

Minutes of the Cambridge Historical Commission

July 1, 2021 – Meeting conducted online via Zoom Webinar (868 2354 3192) - 6:00 P.M.

Members present (online): Bruce Irving, *Chair*; Joseph Ferrara, Chandra Harrington, Liz Lyster, Caroline Shannon, Jo Solet, *Members*; Gavin Kleespies, Paula Paris, Kyle Sheffield, *Alternate Members*

Members absent: Susannah Tobin, *Vice Chair*

Staff present (online): Charles Sullivan, *Executive Director*, Sarah Burks, *Preservation Planner*, Allison Crosbie, *Preservation Administrator*, Eric Hill, *Survey Director*

Public present (online): See attached list.

This meeting was held online with remote participation and was closed to in-person attendance, consistent with the provisions set forth in the Act Extending Certain COVID-19 Measures Adopted During the State of Emergency, which was signed into law on June 16, 2021. The public was able to participate online via the Zoom webinar platform.

With a quorum present, Mr. Irving called the meeting to order at 6:04 P.M. He explained the online meeting instructions and public hearing procedures then introduced the commissioners and staff. He designated alternates Ms. Paris, Mr. Kleespies, and Mr. Sheffield to vote in rotation then dispensed with the Consent Agenda procedure.

Public Hearings: Alterations to Designated Properties

Case 4599: 2 Bennett St. / 112 Mt. Auburn St., by Conductor's Building LLC. Install signs, exterior lighting, planters, bollards, and free-standing partition with sign and menu board.

Mr. Sullivan shared his screen and showed slides of the property. Ms. Burks provided an overview of the application, the scope of which had been reduced.

Jason Doo, a chef and the restaurant partner, introduced himself. He said his family came from Shanghai, China but he had lived in Cambridge for thirty-seven years. He explained the difficulty of the location and coordination with the MBTA to access the building and make repairs or alterations. He said the proposed wall sign on the east side of the building was the only location away from catenary lines and thus not requiring MBTA permissions, security, and the like. However, that location was greater than twenty feet high and would require zoning relief. He said the existing blade sign from the prior restaurant was within an area that would require coordination with the MBTA just to swap out the content. He described a new fence panel on the left side of the Mt. Auburn Street entrance, adjacent to the parking garage, on which they wanted to install a lit sign and menu board. He described three pagoda-shaped bollards to be installed two feet further away from the busway than the prior bollards. Two red lanterns would be installed at the Mt. Auburn Street entry door, replacing one existing light fixture. No changes were allowed on the busway elevation, so the lanterns and planter boxes depicted in the rendering would not be installed. The three-dimensional dragon at the top of the building also would not be possible due to the MBTA restrictions.

Tom Brush, Jason's partner in the restaurant venture, said they hoped they could receive the necessary approvals for the reduced package.

Mr. Ferrara asked what color of lighting would be installed in the pagoda bollards. Mr. Doo answered that it would be a simulated flame LED light, with low brightness for decoration and ambience.

Ms. Shannon asked about the details of the fence panel and sign. Mr. Doo said the sign would be trimmed with small LED lights. If they got MBTA approval, the fence panel would be shaped to wrap around three sides of the unsightly pole at the corner. Otherwise, it would just be an 11' straight panel.

Dr. Solet asked about the brightness of the dragon wall sign and whether it would be flashing. Mr. Doo said they planned to use traditional Phillips lights with ¼ inch LEDs, which were not very bright. It would be a stable (non-flashing) light with a dimmer. He was aware of the nearby Harvard dorms (in the Harvard Square Hotel). The lights would only be on when the restaurant was open.

Mr. Sheffield asked about the "Kensai" name. Mr. Doo explained that they had decided to go back to the original name for the restaurant, "Wusong Road."

Mr. Kleespies asked if the fence would block views of the restaurant from Brattle Square. Mr. Doo indicated it would not and showed a view from that direction.

Ms. Paris inquired whether the building next door was a hotel or a dormitory. Mr. Doo answered that during the last year of COVID-19 Harvard had used it as swing dorm space. It was not currently occupied, and he wasn't sure how it would be used in the fall.

Mr. Irving asked for questions of fact from the public.

Suzanne Blier of 5 Fuller Place asked if it would be possible to use plants instead of a fence to screen the parking garage. What was the box? Mr. Doo said they had considered planting bamboo, but the fence gave them a structure on which to install a sign in the only location free from MBTA access restrictions. Mr. Doo said the planter boxes had been removed from the scope.

Marilee Meyer of 10 Dana Street asked about trash removal and whether the vertical dragon sign would be legible against the brick wall of the building.

James Williamson of 1000 Jackson Place said he was standing outside the subject building. He asked if they had considered a sign on the east side at the Bennett Street end of the building. Mr. Doo said they had, but budget and other considerations limited the number of signs they could have. The entrance to the restaurant would be on the Mt. Auburn Street end, so that was the focal point for signs. Could the box shape of the fence be smaller? Mr. Doo said they were currently proposing just a straight fence panel because they had not heard back from the MBTA about the proposal to wrap around the pole. Mr. Williamson asked if they had engaged with the manager at the office across the street. Mr. Doo replied in the affirmative, adding that they had discussed trash, operations, and construction issues. The benches and trash barrel would stay in their current location.

Chris Mackin of 48 JFK Street asked if the sign's lights would pulsate and if they would turn off when the restaurant was closed. Mr. Doo reiterated that the lights would not flash or pulsate and that they would only be on during open hours.

Heather Hoffman of 213 Hurley Street asked about visibility and lighting type for the wall sign. Mr. Doo said the sign would be visible from Brattle Square, above the height of the parking deck and that it would be lit with LED strips, not neon.

Dr. Solet asked if the front door was accessible, and Mr. Doo replied in the affirmative.

Mr. Irving asked for public comment.

Mr. Williamson said that overall, it was a great proposal. He was glad they were in communication with the T. He hoped they would add a sign on the southeast end of the building.

Ms. Meyer and Ms. Blier offered general comments in favor of the application, as did Mary Jane Rupert of 36 Antrim Street.

Dr. Solet moved to find that the application met the district goal to support commercial vitality and to approve a Certificate of Appropriateness for the work as described, delegating review of construction details to Commission staff. Mr. Kleespies seconded the motion, which passed without further discussion 7-0 in a roll call vote. (Ferrara, Harrington, Lyster, Shannon, Solet, Irving and Sheffield)

Public Hearings: Appeal of Mid Cambridge Neighborhood Conservation District Decision

Case MC-6112: 12 Fayette Street, 12 Fayette Street Ventures LLC, owner. Appeal petition filed by ten or more registered voters.

Mr. Sullivan summarized the staff memo that described the appeal of a case heard by the Mid Cambridge NCD Commission and the appeal procedures per the enabling ordinance for Neighborhood Conservation Districts and reported on the record of the case. He explained that the questions to be answered by the Historical Commission were whether the due process requirements of the district order, enabling ordinance, and open meeting law had been met and whether the Mid Cambridge Commission had sufficient evidence for its decision and if it had acted within its authority, or if it had been arbitrary or capricious in its decision-making. The appeal hearing was not a *de novo* hearing of the application by the Historical Commission.

He briefly described the subject of the application for 12 Fayette Street to remove part of the ell of the existing building and construct a detached dwelling at the rear. He provided a timeline for the Mid Cambridge Commission's review of the project, including public hearings, plan submittals, and Architect Committee meetings between March and June 2021. He noted that design guidelines were meant to provide general guidance, but would not all be applicable in every case. He reviewed the guidelines and criteria for consideration provided in the Mid Cambridge district order and the enabling ordinance. While the appellants had missed certain filing deadlines, this might be excused by COVID-19 exigencies and he recommended that the Commission proceed with hearing the appeal.

Mr. Irving invited the appellants to make a presentation and offer their comments.

Allen Speight of 33 Antrim Street, the lead signer of the appeal petition, noted that there were twenty-one signatures on the latest emailed letter about the matter. He said the development proposal was

very large and not in scale for the neighborhood. The Mid Cambridge Commission had asked for the new building to be reduced in size but then delegated the final approval to its Architects Committee. He noted that the initial appeal petition had been submitted by email on May 24, then when requested to provide original signatures by staff he had submitted those by June 7.

Tony Hung of 43 Antrim Street asked if their letter of June 30 would be read into the record. He said the plans accepted by the Mid Cambridge Architects Committee had been difficult to understand.

Sarah Mae Berman of 23 Fayette Street said she did not want the new building to be constructed and plead with the Commission to consider the character of the neighborhood and how it would be impacted by the infill construction.

Heidi Samojluk of 37 Antrim Street noted that during the review process with the Mid Cambridge Commission, there had been forty to fifty people indicating their opposition to the proposed new building. The new building would negatively impact privacy and the way of living for the neighbors.

Hallie Speight of 33 Antrim Street said her objection was that the Mid Cambridge Commission had objected to the scale of the building, but the developer only offered minor changes to the design. The Mid Cambridge Commission did not exercise its power to require a reduction in scale.

Mr. Irving asked if the project applicants wanted to make any comments.

Sean Hope, representing the project applicants, said the time period for the appellant signatures should not have been extended. If the Commission did act on the appeal, there was no evidence that the Mid Cambridge Commission had been arbitrary or capricious in its actions. It was the opposite of that. He said the square footage of the new building was not the only measure of mediating the impact of the infill construction and that the size was well below what zoning would allow on the lot. The Mid Cambridge Commission had followed its guidelines and made its decision based on all the factors discussed in the meetings.

Mr. Irving closed the public comment period.

Mr. Sullivan advised that it would be better to act on the appeal rather than to find that it wasn't submitted in a timely fashion. He noted that the Historical Commission members had received hard copies of the full record of the case including notices, minutes, plans, correspondence, and staff-issued documents such as the certificate. As outlined in his memo, he suggested the following findings,

1. that all due process requirements were met, including requirements for notification of the parties at interest, conduct of the meetings with Zoom participation by members of the public, and distribution of communications to the commissioners.
2. that there was sufficient evidence provided to the Commission on which to judge the proposal, and
3. that the Mid Cambridge Commission had acted within its authority and had not

been arbitrary or capricious in its deliberations.

However, Mr. Sullivan said the motion of the decision and the written certificate did not include findings of fact and did not refer to a specific set of approved plans. It was unclear what the Architects Committee had approved and what remaining details had been delegated to staff. He recommended referring the matter back to the Mid Cambridge Commission with instructions to support its vote on the project by reference to a set of final plans and with specific findings referencing the provisions of the Mid Cambridge Order.

Ms. Harrington asked whether the approval of a certificate of appropriateness prior to the acceptance of a final set of plans by the Architects Committee had been out of order. Mr. Sullivan said it can be acceptable to delegate a limited degree of review to an Architects Committee, but the certificate in this case made no reference to an accepted set of plans; nor did the Architects Committee in its final vote delegating further review to staff refer to specific plans incorporating the alterations they had discussed. Another hearing of the Mid Cambridge Commission could review a final set of plans and make findings in the context of the district goals and guidelines.

Mr. Kleespies asked if the Architects Committee meetings had been open to the public and if they had taken public comment. Mr. Sullivan replied in the affirmative.

Dr. Solet asked if a quorum of Mid Cambridge Commission members had been present at the Architects Committee meetings. Mr. Sullivan replied in the affirmative.

Caroline Shannon moved to accept the findings outlined in the staff memorandum and to send the matter back to the Mid Cambridge Commission for the reasons cited by Mr. Sullivan. Mr. Sullivan clarified that he was not recommending that the Mid Cambridge Commission have a *de novo* review of the case. Ms. Lyster seconded the motion.

Mr. Sullivan reiterated the staff recommendation that the Historical Commission return the matter to the Mid Cambridge NCD Commission so that it can review a final, updated set of plans and make the findings of fact necessary to support a decision to grant a Certificate of Appropriateness in the case.

Ms. Paris recommended that the motion be amended to include that language of purpose for sending it back to the Mid Cambridge Commission.

Ms. Shannon so amended her motion to accept the findings outlined in the staff memorandum and to return the matter to the Mid Cambridge NCD Commission so that it can review a final, updated set of plans and make the findings of fact necessary to support a decision to grant a Certificate of Appropriateness in the case. Ms. Lyster seconded the amended motion. The motion passed in a roll call vote 7-0. (Ferrara, Harrington, Lyster, Shannon, Solet, Irving and Kleespies)

Director's Report

Mr. Sullivan reported that the East Cambridge study's interim regulatory review period would expire this fall. He noted that a petition had been filed to amend the NCD and Landmarks ordinance. The

matter would be discussed by the Ordinance Committee. He reported on the conclusion of the Public Art, Monuments and Markers Committee and described the organizing of a Cambridge History Museum by a committee. Ms. Harrington noted that she had joined the museum committee.

Ms. Harrington said that she and other members of the Historical Commission had been approached by members of the public about subjects before the Commission. She noted that the Commission cannot discuss matters that will be decided by the Commission outside of the public meeting process, and she hoped that no one felt threatened by the communications they were receiving because the opinions expressed could be quite strong.

Mr. Irving said he had not been approached about cases but had encountered a lot of questions about the Commission's jurisdiction.

Ms. Paris said misinformation was sometimes circulated when a contentious matter is pending. She said she had been approached numerous times and had received notes taped to her door.

Mr. Irving advised the Commission members to set a strong boundary and refer questions and comments to CHC staff.

Dr. Solet said it hadn't happened recently but in years past she had been harassed by a member or members of the public.

Ms. Lyster said it was important to explain the Commission's purview in each case.

Mr. Kleespies noted that the East Cambridge NCD Study meetings could be shockingly negative. There was a well-organized group of opponents to any NCD. There could also be a lot of public communication via social media.

Ms. Paris said there was overlap between the opponents of the recent NCD study petition for the Bay State neighborhood and the East Cambridge NCD study.

Ms. Harrington noted that the issue was bigger than Cambridge. This type of discussion was going on all over the country. She asked how other historical commissions were dealing with it.

Mr. Sullivan offered to share relevant journal articles and news reports.

Ms. Lyster said she was not comfortable with language that set up an "us vs. them" relationship. The Commission should listen to the public and not align against anyone.

Minutes

Dr. Solet offered a correction to the minutes with the spelling of plenitude.

Mr. Irving moved to approve the minutes, as corrected. Ms. Harrington seconded the motion. The motion passed 7-0 in a roll call vote. (Ferrara, Harrington, Lyster, Shannon, Solet, Irving and Paris)

Mr. Sheffield moved to adjourn the meeting. Ms. Paris seconded the motion, which passed unanimously in a roll call vote.

The meeting adjourned at 8:46 P.M.

Respectfully submitted,

Sarah L. Burks
Preservation Planner

Members of the Public
Present on the Zoom Webinar online, July 1, 2021

Marie Elena Saccoccio	55 Otis St.
Sean Hope	907 Massachusetts Ave.
James Williamson	1000 Jackson Pl., Jefferson Park
Sara Mae Berman	23 Fayette St.
Jason Doo	2 Bennett St.
Marilee Meyer	10 Dana St., #404
Christopher Mackin	48 JFK St.
Scott Zink	12 Fayette St.
Mary Jane Rupert	36 Antrim St., Apt.1
Carole Perrault	29 Lewis Road, Belmont, MA 02478
Allen Speight	33 Antrim St.
Betty Saccoccio	55 Otis St.
Heidi Samojluk	37 Antrim St.
Lestra M Litchfield	25 Dana St.
Amy Meltzer	45 Antrim St.
John Hawkinson	CambridgeDay.com
Alison Hammer	556 Franklin St.
Charles Redmon	18A Highland Ave.
Tony Hsiao	27 Highland Ave.
Helen Snively	1 Fayette Pk.
Gao-Wen Shao	9 Fayette St.
Tony Hung	43 Antrim St., Apt 3
Michael Brandon	27 Seven Pines Ave.
Tom Brush	21 Brattle St.
Heather Hoffman	213 Hurley St.
G D	36 Interim St.
Hugh Russell	1 Corliss Pl.
Suzanne Blier	5 Fuller Pl.

Note: Town is Cambridge, unless otherwise indicated.