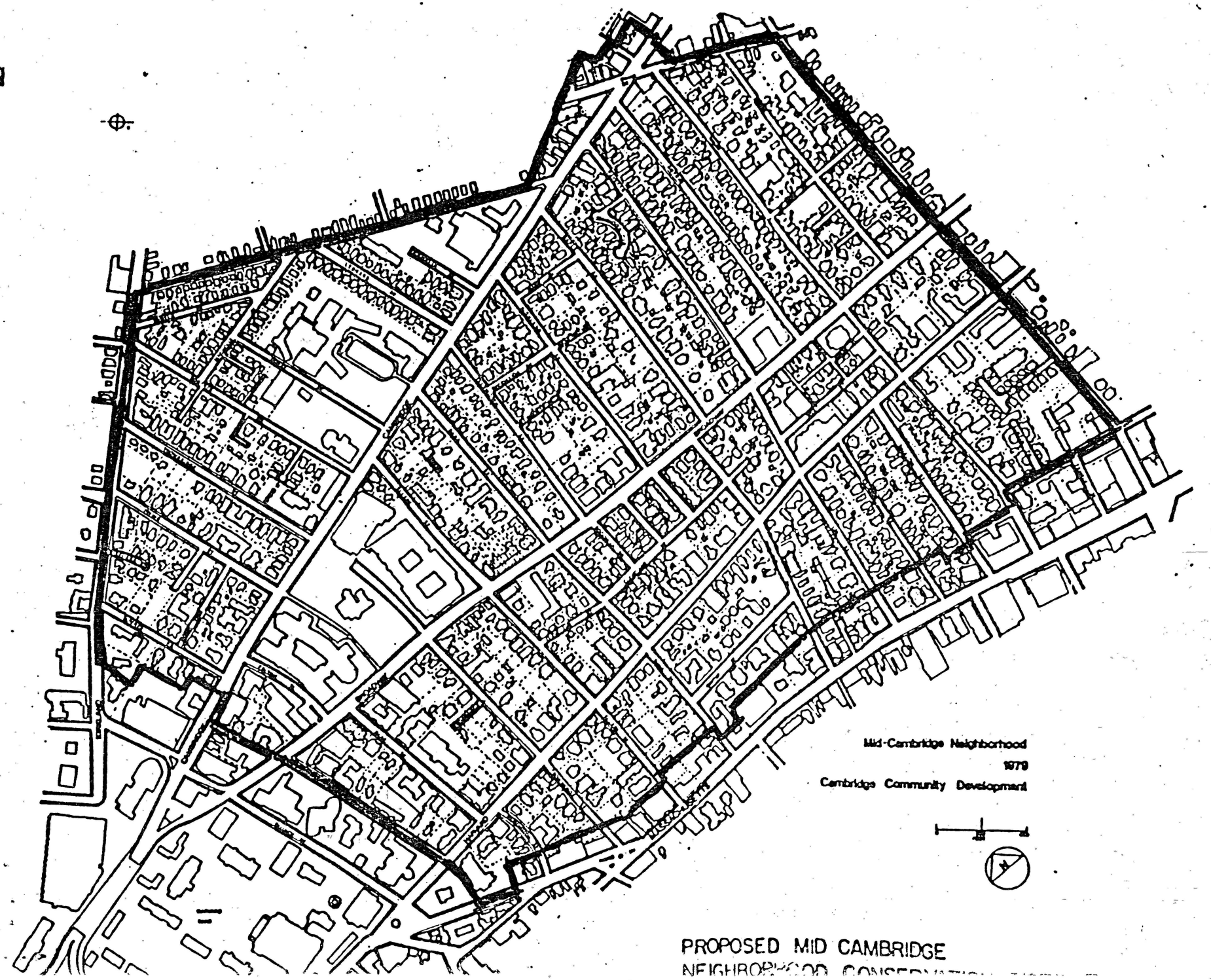
The Mid-Cambridge Neighborhood Conservation District designation made in Section 1 of this Order shall be for a period of two years from the date of adoption of this order. Continuation of the designation of the District for and additional two or more years shall require an affirmative vote of the City Council prior to the expiration of the initial two year designation.

In City Council January 28, 1985.
Adopted by the affirmative vote of 7 members.
Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:- 

Paul E. Healy, City Clerk.



PROPOSED MID CAMBRIDGE
NEIGHBORHOOD CONSERVATION

CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

December 17, 1984

To the Honorable, the City Council:

I transmit herewith communication from the Cambridge Historical Commission recommending the establishment of the Mid Cambridge Neighborhood Conservation District and the concept that there be adequate funding for an educational program within the District.

Very truly yours,

Robert W. Healy
City Manager

RWH/b

Agenda Item No. 3 0-1

Re: enclosing the vote of the Cambridge Historical Commission recommending & supporting the establishment of the Mid Cambridge Neighborhood Conservation District.

1/21/85
Order Adopted
on
Roll Call
5-3-1-0
1/28/85
Reconsideration
Moved By Mayor
Russell - Carried -
Then Order Adopted
on a voice vote -
12/17/84
Motion of C. David
Sullivan to refer
to hearing Jan. 21/85
at 6PM - Carried

In City Council,
December 17, 1984

Copies sent to
Kathy Spiegelman, Comm. Dev.,
Charles Sullivan, Historical
Commission,
City Solicitor, City Mgr.,
Council Office, Mr. Cellucci
of Inspectional Services
Les Barber of Planning
Board 1/31/85

1/28/1985
Leo Final Draft
for Approval -
By City Solicitor
and Hist. Comm.

Corrected copies sent to:
Kathy Spiegelman
Charles Sullivan
City Solicitor
City Mgr.
Council Off.
Mr. Cellucci
Les Barber 2/8/85 (dl)