

**Half Crown-Marsh Neighborhood Conservation District Consolidation Study**

**FINAL REPORT**

SUBMITTED TO THE CAMBRIDGE HISTORICAL COMMISSION  
BY THE HALF CROWN-MARSH NEIGHBORHOOD CONSERVATION DISTRICT  
CONSOLIDATION STUDY COMMITTEE

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## Half Crown-Marsh Neighborhood Conservation District Consolidation Study Report Executive Summary

In July 2004, the Cambridge Historical Commission voted to request that the City Manager appoint a committee for the purpose of studying the possible consolidation of the Marsh and Half Crown Neighborhood Conservation Districts (NCD), with the intent of increasing administrative efficiency and promoting a broader understanding of the NCD in the two neighborhoods. This effort was initiated in conjunction with the required third-year anniversary report contained in the City Council order that established the Marsh NCD in 2000.

In September, 2004, the City Manager appointed an 11-member joint study committee consisting of three members and alternates of the Historical Commission, four members from each of the two NCDs, including the chair and vice chair of each NCD commission, and two members of the public who owned property in the NCDs. The Study Committee convened on September 30, 2004 and met five times through February 2005. A public Garden Tour of the two NCDs was held on May 22, 2005. Staffing constraints precluded further meetings until February 16, 2006, when the committee adopted a draft order consolidating the districts. The two NCD commissions then separately approved the proposed order, and a public hearing was scheduled for April 27, 2006.

The study committee concluded that the two districts are sufficiently consistent in their historic and architectural development that the objectives and principles of the Marsh NCD order could apply equally to the Half Crown NCD. There is no need to significantly modify those objectives and principles to fit the Half Crown NCD; rather, the Marsh objectives and principles are supplemented with some additional wording to reflect the character of the Half Crown's architecture and street patterns. The new language in this section of the draft consolidation order is the inclusion of an objective discouraging the construction of parking lots as a principal use, in recognition of one of the precipitating threats to the Half Crown neighborhood when it was established in 1984. The existing Marsh objective of encouraging "low fences to define the street edge while protecting views of houses and through yards" is supplemented with language consistent with experience relevant to the apartment buildings in Half Crown permitting flexibility to screen trash containers, transformers, and similar bulky exterior appliances.

A principal difference between the orders governing the two existing districts is the standards for changes that are subject to review by the NCD Commission. In the Half Crown, only new construction, demolition, and construction of a parking lot as a principal use are subject to binding review, with all other changes subject to non-binding advisory review only. The Study Committee also concluded, after examining the provisions of the Marsh Order and the record relating to review in the Marsh District, that all changes in the consolidated district not exempt from review should be subject to binding review.

Changes exempt from NCD commission review in both districts remain substantially the same under the proposed consolidation order, except that fences behind the front plane of a building are exempt from review only if no more than 4' high (the existing Marsh exemption) rather than 6' high (the existing Half Crown exemption).

The draft order provides that the consolidation of the two districts will become effective upon the appointment by the City Manager of a new NCD commission with qualified representatives "so far as is practicable from both predecessor Half Crown and Marsh sections of the District." The separate Marsh and Half Crown orders and commissions will continue until this "Consolidation Effective Date," and in the event that any of the provisions of the new order are ruled to be invalid.

The Half Crown-Marsh Neighborhood Conservation District Consolidation Study Committee recommends that the consolidation proceed as proposed in the interest of administrative efficiency, public participation, and commission effectiveness.

**Map of District**

[http://www.cambridgema.gov/~Historic/hc\\_marsh\\_map.pdf](http://www.cambridgema.gov/~Historic/hc_marsh_map.pdf)

## **Proposed Order: The Half Crown-Marsh Neighborhood Conservation District**

*As approved by The Half Crown Marsh NCD Study Committee, February 16, 2006; by the Half Crown Neighborhood Conservation District Commission, March 8, 2006; and by the Marsh Neighborhood Conservation District Commission, March 22, 2006*

### **An Order Establishing the Half Crown-Marsh Neighborhood Conservation District**

WHEREAS The Half Crown Neighborhood Conservation District and the Marsh Neighborhood Conservation District are two previously separate neighborhood conservation districts established pursuant to Article III of Chapter 2.78 of the City Code by orders of the City Council dated April 9, 1984 and December 18, 2000, respectively; and

WHEREAS, consistent with the provisions of Section 2.78.180 of the City Code relative to amendments to neighborhood conservation districts, separate study committees have been appointed, have met jointly (as the “Half Crown-Marsh Neighborhood Conservation District Consolidation Study Committee”) and have approved a Final Report recommending the consolidation (the “Consolidation”) of such two separate neighborhood conservation districts, following which the Cambridge Historical Commission has, after a public hearing, approved such report and recommended an order by the City Council to effect the Consolidation;

NOW, THEREFORE, IT IS ORDERED by the City Council of the City of Cambridge as follows:

#### I. Designation of The Half Crown-Marsh Neighborhood Conservation District.

Pursuant to Section 2.78.180 of the Code of the City of Cambridge, there is hereby designated, effective upon the Consolidation Effective Date (defined below), as a neighborhood conservation district The Half Crown-Marsh Neighborhood Conservation District heretofore comprising the separate Half Crown Neighborhood Conservation District and Marsh Neighborhood Conservation District and containing the areas having the boundaries set forth on the map entitled “The Half Crown-Marsh Neighborhood Conservation District,” which District shall be administered by a commission to be known as “The Half Crown-Marsh Neighborhood Conservation District Commission” appointed by the City Manager pursuant to Section 2.78.160.A of the City Code. The reasons for the designation of the District are those set forth in the Final Report of The Half Crown-Marsh Neighborhood Conservation District Consolidation Study Committee dated \_\_\_\_\_, 2006 and approved by the Cambridge Historical Commission following a public hearing on \_\_\_\_\_, 2006, which reasons shall guide the Commission in its administration of the District. As used in this Order, unless the context otherwise requires, the entire area subject to this Order is referred to interchangeably as the “Neighborhood” or the “District.”

#### II. Membership.

Pursuant to Section 2.78.160.B, the Half Crown-Marsh Neighborhood Conservation District Commission (hereafter, the “Commission”) shall consist of five members and three alternates. The members shall include three residents of the Neighborhood, not less than two of whom shall be homeowners; one

Neighborhood property owner (who may or may not be a Neighborhood homeowner); and one member or alternate of the Cambridge Historical Commission. The three alternates shall all be Neighborhood property owners. At least two of the members or alternates shall have professional qualifications in real estate, architecture, or historic preservation; and at least one other member or alternate shall have professional qualifications in landscape architecture, urban planning, law, or geotechnical engineering. The members of the Commission shall be appointed with regard to the diverse viewpoints expressed in the creation of the District, with representation so far as is practicable from both predecessor Half Crown and Marsh sections of the District. Prior service as a member or alternate of either of the two predecessor neighborhood conservation district commissions shall not constitute prior service on the Commission for purposes of limits upon terms set forth in the last sentence of City Code Section 2.78.160.B.

### III. Factors to be considered by the Commission.

The Commission shall apply the following guidelines and criteria in addition to those contained in Sections 2.78.220.A and B in considering applications for certificates of appropriateness.

#### A. Objectives and Principles for the Half Crown-Marsh Neighborhood Conservation District

The following objectives and principles are to be applied in considering applications for certificates of appropriateness or hardship. The Commission shall endeavor to:

1. Conserve the historic architectural character of the Neighborhood, including the modest character that typifies the mid to late 19<sup>th</sup>-century workers' and suburban housing of the Neighborhood, and the overall simplicity of its traditional wood-frame vernacular architecture, as well as the early 20<sup>th</sup>-century apartment houses where they exist.
2. Conserve the historic development patterns of the Neighborhood, including its dense network of short, through-block streets, courts, back streets, and ways.
3. Conserve views through yards and between houses to maintain the pattern of visual layering that characterizes streetscapes in the Neighborhood while respecting the residential privacy of individual properties.
4. Allow for architectural diversity and individualized alterations while respecting the traditional small scale of the housing stock.
5. Encourage the planting of trees and greenery to enhance the landscape amenities of the Neighborhood.
6. Encourage low fences to define the street edge while protecting views of houses and through yards, and also while permitting flexibility to minimize the adverse visual effect of trash containers, air compressors, transformers and other fixtures whose location may not otherwise be practically screened from public view.
7. Consider traffic impacts of proposed development as they may affect traditional street patterns and pedestrian activity.
8. Discourage the construction of parking lots as a principal use.

## B. General Criteria

Applications shall be considered in terms of the impact of the proposed new construction, demolition or alteration on the District as a whole, and in addition with regard to the following factors:

1. the architectural and historical significance of the structures on the site, if any;
2. the physical characteristics of the site, including but not limited to existing vegetation and topography; and
3. the potential adverse effects of the proposed construction, demolition, or alteration on the surrounding properties, and on the immediate streetscape.

## C. Specific Factors to Be Considered

In addition to the General Criteria set forth in Subsection III.B above, and consistent with the Objectives and Principles set forth in subsection III.A above, the Commission shall base its decisions on the following specific factors when considering applications for appropriateness or hardship.

### 1. *Construction of a new structure.*

Review of the design of a proposed new structure or substantial addition to an existing structure shall be made with regard to the compatibility of the building with its surroundings, and the following elements of the proposal shall be among those considered:

- a. site layout;
- b. provisions for parking;
- c. volume and dimensions of the structure;
- d. provision for open space and landscaping;
- e. the scale of the structure in relation to its surroundings; and
- f. the effect on the water table or subsoil conditions of adjacent properties.

### 2. *Demolition of an existing structure.*

In evaluating an application to demolish a structure, the Commission shall review and consider each of the following factors:

- a. the architectural and historical significance of the structure of which any portion is to be demolished;
  - b. the physical condition of the structure and its subsoil conditions and practical restoration or repair alternatives to demolition that might be available using modern techniques and materials;
  - c. the design of any proposed replacement structure;
- and
- d. if made, a claim of substantial or other hardship.

### 3. *Alteration to existing structures.*

Review of proposed alterations to an existing structure (including alterations that may constitute or involve new construction or demolition, in which case factors described in the preceding paragraphs 1. and 2. may also apply), and of all other features not exempted from review under Section V below, shall be made with regard to the following additional factors:

- a. the extent to which the integrity of the original design has been retained or previously diminished;
- b. the consistency of the proposed alteration with the character, scale, massing, and detailing of surrounding properties; and
- c. the proximity of adjacent surrounding structures.

#### IV. Review Authority.

Pursuant to Section 2.78.190.B of the City Code, the Commission shall review all construction, demolition or alteration that affects the exterior architectural features, other than color, within the District that is visible from any public way in Cambridge or in Boston. The authority of the Commission shall be binding except with regard to the categories of structures or exterior architectural features identified in Section V below.

#### V. Exemptions.

The authority of the Commission shall not extend to the following categories of structures or exterior architectural features, and such structures or features may be constructed or altered without review by the Commission:

- A. Terraces, walks, driveways, sidewalks and similar structures substantially at grade level, provided, however, that they are not to be used for parking between the street and either the principal front wall plane of a building or the principal front and side wall planes of a building that occupies a corner property.
- B. Walls and fences four feet high or less as measured from the grade of the sidewalk or the surface of the ground immediately below the wall or fence, whichever grade is lower.
- C. Storm doors and windows, screens, window air conditioners, trelliswork and similar appurtenances.
- D. Flat skylights or solar collectors parallel to and in close contact with the plane of the roof provided that all new and existing skylights and collectors are not larger than one-third of the area of the roof plane in which they are installed.
- E. Intake and exhaust vents of less than one square foot in area provided that no more than two such vents are installed on an elevation of a one-to-three family house or within a 20-foot horizontal section of an elevation of a rowhouse, apartment, retail or commercial structure.
- F. Permanent exterior lighting provided that it is installed in a manner that will prevent direct light from shining onto any adjacent property.

G. Chimney caps provided they are installed in a manner that will allow their removal without altering the structure or appearance of the chimney.

VI. Determinations by the Commission.

The Commission shall make its determinations within 45 days after the filing of a complete application for a certificate of appropriateness, nonapplicability, or hardship, or such further time as the applicant may in writing allow.

Any completed application not acted upon within such period shall be deemed to be approved.

In no case shall a building permit be issued until the Commission has made a determination under the applicable provisions of Article III of Chapter 2.78 of the City Code.

VII. Coordination with other agencies and boards.

The Board of Zoning Appeal, the Commissioner of Inspectional Services, the Half Crown-Marsh 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 with the District to the extent practicable, consistent with their respective responsibilities and with the “Objectives and Principles for the Half Crown-Marsh Neighborhood Conservation District,” “General Criteria,” and “Specific Factors to be Considered” set forth in Section III above. In addition, the Half Crown-Marsh Neighborhood Conservation District Commission shall call to the attention of appropriate governmental agencies apparent ongoing violations of provisions of codes or ordinances administered by those agencies.

VIII. Ordinary Maintenance and Repair.

Nothing in this Order shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature or structure within the District which does not involve a change in the design, material, or 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, nor construed to prevent any construction or alteration under a permit duly issued prior to the effective date of this Order.

IX. Report to City Council.

The Cambridge Historical Commission shall submit a report, not later than the fifth anniversary of the Consolidation Effective Date, to the City Manager and the City Council summarizing the activities of the Half Crown-Marsh Neighborhood Conservation District Commission during the four years following the Consolidation Effective Date. In preparing this report, the Cambridge Historical Commission shall hold a public hearing to determine the opinion of neighborhood residents. The report shall also submit any recommendations that the Historical Commission may have with respect to amending the powers, responsibilities and procedures of the Half Crown-Marsh Neighborhood Conservation District Commission and-or other provisions of this Order affecting the District.

X. Consolidation Effective Date; Transition; Severability.

A. Consolidation Effective Date.



The Consolidation shall be effective upon the later (“Consolidation Effective Date”) of the dates (i) upon which both a copy of this Order and the Map are recorded with the Middlesex South District Registry of Deeds and (ii) the City Manager appoints the initial members of the Half Crown-Marsh Neighborhood Conservation District Commission as provided in Section II of this Order. Upon the Consolidation Effective Date (subject to Subsections X.A and B below), the respective authorities of the Half Crown Neighborhood Conservation District Commission and of the Marsh Neighborhood Conservation District Commission shall cease; provided, however, that all certificates of appropriateness, nonapplicability and hardship issued prior to the Consolidation Effective Date by either such predecessor commission shall continue in full force and effect.

B. Transition.

With respect to any completed application for a certificate of appropriateness, nonapplicability or hardship relative to any property in the predecessor Half Crown or Marsh sections of the District that is filed with the staff of the Cambridge Historical Commission prior to the Consolidation Effective Date, the Half Crown-Marsh Neighborhood Conservation District Commission shall apply the general and specific objectives, factors to be considered, and exemptions contained in the respective order establishing the predecessor Half Crown Neighborhood Conservation District or Marsh Neighborhood Conservation District, as the case may be, to such application if it determines that such objectives, factors or exemptions differ substantively from those set forth in Section III or Section V of this Order.

C. Severability.

The provisions of the orders establishing the Half Crown Neighborhood Conservation District and the Marsh Neighborhood Conservation District shall continue in full force and effect if any of the provisions of this Order shall be held to be invalid or unconstitutional by any court of competent jurisdiction.

XI. Map.

*The Half Crown-Marsh Neighborhood Conservation District as recommended by the Half Crown-Marsh Neighborhood Conservation District Consolidation Study Committee.*

# **Half Crown-Marsh Neighborhood Conservation District Consolidation Study Report**

**Executive Summary**

**Map**

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## **I. Background: The Half Crown and Marsh Areas**

The Half Crown and the Marsh Neighborhood Conservation Districts are, respectively, the oldest and the youngest conservation districts in Cambridge. The Half Crown NCD was established in 1984 in reaction to unrelenting commercial development pressures in Harvard Square, while the Marsh district grew out of neighborhood concern over the filing of demolition permit applications for four neighborhood houses over a 1½-year period between September, 1997 and March, 1999. Downzoning has alleviated development in the Half Crown district, and the low level of recent review activity there has involved alterations to existing houses. In the Marsh, on the other hand, proposals to restore, expand, and redevelop residential properties continue apace. The small size of the neighborhood and the low level of activity in the Half Crown district has made it difficult to recruit commissioners and maintain a consistent level of governance because meetings are widely spaced. Consolidation into one NCD of the Half Crown and Marsh areas was first considered in 2000, but abandoned in connection with the establishment of the Marsh NCD. The Half Crown-Marsh Neighborhood Conservation Districts Study Committee now recommends such consolidation.

Historically and architecturally, the areas are similar, but not identical. Established Yankee tradesmen settled the Half Crown area in the 1840s, while the Marsh was built up in the 1850s primarily by recently arrived Irish laborers. Houses in the Marsh tend to be slightly smaller and more densely spaced, but sections of both neighborhoods exhibit the full range of 19<sup>th</sup> century working-class and middle-class vernacular residential architecture. Today, both neighborhoods are zoned Residential B, C-1, and C-2.

### **A. Half Crown Area**

Located immediately west of Harvard Square, the Half Crown Neighborhood Conservation District contains approximately 75 properties on Mount Auburn, Hilliard, Revere, Gerry, Brewer and Ash streets as well as 5 large apartment buildings and 3 frame houses on Memorial Drive. The Half Crown NCD, designated April 9, 1984, was the first such district established in the city of Cambridge following adoption of Article III of Chapter 2.78 of the City Code, the enabling ordinance for NCDs and landmarks. The oldest of the city's five NCDs, the Half Crown NCD is also the smallest in geographic area and number of properties protected.

The Half Crown area originated as part of the estate of William Brattle, whose 1727 house still stands at 42 Brattle Street. Between 1728 and 1746 he expanded his estate to about 18 acres, extending from Brattle Square to the Charles River. The most important acquisition was the seven-acre 'Half Crown Lot,' which included Windmill Hill and about 800 feet of river frontage between the foot of Hawthorn Street and a canal that marked the western border of the Ox Marsh. This part of the Brattle estate was broken up beginning in 1823, but sales produced only two houses in the next ten years, including Stephen Wyeth's Federal style house at 7-9 Hilliard Place in 1824. In the early 1840s the next owner laid out Hilliard Street, and in 1845 this became a through street between Mount Auburn Street and Appian Way. The initial owners of the early Federal and Greek Revival houses on Hilliard Street were tradesmen, but beginning in 1867 an attorney, Samuel Batchelder Jr., built several more elaborate houses there.

The residential development of Ash Street, an ancient way that divided the Brattle estate from the Vassall-Batchelder estate, began in 1834. James Childs bought one small lot and built a singular 1½-story cottage at 145 Mount Auburn Street in 1837. Andrew Waitt, a carpenter, put up 18 Ash Street for his own use in 1845 and the double house at 151 Mount Auburn Street in 1851. Waitt gave up his career as a builder and developer when he became the superintendent of

college buildings in 1856, but his substantial houses established the character of the Mount Auburn-Ash Street intersection.

The Brattle heirs sold Windmill Hill, which was separated from the rest of the estate by Mount Auburn Street, to the young and ambitious Professor Edward Everett in 1825. However, Everett lost his Harvard post when he entered Congress, and in 1835 he sold the still-undeveloped property to George Meacham, a Boston real estate broker living in Cambridge. Meacham sold the land along Revere Street and Nutting Road next to the Ox Marsh in 1839 and 1841. Then he hired Cambridge surveyor Alexander Wadsworth to lay out Everett Place (now Ash Street south of Mount Auburn) with house lots on both sides and sold all of them to George Nichols, the Cambridge bookseller, who quickly resold them for development. Meacham laid out the remainder of the property in 1849 with sixteen house lots along Gerry and Brewer streets and Chapman Place. By 1854, nine houses stood on Mount Auburn Street between Nutting and Ash streets and another nine on Brewer, Revere, and Ash streets. Over the next fifty years, the neighborhood filled with small vernacular houses inhabited by carpenters, mechanics, and tradesmen.

Between 1859 and 1869 the entire riverfront along Windmill Hill was acquired by the Cambridge Gas Light Company, which built a retort house and gasholder at the Brick Wharf in 1852. This facility, which received coal by schooner and barge and heated it to produce illuminating gas, dominated the riverfront until it was razed in 1900 after the construction of Memorial Drive. The five large apartment buildings that now divide the neighborhood from the river were built between 1914 and 1924 on the gasworks site.

In the 1970s, developers proposed a succession of projects for the former site of the University Press, on the eastern edge of the present neighborhood conservation district. These included a 24-story Holiday Inn, and later a mixed-use complex containing two twenty-story buildings. Harvard University acquired the site in 1980 and developed University Place/University Green there to general acclaim. However, the neighborhood west of University Place/University Green was still zoned for unlimited height, and early in the morning of May 17, 1982 a contractor attempted to raze two houses at 5 and 7 Revere Street. A neighbor, Robert Withey, leapt on the moving bulldozer, removed the keys, and halted the demolition. The quarrel was resolved when Harvard bought these properties, repaired and sold the two houses, and built three compatible town houses to create a buffer along Gerry Street. In 1984, this area was secured against further development when the City Council designated it as the Half Crown Neighborhood Conservation District.

## B. Marsh Area

The Marsh Neighborhood Conservation District contains approximately 147 wood frame residential buildings primarily on Willard, Brown, Sparks, Foster, Lowell, and Mount Auburn Streets. Designated in 2000, it is the most recent neighborhood conservation district in Cambridge.

The Marsh area lies at the southwest end of land owned in the 18<sup>th</sup>-century by John Vassall. His estate of some 87 acres, the largest on Tory Row, was assembled over a period of twenty-eight years, reaching its largest extent in 1774. Vassall's heir, John Jr., enlarged the family's holdings and built the Vassall-Craigie-Longfellow mansion at 105 Brattle Street in 1759. All this was confiscated during the Revolution, sold by the Commonwealth in 1781, and resold several times before being acquired in 1791 by Andrew Craigie, a New York businessman and subsequently, the developer of East Cambridge.

On the south side of Brattle Street, the Vassall-Craigie estate stretched from near Hawthorn Street to Lowell Street. Henry Wadsworth Longfellow bought the field and meadow between Hawthorne and Willard streets in 1849 and kept it largely undeveloped to provide an unobstructed view of the river and the Brighton Hills from his house. (This tract, today's Longfellow Park, separates the two neighborhood conservation districts). In 1843, the meadow between present Willard and Lowell streets passed to Craigie's heirs, who tried to develop the parcel by laying out twenty-two lots, mostly along Brattle Street. They also laid out Liberty and Union streets, renamed Willard and Foster by 1850, and Lowell Street, named for James Russell Lowell. The marshy area south of Foster Street was not initially subdivided.

The Brattle Street lots moved slowly and in October 1849 the heirs sold the remaining 36 acres to Gardiner Greene Hubbard, who in 1850 laid out sixty-seven ample lots and prepared the property for sale by auction. From the beginning, Hubbard's development fell into two distinct parts: the high ground near Brattle Street, where Hubbard's own house and other large dwellings sat on spacious lots, and the low land toward the river, which became a neighborhood primarily of Irish laborers known as the Marsh (or sometimes the Upper Marsh, in contrast to the Lower Marsh, near Banks Street).

Foster and Sparks streets formed the core of the lower area, where successive owners carved up Hubbard's original large lots, creating by 1873 a dense maze of narrow cul-de-sacs lined with closely built houses, some of them moved from elsewhere in Old Cambridge. The block between Willard, Mount Auburn, Sparks, and Foster streets was typical of this area. In 1850 Hubbard sold eleven of the original twelve lots to John C. Martain of Charlestown, a broker. In 1854 there were no houses on this block, although a few stood on the north side of Foster Street, particularly along Willard (now Foster) Place, where eight house lots had been carved out of a single 100-by-200-foot lot in Hubbard's original plan. By 1856, there were twelve households on Foster Street and its tributaries; most were Irish, and the range of occupations foretold the future of the area: half the wage earners were laborers, and the other half were carpenters, teamsters, and stonecutters.

The block west of Sparks followed a similar pattern, with twenty-eight small houses on several narrow cul-de-sacs put up by 1873. Many of the houses in the Foster Street area are the two-room center-hall worker's cottages set on high basements which are found in poorly drained areas throughout Cambridge. Here, they often face narrow lanes only 16 feet wide. Some very small houses, such as 50 Foster (1855) and 92 Foster (1868), were built as double houses, although each unit contained only one room per floor. Also typical of the area are the one-story double Mansard cottages on Dinsmore Court (1871-73) and the simple two-story Mansards at 191-199 Mount Auburn Street, all by the builder James Dinsmore.

For much of the early 20<sup>th</sup>-century, The Marsh was a neighborhood of Irish and Italian working class families. Alongside these original families are many who have lived in The Marsh since the 1950s and '60s when the area began to gentrify. The area's convenience to Harvard Square, Mount Auburn Hospital, and the river, as well as its village character and the affordability of its modest houses made it an attractive choice for a new contingent of professionals and academics.

In the early 1960s, the Cambridge Redevelopment Authority declared that several small, frame commercial buildings and concrete block garages at the corner of Sparks and Mount Auburn streets were blighted, and took 17 properties by eminent domain. The Riverview Apartments constructed on the site in 1962 has been credited with spurring "considerable private

redevelopment in this district of modest 19<sup>th</sup>-century workers' houses." (Rettig, 10 Walking Tours, p. O24)

Private efforts to redevelop the area include the 1967 conversion of 10 concrete block garages into housing by Sheldon and Anabel Dietz, and the continual upgrading and expansion of residences in the decades since then. This activity reached a peak in the late 1990s, when four demolition permit applications were filed for neighborhood houses between September 1997 and March 1999. With the exception of 106 Foster Street (which was relocated to comply with zoning), applicants cited the modest architecture and structural damage caused by the area's marshy subsurface soil conditions as justification for the property's removal. The presentation of four demolition permit applications in a small geographic area in quick succession reflected the pressures of a very strong real estate market which exposed the vulnerability of smaller, out-of-repair buildings whose land values had increased substantially. Residents became alarmed that new construction could replace the neighborhood's simple 19<sup>th</sup>-century cottages.

Of the four demolition permit applications, three were ultimately withdrawn. While the threat to these buildings did not materialize, the potential for significant changes, through demolition or substantial renovation, induced a group of Marsh property owners to approach the Historical Commission staff in the spring of 1999 about developing a petition for a neighborhood conservation district. In April, fourteen residents submitted a petition to initiate a neighborhood conservation district study for the area bounded by Willard, Foster, Lowell and Mount Auburn streets, and including only the south side of Foster Street; in June the Commission voted to accept the petition and initiate a study of the Marsh NCD. After a yearlong study, a Committee appointed by the City Manager recommended the establishment of a neighborhood conservation district with some adjustments to the original proposed boundaries, mainly to exclude the Riverview apartment building. Neighborhood comment to the Study Committee overwhelmingly supported the position that all determinations by the NCD commission should be binding. The City Council adopted the order establishing the Marsh Neighborhood Conservation District on December 8, 2000.

## **II. Operations of the Half Crown Neighborhood Conservation District**

The Half Crown Neighborhood Conservation District was established by City Council order on April 9, 1984 and a Half Crown NCD Commission consisting of five members and three alternates was appointed to administer the district. Originally established to curb commercial expansion emanating from Harvard Square, the district has binding jurisdiction over square footage additions, demolition, and construction of parking lots as a principal use. Alterations to existing buildings are subject to non-binding review.

The intense controversy that led to the establishment of the district in 1984 rapidly dissipated, and in the next 16 years the district generated 163 cases, of which only 30 required public review by the full Commission. The Half Crown NCD Commission held 10 hearings in the period 1995-2000, an average of only twice a year. Concerns about the viability of the Commission caused the Cambridge Historical Commission to vote on November 3, 2000 to initiate a study of the membership provisions of the order establishing the district. The study was initiated in response to concerns about three specific issues: 1) the large number of holdover, vacant, and expiring appointments on the Commission, 2) the difficulty of locating individuals living in such a small district who would be willing to serve on the Commission, and 3) problems in obtaining a quorum for Commission meetings and the potential for regulatory lapses as a result. It was hoped that the study might also enhance neighborhood awareness of the district, the Commission and its role.

The 2000 Half Crown NCD Study Committee studied several options to address the membership question. These were:

*1) Amend the NCD order to transfer the authority for administering the district to the Cambridge Historical Commission.* The Study Committee chose not to pursue this option: Half Crown Commission members of the Study Committee and present and former owners in the district wished to see the Half Crown NCD Commission revitalized through appointment of new members from within the neighborhood.

*2) Solicit new membership from within the Half Crown NCD.* This option was implemented, and several new members were appointed. However, the underlying problem – a small pool of residents and an infrequent case load - persisted.

*3) Consider appointment of an at-large member from outside the NCD.* The Committee suggested that a member of the Marsh NCD Commission could be appointed to the Half Crown NCD Commission to enhance communication between the two districts and enlarge the membership pool. This suggestion was not implemented, as the newly appointed Marsh commission members preferred to focus on their own neighborhood.

The 2000 Study Committee also explored other options for addressing the problems of the district:

*1) Enhance the Half Crown NCD Commission's role as an advocate in broader issues of neighborhood development.* The Committee found that other NCD Commissions had identified a role for themselves as advocates for the

neighborhood on general issues of development, such as traffic flow through the neighborhood, traffic and parking impacts on the neighborhood, impacts related to permanent exterior lighting of residences, and impacts related to noise pollution from HVAC equipment. This approach has not been actively pursued because the small size of the neighborhood brings relatively few such issues to the fore.

2). *Develop measures to lessen the tendency for the Commission to lapse into inactivity, given the small size of the district and the relatively relaxed review standards of the Half Crown NCD order.* The report noted “an underlying concern of the Historical Commission staff remains that the Half Crown NCD does not generate sufficient regulatory activity to maintain a cohesive presence in the neighborhood. ... The staff recommends that the Commission commit itself to a regular quarterly meeting schedule, regardless of the actual number of applications that may or may not be pending before it, and that the Commission endeavor to meet in a publicly-accessible space in or near the district so as to encourage neighborhood participation. ... Applications before the Commission are not anticipated to increase significantly. It will be incumbent on a newly-appointed Commission to develop a more active role for itself while remaining within the parameters established in the NCD order.”

3) *Enlarging the District.* The committee suggested that the Commission should explore the potential for amending the district to include upper Ash Street, Acacia Street and the east side of Hawthorn Street. This suggestion was not pursued because of lack of interest in the affected area.

4) *Merge the Half Crown and Marsh NCDs.* The committee considered that Half Crown and Marsh NCDs shared a number of historical, architectural, and developmental characteristics: both are dense areas of small-scale 19th-century workers’ housing with similar topographic issues relating to their proximity to the river. The Committee realized that merging the districts would, however, entail significant revisions to one or the other of the Half Crown or Marsh NCD orders. In addition, the newness of the Marsh NCD Commission militated against any immediate efforts to merge the two. The Committee decided that it would be several years before the Marsh NCD would be sufficiently well established to entertain consideration of a merger with the Half Crown NCD.

The 2000 Half Crown NCD Study Committee recommended only that more efforts be made to solicit new members, and that consideration be given to the joint appointment of a Half Crown NCD member to the Marsh commission. New members were in fact appointed, but the district still did not generate sufficient regulatory activity to maintain a cohesive presence in the neighborhood. No formal actions or amendments to existing orders or ordinances were implemented.



### **III. Appointment of The Half Crown-Marsh Neighborhood Conservation District Consolidation Study Committee**

Procedures for establishing or amending a neighborhood conservation district are contained in Cambridge City Code, Article III, Section 2.78.180, and conform to similar provisions for establishment of historic districts under MGL Chapter 40C. Any ten registered voters can petition the Historical Commission to request the City Manager to appoint a study committee. Alternatively, the Historical Commission may initiate the study independently. The study committee must prepare a preliminary study report which considers the options set forth in Article III for the conservation district's review authority, outlines the exact boundaries of the area to be designated, presents a full architectural and historical justification for the area, and includes an order to implement the district.

The preliminary study report must be submitted to the Historical Commission, the Planning Board, the City Manager, and the City Clerk. A public hearing, for which all affected property owners must be given fourteen days notice, must be held within 45 days of the transmittal of the report. The object of the public hearing is to allow comments to be publicly recorded.

After the public hearing, the Historical Commission makes a recommendation to the City Council with regard to the designation or amendment, which is transmitted with the approved study report to the City Manager and the City Clerk. The City Council votes on the proposed order to designate the conservation district. No designation becomes effective until a map setting forth the boundaries of the district has been filed with the City Council and recorded at the Middlesex County Registry of Deeds, South District.

In July 2004, the Historical Commission voted to request that the City Manager appoint a study committee for the purpose of studying the possible consolidation of the Marsh and Half Crown NCDs with the intent of increasing administrative efficiency and promoting a broader understanding of the NCD in the two neighborhoods. This effort was initiated in conjunction with the required third-year anniversary report contained in the City Council order that established the Marsh NCD in 2000.

In September 2004, the City Manager appointed an 11-member joint study committee consisting of three members/alternates of the Historical Commission, and four members from each of the two NCD areas, including the chair and vice chair of each NCD commission and two other members who owned property in each of the NCDs. The Study Committee consisted of:

*For the Cambridge Historical Commission:*

Shary Berg, Robert Crocker, William King

*For the Half Crown NCD Commission:*

Lindsay Allison, Judith Dortz, Grenelle Scott, Elizabeth Goodfellow Zagoroff

*For the Marsh NCD Commission:*

Robert Banker, Mary Ries<sup>1</sup>, James Van Sickle, Dennis Wolkoff.

#### A. Activities of the Study Committee

The Study Committee first convened on September 30, 2004 and has met formally on seven subsequent occasions. Those meetings are summarized below:

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<sup>1</sup> Ms. Ries has moved from the district and is no longer the Marsh NCD Commission chair; Mr. Van Sickle and Mr. Wolkoff are now the Chair and Vice-Chair, respectively, of the Marsh NCD Commission.

October 14, 2004: reviewed slides, case logs and case histories of major cases in both Half Crown and Marsh NCDs.

October 28, 2004: set agenda for upcoming joint hearing of Half Crown and Marsh NCD Commissions to be held in conjunction with 3-year Marsh NCD study; adopted language for an informational Update to be distributed at the joint hearing.

November 10, 2004: held joint hearing on activities of the Marsh NCD since 2000; presented consolidation study information and options for consolidation.

December 16, 2004: reviewed and agreed to draft NCD order for consolidation using the model of the Marsh NCD order and incorporating Half Crown goals/objectives.

February 16, 2005: held hearing for commercial property owners in NCDs presenting info on impacts for large property owner in the Half Crown NCD (binding review over all alterations).

May 22, 2005: held Garden Tour in Half Crown and Marsh NCDs to familiarize residents with similarities of the areas.

February 16, 2006: the committee adopted a draft order consolidating the districts.

April 27, 2006: the committee held a public hearing to present its proposal to the community.

Seven representatives of large property interests in the Half Crown NCD were individually invited to discuss the implications of the proposed consolidation for their properties with the Study Committee in February 2005. None availed themselves of the opportunity to attend the meeting.

#### A. Proposed NCD Order

A draft order reflecting the consolidation of the two NCDs was crafted by taking the existing Marsh NCD order and inserting references to the Half Crown NCD. The study committee believed that the two districts were sufficiently consistent in their historic and architectural development that the Objectives and Principles of the Marsh NCD order applied equally to the Half Crown NCD. There was no need to significantly modify the provisions of the Marsh order to fit the Half Crown NCD; rather, the Marsh Objectives and Principles were supplemented with additional wording to reflect the character of the Half Crown's architecture and street patterns.

New language in the Objectives and Principles section of the draft consolidation order adds an objective discouraging the construction of parking lots as a principal use (#8), in recognition of one of the precipitating threats to the Half Crown neighborhood when it was established in 1984. The existing Marsh objective of "encourage[ing] low fences to define the street edge while protecting views of houses and through yards" is supplemented with language consistent with experience involving screening of external appliances outside of the Half Crown area's multifamily apartment buildings "permitting flexibility to minimize the adverse visual effect of trash containers, air compressors, transformers and other fixtures whose location may not otherwise be practically screened from public view" (#6).

Two other minor language changes are suggested to the existing Marsh order. In its evaluation of a demolition application, the Commission is currently directed to consider "the physical condition of the structure and its subsoil conditions." The proposed order adds that such consideration should also include "practical restoration or repair alternatives to demolition that might be available using modern techniques and alternatives." In further recognition of the presence of apartment and commercial buildings in the Half Crown area, the exemption from review of exhaust vents of less than one square foot is expanded (V.E).

The Marsh NCD Order does not provide for non-binding (advisory) categories of review. Article III, chapter 2.78.190 B. (the city's enabling ordinance for NCD designation) anticipates that an NCD commission having jurisdiction "shall review all construction, demolition or alteration that affects the exterior architectural features, other than color, . . . within any neighborhood conservation district." In 2000, the Cambridge Historical Commission accepted the Marsh NCD Study Committee's recommendation that

the "distinctive character [of the Marsh neighborhood] in terms of its exterior features" justified binding review authority if that character is to be 'preserved, conserved and protected' as Article III intends. . . . Among the most important features characterizing the Marsh are the small-scale, modest vernacular quality of the architecture and the tightly-developed nature of the setting. In both of these instances, minor alterations to building exteriors can be anticipated to have a significant impact, both on the fine-scale balance of simple exterior detailing that typifies vernacular wood frame construction and on the complex and intimate relationships between and among houses set in close proximity to one another. It was primarily in response to the fragility of these two balances, the one of architectural simplicity and the other of dense historical setting, that the study committee recommended the review procedure envisioned in section 190 A. of chapter 2.78. In neighborhoods where houses are larger, more complex in massing or set more distantly from one another, it is more likely that minor additions or alterations to the exterior might be readily accommodated. In the Marsh, the buildings' simplicity and their proximity to one another indicate that alterations are more likely to affect both the individual building and its setting.

The Half Crown-Marsh NCD Consolidation Study Committee accepted this reasoning, and found that it applied equally to the Half Crown area.

There were no issues raised with regard to a name for the consolidated district; all study committee members concurred that the Half Crown-Marsh Neighborhood Conservation District was an appropriate and accurate way to identify the consolidated district. The boundaries of the two districts would not be changed.

Regarding membership, the study committee found that it would not be necessary to specify how many members from each of the two sections of the district would be represented on a consolidated commission. They recommended maintaining the five-member, three-alternate commission membership terms as indicated in 2.78, with the condition that representation from both districts was a criterion for making appointments. Members of the Study Committee, as well as of the two existing NCD commissions, expect that the City Manager's appointment of members and alternates to the consolidated NCD commission will include qualified residents from both existing districts.

A principal difference between the orders governing the two existing districts is the standards for changes that are subject to review by the NCD Commission. In the Half Crown, only new construction, demolition, and construction of a parking lot as a principal use are subject to binding review, with all other changes subject to non-binding advisory review only. The Study Committee also concluded, after examining the provisions of the Marsh Order and the record relating to review in the Marsh District, that all changes in the consolidated district not exempt from review should be subject to binding review.

Changes exempt from NCD commission review in both districts remain substantially the same under the proposed consolidation order, except that fences behind the front plane of a building are exempt from review only if no more than 4' high (the existing Marsh exemption) rather than 6' high (the existing Half Crown exemption).

The draft order provides that the consolidation of the two districts will become effective upon the appointment by the City Manager of a new NCD commission with qualified representatives "so far as is practicable from both predecessor Half Crown and Marsh sections of the District." The separate Marsh and Half Crown orders and commissions will continue until this "Consolidation Effective Date," and in the event that any of the provisions of the new order are ruled to be invalid.

### C. Effect of the New Provisions on the Half Crown District

Overall, the Half Crown NCD has had little influence on the typical changes taking place in the neighborhood. Of the total 218 applications generated in the district in the 20 years between 1984 and 2004, 166 cases (76%) were issued Certificates of Non-Applicability. In the remaining 52 cases (approximately 2.6 cases annually), the Commission's jurisdiction provided for a binding determination in 27 cases (52%), while the other 25 (48%) were subject to non-binding, or advisory, review only.

The effect of extending the binding provisions of the Marsh Order into the Half Crown district was tested by reviewing applications for Certificates in the Half Crown NCD from October 2003 through September 2004. This examination revealed that the 17 applications received during the year generated four Certificates of Appropriateness and 13 Certificates of Non-Applicability, none of which would have shifted from exempt to Commission-reviewable status if the provisions of the Marsh NCD had been in place during that time. However, 19 applications filed between August 1997 and July 2004 would have been subject to binding review had the Marsh NCD provisions been in place during that time.

The record of case activity for the Marsh district suggests the levels and types of review that might be expected were the Half Crown NCD to be subject to the same review provisions as currently in place for the Marsh NCD. In the Marsh, 44% of the projects reviewed received Certificates of Non-Applicability administratively and 55% required Commission review at a public hearing. All of the projects reviewed by the Marsh NCD Commission are subject to binding review. If the consolidated district is adopted with the Marsh review provisions, similar percentages can be expected in the Half Crown section. Among the types of work that could be expected to generate new binding reviews are window replacements, alteration of existing features, and construction of fencing behind the front plane of a building taller than the 4' fences exempt from review.

#### **IV. Recommendation of the Study Committee**

The Half Crown-Marsh Neighborhood Conservation District Consolidation Study Committee unanimously recommends that the Half Crown and the Marsh Neighborhood Conservation Districts be consolidated as proposed in the accompanying Proposed Order. The primary reasons for advocating the consolidation are:

- The consolidated district will provide a significantly larger pool of residents from which to draw commission members.
- The frequency of recusals stemming from potential conflicts of interest caused by the propinquity of members and applicants will be reduced.
- The small additional caseload will provide a steadier flow of cases for review, enhancing continuity and consistency of the commission's deliberations.
- Adopting the Marsh procedures will enhance the effectiveness of the Half Crown section of the District.
- Efficiency of administration of the consolidated district will be improved by reducing the number of NCDs administered by the Historical Commission staff.

## **Appendix**

Present Half Crown NCD Order,

[http://www.cambridgema.gov/~Historic/HCNCD\\_order.pdf](http://www.cambridgema.gov/~Historic/HCNCD_order.pdf)

Present Marsh NCD Order,

[http://www.cambridgema.gov/~Historic/MCNCD\\_order.pdf](http://www.cambridgema.gov/~Historic/MCNCD_order.pdf)