



# City of Cambridge

COMMISSION

Calendar Item Number 6

IN CITY COUNCIL

June 8, 1992

COUNCILLOR MYERS

ORDERED: That the following amendment to the 1985 City Council Order establishing the Mid Cambridge Neighborhood Conservation District as set forth in the FINAL STUDY REPORT FOR AMENDING THE ORDER OF THE MID CAMBRIDGE DISTRICT dated June 28, 1991 be and hereby is adopted and reads as follows:

## I. Designation of Mid Cambridge Neighborhood Conservation District

Pursuant to section 2.78.140-270 of Article III of Chapter 2.78 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 21, 1985 (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 (A) of Section 2.78.160. The reasons for the designation of the District are those set forth in the designation report (for 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.

## II. Membership

Pursuant to paragraph (A) of Section 2.78.160 (membership requirements), the Mid Cambridge Neighborhood Conservation District shall consist of five members and three alternates appointed by the City Manager and have 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. No member of any other appointed board or commission, with the exception of at least one member of the Cambridge Historical Commission, shall serve on the Commission.

## III. Review Authority

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

A. The Commission may make non-binding recommendations for any of the following that are visible from a public way:

1. New construction, including additions to existing structures, of more than 150 and less than 750 square feet of floor area;

2. Alteration of the exterior appearance of a structure that requires a variance or special permit under the zoning ordinance then in effect;

3. Alteration involving any of the following:

a. removal or enclosure of any historic or original decorative element, such as a cornice, fascia, soffit, bay, porch, hood, corner-board, window sash, or window or door casing;

b. increase or diminishment of the size and/or change in the location of, windows or doors;

c. increase or diminishment of the slope, pitch, or configuration of a roof or removal of historic or original roofing material.

B. The Commission may make binding recommendations for that portion of any of the following that are visible from a public way:

1. New construction, including additions to existing structures, involving any of the following:

a. more than 750 square feet of floor area;

b. more than 33% of the lot area not already occupied by structures;

c. enlargement of the floor area of an existing structure by more than 33%;

2. Demolition of 33% or more of the floor area of an existing structure not originally used to garage automobiles, including relocation of an existing structure onto or off of a site;

3. Any alteration or construction of the following:

a. structures listed on the National Register of Historic Places, except those subject to Historical Commission review;

b. publicly owned structures;

c. structures containing or proposed to contain non-conforming uses.

Where a review by the Commission is determined by the change in lot area covered by structures or the change in the floor area of structures on a lot, such review shall be based on the cumulative total of such changes in the past three years preceding the date of application for a building permit, as

determined by certificates of occupancy or zoning compliance or building permits issued and/or still in force during that three year period.

IV. Review Criteria to be Considered by the Commission

The Commission shall apply certain criteria in addition to those contained in Section 2.78.220 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;
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 structures, if any.

#### V. Determinations 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 appropriateness, nonapplicability, or hardship. Any determination may contain 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 that impose restrictions on an applicant shall be in written form stating the findings of facts and the standards and criteria upon 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 2.78.140-270.

#### VI. 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 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.

#### VII. Fees.

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

#### VII. 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.

#### IX. Procedure.

In addition to the provisions of Section 2.78.220 and 2.78.230 of the enabling ordinance, the Commission shall observe the following procedural requirements:

A. For any review for which the recommendations are not binding, as detailed in paragraph III,A of this Order, the Commission shall review the application at a public meeting of the Commission. The Commission shall give not less than forty-eight hours notice of such public meeting by publicly posting such notice in the office of the city clerk. In addition, notice of any meeting provided for in this ordinance shall be given by the Commission to the applicant and to abutters of the subject property and to such other persons and in such manner as the Commission may determine. The Commission may among other forms of notice require that the applicant maintain on the building which is the subject of an application a notice, in a form designated by the Commission, visible from the nearest public way, of any meeting upon the application, and the applicant shall comply with such requirements. Final recommendations shall be made

available to the applicant within thirty (30) days of an application for a certificate.

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

C. Failure of the Commission to act within the time periods specified in this Section ~~X~~ shall mean approval of the application for a certificate and the Commission shall thereupon issue a certificate of hardship 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 ~~V~~ of this Order.

E. In addition to any appeal allowed pursuant to Section 2.78.240, 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.

#### X. Appeals.

Any person aggrieved by a determination of the Commission may appeal to the Cambridge Historical Commission within twenty-one (21) days after the filing of such determination with the City Clerk, as governed by the provisions of Chapter 40C of the Massachusetts General Laws, Section 2.78.240 of the Code of the City of Cambridge, and any regulations promulgated by the Cambridge Historical Commission.

#### XI. Ordinary Maintenance.

Nothing in this Order shall be construed to prevent the ordinary maintenance, repair, or replacement of any exterior architectural feature of the District which does not involve a change in design or materials 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.

In City Council June 8, 1992..

Adopted by a yea and nay vote:-

Yeas 9; Nays 0; Absent 0.

Attest:- D. Margaret Drury, Temporary City Clerk.

A true copy;

ATTEST:-

*D. Margaret Drury*

D. Margaret Drury  
Temporary City Clerk