

Minutes of the Cambridge Historical Commission
October 8, 2009 - 806 Massachusetts Avenue - 6:00 P.M.

Approved 12/3/09

Members present: Chair King; Vice Chair Irving; Mss. Berg, Harrington and Tobin; Messrs. Bibbins and Ferrara
Staff present: Mr. Sullivan, Ms. Burks
Public present: See attached list.

Chair King called the meeting to order at 6:04 P.M. and introduced the commission and staff.

Informational Presentation: Cambridge Common Renovations

Bill Deignan of the Community Development Department explained that the conceptual design phase of the Cambridge Common renovation project was wrapping up and the early design would be reviewed by the state. It would be a couple more years before the design was finalized and construction might begin in 2012 or 2013, depending on funding. He described the curb changes and bike/pedestrian connection from Harvard Square to north Massachusetts Avenue through Flagstaff Park. He described a new accessible entrance and possibly a new sidewalk along Waterhouse Street.

Cynthia Smith, the landscape architect, said the Common was last improved in 1976. The landscape needed to be renewed. She described irrigation at the active recreation area, opening up views, removal of invasive species, and improvements to entries and paths. The lights were being evaluated. The softball backstop would be removed. More seating would be provided. The large granite blocks around the Civil War monument were being considered for relocation.

Mr. King hoped that parking spaces would not be reduced significantly and that improvements could be made to access the interior paths from the perimeter parking spaces.

Mr. Sullivan said the Commission had set aside \$850,000 of Community Preservation Act historic preservation money for the project. The design would eventually be reviewed at a public hearing for a Certificate of Appropriateness. He noted that Flagstaff Park was part of the Common.

[Ms. Tobin and Mr. Ferrara arrived].

Public Hearings: Alterations to Designated Properties

Case 2421: 192 Brattle St., by Peter Schweich & Dr. Madeline Barott. Replace windows and re-stucco exterior of the house.

Mr. King reported that there had been a written request to withdraw the application.

Mr. Irving moved to accept the request to withdraw the application, without prejudice. Mr. Bibbins seconded the motion. Mr. King designated all alternates to vote. The motion passed 7-0 with all voting.

Case 2422: 3 Church St., by First Parish in Cambridge. Install banner.

Mr. Sullivan showed slides.

Marcia Yousik, a member of First Parish Church, explained that the church's Public Justice Committee wanted to hang a banner about International Climate Action Day. She indicated on the slide the location of the banner, which would be 12' wide by 3' high. No other banners were planned for 2009. The church was looking into other ways to have signs that would not be so large.

Mr. Sullivan noted that the Commission's temporary sign policy exempted signs up to 15 square feet in size for one week prior to a charitable event. The zoning code allowed temporary signs of up to 20 square feet, without specifying a time limit. The proposed sign was 36 square feet.

Ginger Ryan said the church could make the sign smaller.

James Williamson, of 1000 Jackson Place, asked about the duration of the sign. Ms. Yousik answered that it would be installed for 4 to 6 weeks.

Mr. King closed the public comment period. He noted that the last application from the church was approved with a temporary certificate of appropriateness. He was sympathetic to non-permanent messages for churches but the Commission must consider size, location, materials, and installation technique.

Joe Ferrara asked about the material to be used. Ms. Yousik answered that previous banners had been made of vinyl, but they were looking into a recyclable material such as Tyvek.

Mr. Irving moved to approve a horizontal pliable banner of up to 20 square feet to be installed in the location indicated in the application and displayed for up to one month. He further moved that the installation details be reviewed and approved by the Executive Director. Mr. Ferrara seconded the motion, which passed 7-0.

Public Hearings: Landmark Designation Proceedings

Case L-27: 187 Magazine St., (Shell Spectacular Sign), Shell Oil Co. c/o Motiva Enterprises, LLC, owner; Tibor Hangyal, station manager. Review proposed city council order and discuss amendments.

Mr. Sullivan showed slides and briefly described the history of the Shell Spectacular Sign. A landmark study had been initiated in 1996. In 2002 updates to the report were completed but a recommendation was not sent to the City Council at that time. The study was again initiated in 2008. He described the current condition of the now unpowered sign. The proposed designation order that was included in the 2002 report had not been updated in the latest report. The order had been drafted when sale of the property was not imminent and would automatically terminate the designation upon sale of the property for a different use. He summarized the proposed amendments to the order. The new language would allow the Commission to review proposals for changes to the sign and stay involved in trying to preserve it.

Mr. King said the 1996 objections to designation were focused on the actions of the Shell Corporation in Nigeria, concerns over enforcement of the designation, and questions over who would pay to maintain the sign. He said most landmark designation orders used the word "shall" but another way of organizing it was with precautionary language, such as "I hope you will." That was the spirit in which the language was drafted.

James Williamson asked if the designation would require preservation of the sign. Mr. Sullivan explained that alterations to the sign would require Commission approval, but the designation was flexible, depending on the future maintenance costs.

Mr. Williamson asked if there were current negotiations with Shell regarding renovation of the sign. Mr. Sullivan answered that the sign would be designated as is and in any event the Commission could not require restoration. He hoped the designation would inspire Shell to repair the sign.

Anthony Guba, of Ayoub Engineering, said he was a consultant hired to represent Shell at the hearing.

Michael Brandon asked if zoning relief would be required to re-activate the sign. Mr. Sullivan agreed that was a possibility.

Mr. Williamson remarked that he had always loved the sign and supported its preservation. The current location was significant and important to Cambridge. Ideally, Shell would restore it to its functioning state. He noted that he had met Hafsat Abiola, then a Harvard student, one day before Ken Saro-Wiwa was executed in Nigeria. He submitted several articles about Ms. Abiola, her mother, and Ken Saro-Wiwa and asked if they could be included in the record of the case. He said that what went on in Nigeria should not prevent the preservation of the sign, but it would broaden the history and understanding of it. He gave an account of the 1996 Harvard commencement during which Ms. Abiola spoke.

Mr. King accepted the materials for the record and invited Mr. Williamson to make a similar presentation to the City Council. He closed the public comment period.

Mr. Sullivan announced that the City Clerk was planning to schedule the Ordinance Committee hearing for November 18.

Mr. Bibbins moved that the Commission adopt the amended order and forward it to the City Council for consideration. Ms. Tobin seconded the motion, which passed 7-0.

Case L-90: 1950 Massachusetts Ave. (Masonic Temple), Cambridge Masonic Hall Association, owner. Review preliminary landmark designation study report and make recommendation to City Council.

Mr. Sullivan showed slides and summarized the landmark study report. The Masonic temple was designed in 1910 by Frederick Furbish, a local builder and Mason. He described the hotel proposed to be developed on the adjacent site. There was no imminent threat to the Masonic Temple. He recommended that the Commission send the report to the City Council with a recommendation for designation.

Ms. Harrington asked about the precedent for landmarking a property that was not in imminent danger. Mr. Sullivan answered that the building was eligible for designation and though the Commission is wary of committing staff resources to a new study when there was no threat to a property, there had been a perceived threat at the time the petition was submitted.

Mr. Irving asked if the proposed hotel development would affect the Masonic Temple. Mr. Sullivan replied that it did not.

Michael Brandon of 27 Seven Pines Avenue, clerk of the North Cambridge Stabilization Committee (NCSC), noted that the report indicated that Kaya-ka had all the necessary permits for the hotel. In fact they had zoning relief, but not the building permit. Mr. Sullivan said he would make that clarification in the final report.

Mr. Brandon urged the Commission to adopt the report and make a recommendation for designation to the City Council. He believed there was an ongoing threat to the building and other significant buildings in Porter Square given the recent development history on Massachusetts Ave. He cited other buildings that should be studied for a Porter Square Conservation District including Roach's Sporting Goods. He expressed concern about cellular antennas, signage, and fenestration on the Masonic Temple.

Mr. Williamson said he hadn't noticed the cellular antennas. He said he wasn't fond of the building, but it may warrant preservation. The street lamps should be moved.

Keith MacKinnon, President of the Cambridge Masonic Hall Association, said the cellular antennas would soon be removed. The exterior conduit was for HVAC. The Association was getting estimates for brick work and new windows. If the Masons were ever to sell the building, they would do so with a preservation restriction to keep the building exterior as it is and protect significant interior features. The Association was fundraising for interior and exterior restoration, windows, portico, fence, and landscaping.

Mr. Sullivan said that interior spaces could not be protected with a landmark designation. He offered to speak to the Association's board about a preservation restriction.

Mr. King suggested that the Association get a tax lawyer to advise on the potential benefits of donating a restriction. Mr. MacKinnon pointed out that the Association was a 501c10 corporation, not a 501c3. They did not pay property taxes, but did pay taxes on income received from tenants. The board was 1/3 for and 2/3 against designation. He recommended the Commission move ahead with a vote on the matter now.

Mr. King closed the public comment period.

Mr. Irving moved to accept the report, with corrections to the permitting status as suggested by Mr. Brandon, and to forward the final report with a favorable recommendation for designation to the City Council. Ms. Harrington seconded the motion, which passed 7-0.

Case D-1176: 111 Clifton St., by S. Kaiser Bhuyan. Demolish house (1885).

Mr. King explained the demolition delay ordinance purpose and procedures.

Ms. Burks showed slides and summarized the staff report, describing the history and architecture of the house, built in 1885. She recommended that the house be found significant.

Kaiser Bhuyan, the owner, said he was a 29-year resident of Cambridge and planned to live in the house once redeveloped. He said there was no garage on the lot at present, just a shed.

Kevin Emery, of Emery Homes, said he had been contracted to build a two-unit house to match the building he had constructed at 122 Clifton Street. A garage connected the two residential units. He displayed the elevations and described the proposed design. It would conform to zoning requirements.

Mr. Brandon asked if the drawings were for 111 or 122. Mr. Emery answered that they were the same design. Mr. King offered his copy of the drawings to Mr. Brandon for review. Mr. Brandon asked why Mr. Emery had not come before the NCSC to present the project.

Mr. Bhuyan clarified that he was the owner and Mr. Emery was contracted to build the project. He and Mr. Emery indicated they were willing to make a presentation to the NCSC.

Mr. King asked how tall the existing house was. Mr. Emery did not know.

Peter Cignetti of 5 Theriault Court said it looked like the house would be higher than 27', though less than 35'. Only living spaces counted toward the FAR, but the garage would take up a substantial portion of the site. The house was well maintained and the red maple tree was beautiful. Another house had been built to the east of his house and this new building would wall him up on the west side. The plan might meet code, but was too big because of the garage. He objected to removing the tree. He said Mr. Bhuyan was a great neighbor, but the existing house should remain.

Rick Snedeker of 107 Clifton Street objected to the demolition. The existing house was set back from the others on Theriault Court, giving them breathing space. The quality of life for the abutters would be diminished if the new building was constructed. The existing house was sound and the Queen Anne style was unique in the neighborhood.

Janice Snedeker of 107 Clifton Street agreed with her husband, Rick Snedeker. The house was part of the Theriault Court grouping. The proposed 2,500 square foot building would be inconsistent with the smaller 801-1100 s.f. buildings on Theriault Court. It would be only 7.5' away from her property line, would extend much further back, and would take out the nice tree. The proposal was too big for the neighborhood.

Susan Plosinski of 104 Clifton Street said that 111 Clifton was formerly her aunt's house. She could understand why Mr. Bhuyan would want to improve it, but the proposed building was too big for the street. The neighborhood used to have more open space. She recommended that the existing footprint be maintained.

Victor Plosinski, also of 104 Clifton Street, said the Commission's 1976 survey said Clifton Street was the most vulnerable street in the neighborhood to future development and change. It was a family neighborhood and should have houses in scale with the surroundings.

Richard Clarey of 15 Brookford Street said there were no good arguments for demolition and he hoped that there would be a presumption of preferably preserved status. It shouldn't be easy to get a demolition permit.

Mr. Brandon also urged the Commission to find the house preferably preserved. The delay would allow the owner to meet with neighbors and try to find another solution, perhaps expanding the existing house.

Mr. King closed public testimony.

Mr. Bibbins said there might be a way to modify the design and still get a second unit without demolishing the house.

Mr. Irving acknowledged the owner's right to work within the zoning parameters. He asked for more information about materials and height.

Mr. King said the Commission would consider the public interest benefits and concerns of the existing and proposed conditions. A two-family unit could be considered a benefit to the public. There was public testimony to consider as well.

Mr. Irving moved to find the house significant as defined in the ordinance and for the reasons presented in the staff memorandum. Ms. Berg seconded the motion, which passed 7-0.

Mr. Bibbins requested that the dimensions of the proposed replacement building be clarified.

Mr. King noted that the double house was not unattractive and the streetscape was already eclectic. He noted that the neighbors' concerns about light and air were relevant and a six-month delay might be warranted.

Mr. Sullivan read the definition of a preferably preserved significant building from the ordinance. The Commission should vote on whether it was in the public interest to preserve the building and whether a six-month delay would allow for other solutions to be pursued.

Mr. Irving said it would be in the neighbors' interest to have more time to discuss the project with the owner. The six months could be important time for working out a solution. That time could be used to work out the details of the project and answer the neighbors' and Commission's questions about the design.

Mr. Irving moved to find the house preferably preserved as defined in the ordinance. Ms. Harrington seconded the motion, which passed 7-0.

Case D-1177: 66-76 Harvey St., by Ronald A. Arslanian. Demolish church building (1922).

Ms. Burks showed slides and summarized the staff memorandum and the history of the building, originally the Heard A.M.E. Chapel built in 1922. She recommended that the building be found significant.

Kevin Emery, the developer, described the proposed replacement project. The combined 13,586 s.f. lot would be subdivided into two lots and two duplex houses would be built, one on each lot. The design was similar to the last proposal and to the as-built example at 122 Clifton Street. He reviewed a site plan. Garages would face the center of the property. He showed another example on Clifton Street where two similar houses faced side by side. He reported that they had met with approximately 30 neighbors and shared the plans with them. Sixty-six fliers had been put out in the neighborhood. He received lots of positive feedback at that meeting.

Chris Lim of 134 Reed Street asked if there would be any other public hearings on the project. Mr. King answered that there would not be if the design did not require any zoning relief.

Mr. Clarey suggested that the African American Heritage Trail committee be consulted.

Kathy Irving, the listing agent at Hammond Realty, said both owners were seriously ill. The property had been on the market since April. The owners had bought it thinking that they could build 6 units on the property. Two offers had been made contingent on 6+ units being approved. Most of the interest in the property had come from groups wanting to reuse the building as a church, but it had been difficult for them to get financing. At the community meeting last week, the neighbors expressed an overwhelming preference for residential use because there would be less traffic.

Mr. Lim said the new development would result in a very large structure 7.5' from the west side of his property. He said his house was small and the new building would block his sun and be an eyesore. He said he liked the appearance of the existing building.

Aileen Callihan of 69 Harvey Street said she had a deep respect for history. The church building was not like any other on the street. It was very simple and boxlike in design and not architecturally articulated. A plaque could commemorate the history of the site. She spoke in favor of demolition and new construction. It would be a quiet residential development. A residential use was preferable to an unknown other use. The proposed design was architecturally consistent with the neighborhood.

Mr. Lim disagreed. Four copies of the same building in the small neighborhood would take away from the historic character of the area. It would set a bad precedent for other developments.

Lucinda Witt, the buyer's agent from Coldwell Banker, said most houses on Reed Street were cookie-cutters. The proposed design was geared to family living with three bedrooms and a yard. The church was inconsistent with the neighborhood.

Mr. Lim said there would be twice the distance between the two new buildings than there would be from his property to the new building. The new buildings would overshadow everyone else on the other three sides.

Mr. Sullivan agreed with the point about the siting of the new buildings; they were 30' from each other, and only 7.5' from their outside lot lines. The siting would not be compatible with the surrounding properties. Allowing time for discussion of the siting would be grounds for finding the building preferably preserved.

Mr. Ferrara said it would be unusual to have two adjacent driveways.

Mr. Emery said the cobblestone and stone paving materials would look better. It would not all be asphalt.

Mr. Irving asked if the new buildings could be centered on the lot. Mr. Bibbins noted that the design for 111 Clifton provided less distance for turning.

Mr. Ferrara said there were benefits to having a residential building instead of a parking lot.

Mr. Brandon said the current owners had made a presentation to the NCSC soon after they bought the property. They didn't have plans to share at that time but assured the committee that they would return before going forward. He urged the Commission to find the building significant and preferably preserved. He encouraged the developer to make a presentation to the NCSC.

Mr. King closed public testimony.

Mr. Irving moved to find the building significant as defined in the ordinance and for the reasons in the staff report. Ms. Harrington seconded the motion, which passed 7-0.

Mr. Irving moved to find the building preferably preserved because the proposal lacked detail and because the delay would allow for discussion about the inappropriate siting. Mr. Bibbins, noting that the drawings were inconsistent and inaccurate, seconded the motion.

Mr. King noted that the owners could request that the delay be shortened at such time that further details and/or an amended plan could be provided.

Mr. Irving incorporated ~~that~~ Mr. King's point into his motion, and Mr. Bibbins seconded the amended motion. The motion passed 7-0.

Public Hearing: Neighborhood Conservation District (NCD) Appeal Proceedings

HCM-52: 9 Sibley Court. Adam Seitchik & Pam Wickham, owners. Consider appeal made by petition of registered voters.

Mr. Irving recused himself because of a previous professional relationship with the owners. Mr. King also recused himself because of his position as a member of the Half Crown-Marsh NCD Commission. He called for a brief recess. [Mr. Irving left the meeting. Mr. King moved to the audience]. Mr. Bibbins assumed the chair.

Mr. Sullivan reported that the parties were negotiating in the hallway and had asked for a delay. Mr. Bibbins took other agenda items out of order while waiting for the 9 Sibley Court owners and neighbors to return to the hearing room. Mr. King returned to participate in considering the grant requests and minutes.

Preservation Grants

IPG: 10-3: 25 Lowell St.: Lowell School (New School of Music). Estimated project cost: \$20,952. Requested grant: \$15,000.

Mr. Sullivan showed slides and described the building, which was owned by the city and leased to the New School of Music. A grant was awarded in FY2005 for roof repairs. The storm windows on the building were home made and most no longer operated. The tenants proposed replacing the furnace and making the building weather tight.

They would retain the wood windows and install new Harvey TruChannel storm windows. The request was for \$15,000. He strongly recommended approval; it was an affordable amount and would have a good effect.

Mr. King moved to approve the grant, as recommended. Ms. Berg seconded the motion, which passed 6-0.

Minutes

Mr. King offered corrections on pages 4, 5 and 6, submitting his edits in writing. He moved to approve the minutes as corrected. Mr. Ferrara seconded the motion, which passed 4-0. Ms. Berg and Ms. Harrington did not vote because they had not been present.

Executive Director's Report

Mr. Sullivan reported that the Avon Hill Boundary Study Committee's report and recommendations had been passed to a second reading but then no action was taken at the next meeting. It was still on the Council's agenda, but he did not expect any action prior to the election. All parties had signed a purchase and sale agreement for Shady Hill Square, but the seller changed the terms and it was still in negotiation.

HCM-52: 9 Sibley Court. Adam Seitchik & Pam Wickham, owners. Consider appeal made by petition of registered voters.

The owners of 9 Sibley Court, the lead petitioners, and their attorneys returned to the room.

Mr. King recused himself again, and then with Mr. Bibbins ~~assumed~~ still in the chair.

Lenny Frisoli, attorney for Leila Nordmann, the lead petitioner on the appeal, and for her mother, Nancy Nordmann of 23 Sibley Court, said an agreement had been reached between the neighbors.

James Rafferty, representing Adam Seitchik and Pam Wickham, the property owners, agreed that the parties had reached an agreement and the sole petitioner present was willing to withdraw the appeal. Nancy Nordmann said that the owners had agreed to speak to her, as she had requested all along.

Mr. Sullivan noted that Mr. Frisoli did not represent all the petitioners.

Mr. Rafferty said that if no one appeared the Commission could call the case. Only one of the signatories was present and she had agreed to withdraw the appeal. There was no one else in attendance to present the appeal.

Mr. Sullivan suggested a continuance to be sure that the other petitioners were willing to drop the appeal.

Mr. King, as a member of the audience, suggested that the Commission could decline to hear the appeal if it thought it was moot.

Mr. Rafferty said that he and Mr. Frisoli could represent that his client had solicited the signatures on the appeal petition. The abutter who solicited the petition no longer wanted to proceed. He suggested that the Commission could dismiss the appeal and call for a special meeting if it were to receive a request from another petitioner for the appeal to be heard.

Ms. Tobin moved that the Commission decide not to hear the appeal tonight based on the representation from the lead appellant and her lawyer and from the property owners and their lawyer that an agreement between the parties has been reached, and due to the fact that the only appellant present did not want to move forward with the hearing. Additionally, she moved that the Commission could revisit this decision if any of the absent petitioners make it known to the Commission by November 4 (60 days from the September 4 filing date of the appeal) that they wanted a hearing. Ms. Harrington seconded the motion, which passed 5-0.

Mr. Ferrara moved to adjourn, Ms. Berg seconded, and the motion passed unanimously at 10:26 P.M.

Respectfully submitted,

Sarah L. Burks
Preservation Planner

**Members of the Public
Who Signed Attendance Sheet 10/8/09**

Jim Shannon	820 Mass Ave #407
Chris Lim	134 Reed St
Anthony Guba	Ayoub Engineering, 254B N. Broadway #206, Salem, NH 03079
Kathy Irving	Hammond R.E., 2 Brattle Square
Nancy Nordmann	23 Sibley Ct
Cynthia Smith	37 Crescent St
Marcia Yousik	90 Dudley St
Ginger Ryan	35 Crescent St
Victor Plosinski	104 Clifton St
Carol Noonan	101 Clifton St
Susan Plosinski	104 Clifton St
Janet Snedeker	107 Clifton St
Rick Snedeker	107 Clifton St
Lenny Frisoli	43 Thorndike St
Rich Clarey	15 Brookford St
Michael Brandon	27 Seven Pines Ave
Leila Nordmann	23 Sibley Ct
Peter Cignetti	5 Theriault Ct
Liza Paden	6 Theriault Ct
Jim Van Sickle	15 Brown St
James Williamson	1000 Jackson Pl

Town is Cambridge unless otherwise indicated.