



CAMBRIDGE HISTORICAL COMMISSION

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March 1, 2017

To: Members of the Historical Commission
From: Charles Sullivan
Re: Petition to Amend the Harvard Square Conservation District

Background

On February 6, 2017, the Commission received a petition requesting the initiation of a study process to amend the guidelines of the Harvard Square Conservation District. Pending confirmation from the Election Commission that the petition contained the names of at least ten registered voters, the staff placed the matter on the agenda of the February 16 meeting of the Commission.

On February 16, 2017 the Commission acknowledged receipt of the petition and voted to hold a public hearing on the matter on March 2, 2017. The Election Commission confirmed the petition's validity on February 21, 2017.

Procedures for Amending Neighborhood Conservation Districts

Procedures for amending a neighborhood conservation districts (NCD) are laid out in Ch. 2.78.180 of the City Code. The amendment process entails the appointment of a study committee by the city manager and preparation of a report.

Section 2.78.180.D sets forth the procedure for amending an NCD:

Any ten registered voters of the City may petition that the Historical Commission initiate, or the Historical Commission on its own may initiate, the process of designating a landmark or neighborhood conservation district or amending or rescinding any such designation theretofore made. The Commission shall within forty-five days following the filing of such request or petition hold a preliminary hearing and arrange for the preparation of a report and, if required [as in this case], request the appointment of a study committee. ...

Section 2.78.180.B describes the nature of the report to be prepared:

Prior to the recommendation of designation or amendment of designation of any landmark or neighborhood conservation district an investigation and report on the historical, architectural and other relevant significance thereof shall be made. The report shall rec-

commend the boundaries of any proposed landmark or neighborhood conservation district and shall recommend for incorporation in the order of the City Council designating each landmark or neighborhood conservation district general and/or specific standards and appropriate criteria consistent with the purposes of this article ... within the designated neighborhood conservation district.

Section 2.78.180.C describes the requirement that the report be prepared by a study committee:

... In the case of a neighborhood conservation district, the report shall be prepared by a study committee consisting of three members or alternates of the Historical Commission and four persons appointed by the City Manager, including at least one person who resides in the district under consideration, at least one person who owns property in the district under consideration, and one person who owns property or resides elsewhere in the City and has demonstrated knowledge and concern for conservation and enhancement of those exterior features of the City which are important to its distinctive character.

Once the study committee has prepared a report, Sections 2.78.180.D through G describe the required provisions for notification of property owners, a public hearing by the Historical Commission, and involvement of the Planning Board before the CHC sends its recommendations to the City Council.

Petitioners' Claims

The petitioners assert that there are issues with the current guidelines for the Harvard Square NCD, and the Commission's administration of the Harvard Square NCD and review pursuant to the guidelines. The petitioners also propose specific amendments to the guidelines, as well as requesting that the boundaries of the Harvard Square NCD be reviewed as part of the study.

Discussion

Most of the issues raised by the petitioners relate to their concerns with the Commission's administration of the Harvard Square Conservation District as it currently exists or with their contention that some buildings in Harvard Square should be given special protection. Staff disputes any allegations that the Commission has not acted appropriately, within its authority and in good faith. However, staff also recognizes that there is significant public interest in the Harvard Square NCD and the Commission's administration of the district.

To the extent that any of the issues raised by the petitioners in the petition concern the pending litigation known as Gifford, Gladys P., et al. v. Cambridge Historical Commission, et al., Middlesex Superior Court C.A. No. 1781CV00372, those issues should not be discussed in open session as it may have a detrimental effect on the litigating position of the Commission

Staff Recommendation

The staff recommends that the Commission state for the record that it rejects the assertions and reasons provided by the petitioners in support of their request for a study committee to consider amendments to the NCD. Staff also recommends, however, that the Commission vote to accept the petition to initiate the process to appointing a study committee to consider amendments to the Harvard Square Conservation District and possibly the enabling ordinance, Ch. 2.78, Article III.