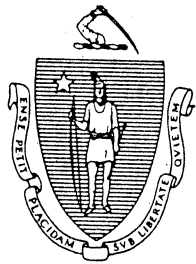


*To the Honorable Senate and House of Representatives of The Commonwealth of Massachusetts
in General Court assembled.*

*The undersigned, citizens of CAMBRIDGE, MEMBERS OF THE CITY COUNCIL, respectfully
petition for the passage of the accompanying bill or resolve, and/or for legislation*

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF NEIGHBORHOOD CONSERVATION DISTRICTS
AND PROTECTED LANDMARKS IN THE CITY OF CAMBRIDGE.

Petitioners are requested to sign names and addresses legibly.



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND SEVENTY.

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF NEIGHBORHOOD CONSERVATION DISTRICTS AND PROTECTED LANDMARKS IN THE CITY OF CAMBRIDGE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1.

See attached proposal for legislation.

December 4, 1978

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF NEIGHBORHOOD
CONSERVATION DISTRICTS AND PROTECTED LANDMARKS IN THE
CITY OF CAMBRIDGE

Section 1. Purposes. The purpose of this Act is 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, buildings 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 neighborhood areas, buildings, or structures; to encourage private efforts in support of such purposes; and by furthering these purposes to promote the public welfare, to preserve and conserve the resources of the city, and to make the city a more attractive and desirable place in which to live and work. To achieve these purposes, the city of Cambridge is authorized to designate landmarks, neighborhood conservation districts, and landmark protection areas to be administered by the Cambridge Historical Commission.

Section 2. Definitions. The following terms, when used whether or not capitalized in this act, shall have the meanings set forth below, unless the context otherwise requires:

2.1 "Building" - any combination of materials forming a shelter for persons, animals, or property.

2.2 "Historical Commission" or "Commission" - the Cambridge Historical Commission.

2.3 "Demolition" - the act of pulling down, destroying, removing, or razing a building, or commencing the work of total or substantial destruction with the intent of completing the same.

2.4 "Exterior architectural features" - such portion of the exterior of a building or 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, color and texture of exterior building materials, the color of paint or other materials applied to exterior surfaces, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.

2.5 "Historic District" - an area established under the authority of M.G.L. Chapter 40C.

2.6 "Landmark" - any property containing a place, structure, building, fixture or object which has been designated in accordance with section five as

(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) representing the work of a master builder, architect, or landscape architect, or

(c) which is otherwise architecturally or aesthetically significant (in terms of period, style or method of construction) either by itself or in the context of a group of buildings.

2.7 "Landmark Protection Area" - any area designated by the Commission in accordance with section five as an area which is contiguous to and constitutes an essential part of the physical environment of any landmark.

2.8 "Neighborhood Conservation District" - any area with distinctive character containing structures which has been designated in accordance with section five as an area containing buildings, structures or man-made features which are of importance to the architectural, aesthetic, cultural, political, economic or social history of the city, and cause such area to constitute a distinctive section of the city.

2.9 "Neighborhood Conservation District Commission" or "District Commission" - a Commission as provided for by section four.

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

Section 3. Cambridge Historical Commission. No provisions of this act shall alter or diminish the existing duties and functions of the Cambridge Historical Commission as established under the authority of M.G.L. Chapter 40, Section 8D, or Chapter 40C, or any historic district presently administered by said commission, or restrict the establishment of any future historic district under Chapter 40C.

Section 4. Neighborhood Conservation District Commission. Upon designation of any neighborhood conservation district, and unless the designation provides that the Historical Commission itself shall exercise regulatory functions, the City Manager shall appoint a neighborhood conservation district commission to consist of four members and two alternates who are residents of such district or owners of property therein, and one member or alternate of the Cambridge Historical Commission. The neighborhood conservation district commission shall act in the exercise of those regulatory functions described in section six which pertain exclusively to said district.

Any member or alternate of the Cambridge Historical Commission may be appointed to a district commission for a term co-terminous with that each holds on the Historical Commission.

Members and alternates of a district commission who are not members of the Historical Commission shall by reason of experience or education have demonstrable knowledge and concern for conservation and enhancement of the district. Such members shall serve for a term of three years, except that the initial appointments shall be for one member to serve one year and one member to serve two years, and vacancies shall be filled for the unexpired term of office. Each member and alternate shall continue in office after expiration of his or her term until his successor is duly appointed and qualified. The 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.

The district commission shall adopt, and may from time to time amend, bylaws concerning its internal management and, after public hearing, may adopt and from time to time amend regulations for the purpose of interpreting this act and of implementing its administration and enforcement, which regulations shall be in addition to those required by section five. A copy of every such bylaw and amendment thereof and every regulation and amendment thereof adopted pursuant to this section shall first be submitted to the Historical Commission, and if approved by majority vote shall be filed in the office of the City Clerk;

and no such regulation or amendment thereof shall become effective until it shall have been so filed. The records of the district commission shall set forth every determination made by that commission, the vote of every member participating in such determination and the absence or failure to vote of every other member. The district commission shall designate a staff member of the Historical Commission as secretary.

Section 5. Designations. Subject to the conditions hereinafter specified in this section, the Cambridge Historical Commission by majority vote may designate any building or structure as a landmark, or may designate any area in the city as a neighborhood conservation district, and may amend any such designation as herein provided upon a finding by the Commission that the designation or amendment meets any of the criteria contained in section two of this Act.

The Historical Commission may designate any area in the city as a landmark protection area as herein provided upon a finding by the Commission that the area to be designated is visually related to the landmark, but is not necessarily of sufficient historical, social, cultural, architectural or aesthetic significance to warrant designation as an historical district or conservation district. In determining the boundaries of a protection area, the Historical Commission shall consider the following elements:

- (a) major views and vistas of and from the landmark, as determined by the topographical characteristics and the siting of existing contiguous buildings in the area;
- (b) pattern of roads, paths and alleys which determine the size and shape of land parcels and which control vehicular and non-vehicular movement to and from the landmark;
- (c) contrasts between the scale or arrangement of the landmark, and the area under consideration for designation as a protection area. In no case shall the protection area extend more than twelve hundred feet from a boundary of the landmark.

Prior to the designation or amendment of designation of any landmark, neighborhood conservation district, or protection area, an investigation and report on the historical and architectural significance of the structures, sites or objects to be designated shall be made. Such report shall provide an indication of the economic status of the property or properties under consideration for designation by providing such information as assessed value, recent real estate transactions or other appropriate data. The report shall also recommend the boundaries of any proposed landmark, neighborhood conservation district or protection area and recommend standards to be adopted by the Commission in carrying out its regulatory functions provided under section six of this

Act. All recommendations shall be made in consideration of any master plan, zoning requirements, projected public improvements and existing and proposed renewal and development plans applicable to the section of the city to be affected by the designation or amendment of designation.

In the case of a landmark or landmark protection area, the report shall be prepared by the Historical Commission with the assistance of its staff or consultants. In the case of a neighborhood conservation district, the report shall be prepared by a study committee consisting of five members or alternates of the Historical Commission and six persons who have demonstrated interest in the district or area under consideration and who shall be appointed by the City Manager.

The City Manager, any ten registered voters of the city or any Commission member may petition the Historical Commission to designate a landmark, neighborhood conservation district or protection area or to amend or rescind such a designation, and the Commission shall within forty-five days following the filing of such petition hold a preliminary hearing on such petition with the petitioners 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. Within 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 notice of such public hearing in accordance with state law, and by mailing a copy of such advertisement to the owner of the proposed landmark and to every owner as appearing on the then most recent tax list of property abutting the proposed landmark or within the proposed neighborhood conservation district or protection area as determined from the records of the assessing department, and to the City Manager, the Cambridge Planning Board, the City Clerk, and any other person that may have filed a written request for such notice with the Commission.

Prior to the public hearing, the Historical Commission shall transmit copies of the report to the Cambridge Planning Board and to the Massachusetts Historical Commission for their respective consideration and recommendations.

As part of every such designation or amendment of designation, the Historical Commission shall adopt regulations which shall specify general standards and other appropriate criteria consistent with the purposes of this act and the provisions of section five which shall be applied in making any determination under section six with respect to the designated landmark or within the designated neighborhood conservation district or protection area.

The recommendation of the Historical Commission with regard to any designation shall be transmitted to the City Council with

a copy of the approved designation report. Approval of any designation, amendment, or rescission of designation shall require a two-thirds vote of the City Council.

No designation, amendment, or rescission of designation shall become effective until a map setting forth the boundaries of the landmark, neighborhood conservation district, or landmark protection area, or change in the boundaries thereof, has been filed with the City Clerk and has been recorded with the Middlesex South District Registry of Deeds.

Section 6. Regulatory Functions. Except as the regulations adopted under sections four and five may otherwise provide with respect to a specific designation, no landmark and no building or structure within a neighborhood conservation district or protection area shall be altered in any way that affects exterior architectural features unless the Historical Commission or district commission holding 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.

6.1 Landmarks. Regulation of landmarks by the Historical Commission shall be as provided for in historic districts under all pertinent provisions of M.G.L. Chapter 40C, sections 6, 7, 8, 9, 10, and 11.

6.2 Neighborhood Conservation Districts. Regulation of neighborhood conservation districts shall be as provided for historic districts under all pertinent provisions of M.G.L. Chapter 40C, sections 6, 7, 9, 10, and 11, except that all alterations to exterior features shall be reviewed in accordance with the standards and criteria established in the designation of that district.

6.3 Landmark Protection Areas. Regulation of landmark protection areas by the Historical Commission shall be as provided for historic districts under all pertinent provisions of M.G.L. Chapter 40C, sections 6, 7, 9, 10, and 11, except that review shall extend only to demolition of existing buildings and land coverage, height, and landscaping of new construction.

Section 7. Appeals. Any applicant aggrieved by a determination of an Historical Commission or a district commission may, within twenty days after the filing of the notice of such determination, with the City Clerk, appeal to the Superior Court of the South District of Middlesex.

The court shall hear all pertinent evidence and shall annul the determination of the Commission if it finds the decision of the Commission to be unsupported by the evidence, or to exceed the authority of the Commission, or may remand the case for further action by the Commission or make such other decree as justice and equity may require. The remedy provided by this section

shall be exclusive; but the parties shall have all rights of appeal and exception as in other equity cases. Costs shall not be allowed against the Commission unless it shall appear to the court that the Commission acted with gross negligence, in bad faith or with malice in the matter from which the appeal was taken. Costs shall not be allowed against the party appealing from such determination of the Commission unless it shall appear to the court that the appellant acted in bad faith or with malice in making the appeal to the court.

Section 8. Enforcement. The Superior Court of the South District of Middlesex shall have jurisdiction to enforce the provisions of this chapter and any ordinance or by-law enacted hereunder and the determinations, rulings and regulations issued pursuant thereto and may, upon the petition of the City Manager or of the Commission, restrain by injunction violations thereof; and, without limitation, such court may order the removal of any building, structure or exterior architectural feature constructed in violation thereof, or the substantial restoration of any building, structure or exterior architectural feature altered or demolished in violation thereof, and may issue such other orders for relief as may be equitable.

Whoever violates any of the provisions of this chapter shall be punished by a fine of not less than ten dollars nor

more than five hundred dollars. Each day during any portion of which a violation continues to exist shall constitute a separate offense.

Section 9. Severability. The provisions of this chapter shall be deemed to be severable. If any of its provisions shall be held to be invalid or unconstitutional by any court of competent jurisdiction the remaining provisions shall continue in full force and effect.

Cambridge Historical Commission
December 4, 1978



City of Cambridge

CALENDAR ITEM NO. 5

6.

IN CITY COUNCIL
December 4, 1978

COUNCILLOR GRAHAM

ORDERED:

That the enclosed Home Rule Petition, entitled "AN ACT TO AUTHORIZE THE ESTABLISHMENT OF NEIGHBORHOOD CONSERVATION DISTRICTS AND PROTECTED LANDMARKS IN THE CITY OF CAMBRIDGE," be submitted to the Great and General Court of the Commonwealth with the request that the same be considered and enacted into law.

In City Council December 11, 1978
Adopted by the affirmative vote of 7 members.
Attest: Paul E. Healy, City Clerk

A true copy,

ATTEST:

A handwritten signature in cursive script, reading "Paul E. Healy".

Order #6

CAL.#5

5-537

C. Graham re: filing of legislation entitled
"AN ACT TO AUTHORIZE THE ESTABLISHMENT OF
NEIGHBORHOOD CONSERVATION DISTRICTS AND
PROTECTED LANDMARKS IN THE CITY OF CAMBRIDGE"

12/4/78
Charles Right
re
C. Graham

In City Council,

December 4, 1978

12/11/78

Order Adopted
Approving Filing of
legislation on motion
of C. Graham

12/18/78 legislation
prepared and signed
and presented to C. Graham
for filing