

Proposed Amendment to the Cambridge Historical Commission Ordinance

Be it ordained by the City Council of Cambridge as follows:
Chapter Two entitled "Administration" is hereby amended by
adding at the end of Section 2-146 the following paragraph:

2. There is further established under the provisions of the
Historic Districts Act (M.G.L. Ch. 40C) a Fort Washington
Historic District consisting of Fort Washington Park and
an additional area as shown on the map entitled "Fort
Washington Historic District, 1981" attached to and made
a part of this ordinance.

September 11, 1981
Cambridge Historical Commission

Final Report on the Proposed
Fort Washington Historic District

Cambridge Historical Commission
City Hall Annex; 57 Inman Street
Cambridge, Massachusetts 02139
498-9040 - September 11, 1981



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, 2d; Joseph G. Sakey; *Commission Members*.
John Lyons, Geneva T. Malenfant, Frances Pierce, *Alternates*.

September 11, 1981

To the Honorable, The City Council:

The Cambridge Historical Commission herewith respectfully submits, pursuant to the Historic Districts Act (Massachusetts General Laws, Chapter 40C) and the Cambridge Historical Commission Ordinance, its Final Report on the Proposed Fort Washington Historic District. This report contains for your consideration an amendment to the City Code establishing such a district, a proposal which has been endorsed by the Cambridge Historical Commission, the Massachusetts Historical Commission and the Cambridge Planning Board.

Sincerely yours,

Robert G. Neiley
Chairman

RGN/pb

TABLE OF CONTENTS

SUMMARY

- I. The Proposed Fort Washington Historic District
- II. The Nature of Historic District Protection
- III. Administration of Existing and Proposed Historic Districts in Cambridge

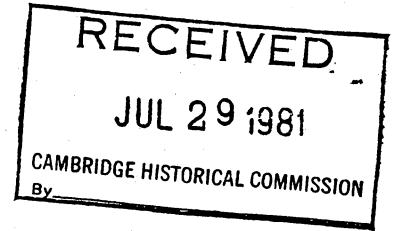
APPENDIX

- A. Proposed Amendment to the City Code Establishing the Fort Washington Historic District

Martin Annis
President

American Science and Engineering, Inc.
955 Massachusetts Avenue
Cambridge, Massachusetts 02139
617 868-1600

July 29, 1981



Charles M. Sullivan, Executive Director
Cambridge Historical Commission
City Hall Annex
57 Inman Street
Cambridge, MA 02139

Re: Proposed Fort Washington Historic District

Dear Mr. Sullivan:

Some time ago you had written to us concerning the proposal that a Fort Washington historic district be established. We have reviewed a copy of your preliminary report on that proposal and we have been notified of the Public Hearing to be held on July 30th concerning the matter.

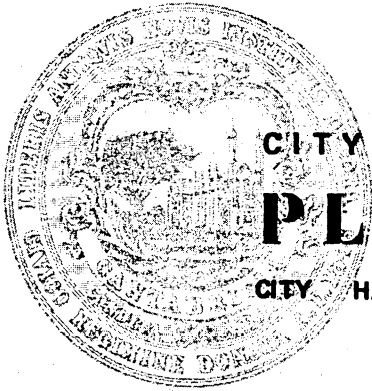
We are writing at this time to indicate our agreement with the proposal as outlined in your preliminary report and with the goal of ensuring a proper setting for historic Fort Washington. As you know, we at AS&E have made every attempt to take the importance of this historic site into account in the planning and design of our renovation to the St. Johnsbury building.

Please register our support for your proposal at the Hearing to be held this coming Thursday and we will be grateful if you will keep us apprised of the progress of your proposal.

Warmest regards,

A handwritten signature in cursive script that reads "Martin Annis".

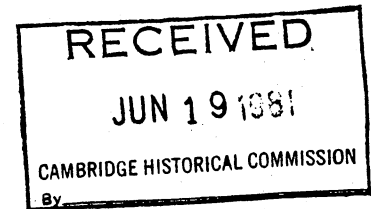
MA/mbj



CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

June 11, 1981



Mr. Charles Sullivan, Executive Director
Cambridge Historic Commission
City Hall Annex
57 Inman Street
Cambridge, MA 02139

Dear Mr. Sullivan:

The Planning Board of the City of Cambridge has received and considered a document entitled "Preliminary Report on the Proposed Fort Washington Historic District" as required by Chapter 40C of the Massachusetts General Law.

The Planning Board strongly endorses the establishment of the Fort Washington Historic District as outlined in the above referenced document. Such a district would be consistent with the best interests of both the City as a whole and the Cambridgeport neighborhood within which it is located.

After a two year comprehensive review and analysis of the future development needs of the Cambridgeport Industrial District, the Planning Board has recommended to the City Council that as part of a complete rezoning of the area, a special zoning district be established around Fort Washington.

Coterminus with the recommended historic district boundaries, this special zoning district is intended, within the limited authority of the zoning enabling statutes, to achieve the same objectives as the historic district, namely to ensure that any future development in the vicinity of Fort Washington is compatible with and enhances the park's historic and aesthetic values.

A special zoning district is an important means of protecting the park; historic designation however will more completely ensure the park's long-term protection.

Respectfully submitted
for the Planning Board,

Arthur C. Parris
Chairman

ACP:sl

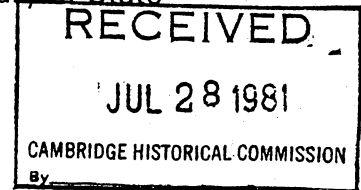


**MASSACHUSETTS
HISTORICAL
COMMISSION**

**COMMONWEALTH OF MASSACHUSETTS
Office of the Secretary of State**

294 Washington Street
Boston, Massachusetts
02108
617-727-8470

MICHAEL JOSEPH CONNOLLY
Secretary of State



July 23, 1981

Charles Sullivan, Executive Director
Historic District Study Committee
Cambridge Historical Commission
City Hall Annex
57 Inman Street
Cambridge, Massachusetts 02139

Dear Mr. Sullivan:

On June 10, 1981, the Massachusetts Historical Commission endorsed the proposed Fourt Washington historic district in Cambridge. As you probably know, such an endorsement must be followed by town meeting approval and subsequent notification of the Massachusetts Historical Commission office for an area to become a local historic district.

The Massachusetts Historical Commission is most curious about the current status of the historic district study within your community. It would be most appreciated if you could complete and return the enclosed form as soon as possible so that we may know how your work is going. Thank you for your time and consideration in this matter.

Please do not hesitate to call if we can be of any assistance.

Sincerely,

Judith S. Kessler
Program Assistant
Massachusetts Historical Commission

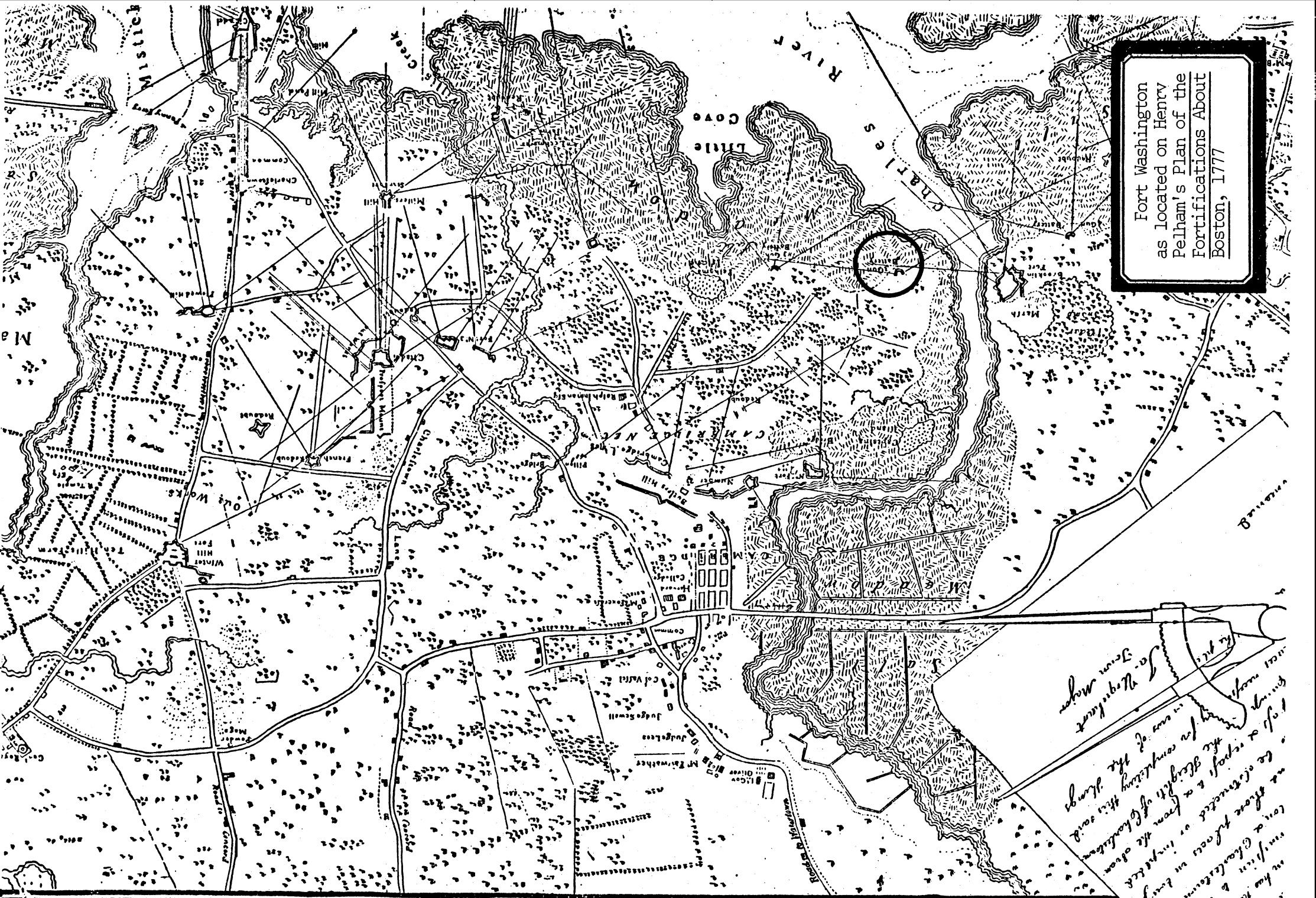
JSL/dmi
encl.

I. The Proposed Fort Washington Historic District

The Proposed Fort Washington Historic District includes the 0.97 acre park of that name plus an additional area within 100 feet of the park boundaries on the north, south and west and a corridor 50 feet wide extending to Vassar Street, 25 feet to each side of the center axis, totalling 3.47 acres. This protective zone includes portions of vacant lots on the north, south and east of the park, part of the former truck terminal of the St. Johnsbury Trucking Company, and railroad rights-of-way occupied by the Consolidated Rail Corporation (Conrail) and the Stimpson Terminal Company. This area is now the focus of considerable development plans, and the purpose of the proposed district is to protect the park and its environs from inappropriate future development. No existing buildings are located within the district, but future construction will be guided to protect the light, air, and architectural surroundings of the park, especially its open "field of fire" to the river. The proposed district will at no time regulate the use of existing or future buildings surrounding the park.

A. Historical Brief

Fort Washington, now a public park on Waverly Street in an industrial area of Cambridgeport, was erected at the direction of General Washington during the Siege of Boston. One of several forts erected by the Continental Army at the time, it is now the only fortification from the Siege of Boston still retaining its original earthworks. It was recorded by the Historic American Buildings Survey of the National Park Service in 1934, and was placed on the National Register of Historic Places in 1970.



Fort Washington
 as located on Henry
 Pelham's Plan of the
 Fortifications About
 Boston, 1777

With the MILITARY WORKS constructed in these places in the years 1775 and 1776.

Handwritten note:
 The plan of the
 Fortifications
 in view of the changes
 in the situation of the town
 since the capture of the town
 in 1775 & 1776
 in the plan of the
 Fortifications
 in 1775 & 1776
 in the plan of the
 Fortifications
 in 1775 & 1776

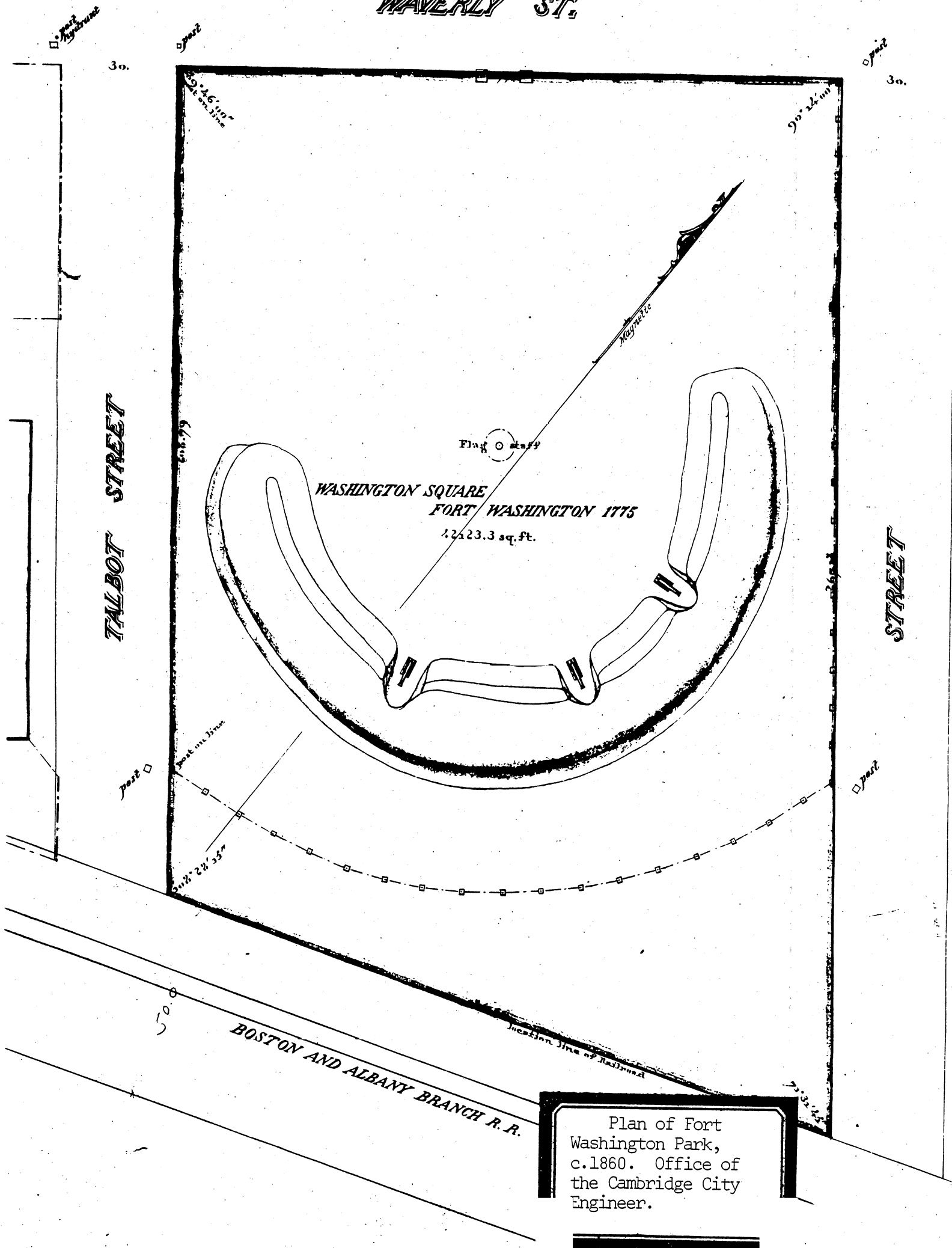
After the Battles of Concord and Lexington and Bunker Hill, the British retreated to Boston and Washington determined to encircle the town with fortifications. In his report to the Continental Congress on November 28, 1775, Washington wrote:

I have caused two half-moon batteries to be thrown up, for occasional use, between Lechmere's Point and the mouth of Cambridge River, and another work at the Causey [causeway] going to Lechmere's Point, to command that pass, and rake the little rivulet that runs by it to Patterson's Fort. Besides these, I have ... marked out three places between Sewall's Point and our lines on Roxbury Neck, for works to be thrown up, and occasionally manned, in case of a sortie when the bay gets froze.

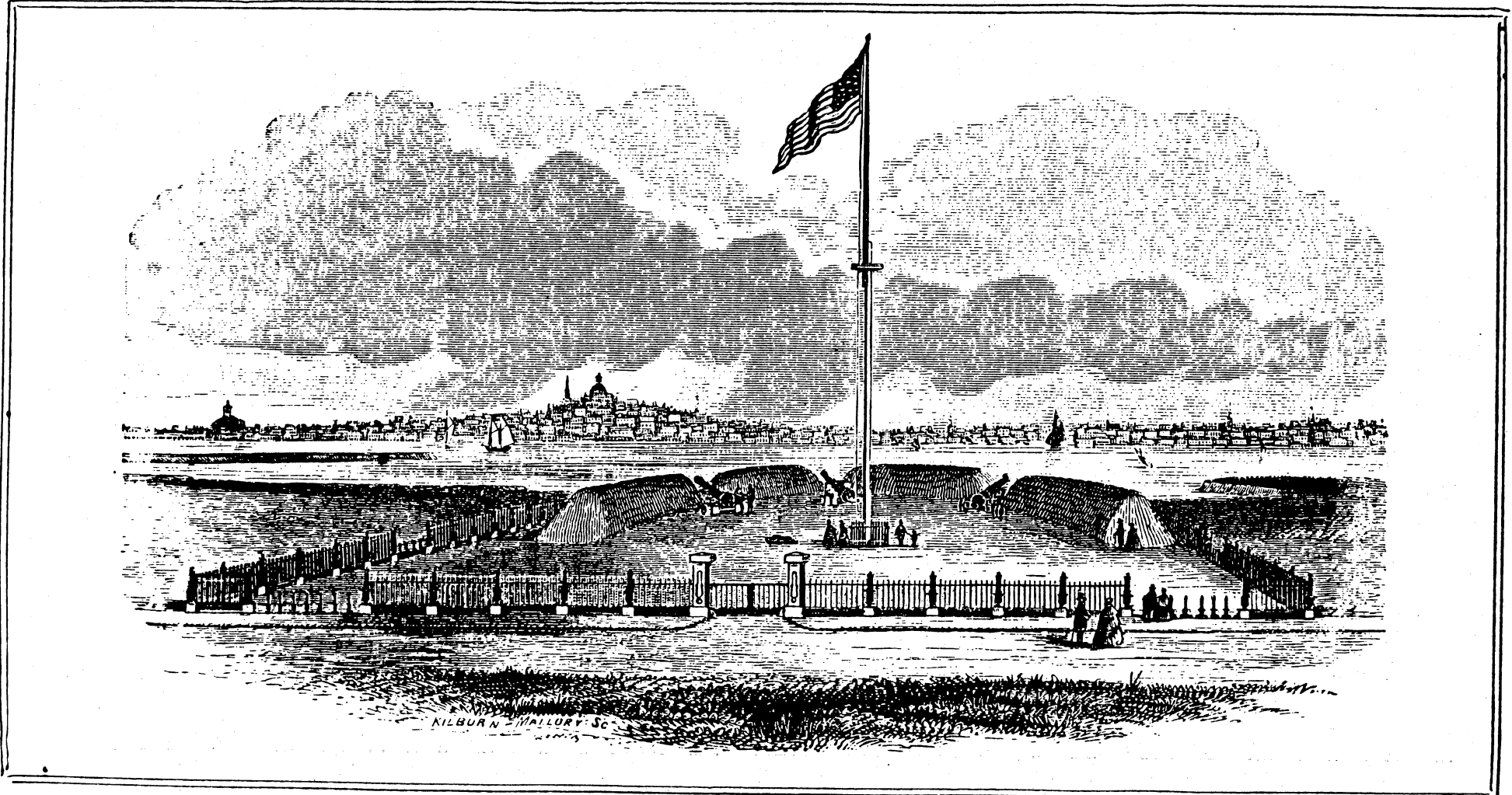
At the time Fort Washington was erected, it stood on the edge of the Charles River overlooking the Back Bay (then an open body of water) and the Boston Neck, and was surrounded on three sides by marsh and water. It consisted of an embankment in the form of a half-circle 120 feet in diameter, with openings for three light field pieces and a water-filled ditch in front from which the earth was excavated. There is no record that the fort participated in an engagement.

For sixty years after the Revolution, the fortifications lay abandoned in the marshes on the Charles, well apart from the settled parts of Cambridge and facing the unfilled flats of Boston's Back Bay. The development of turnpikes and bridges between Cambridge and Boston left the area untouched, and most of the peninsula below Central Square remained undeveloped and in the hands of the Dana family until the 1850s. In 1838, the family hired Alexander Wadsworth, surveyor of Mount Auburn Cemetery, to lay out a residential subdivision to be known as Pine Grove. Wadsworth's plan for the fort envisioned an oval

WAVERLY ST.



Plan of Fort Washington Park, c.1860. Office of the Cambridge City Engineer.



Fort Washington
in 1861

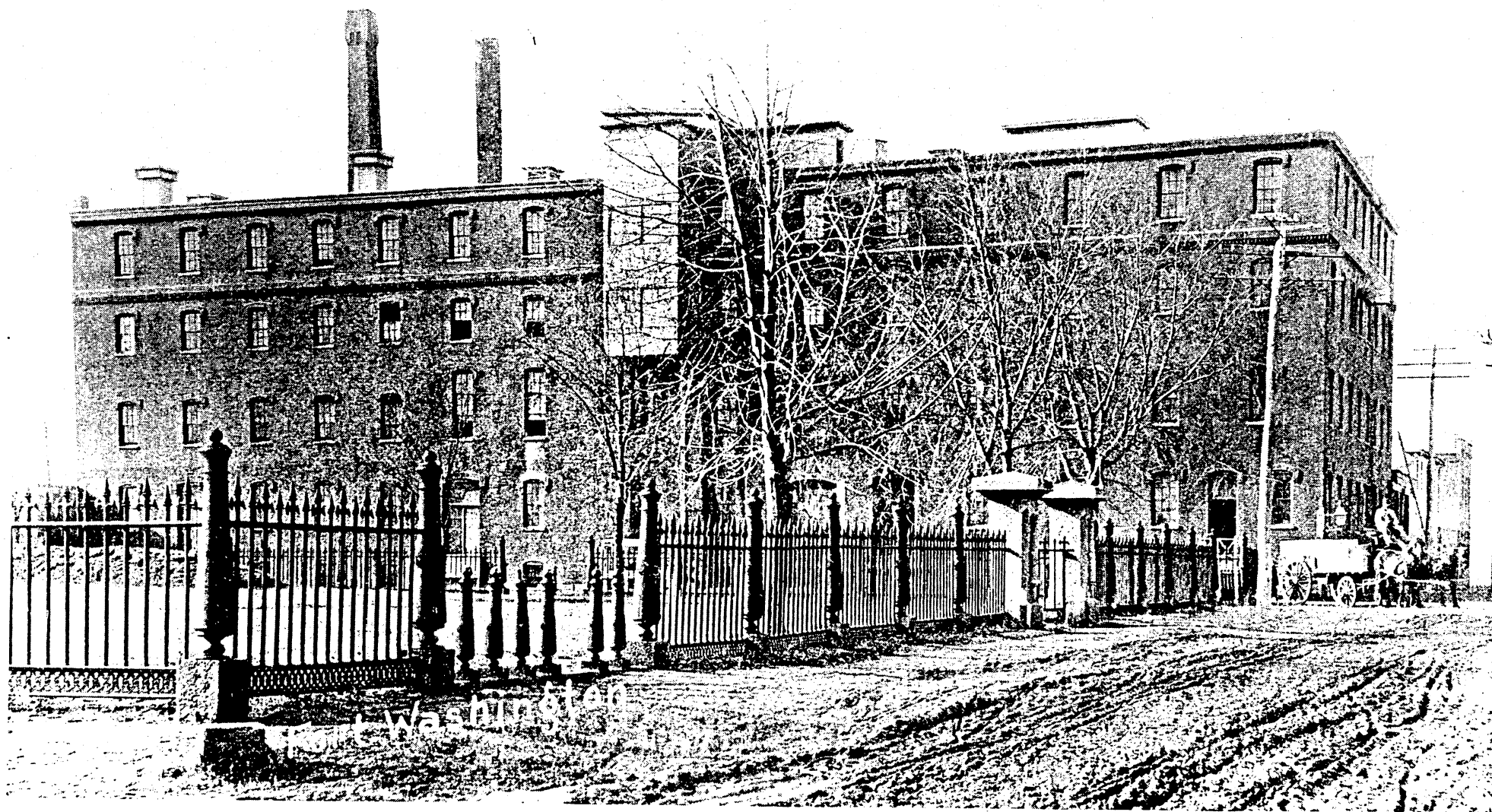
park to be known as Washington Square, bounded on three sides by lots subject to severe restrictions against "nauseous or offensive trades."

Pine Grove was not a success, however, and only two or three houses were built facing the park. In 1856 the Grand Junction Railroad built an embankment between the fort and the river, cutting off a corner of Washington Square, and in 1857 the Square was conveyed to the City by the Dana heirs to protect it against further incursions. The Commonwealth appropriated \$2,000. to improve the site, and the Secretaries of War and Navy provided the cannon and carriages presently located in the earthworks. The fence, and presumably the planting, was designed by John R. Hall, a Boston architect about whom nothing further is known, and cast by Joel Robinson of Cambridge for \$3,350. The plan, which is illustrated, shows the arrangement of the fence and entrances which existed until 1966. The only feature other than the earthworks and cannon was a flagpole.

The continuing industrialization of the park's surroundings led to neglect and deterioration, and by 1900 the neighborhood was known as "greasey village" for the adjacent soap works. In 1903 the park was restored by the City at the urging of the local chapter of the Daughters of the American Revolution. The park was well documented at that time and these drawings and photographs provided the basis of the 1976 restoration.



Rededication of
Fort Washington, 1903.
M.I.T. Historical
Collections.



Fort Washington
in 1878.

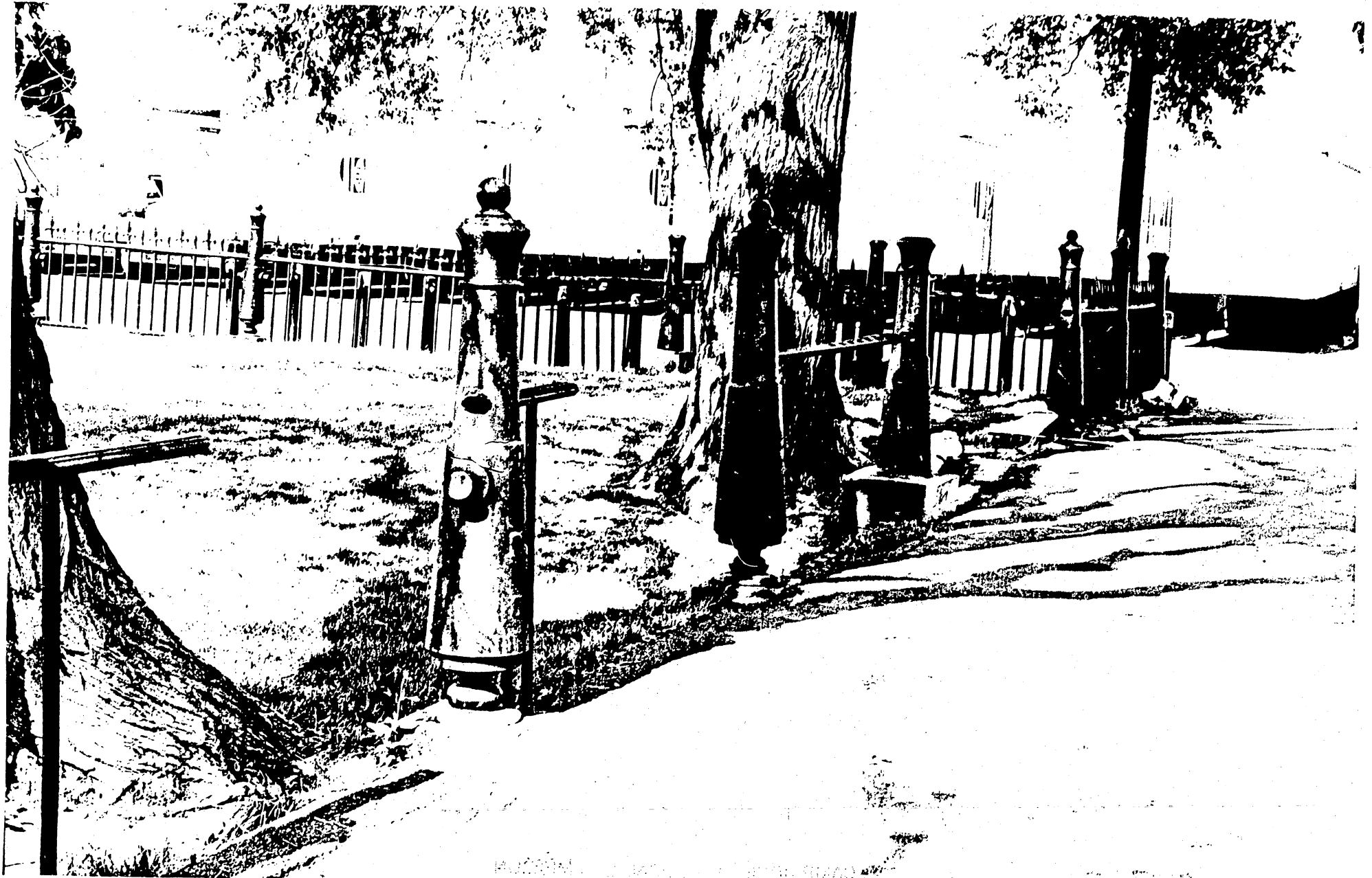
Cambridge Historical
Commission

The deterioration of the park accelerated after the St. Johnsbury Trucking Company located in the area during the 1940s. Factories on Reardon and Talbot Streets were demolished and paving was laid up to the park fence, without protective curbing. Allston Street - which had given the Cambridgeport community direct access to the park - was closed to permit construction of a trucking terminal. At some point, a portion of the park land along the railroad tracks was illegally paved, so that the park was completely ringed with streets and parking lots used by tractor-trailers. Lack of adequate maneuvering room meant that the fence was continually struck by trucks, and a misguided restoration in 1966 only hastened its deterioration. By 1975, no section of the fence remained intact and the earthworks were eroding badly.

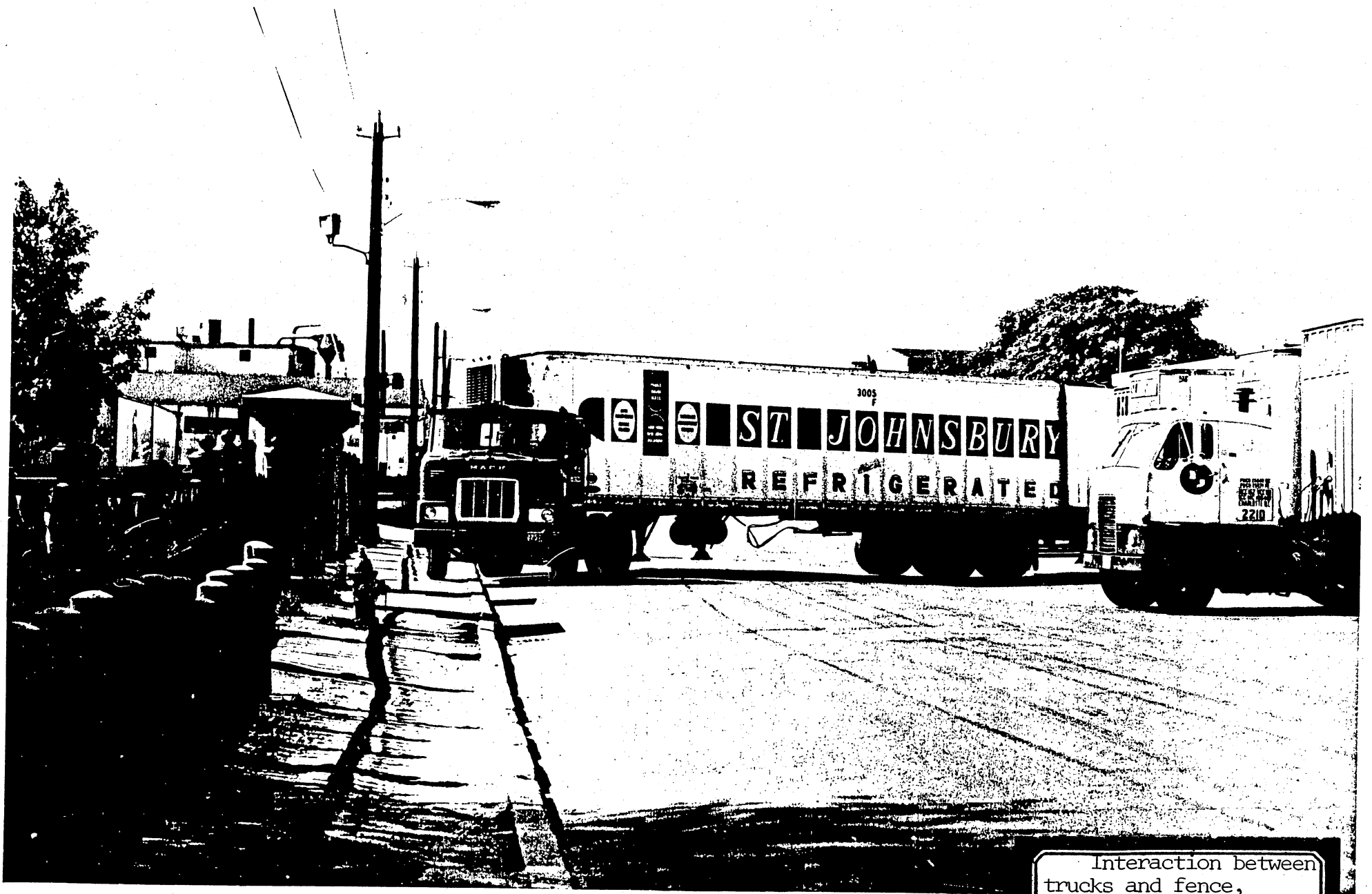
B. Restoration of the Park

The current appearance of Fort Washington Park is the result of an extensive restoration project carried out by the Cambridge Historical Commission between 1976 and 1978. The purpose of the restoration was to recapture the historical appearance of the park as developed in 1857 and to provide physical protection against encroachment by the incompatible activities which surround it. The establishment of a Fort Washington Historic District will provide further protection through statutory regulation.

The restoration of the park focussed on three areas: perimeter security, the restoration of the fence, and landscaping.



Fort Washington in 1975,
showing deterioration of
fence.

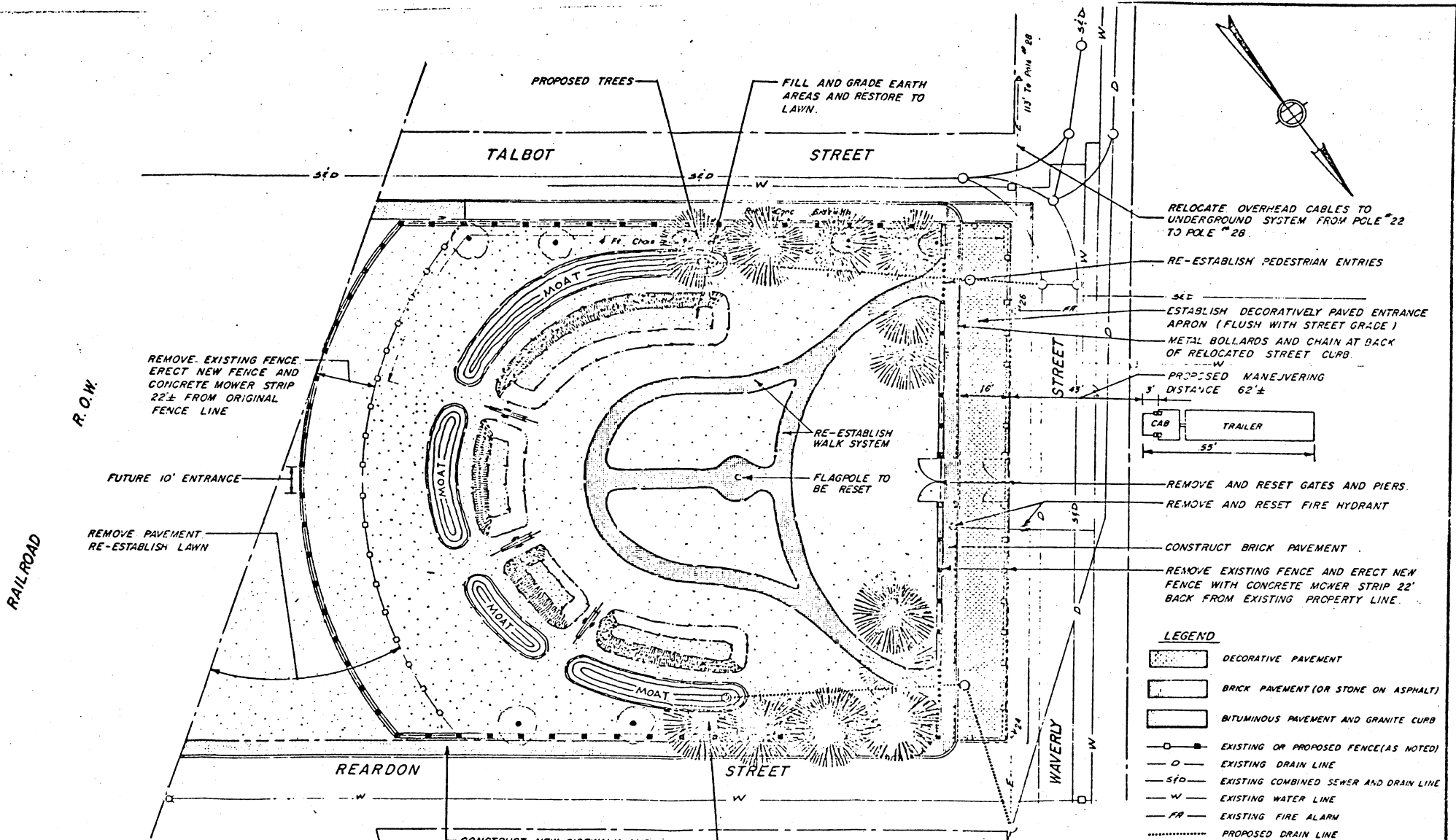


Typical traffic conditions on Waverly Street. Note the use of the sidewalk by the truck, and the appearance of the cement-filled steel pipe bollards at the extreme left.

Interaction between trucks and fence, Waverly Street, September, 1975
Cambridge Historical Commission Photo.

The restoration plan was based on the documented appearance of the park after its previous restoration in 1903, supplemented by an 1866 view, by drawings of the Historic American Buildings Survey, an archeological field survey, and field observation.

The need for perimeter security was dictated by the continual incursions of trucks, not by the need to restrict pedestrian access. Because the record of municipal maintenance of the park is poor, any restoration would have to be as nearly maintenance-free as possible, especially since no additional capital funds could be expected to repair future damage to the fence. Construction of a barrier that would be proof against damage by heavy trucks was considered an essential part of the project, but the narrowness of Waverly Street and the use by St. Johnsbury of a back-in loading operation meant that a barrier on that side would either be so high and sturdy as to obscure the fence or so far into the street as to deny St. Johnsbury the use of the public way. Accordingly, it was decided to relocate the fence of two sections, or 20' 10", away from Waverly Street. This allowed the use of an unobtrusive perimeter barrier of 10" by 10" timber bollards six feet away from the fence, as well as a new sidewalk ten feet wide, a higher-than-normal granite curbing, and a paving strip of granite setts laid in concrete. Six foot wide sidewalks with new curbing and bollards were also installed along Talbot and Reardon Streets where none had existed before, while access to the rear of the park was blocked and the paving removed.



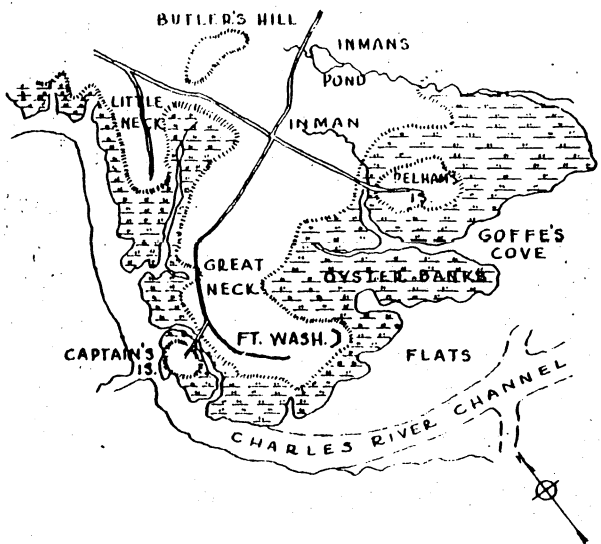
- RELOCATE OVERHEAD CABLES TO UNDERGROUND SYSTEM FROM POLE #22 TO POLE #28
- RE-ESTABLISH PEDESTRIAN ENTRIES
- ESTABLISH DECORATIVELY PAVED ENTRANCE APRON (FLUSH WITH STREET GRADE)
- METAL BOLLARDS AND CHAIN AT BACK OF RELOCATED STREET CURB
- PROPOSED MANEUVERING DISTANCE 62±
- REMOVE AND RESET GATES AND PIERS
- REMOVE AND RESET FIRE HYDRANT
- CONSTRUCT BRICK PAVEMENT
- REMOVE EXISTING FENCE AND ERECT NEW FENCE WITH CONCRETE MOWER STRIP 22± BACK FROM EXISTING PROPERTY LINE

- LEGEND**
- DECORATIVE PAVEMENT
 - BRICK PAVEMENT (OR STONE ON ASPHALT)
 - BITUMINOUS PAVEMENT AND GRANITE CURB
 - EXISTING OR PROPOSED FENCE (AS NOTED)
 - EXISTING DRAIN LINE
 - EXISTING COMBINED SEWER AND DRAIN LINE
 - EXISTING WATER LINE
 - EXISTING FIRE ALARM
 - PROPOSED DRAIN LINE

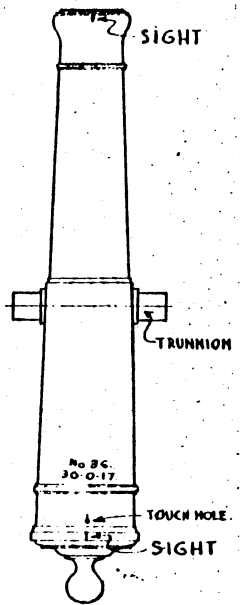
CAMBRIDGE HISTORICAL COMMISSION CITY OF CAMBRIDGE, MASSACHUSETTS	FEASIBILITY STUDY
ALTERNATIVE NO. 1	1" = 20'-0" SCALE
FORT WASHINGTON PARK	9-22-75 DATE
PROPOSED RESTORATIONS	FIGURE NO. 7
STORCH ASSOCIATES landscape architects-engineers-planners-environmental consultants	

The condition of the fence was ruinous when restoration began; it was found that not a single panel existed with all original components intact. The 1966 restoration had destroyed much original material and caused additional deterioration of the remaining parts. Because of these conditions and the need to relocate the Waverly Street fence, and because changed grades in the area had brought the new sidewalk grades to as much as 18" above the bottom rail of the original fence, it was decided to dismantle the original fence, relocate the stone gate posts, and reset the granite bases to match the new grade. Of all the original components, only the cannon posts could be reused; all top and bottom rails and pickets were cast from patterns made to duplicate the originals. All traces of the miniature cannon at the pedestrian entrances had disappeared and these sections had been filled in with fencing; these cannon were cast from patterns made from the HABS drawings of 1934, and the original granite sills were found buried under asphalt. Budget constraints dictated that only the Waverly Street fence and gates and several panels on Talbot and Reardon Streets could be restored. The remaining sections of the original fence were left in place, and the original granite bases uncovered.

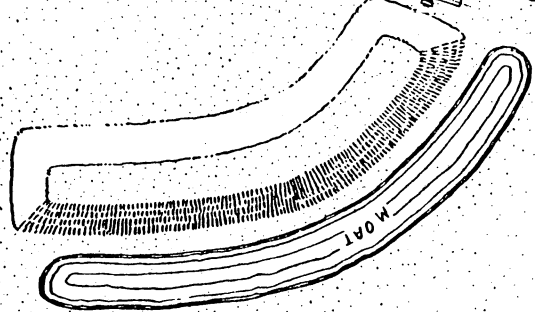
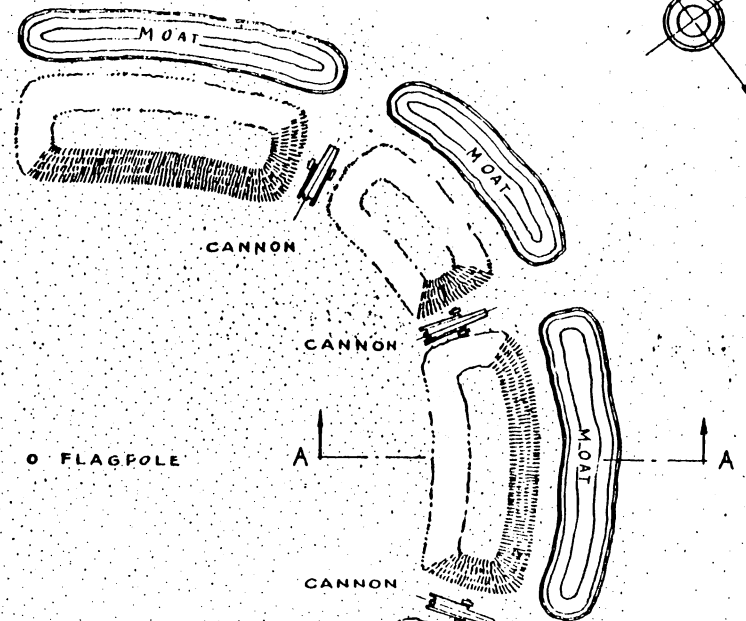
Landscaping of the site mainly focussed on protecting the earthworks from further deterioration. An archeological survey made in 1975 determined that the earthworks dated from the 18th century, and consisted of a core of highly organic marsh soil under a later layer of gravel and topsoil. This protective layer had been eroded along the tops of the mounds,



TAKEN FROM A MAP COMPILED TO SHOW THE PAROLE LIMITS OF BURGOYNE'S OFFICERS IN 1777.

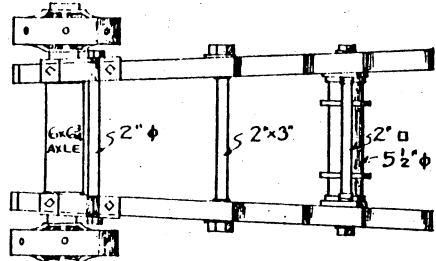


CANNON PLAN.

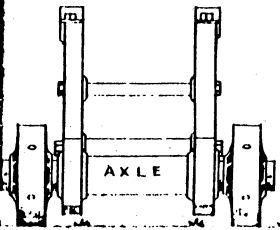


PLAN OF FORT

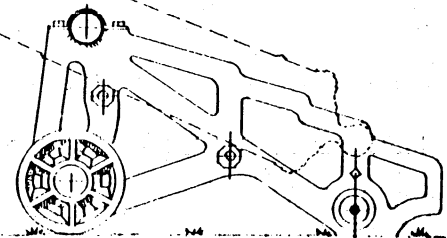
DETAILS OF CANNON AND CARRIAGE



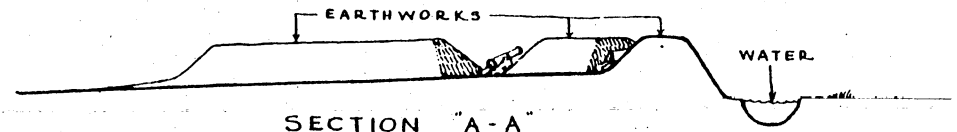
PLAN OF GUN CARRIAGE



FRONT ELEVATION



SIDE ELEVATION



SECTION "A-A"



Historic American Building Survey, 1934

JOHN LATIMER TURNER DEL.
U.S. DEPARTMENT OF THE INTERIOR
OFFICE OF NATIONAL PARKS, BUILDINGS, AND RESERVATIONS
BRANCH OF PLANS AND DESIGN

BUILT IN 1775

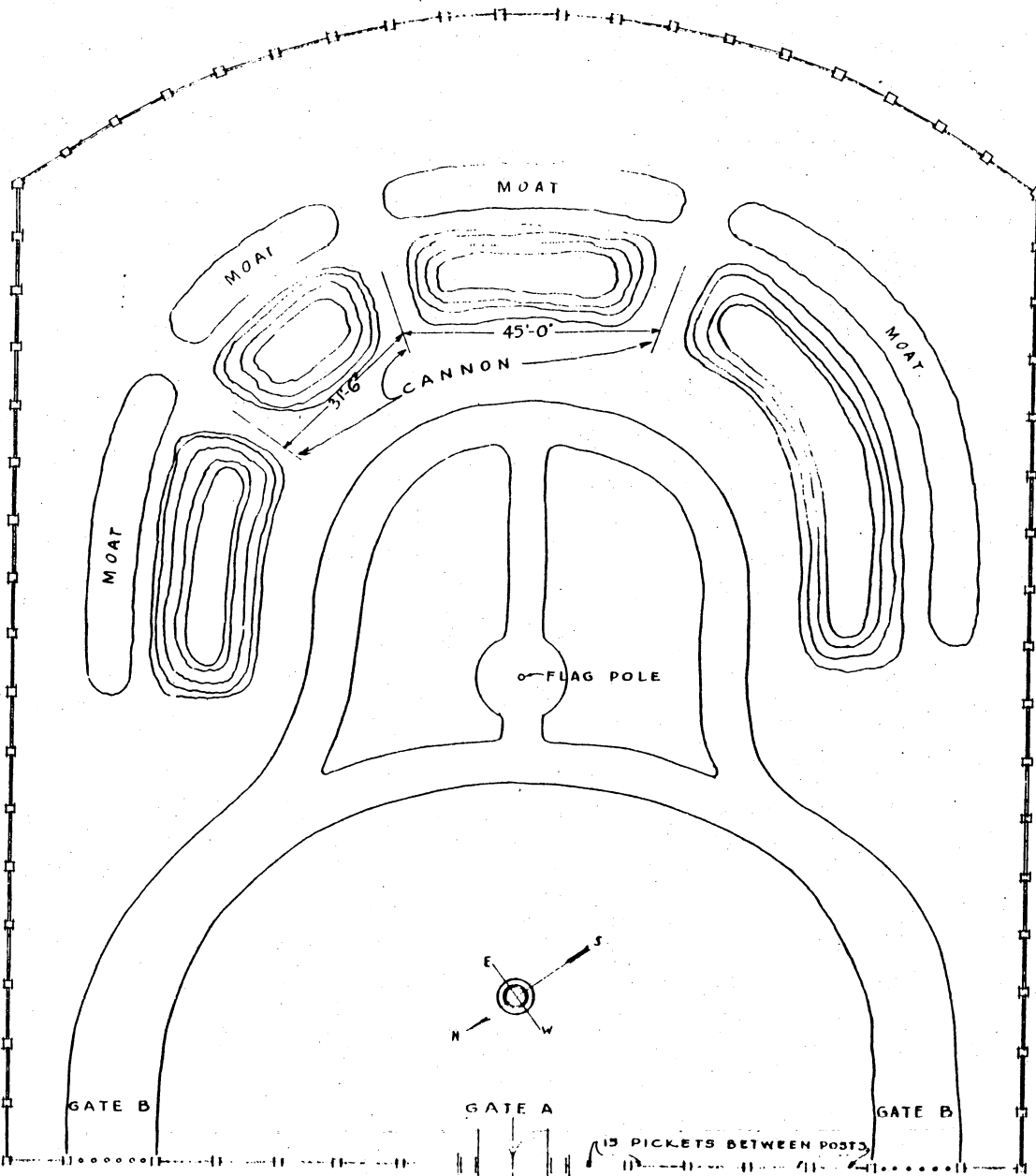
NAME OF STRUCTURE
FORT WASHINGTON · CAMBRIDGE · MIDDLESEX CO · MASS.

SURVEY NO.
2-48

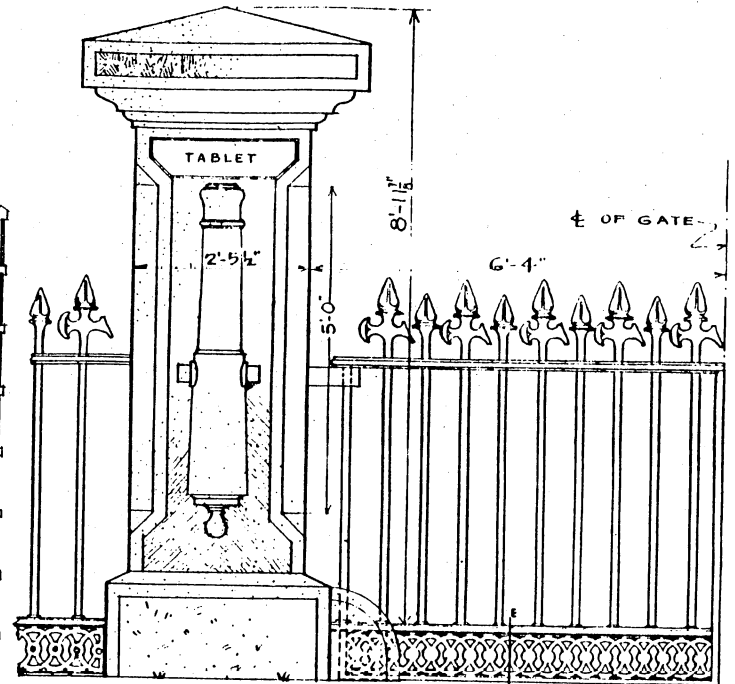
HISTORIC AMERICAN BUILDINGS SURVEY
SHEET 1 OF 3 SHEETS

INDEX NO.

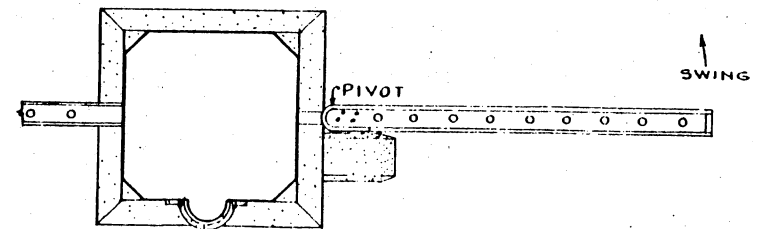
Historic American Building Survey, 1934



PLAN OF PARK

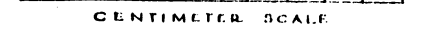
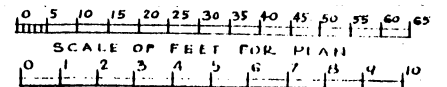


GATE AND GATE POST ELEVATION



PLAN

▲ INSCRIPTION ON TABLET ▲
 "FORT WASHINGTON
 CONSTRUCTED NOVEMBER 1775 BY THE
 CONTINENTAL ARMY UNDER
 GENERAL GEORGE WASHINGTON"



JOHN LATIMER TURNER, DEL.

DATE OF FENCE AND PARK 1858

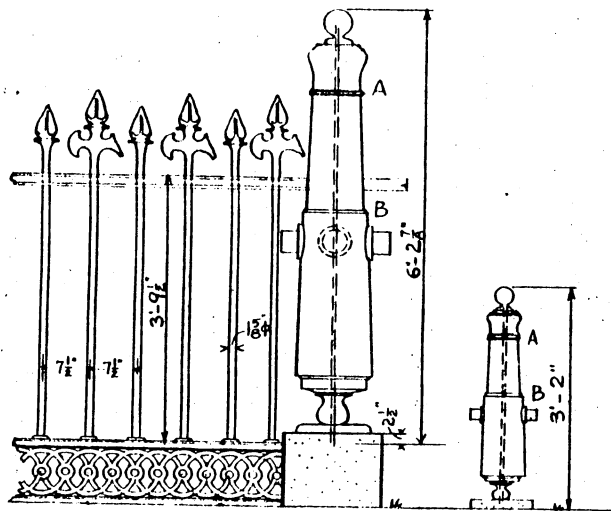
U.S. DEPARTMENT OF THE INTERIOR
 OFFICE OF NATIONAL PARKS, BUILDINGS, AND RESERVATIONS
 BRANCH OF PLANS AND DESIGN

NAME OF STRUCTURE
 IRON WORK - FORT WASHINGTON PARK - CAMBRIDGE - MIDDLESEX CO. MASS.

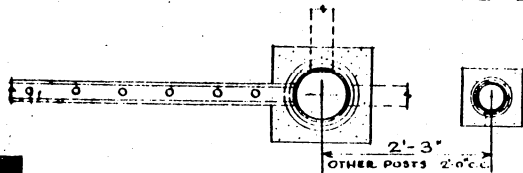
SURVEY NO.
 2-48

HISTORIC AMERICAN BUILDINGS SURVEY
 SHEET 2 OF 3 SHEETS

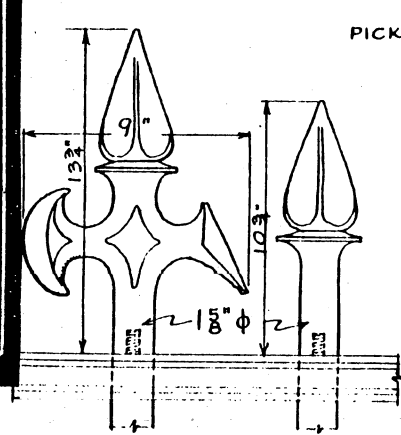
INDEX NO.



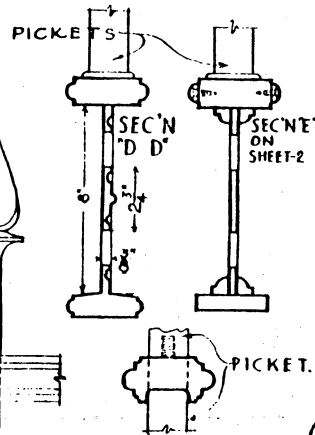
PICKETS AND TYPICAL POST
INTERMEDIATE POST AT GATE B



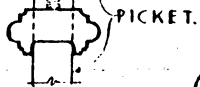
PLAN



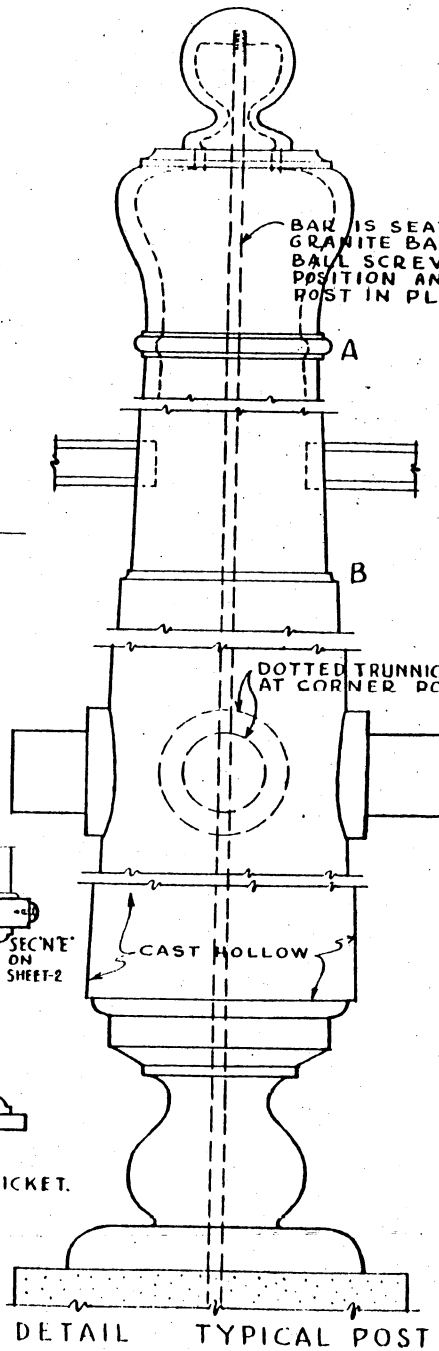
PICKET DETAILS
PICKET HEADS SCREW IN PLACE



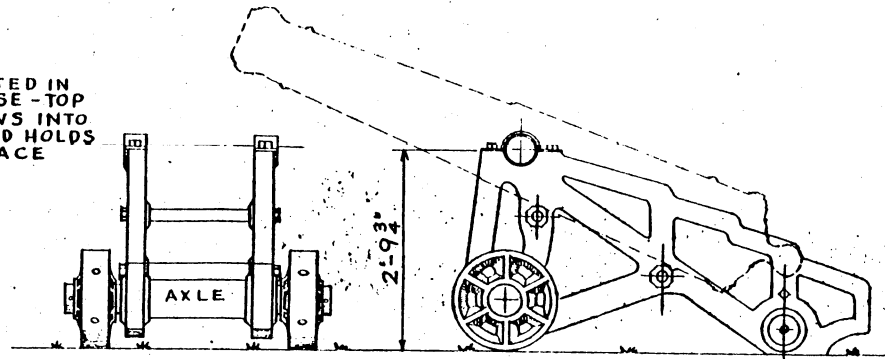
RAIL



PICKET



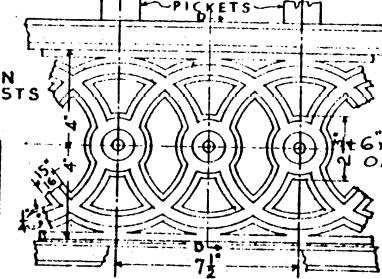
DETAIL TYPICAL POST



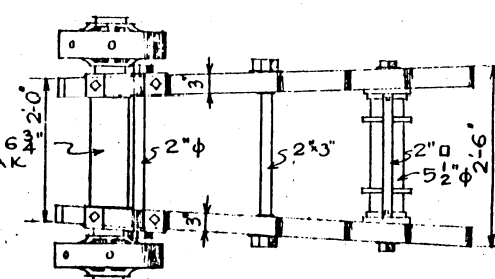
FRONT ELEVATION

SIDE ELEVATION

GUN CARRIAGE



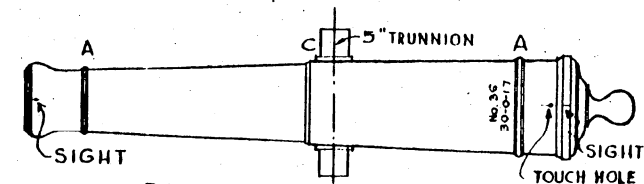
BOTTOM OF FENCE.
(CAST-IRON)



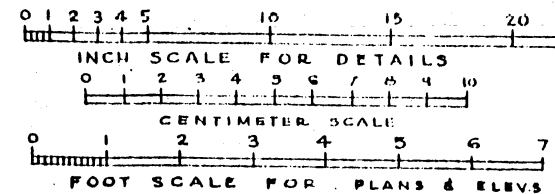
PLAN OF GUN CARRIAGE



MOUTH



PLAN OF CANNON



JOHN LATIMOR TURNER, DRL.

DATE OF FENCE AND PARK 1858

U.S. DEPARTMENT OF THE INTERIOR
OFFICE OF NATIONAL PARKS, BUILDINGS, AND RESERVATIONS
BRANCH OF PLANS AND DESIGN

NAME OF STRUCTURE
IRON WORK - FORT WASHINGTON PARK - CAMBRIDGE - MIDDLESEX CO. MASS.

SURVEY NO.
2-48

HISTORIC AMERICAN
BUILDINGS SURVEY
SHEET 3 OF 3 SHEETS

INDEX NO.

Historic American
Building Survey, 1934

coming dangerously close to exposing the original core to erosion. These areas were regraded and seeded, and the park's original large elms, which succumbed to disease during the project, were completely replaced by disease-resistant Japanese elms. Finally, the formerly paved areas were also graded and seeded, increasing the landscaped area of the park by twenty per cent.

The first stage of the restoration was completed in 1978. The barrier of timber bollards has been successful in protecting the fence from damage, although some of the bollards themselves have been damaged. The restored fence appears to be standing up to the weather successfully and the longterm prospects of the park appear to be good, although completion of the restoration is not envisioned in the foreseeable future because of the lack of funds for such projects.

C. The Need for Statutory Protection

Fort Washington exists as the sole public open-space within the large industrial and commercial district west of the Conrail tracks and between Massachusetts Avenue and the Charles River. It is an isolated location, separated from M.I.T. and the Charles River by the railroad tracks and the warehouses along Vassar Street and from the residential community by the St. Johnsbury terminal across the former line of Allston Street. It is further isolated from the community at large by a confused street pattern. It has no resident user population and lies on no present through pedestrian or vehicular route.

The vulnerability of the park to deterioration in the

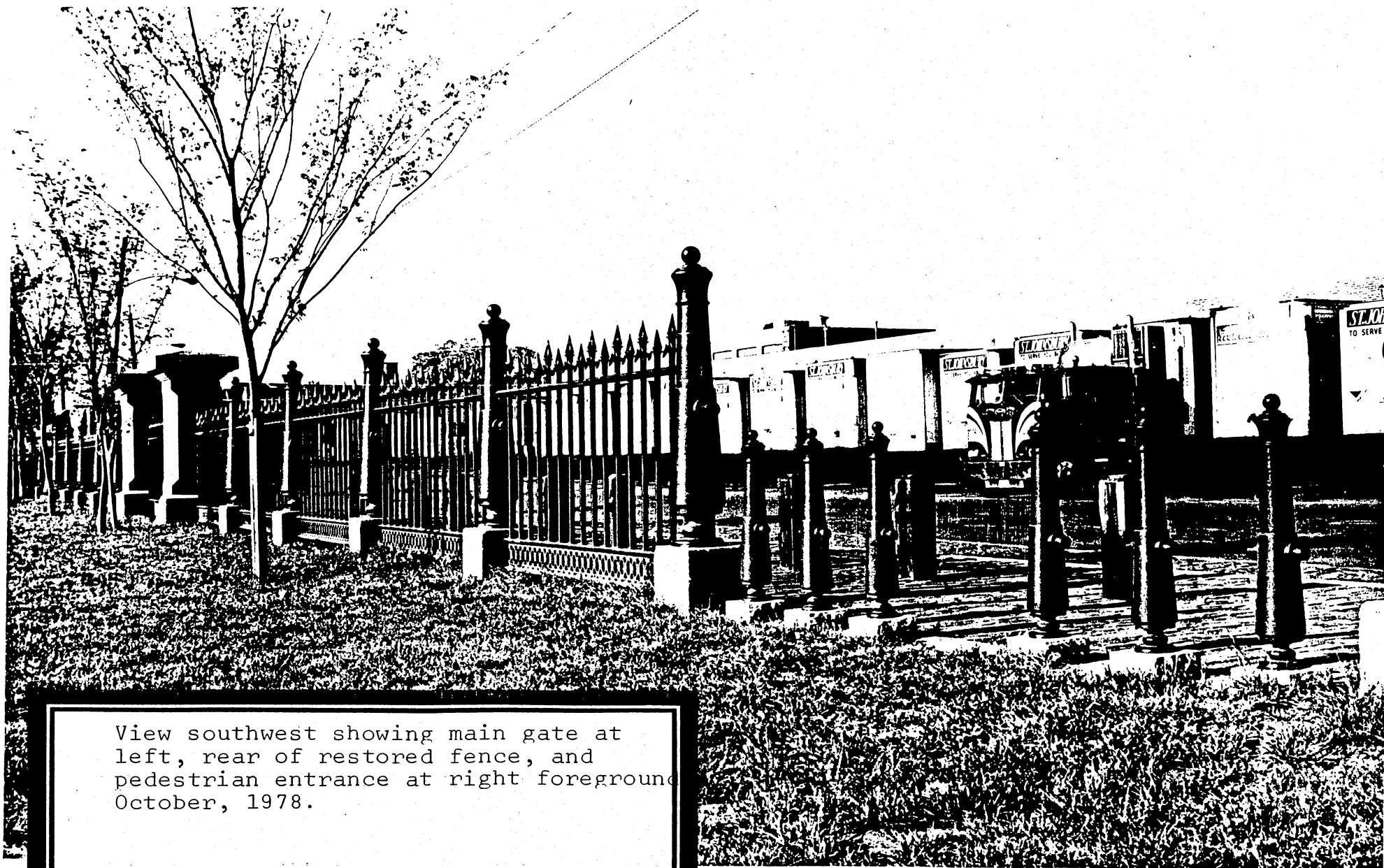


Waverly Street frontage after restoration, showing new fence; bollards and relocated utilities; new 9" curb and brick sidewalk; and granite paving. October, 1978

past was due to its isolation and industrial surroundings, and the recent restoration project was intended to secure the park against a hostile environment for many years to come. Prospects for a change in the setting of the park are now greater than they have been in recent history, due to the departure of the St. Johnsbury Company and the sale of their property to American Science & Engineering, Inc. (AS&E), for an office headquarters and light manufacturing facility. At the same time, the Massachusetts Institute of Technology, owner of vacant lots facing the park on Reardon and Talbot Streets, has begun to study the possibilities of new development on these parcels. Finally, AS&E has pressed for pedestrian access across the railroad tracks to the River, holding out the prospect of generating park visitors from the Hyatt Regency Hotel as well as from the community.

The objectives of the Historical Commission for the redevelopment of the Fort Washington area are to promote development of the surrounding vacant lots with structures that will create an appropriate urban setting for this former residential square; to retain an open "field of fire" toward the River and Boston, recalling the original military purpose of the fort; and to develop a resident user population for the park, whether through residential users on the surrounding properties or through improved pedestrian connections with the rest of Cambridgeport.

The historic district proposed by the Commission will promote these objectives without restricting development of the area. The district will include the 0.97 acre park, plus



View southwest showing main gate at left, rear of restored fence, and pedestrian entrance at right foreground. October, 1978.

an additional area of 108,400 square feet lying within 100 feet of the park boundary on the north, south and west. On the east, a corridor 50 feet wide on axis with the center line of the park will extend to Vassar Street. This perimeter zone will incorporate portions of the former St. Johnsbury property along the northwest side of Waverly Street, including 377 feet of the Waverly Street facade of the existing building; portions of three vacant lots owned by M.I.T. west of the Conrail tracks; a section of the Conrail right-of-way; and portions of two lots east of the tracks, also owned by M.I.T. Also included are Talbot and Reardon Streets in their entirety, and portions of Waverly and Anglim Streets, the latter an unaccepted public way occupied by a spur track owned by the Stimpson Realty Company. No existing buildings are included, although AS&E's exterior of the former St. Johnsbury terminal will fall within the district when it is completed. This extension will not fall under historic district review because construction is underway.

These properties and their ownership are summarized in the accompanying table.

Properties Located in the Proposed Fort Washington Historic District

<u>Assessors Plan Parcel Number</u>	<u>Street Address</u>	<u>Owner</u>	<u>Use</u>	<u>Building Date</u>
66-74	95-111 Waverly Street	City of Cambridge	Fort Washington Park	----
66-73	117-139 Waverly Street	M.I.T.	Parking lot	----
66-99	91 Waverly Street	M.I.T.	Parking lot	----
66-138	66-116 Waverly Street taxed at 6-24 Allston Street	American Science & Engineering	Offices	1946 1981
61-9	269 Vassar Street	M.I.T.		----
61-12	277-287 Vassar Street	M.I.T.	Parking lot	----

Source:
Cambridge Assessors Office
September 16, 1981

II. The Nature of Historic District Protection

The objective of the Cambridge Historical Commission in proposing historic district status for Fort Washington is to provide protection against inappropriate development for the only remaining fortification associated with the Siege of Boston.

Historic district status provides this protection by giving the Historical Commission the authority to review all new construction, additions, and alterations to structures within the district and visible from a public way. This authority is derived from Chapter 40C of the General Laws of the Commonwealth, and has been exercised by the Historical Commission in four districts in Cambridge from 1963 to 1976 and in one consolidated district since that time.

Just as zoning is intended to protect property owners against inappropriate uses or bulk of buildings next door or in the immediate neighborhood, so historic district protection is intended to prevent incongruous changes or developments in the district which might hurt or destroy the character and setting of a site with historical significance.

Thus, when a property owner proposes alterations or changes, there is a public hearing before a building permit will be issued. Under the Historic Districts Act, the Historical Commission provides that notice and hearing, and then issues one of three certificates: (1) Certificate of Appropriateness; (2) Certificate of Hardship; or (3) Certificate of Nonapplicability.

A. Objectives

The purpose of historic districting is stated in the enabling legislation, Chapter 40C of the General Laws. The Act is intended "to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the Commonwealth and its cities and towns or their architecture, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith."

The first Massachusetts historic districts, on Beacon Hill and in Nantucket, were established by special Acts in 1955 following an opinion of the Massachusetts Supreme Judicial Court that such legislation was a constitutional use of the State's power to promote the public welfare. The Massachusetts Court cited a United States Supreme Court decision in the case of Berman vs. Parker (1954):

The concept of the public welfare is broad and inclusive.... The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled.¹

More recently, the Massachusetts Supreme Judicial Court has ruled in connection with the right of a municipality to prohibit billboards, that "aesthetics alone may justify

¹348 U.S. 26 (1954)

the exercise of the police power," and quoted Article 97 of the Amendments to the Massachusetts Constitution, which established as state policy the right of the people to "the natural, scenic, historic, and aesthetic qualities of their environment...."²

The courts have also upheld historic districts on the grounds of their contribution to the economic well-being of a community. The Supreme Judicial Court in the Nantucket opinion noted that "the erection of a few wholly incongruous structures might destroy one of the principal assets of the town."³ The courts have noted that these benefits may accrue to the individual property owner as well as to the community at large, but have considered that public purposes are served if the public good outweighs private costs.⁴

It has been judicially determined that historic district legislation does not constitute a taking of private property without compensation, and it has been noted that many zoning ordinances are as demanding in their application.⁵ Once again, the public benefit is held superior to a reasonable degree of private sacrifice, a principle that was recently upheld by the United States Supreme Court in confirming the landmark designation of Grand Central Terminal in New York City.

² John Donnelly & Sons vs. Outdoor Advertising Board (1975)

³ 333 Mass. 773, 780 (1955)

⁴ T. J. Reed, Land Use Controls in Historic Areas, 44

Notre Dame Lawyer 3, 387.

⁵ 333 Mass. 773, 778 (1955)

Power to establish historic districts is not given lightly. Chapter 40C requires a thorough survey and report on the areas proposed for protection, review and comment by other public agencies, a public hearing with notification of all affected property owners, and passage of the historic district ordinance by the City Council by a two-thirds majority. Once a district has been established the local historical commission holds the power to review all construction and alterations of structures that will be visible from a public street, sidewalk, or park. This authority cannot be arbitrarily exercised, however; the legislation requires that a commission "shall not make any recommendations or requirement except for the purpose of preventing developments incongruous to the historic aspects or architectural features of the ... district." The Supreme Judicial Court, in reviewing the Nantucket ordinance in 1955, warned that enforcement actions would need to be carefully circumscribed, since in some instances decisions of an historical commission might give rise to "peculiar hardship and remoteness from the legitimate purpose of the act" which would amount to unconstitutional applications of it. Accordingly, the legislation establishes a time limit requiring a commission to act on a petition within a given period, and provides for appeal of commission decisions.

B. Administration of Historic Districts

The administration of historic districts is guided in every respect by the provisions of Chapter 40C, except as especially provided for in the local ordinance creating the district, or as established as a policy by an historical

commission.

All buildings of whatever size or function, as well as all structures, including signs, fences, walks, terraces, driveways, walls, light fixtures, or the like, which are "open to view from a public street, public way, public park or public body of water", fall within the review of the commission. Building projects which must be reviewed include construction, reconstruction, erection, demolition, removal, and changes in color as they affect exterior features of a structure visible from a public street, way, or park. Such features include, but are not limited to, the kind, color, and texture of exterior building materials, the color of paint or materials used on exterior surfaces, and the type and style of windows, doors, lights, signs, and other fixtures.

Although the legislation provides for commission review of every exterior architectural feature visible from a public way, certain items may be excluded from control when the ordinance is drafted. These may include terraces, walkways, driveways, and sidewalks; walls and fences; temporary signs and structures; storm doors and windows, air conditioners, lighting fixtures, antennae and the like; and color of paint and roofs. An historical commission may also impose dimensional and set-back requirements more stringent than required by the zoning code. However, a commission may make no conditions "except for the purpose of preventing developments incongruous to the historic aspects or architectural characteristics ... of the historic district."

The commission issues three types of certificates as the basic administrative method by which proposed alterations are reviewed, and no building or demolition permit for work in a district can be issued until a certificate has been issued.

Each type of certificate is issued after evaluation of the circumstances. A certificate of appropriateness will be issued when the commission has determined that a project is not incongruous with the historic district; this is the most common certificate issued by most commissions. A certificate of nonapplicability is issued for a project which the commission determines does not involve an exterior feature, or one not visible from a public way. Finally, a certificate of hardship may be issued when refusal to issue a certificate of appropriateness or nonapplicability would cause the applicant substantial hardship, financial or otherwise, as long as there is no substantial detriment to the district.

Application for a certificate is made by submitting a description of the proposed alteration along with plans or photographs sufficient for the commission to judge the effect of the proposed alteration. The commission must determine within fourteen days of an application whether a certificate is required.

In passing on applications for certificates, a commission is required to consider, among other things, the historic and architectural values and significance of the site, building, or structure, the general design, arrangement, texture, material and color of the features involved, and the relationship

of these features to similar features of buildings in the surrounding area. In the case of new construction or additions to existing buildings, the commission must consider the size and shape of the building, in relation to both its site and surrounding buildings, and can establish a policy to exclude features from control after the historic district is established. The commission can also establish appropriate designs or lists of paint colors, roofing materials, or the like for the guidance of property owners.

A commission cannot review alterations to interiors of structures, nor alterations which are not visible from a public way, even though such alterations may still be within a district. Furthermore, landscaping with plants, trees or shrubs is specifically excluded from review, and the commission is not concerned with ordinary maintenance, repair, or replacements that do not involve a change in exterior appearance. Enactment of an historic district in no way requires owners to alter their properties, nor requires restoration of a structure to any set historical period. Work must be reviewed only if it involves a change from that which exists on enactment of the ordinance; maintenance or replacement of an architectural feature incongruous with the historic or architectural qualities of the district may take place without a certificate as long as there is no change in exterior appearance.

If the commission deems the alteration to require a certificate, it may take action either through a public hearing or by simple vote after notice to surrounding property owners.

A public hearing is held in the event that the alterations are deemed substantial; surrounding property owners are given two weeks' notice, and the application is given consideration in terms of the criteria listed above. However, if the application involves an alteration which is considered insubstantial in its effect, the commission may simply vote on the matter after allowing ten days for comment by surrounding property owners.

If a commission disapproves the application for a certificate, it must give its reasons to the applicant in writing. However, a commission is specifically authorized to make recommendations for changes which would make the application acceptable. If the applicant modifies the application to conform to the commission's suggestions, a certificate must be issued.

An applicant aggrieved by a decision of a commission may appeal to the Superior Court sitting in equity for that county; costs are not assessed against the person appealing unless the court finds that action was taken in bad faith. Similarly, the Superior Court may enforce the provisions of the historic district legislation through injunction, court order, and fine.

C. Establishment of an Historic District

Procedures for the organization of an historic district are established by the Massachusetts Historical Commission under the provisions of Chapter 40C. An existing historical commission is empowered under the legislation to initiate consideration of possible historic districts, and must

conduct a survey as the basis for its decisions. In the course of preparing the required preliminary report, the commission must consider the options set forth in the legislation for exemption of certain architectural features from review, outline the exact boundaries of the area to be included in the historic district, present a full architectural and historical justification for the area, and draft an ordinance implementing the district.

The preliminary report must be submitted to the local planning board and the Massachusetts Historical Commission, and distributed to affected property owners as well. A public hearing, for which all affected property owners must be given two weeks written notice, must be held no less than sixty days after the report has been released. The object of the public hearing is to allow comments to be officially recorded.

After the public hearing, the historical commission prepares a final report which takes into account the comments received at the public hearing and the recommendations of the planning board and the Massachusetts Historical Commission. The report is then submitted to the City Council, where a two-thirds majority vote is required for the ordinance to be adopted. The district finally goes into effect when an official map showing the boundaries of the district is filed with the registry of deeds.

III. Administration of Existing and Proposed Historic Districts

The Cambridge Historical Commission was established in 1963 to administer four historic districts around Cambridge Common and along Brattle Street, to conduct a survey of Cambridge architecture, and to engage in other duties concerned with the protection and improvement of architecturally and historically important buildings and sites.

The four original historic districts were established to protect a number of individually important sites and open spaces. The Cambridge Common District was intended to protect the Common and its surroundings, and did so by establishing a perimeter boundary line running 100 feet from and parallel to the curbing around the Common. Two other major features, the complex of buildings making up the oldest structures in Harvard Yard and the Old Burying Ground, were also included, as were a number of modern structures which fell within the perimeter. The objective of the Fort Washington Historic District is similar: to protect an historic public open space from inappropriate development of its surroundings. The other districts in Old Cambridge were established mainly to protect a number of residential properties associated with the Tory estates and the Revolution, although many significant later structures were included as well. The combined and expanded Old Cambridge Historic District approved in 1976 had additional objectives, among them the protection of Mason and Brattle Streets and Elmwood Avenue as Tory Row and the historic Path

to Watertown. This added area also included many buildings of historic and architectural significance.

A. Design Objectives

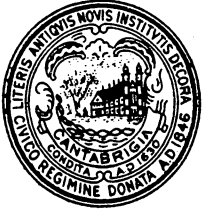
Many historical commissions have attempted to establish a single architectural style as the only acceptable one for new construction or alterations in historic districts, and this has been a legitimate cause of concern among property owners and architects. The Cambridge Historical Commission has recognized that no single style is "correct", and that a large measure of the architectural and historical value of the Old Cambridge Historic District stems from the diversity of periods and architectural styles represented there. In the case of 133 Brattle Street, the Commission explicitly accepted an uncompromising modern design. Historic district review is necessary in such areas to protect against developments which are incompatible in scale, siting, or design, not to guard against construction in any particular style of architecture.

The 100 foot perimeter and corridor to Vassar Street proposed for the Fort Washington Historic District are designed to protect against inappropriate future development, not to regulate alterations to or demolition of existing buildings. The effect of limiting protection to this perimeter will be to control only the height and facade treatment of new buildings as they face the park. The portions outside the district or buildings which may be built on the north, south and west of the park will not be subject to review.

The order establishing the Fort Washington Historic District has been drafted to conform with the provisions of Chapter 40C of the Massachusetts General Laws, and will cover the exterior appearance of future buildings in the district as well as any future alterations to the park itself. Designs of sidewalks and street furniture in the district will be specifically included.

APPENDIX

- A. Proposed Amendment to the Cambridge Historical Commission
Ordinance



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

September 28, 1981

To the Honorable, the City Council:

Enclosed please find copy of the Final Report on the Proposed Fort Washington Historic District, as submitted by the Cambridge Historical Commission.

Very truly yours,

Robert W. Healy
City Manager

RWH/mbf
Enc.

Agenda Item # 4

0-51

Re: Final Report on Proposed Fort Washington Historic District submitted by Camb. Historical Commission.

In City Council,

September 28, 1981

9/28/81

Prepared to the
- COMMITTEE ON -
- ORDINANCES -

12/28/81

- Passed to Board
Reading -