

PROTECTED LANDMARKS IN CAMBRIDGE

Preserving Our Heritage

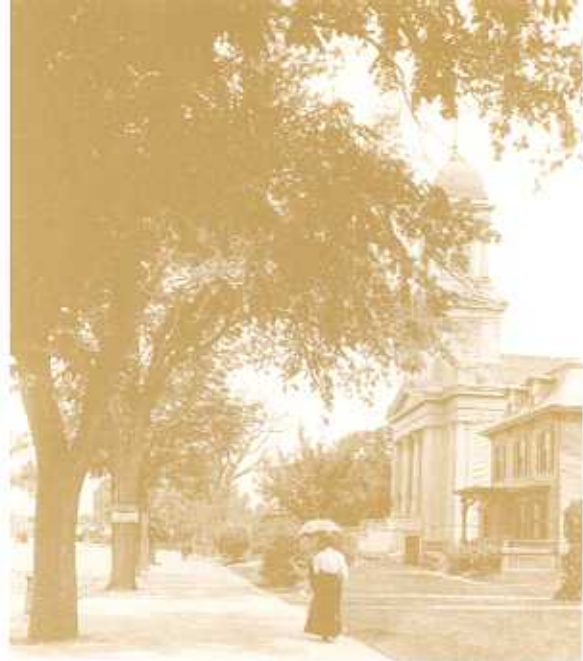
In 1983, the Cambridge City Council adopted legislation designed to preserve and protect areas and buildings significant in Cambridge's history. Article III of Chapter 2.78 of the Cambridge City Code allows for the "establishment of neighborhood conservation districts and protected landmarks."

Neighborhood conservation districts are groups of buildings and their settings that are architecturally and historically distinctive; landmarks are individual buildings, objects, sites, and structures whose design or history makes them worthy of preservation. Landmark designation recognizes only a select number of properties that are important to the city as a whole, protecting them so that their unique qualities are maintained for the benefit of all Cambridge citizens.

Landmark Designation

The purpose of landmark designation is stated in Article III:

to preserve, conserve and protect the beauty and heritage of the City of Cambridge . . . to resist and restrain environmental influences



adverse to this purpose; to foster appropriate use and wider public knowledge of [distinctive] structures; and . . . to promote the public welfare by making the City a more attractive and desirable place in which to live and work.

The process of designating a landmark begins when ten registered voters petition the Historical Commission to study a property for landmark designation. Alternatively, the Historical Commission may initiate the landmark process on its own. If the Commission finds the property eligible for study and votes to accept the petition, a year-long period of study commences during which the property is protected as if it were already designated. This "interim protection" period requires that the Commission review and approve any alterations proposed for the premises prior to the issuance of a building permit.

During the study period, the Commission staff prepares a report on the proposed landmark that details its history and significance, develops boundaries and standards for the property, and, if justified, recommends a landmark designation order. The report is transmitted to the Commission for its review, and, no more than 45 days later, is considered at a public hearing. If the Commission so votes, the study report is forwarded to the City Council with a recommendation to

designate. Designations are made by City Council order and require a majority vote of the Council.

The Effect of Designation

When a property is designated a Cambridge Landmark, exterior alterations come under the jurisdiction of the Cambridge Historical Commission. The Commission is then empowered to approve, before work begins, any new construction, demolition, or alteration that will be visible from any public way or place. No such work can be undertaken, nor can a building permit be obtained, until the Commission has issued a Certificate of Appropriateness, Hardship, or Non-Applicability.

The Public Benefit

Designation of a building, object, site, or structure as a Cambridge Landmark is an honor that recognizes the excellence of its design or its unique place in the city's history. Landmark designation occurs when the Historical Commission and the City Council find that a particular property is so important to the city's heritage that its preservation benefits the city as a whole. Landmarks deserve special protection because they enhance our shared quality of life.

In 1978, the Supreme Court found that landmark designation is constitutional if it does not deny reasonable use of the property and if it serves a substantial public purpose. In the words of Justice William J. Brennan, "Not only do these buildings and their workmanship represent the lessons of the past and embody precious features of our heritage, they serve as examples of quality for today."

Questions and Answers for Property Owners

What is a Certificate of Appropriateness?

A Certificate of Appropriateness is a document issued by the Historical Commission permitting alterations to the publicly-visible exterior architectural features (other than color) of a landmark. It certifies that the alterations are not "incon-

gruous to the historic aspects, architectural significance, or the distinctive character" of the landmark.

The certificate incorporates plans and specifications submitted as evidence of the proposed work and forms the basis of the Commission's agreement with the applicant on how changes can be made to the landmark. Certificates are valid for six months from the date of issue. They can be extended once for a further six months, on the written approval of the Commission chair.

Do I need to get a certificate for interior work?

A certificate must be obtained from the Historical Commission before the Inspectional Services Department will issue a building permit. A Certificate of Non-Applicability will be issued for changes that affect interiors, colors, or exterior architectural features not visible from a public way. This signifies that the Commission's jurisdiction does not apply to the kind of work proposed.

If the work proposed in an application clearly lies in an area not regulated by the Commission, Certificates of Non-Applicability can be issued by the Commission staff on receipt of an application and without a public hearing.

Are there other kinds of certificates?

Yes. The Commission may issue a Certificate of Hardship for work that is otherwise inappropriate if it determines at a public hearing that failure to approve an application would entail a substantial hardship, financial or otherwise, and that the work would not be a significant detriment to the landmark.

Regardless of the type of certificate needed, no designated landmark may undergo construction, alteration, or demolition unless the Historical Commission has first issued a certificate for the work proposed. Once the proper certificate has been issued, a building permit can be obtained and the work can go forward.

How do I apply for a certificate?

Applications for Certificates are available at the

Cambridge Historical Commission office or on its web site, www.ci.cambridge.ma.us/~Historic.

Instructions for completing the application and a list of required attachments are included on the form. Completed applications should be returned to the Commission office. Deadlines for submitting applications may be obtained from the web site or by calling the office.

How does the Commission conduct its review?

The Historical Commission meets monthly. All but the most inconsequential projects are reviewed in a public hearing, which provides an open forum for discussion. Abutters to the landmark property, the Planning Board, the City Clerk, and any others the Commission deems to be affected are notified of the hearing. The Commission is also required to advertise its hearings in a newspaper of general circulation fourteen days in advance.

Are there standards for the Commission's review?

The Commission considers each application individually. Article III directs the Commission to consider "the historic and architectural value and significance of the site or structure [and] the general design, arrangement, texture and material of the features involved." In the case of new construction, the Commission also looks at the size and shape of the construction in relation to its lot and surroundings. The Commission can set stricter standards for development than those allowed by zoning. However, interiors, colors, and aspects of the landmark not visible from a public way cannot be regulated by the Commission.

Each landmark study report also contains general and specific standards for review. These standards are based on the Secretary of the Interior's Standards for Rehabilitation.

Does landmark designation mean I can never change the appearance of my property?

No. Designation means that changes must be publicly reviewed to ensure that the essential aspects of the landmark's architecture and history, which give it value to the city as a whole, are not lost through inappropriate alterations.

The Commission works closely with owners both before and after designation to develop design solutions that respect the landmark's significance while acknowledging its ongoing use. Many alterations (for example, new construction on a landmark site) can be incorporated into the designation order itself, thereby assuring owners of their ability to move forward with planned changes. Owners concerned about the effect of landmarking on their property are encouraged to contact the Commission staff.

Are there any financial benefits to owners of landmarks?

There are no direct monetary benefits to landmark owners. However, they may qualify for other financial incentives.

There is one major potential benefit to an owner of landmark property: the Investment Tax Credit (ITC) for certified historic structures. The Tax Reform Act of 1986 established a 20% ITC for the substantial rehabilitation of income-producing commercial, industrial, or rental residential property. To qualify for the ITC, the property must also be listed on the National Register of Historic Places and the rehabilitation must comply with standards set by the National Park Service. Most landmarks are eligible for National Register listing. The ITC application process must be initiated before starting any work on the building.

An alternative to landmark designation is the donation to the Commission of a preservation easement on the property. Easements carry the same requirements as landmarks for Commission review of alterations. However, the easement yields a charitable contribution deduction that may benefit the property owner. Easements must be donated in perpetuity. Contact the Commission staff for more information about either of these programs.

Cambridge City Hall, 795 Massachusetts Avenue, Longfellow, Alden & Harlow, 1889. Photo, ca. 1910. (Society for the Preservation of New England Antiquities)

Mount Auburn Cemetery gates. Engraving, 1847. (Cambridge Historical Commission)

North Avenue Congregational Church, 1803 Massachusetts Avenue, Isaac Melvin, 1845. Photo, ca. 1895. (Society for the Preservation of New England Antiquities)

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