

FINAL REPORT
of the
LOWER COMMON
NEIGHBORHOOD CONSERVATION DISTRICT STUDY
with
GUIDELINES FOR DEVELOPMENT AND
NEIGHBORHOOD CONSERVATION

Submitted to the
Cambridge Historical Commission

by the
Lower Common
Neighborhood Conservation District Study Committee

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The Lower Common Neighborhood Conservation District Study Report

Summary

The Lower Common Neighborhood Conservation District (NCD) Study was initiated by petition of about 150 registered voters living in the area bounded by Massachusetts Avenue, Linnaean Street, Garden Street and Chauncy Street. The petition responded to neighborhood concerns about inappropriate rehabilitation of older houses and apartment buildings and the future of the Radcliffe Quad. The Cambridge Historical Commission held a public hearing on October 7, 2004 and voted to accept the petition and initiate the study.

The City Manager appointed the Study Committee on January 31, 2005. Between January 2005 and November 2006, the Study Committee met on 39 occasions to discuss its recommendations. It held seven public information sessions, conducted a walking tour, and published a newsletter. The meeting schedule and a series of informational mailings were sent to all property owners informing them of the committee's work. A questionnaire sent to property owners and tenants solicited the neighborhood's support or opposition to the proposal as drafted. Of those responding, about 60% favored establishing a Lower Common Neighborhood Conservation District.

On November 28, 2006 the Study Committee voted 6-1 to approve its Final Report and transmit it to the Cambridge Historical Commission with a positive recommendation.* The Commission will hold a public hearing on the matter on February 1, and formulate a recommendation to the City Council.

The Study Committee's investigation determined the following:

- The distinctive street pattern of the neighborhood derives from the subdivision of the Lower Common in 1724 and its piecemeal residential development in the 19th century.
- The Lower Common contains a distinctive grouping of mid- to late-19th-century middle class houses, along with several important examples of 18th and 19th century houses that were moved from Massachusetts Avenue.
- Many houses in the Lower Common, set close to one another on short, densely-developed streets and ways, are architecturally modest and susceptible to alterations that can diminish their vernacular qualities and impinge on neighboring properties
- Apartment buildings constructed in the early decades of the 20th century present difficult conservation issues, despite the prevalence of uniform maintenance agreements in cases of condominium ownership.
- Reviews of alterations to a structure requiring a zoning variance usually do not address their impact on the architectural character of neighboring buildings and streetscape

* The "*Final report of the Lower Common Neighborhood Conservation District Study with Guidelines for Development and Neighborhood Conservation*" is posted on the website of the Cambridge Historical Commission at http://www.cambridgema.gov/Historic/lowercommon_study.html. Copies are available from the Cambridge Historical Commission, in person at 831 Massachusetts Avenue or by calling (617) 349-4684.

The primary and secondary goals of the proposed order are intended to provide general guidance to the Lower Common Neighborhood Conservation District Commission in a wide variety of situations. If the measure is enacted, the Commission's primary goal will be to:

conserve the character, variety, and scale of the District's streetscapes and architecture, and to enhance the livability and vitality of the District for its residents and the public at large. The Lower Common Neighborhood Conservation District Commission will seek to conserve and enhance the unique functional environment and visual form of the District; preserve its architecturally and historically significant structures and their settings, and encourage design compatible therewith; mitigate potential adverse impacts of new development on adjacent properties and areas; and maintain the present diversity of development and open space patterns and building scales and dates. The District must remain a human-scale environment that complements nearby neighborhoods and maintains the history and traditions of its location.

Whenever possible, the Commission will attempt to:

- Preserve the historic development patterns of the neighborhood, including the distinctive street layout of interior, resident- and pedestrian-oriented streets that are bounded by the neighborhood's automobile-oriented cross streets.
- Conserve the character, variety and scale of the neighborhood's architecture, its amalgamation of building styles, and the functional alterations of its structures.
- Accommodate changes that support the District's conservation goals
- Provide administrative procedures to enhance predictability of outcomes and timeframes for property owners.
- Mitigate the impact of changes on adjacent properties, e.g., visually or audibly intrusive HVAC equipment.

In general, the scope of the Lower Common NCD Commission's authority would be binding in all reviews of construction, demolition or alteration that affect exterior architectural features visible from a public way, except when the Executive Director of the Cambridge Historical Commission is authorized to issue Certificates of Nonapplicability or when the alteration is exempt from review. However, publicly visible exterior alterations of four houses of extraordinary historical importance, 35 Bowdoin Street, 26 Gray Street, 46 Hudson Place, and 1 Potter Park, will be subject to binding review.

Subject to the detailed provisions of the Order establishing the District, Certificates of Nonapplicability (i.e., permission to proceed) will be issued for:

- Walls and fences in a front yard that are four feet high or less, and walls and fences elsewhere on the property that are six feet high or less as measured from the existing grade to the top of the wall or fence panel.
- Dormers that comply with the Board of Zoning Appeal's Design Guidelines and that substantially match the details of the existing structure.
- Wood-exterior replacement sash matching the existing sash in size, configuration,

and proportion.

- Wood-exterior replacement doors matching the existing doors in size, configuration, and proportions, or the door of a nearby structure in the same style.
- Alterations to the front façade of a double house or row house that incorporate architectural details which substantially match the appearance of existing original features and do not diminish the symmetry or uniformity of appearance that characterizes the structure.
- Alterations to the rear of a structure that are visible only from a public street or way other than the street or way faced by its principal façade.
- Removal of siding and replacement by materials substantially matching the original, or, if the original siding is unknown, by siding customarily used on similar structures.
- Skylights or solar collectors in close contact with and parallel to the plane of the roof.
- Intake and exhaust vents of less than one square foot in area.
- Chimney caps installed in a manner that will allow their removal without altering the structure or appearance of the chimney.

The following categories of structures or exterior architectural features will be exempt from review:

- Exterior alterations that do not increase or diminish the number or size or alter the location of windows and doors, cause the removal of any bay, porch, hood, window or door casing or any other protruding decorative element, or alter the appearance of a roof.
- Signs, temporary structures, lawn statuary, or recreational equipment, subject to conditions as the Commission may reasonably specify.
- Terraces, walks, driveways, sidewalks and similar structures substantially at existing grade level.
- Storm doors and windows, screens, window air conditioners, lighting fixtures, antennae, trelliswork and similar appurtenances.
- Exterior paint color and ordinary maintenance.

Finally, the proposed Order contains a sunset clause that provides that the Cambridge Historical Commission will review the Lower Common NCD Commission's effectiveness during its fourth year in operation and report its recommendations to the City Council. In the event that the City Council repeals or fails to re-adopt the Lower Common NCD Order, the Lower Common Neighborhood Conservation District Commission will cease to be in effect.

Proposed Order Establishing the Lower Common Neighborhood Conservation District

By order of the City Council of the City of Cambridge:

I. Designation of the Lower Common Neighborhood Conservation District

Pursuant to Chapter 2.78, Article III of the Code of the City of Cambridge, the area having the boundaries set forth on the map entitled “Lower Common Neighborhood Conservation District,” a copy of which is attached to and incorporated in full into this Order, is hereby designated as a neighborhood conservation district to be called the "Lower Common Neighborhood Conservation District" (hereinafter the "District," the “Neighborhood,” or the “Lower Common”).

II. Reasons for Designation

The Lower Common is a unique and distinctive neighborhood that originated in the 1724 partition of the Cambridge Common. The street layout reflects the 18th-century division of the Lower Common into farm fields. The Lower Common has evolved into a distinctive residential community containing significant buildings of many periods and styles. Several significant structures were moved from Massachusetts Avenue. Construction in the neighborhood generally occurred in four significant periods: cottages and double houses (ca. 1845-1873); single family houses (1873-1900); apartment houses (ca. 1895-ca.1930); and townhouses (1960-ca. 1990). Buildings of widely varying styles and scales are juxtaposed on most blocks and create a high density of development with many structures close to the sidewalk and nearly filling their lots. Most single-family houses have veranda-type porches, asymmetrical massing, varied rooflines, and abundant architectural detail. Masonry apartment blocks constructed before 1930 often possess landscaped courtyard or entrances, sleeping porches, walls, gates, and abundant masonry ornament. Many buildings have been altered over the decades: small additions, including porch enclosures, dormers, extensions, and decks are common. Features such as original windows, doors, or shutters have been replaced or removed. Low fences in front of buildings are common, as are taller fences at the sides and backs of property. Many lots have been partially paved for parking and small garages have also been added. Pressures for change threaten the District’s diverse architectural character, which this measure seeks to preserve, conserve and protect from adverse environmental influences. The Order will accomplish this purpose by ensuring that new construction, additions and alterations are compatible with the character of the District, by offering a forum for community dialogue about proposed changes to properties in the District, by providing technical assistance to District property owners on issues of conservation and preservation, and by fostering wider public appreciation of the District, and will thereby promote the public welfare by conserving the District as a more attractive and desirable place in which to live, work, and visit.

III. District Established

As authorized in Paragraph A, Section 2.78.160 of Article III of the City Code, the Neighborhood Conservation District hereby established shall be administered by a Lower Common Neighborhood Conservation District Commission (hereinafter the “Commission”) appointed by the City Manager. The effective date of the District shall be the date on which the City Manager advises the City Council and City Clerk of the initial appointment of the Commission.

IV. Statement of Goals and Standards for Review

The goal of the District and of this Order is to conserve the character, variety and scale of the District's streetscapes and architecture, and to enhance the livability, vitality, and socioeconomic diversity of the District for its residents and the public at large. The Lower Common Neighborhood Conservation District Commission will seek to conserve and enhance the unique environment and visual form of the District; preserve its architecturally and historically significant structures and their settings, and encourage design compatible therewith; mitigate potential adverse impacts of new development on adjacent properties and areas; and maintain the present diversity of development and open space patterns and building scales and dates. The District must remain a human-scale environment that complements nearby neighborhoods and maintains the history and traditions of its location. The Commission is committed to a process that will provide technical assistance to residents as they seek to make cost-effective changes to properties in accordance with the guidelines established for the District. The Commission will recognize and accommodate the needs and desires of resident property owners when it is possible to do so in a manner consistent with the District's overall conservation and development goals.

The following secondary goals for the District are intended to provide general guidance to the Lower Common Neighborhood Conservation District Commission in a wide variety of situations, and are not intended to be applied to every project that will come before it. They are statements of policy, not prescriptive measures that must be applied equally in each situation. Whenever possible, the Commission will seek to:

1. Conserve the historic development patterns of the neighborhood, including the distinctive street layout of interior, resident- and pedestrian-oriented streets which are bounded by the neighborhood's automobile-oriented cross streets.
 - a. Encourage site or landscape improvements that enhance the variety of pedestrian pathways through the neighborhood.
 - b. Maintain the neighborhood's dynamic pattern of modern alterations to neighborhood streetscapes, including the provision of minimal side and back yard parking, the construction of traditional back yard garages, and the installation of privacy fences that conserve and maintain visual access to the front and portions of the sidewall planes of houses from the public way.
 - c. Allow for structured rear-lot parking, on-, below- and above-grade, at buildings with more than four dwelling units.

2. Conserve the character, variety and scale of the neighborhood's architecture, its amalgamation of building styles, and the functional alterations of its structures.
 - a. Protect and preserve the neighborhood's significant buildings, including properties listed on the National Register of Historic Places and buildings constructed before 1840.
 - b. Maintain the neighborhood's open porches and verandas, and the visual unity of its double houses and rowhouses.
 - c. Maintain the neighborhood's existing patterns of modern alterations, including the addition of traditionally scaled and detailed dormers, bays, and eaves and the minimal enclosure of open porches and verandas.
 - d. Allow visually-indistinguishable modern materials and replacement building components
 - e. Support creative, contemporary design for new construction, additions, and alterations that complement and contribute to the character of the neighborhood.
 - f. Build on and sustain the diversity of the existing building form, scale and material. Maintain and encourage flowers, green yards and courtyards and small, freestanding wood-frame buildings where that character prevails.
3. Accommodate changes that support the District's conservation goals and provide administrative procedures to enhance predictability of outcomes and time-frames for property owners.
4. Mitigate the functional impacts of development on adjacent properties, e.g., visually or audibly intrusive HVAC equipment.

The foregoing goals also recite the standards for conservation and change within the District. In addition to the factors specified in Section 2.78.220, and subject to any specific provisions of this Order, in exercising its authority with respect to the District and in considering applications for certificates of appropriateness, hardship, or nonapplicability, the Lower Common Neighborhood Conservation District Commission shall be guided by the preceding general goal for the District as a whole and by such of the preceding secondary goals as it determines to be applicable to the project or situation before it. The Commission shall also be guided by the Guidelines for Demolition, Construction and Alterations described in the "Final Report of the Lower Common Neighborhood Conservation District Study Committee," dated _____, 2006.

V. Scope of Commission's Authority

The authority of the Commission shall extend to the review of all construction, demolition or alteration that affects exterior architectural features, other than paint color, within the District and visible from a public way, except as otherwise provided in this Order. The Inspectional Services Department shall not issue a building permit for proposed work until the Commission or the Executive Director of the Cambridge Historical Commission has issued a Certificate of Appropriateness, Nonapplicability or Hardship in accordance with this Order. As permitted by Chapter 2.78.190.B, the Commission may determine from time to time after public hearing that certain categories of exterior architectural features, structures, or signs may be altered without review by the Commission; provided, however, that every such al-

teration shall be determined by the Executive Director to conform to the regulations adopted by the Commission for the administration of the District. The determinations of the Commission shall be binding. The term "Executive Director" herein refers to the person fulfilling the functions of the Executive Director of the Cambridge Historical Commission or such other member of the staff of the Historical Commission delegated by such person [with the approval of the Historical Commission and the Lower Common Neighborhood Conservation District Commission] to administer the day-to-day operations of the District.

A. Certificates of Appropriateness and Hardship. The Commission shall grant a Certificate of Appropriateness for work that is consistent with the purposes of this Order and not incongruous with the existing structure, the streetscape on which the structure is located, and the District. "Not incongruous" means compatible, harmonious, in keeping, consonant, suitable, or appropriate and may include work that is identical to, visually indistinguishable from, or distinctive but complementary. The Commission may grant a Certificate of Hardship, temporary or otherwise, for work that it determines may be approved without substantial detriment to the public welfare and without substantial derogation from the purposes of this Order, if failure to grant a Certificate of Appropriateness will involve a substantial hardship, financial or otherwise, to the applicant and if the particular conditions especially affect the structure involved, but not the District generally.

B. Certificates of Nonapplicability: The Executive Director shall issue a Certificate of Nonapplicability for the following alterations:

1. Walls and fences within a required Front Yard of a property as defined in the Cambridge Zoning Ordinance which are four feet high or less as measured from the then existing grade of the sidewalk or surface of the ground immediately below the wall or fence, whichever grade is lower, to the top of the wall or fence panels, exclusive of piers or posts, and walls and fences elsewhere on the property which are six feet high or less as measured from the then-existing grade as here defined.
2. A roof dormer that complies with the Design Guidelines for Roof Dormers then in effect and issued by the Cambridge Board of Zoning Appeals and that incorporates materials, windows and architectural details which substantially match the appearance of those used on the structure on which it is to be constructed.
3. One or more wood-exterior replacement sash, with either a true-divided light or a simulated-divided light construction and half-screen, in a size, configuration, and proportions matching the existing opening and sash to be replaced.
4. One or more wood-exterior replacement doors in a size, configuration, and proportions matching the existing door to be replaced, or which substantially match the appearance of the original door, or an appropriate door of another structure which is in the same streetscape and the same architectural style.
5. Alterations to the front façade of any structure constructed as a double house or row house that incorporate materials, window and door types and architectural details

which substantially match the appearance of existing original features and do not diminish the symmetry or uniformity of appearance that characterizes the structure as a double or row house.

6. Alterations to the rear of a structure which are visible only from a public street or way other than the street or way faced by the principal façade of such structure. This paragraph does not apply to a structure on a corner lot, a row house which is part of a row on a corner lot, or a structure on a lot the rear line of which is on another public street or way.

7. Removal of siding and replacement by materials the appearance of which substantially matches the original siding on that part of the structure or, if the original siding is unknown, siding customarily used on structures of the same architectural style in the District.

8. 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.

9. 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.

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

C. Exclusions from Review. As permitted by Ch. 2.78.190.B, and 2.78.200, 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.

1. Alterations to the exterior of existing structures that do not increase or diminish the number or size or alter the location of windows and doors, cause the removal of any bay, porch, hood, window or door casing or any other protruding decorative element, or alter the appearance of a roof.

2. Signs, temporary structures, lawn statuary, or recreational equipment, subject to such conditions as to duration of use, dimension, location, lighting, removal and similar matters as the Commission may reasonably specify.

3. Terraces, walks, driveways, sidewalks and similar structures substantially at existing grade level.

4. Storm doors and windows, screens, window air conditioners, lighting fixtures, antennae, trelliswork and similar appurtenances.

D. Maintenance, Repairs and Reconstruction. Nothing in this Order shall be construed to prevent:

1. Ordinary maintenance, repair or replacement of any exterior architectural feature within the District that does not involve a change in design or material or the outward appearance thereof.
2. Landscaping with plants, trees or shrubs.
3. Meeting requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition.
4. Construction or alteration under a permit duly issued prior to the date of the Order which designates the District.
5. Reconstruction, substantially similar in exterior design, of a structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided plans for such reconstruction are approved by the Executive Director and work is begun within one year thereafter and carried forward with due diligence.

VI. Protected Buildings

Notwithstanding the other provisions of this Order, all publicly visible alterations to buildings at the following addresses shall require review in accordance with Ch.2.78, Article III:

35 Bowdoin Street
26 Gray Street
46 Hudson Place
1 Potter Park

VII. Procedure

A. An application for proposed work shall be on forms prescribed by the Commission, signed by the owner of the property on which the work is to be performed, (the "applicant") and filed with the Historical Commission. In the case of a condominium unit, the owner and the condominium association trustees and, in the case of a condominium structure, the condominium trustees shall be deemed to be the owner. If no Certificate of Appropriateness is required hereunder for the work, the Executive Director shall promptly issue a Certificate of Nonapplicability to the applicant.

B. The Commission may, at any time or times, after giving not less than thirty (30) days notice by publication at least twice and, so far as is practicable, by first class mail to each known property owner in the District of the date, time and place of a public meeting, adopt, amend or revoke any rule it is permitted to adopt under Chapter 2.78 of the Code.

C. Whenever the Commission makes a decision to allow or deny a Certificate of Appropriateness or Hardship, it shall include as part of that decision in writing the findings upon which the decision is based, making specific reference to criteria in the NCD guidelines.

D. When taking action under the provisions of this Order, the Commission shall make its determinations within forty-five days after the filing of a complete application for a Certificate of Appropriateness, Nonapplicability, or Hardship, or within such further time as the applicant may in writing allow.

VIII. Coordination With Other Agencies and Boards

The Historical Commission, Board of Zoning Appeals, Inspectional Services Department and other City boards, agencies and officials are directed to coordinate all review, hearing, permitting and other procedures relative to proposed work within the District to the extent practicable, consistent with their respective responsibilities.

IX. Term of Designation

The designation of the Lower Common Neighborhood Conservation District in Section I above shall expire five years after the effective date of the District unless the District is re-established by Order of the City Council. During the twelve-month period prior to the fifth anniversary of the effective date of the District the Historical Commission shall hold a public hearing to solicit the views of residents and property owners with respect to the desirability and effectiveness of the District and to formulate a recommendation to the City Council, based upon its findings following such public hearing, as to whether this or an amended Order should continue in effect, continue in effect with amendments, or be repealed; a summary of the testimony at such hearing shall accompany the report to the City Council. In the event that the City Council repeals or fails to re-adopt this Order, except as a repealing order otherwise directs, the Lower Common Neighborhood Conservation District Commission shall cease to be in effect, but all valid certificates, permits, orders and determinations of any City board, commission or agency issued prior to such cessation shall continue in effect.

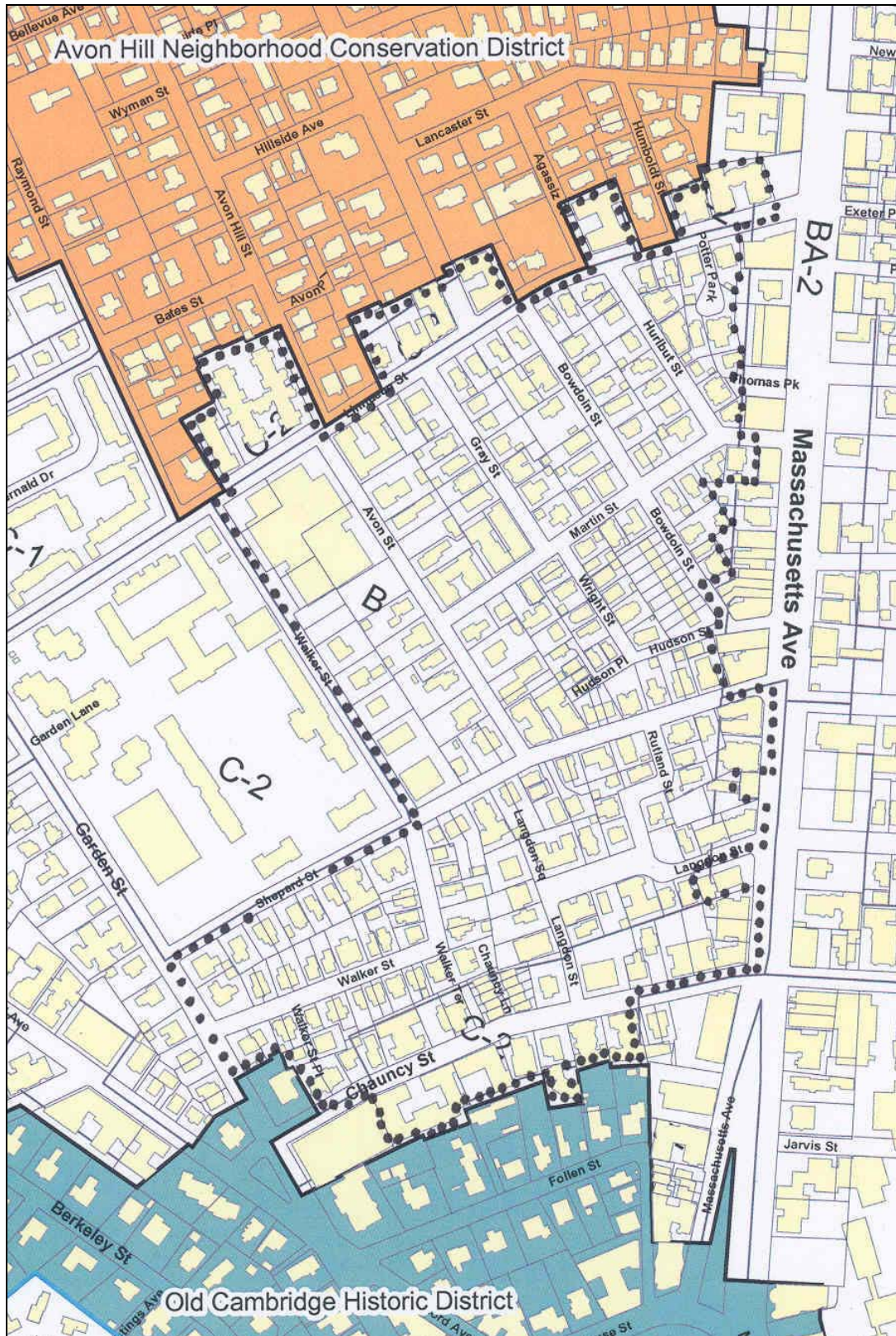


Figure 1. The Lower Common Neighborhood Conservation District study area is enclosed by the dotted line.

Lower Common Neighborhood Conservation District Study Preliminary Report

Summary

Proposed Order

Map

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I. The Lower Common Neighborhood Conservation District Study

The Lower Common Neighborhood Conservation District study grew out of some neighbors' concerns over developments that seemed to threaten the neighborhood's comfortable, eclectic character of vernacular houses interspersed with apartment buildings. Neighborhood activists, observing an upswing in "extreme rehabilitation" of older houses throughout Old Cambridge, were disturbed by the possibility that this could occur in the Lower Common. Although some residents were also concerned about the conversion of Hilles Library in the Radcliffe Quad to a student center, as well as the possibility of conversion of the Quad to graduate student housing, CHC staff made it clear from the beginning that neighborhood conservation districts cannot regulate use.

A. Initiation of the Study

Beginning in mid-2003, some residents decided to explore the possibility of requesting the City Council to designate the area as a Neighborhood Conservation District (NCD) under Chapter 2.78, Article III of the City Code. CHC Preservation Planner Sally Zimmerman served as liaison with the neighborhood. The residents organized as the Lower Common Interested Neighbors, and met about eight times between August 2003 and April 2004. At the group's request, the Cambridge Historical Commission (CHC) held a public informational meeting on neighborhood conservation districts at the Peabody-Graham & Parks School on May 5, 2004; about 60 people attended.

Beginning in May 2004, the proponents circulated a petition calling on the CHC to initiate a neighborhood conservation district study of the area bounded on the south by the Old Cambridge Historic District, on the north by the Avon Hill Neighborhood Conservation District, on the east by Massachusetts Avenue, and on the west by Garden Street and Walker Street (see Fig. 1). Within these general boundaries, the study area would exclude commercial properties along Massachusetts Avenue in the Business A zone between Shepard and Linnaean streets, and include the apartment buildings on the south side of Chauncey and the north side of Linnaean streets. The Radcliffe Quad, which some proponents had wanted to include in the study area, was excluded when Harvard University agreed to nominate the Quad to the National Register of Historic Places pursuant to a 1986 protocol with the Cambridge Historical Commission. Under the terms of this protocol, Harvard agreed to allow buildings to be listed on the National Register, the Commission agreed not to use the National Register as a pretext for local designation of listed buildings, and Harvard agreed to consult the Commission staff on future alterations affecting those buildings.

The "Interested Neighbors" submitted petitions signed by about 150 residents in September 2004. The Election Commission verified that the petitions contained signatures of at least ten registered voters, and on October 7, 2004, the Cambridge Historical Commission held a public hearing to consider the petitioners' request. The hearing was attended by about thirty neighborhood residents, many of whom expressed a range of views on the desirability of a study. At the conclusion of the hearing, the Commission voted to accept the petition and initiate a study using the proposed boundaries.¹

¹ See Appendix # for the minutes of this hearing.

Under the city ordinances, acceptance of an NCD petition immediately initiates a one-year period during which the neighborhood is administered as a conservation district under the jurisdiction of the Cambridge Historical Commission. The Commission adopted the review criteria and guidelines of the Avon Hill NCD, and for the next year all applications for building permits in the study area were screened by the Commission staff to determine whether the proposed work required review, could be approved administratively, or had to be submitted for consideration by the full Commission at a public hearing.² During this period, all applications for building permits generated a Certificate of Appropriateness, Non-applicability, or Hardship.

B. Activities of the Study Committee

Following the Cambridge Historical Commission's acceptance of the petition, the staff canvassed the neighborhood for volunteers to serve on the study committee, which would include three members or alternates of the Historical Commission and four neighborhood residents or property owners appointed by the City Manager. Finally, after repeated solicitations, the staff interviewed eight candidates, and on December 16, 2004, sent its recommendation to the City Manager. The staff recommended that all four non-Historical Commission members of the Committee be property owners in the study area.

The appointments that were made on January 31, 2005, represented the spectrum of opinions on the desirability of the proposed district. The neighborhood members included three homeowners and one owner of a condominium, while the commission representatives included its chair, who resided in the study area, and two architects. The committee included Jacob Albert, 136 Fifth Street (CHC member); M. Wyllis Bibbins, 314 Harvard Street (CHC member); Dennis Carlone, 16 Martin Street; Robert Hunt, 35 Langdon Street; William B. King, 25 Hurlbut Street (CHC member); Peggy Kutcher, 4 Washington Avenue; and Maurice Lesses, 18 Gray Street.

The Lower Common Neighborhood Conservation District Study Committee (LCNCDSC) met for the first time on March 2, 2005, and elected Dennis Carlone as its chair. The staff proposed an intensive schedule of bi-weekly meetings to make up for lost time, and held a series of rapid tutorials on the concept and practices of neighborhood conservation district commissions in Cambridge, the history of the Lower Common neighborhood, and the effect of the Cambridge zoning ordinance on development in the area.

Discussion first addressed the question of whether the Lower Common met the city's criteria for designation as a Neighborhood Conservation District. This question is central to the definition of a neighborhood conservation district presented in city ordinance 2.78.180:

any area. . . containing places and structures which [the Historical Commission] determines are of importance to the architectural, aesthetic, cultural, political, economic or social history of the City, and which considered together cause such area to consti-

² See Appendix # for the Avon Hill guidelines.

tute a distinctive neighborhood or to have a distinctive character in terms of its exterior features.

Based upon the Committee's discussions and investigation, six of the seven committee members agreed that the area did constitute a "distinctive neighborhood" and had a "distinctive character in terms of its exterior features." The dissenter believed that "the important places and structures in the study area, taken together, are insufficient to make the area different enough from the rest of Cambridge either to be a distinctive neighborhood or an area having distinctive architectural character, as the ordinance requires."

The Study Committee then began defining the character of the study area as a first step to drafting regulations that would address the Lower Common's distinctive characteristics. Some characteristics were found to relate to the neighborhood's overall layout and topography, and some to the architectural features that are common to buildings in the Lower Common. Some of the neighborhood's distinctive exterior features that were discussed included the following:

- the street layout still reflects many aspects of the original 1724 partition that defined the Lower Common;
- the density and range of architectural forms in the Lower Common reflects three major periods of development;
- the Lower Common's street pattern, with abundant short blocks and many curved or right-angled streets, contributes to an unusual combination of automobile-oriented "public" through streets that contrast with pedestrian-centered "private" streets that are used mostly by residents;
- the distinct development phases have created a dense network of buildings with strong juxtapositions of style and scale;
- there are many multi-family buildings in the Lower Common, including an exceptional number of 19th-century double houses and an extensive collection of early 20th-century masonry apartment buildings; by contrast, the area has very few three-deckers;
- many of the single-family houses are large Queen Anne, Shingle Style and Colonial Revival buildings notable for their open verandas, abundant architectural details, varied rooflines, and asymmetrical massing;
- characteristic alterations of properties include the development of side-yard parking and driveways, installation of fences, enclosure of porches, and construction of garages, additions, extensions, dormers and decks.

The Committee's preliminary list of the Lower Common's architectural and physical characteristics was posted on the Historical Commission web site and public comments were invited. The Committee also drafted a description of the neighborhood and its urban design characteristics (see Part IV, Historic and Architectural Development of the Proposed District).

Discussion then turned to jurisdictional issues, chiefly the question of whether the commission should issue binding or non-binding determinations, and what kinds of cases might be subject to non-binding review. Robert Hunt attended many meetings of the Avon Hill NCD, Marsh NCD, and Cambridge Historical Commission, and observed that non-binding reviews

often failed because neither the owners nor the commissioners took them seriously; while non-binding reviews were intended to be educational, they often seemed to cause more contention than compliance.

Although the interim protection period that gave the Cambridge Historical Commission jurisdiction over changes in the neighborhood ended on October 8, 2005 and was not renewed, the Study Committee decided to keep working with the hope of reaching a decision on the jurisdiction of a future Lower Common NCD. Six meetings between November 2005 and January 2006 were devoted to developing standards for review of changes in the proposed district. One or more members wished to develop encyclopedic standards that could be applied in most if not all eventualities; others preferred the Avon Hill, March or Mid Cambridge NCD approach that allowed the NCD commission discretion to apply general guidelines. At the end of this period, the Study Committee adopted a proposed order incorporating the Marsh NCD exemptions, subjecting National Register-listed and pre-1830 buildings to full review, and delegating approval of some alterations to the staff. On January 18, 2006, the Study Committee held a public meeting attended by about forty people to discuss progress to date. Issues remaining to be considered included the boundaries, the area's characteristics, the nature of future development, the effect of zoning, factors for review, the specific standards to be applied (and whether they should differ for more significant buildings), and categories of work that should be exempt from review. Immediately after the public meeting, the committee held four public outreach meetings that were attended by over thirty people.

The committee voted that five years would be an appropriate term for a sunset clause, and agreed to discourage front-yard parking, in concurrence with the policies of other city boards and commissions.

In March 2006, the Committee mailed a questionnaire to property owners and voters in the proposed NCD. The survey was intended to obtain a sense of the concerns residents have about the architectural and visual issues the Committee had been discussing, whether certain categories of construction and remodeling should be subject to binding or advisory review if a NCD was adopted, and which of two alternative boundaries for the NCD was preferable.

Although the Committee had held a number of meetings in the neighborhood and obtained helpful ideas from the attendees, the Committee hoped to reach more residents through the survey. The commission staff prepared the questionnaire, and the Committee revised it substantially. To keep the questionnaire brief enough to encourage responses, the questions were simplified, which may have affected the responses. The Committee was not trying to take a statistically valid poll.

The questionnaire was sent to all 886 property owners in the proposed NCD and to 426 voters living in the proposed district who were not property owners. The owners, who were predominately condominium owners, were those shown on the Assessors' records at the time; the voters were taken from the 2005 registered voters list. Therefore, residents who moved into the area after those dates did not receive the survey. Voters were included in an effort to reach tenants because the Study Committee felt that tenants have a stake in the visual character of the proposed NCD. The Historical Commission staff used its best efforts to avoid duplications between the two populations surveyed, but some may have occurred. About 2% of

the mailings to property owners and 19% of those to voters were returned as undeliverable.

About 10% (118) of the surveys delivered by the Postal Service were completed and returned. About 60% of the respondents favored the district; the committee debated whether this represented the necessary consensus to take to City Council. Majorities favored binding reviews of additions, demolition, and new construction, but non-binding review for alterations. Exhibit I contains the tally of their responses. A copy of the survey is attached as Exhibit H, and a transcription of respondent comments is included as Exhibit J. Some members favored an additional survey to clarify the views of neighborhood residents, but this was not done.

Sally Zimmerman resigned at the end of February 2006 and Charles Sullivan, the Commission's Executive Director, assumed the role of staff assistant to the committee. After a short interval, Mr. Sullivan advised that the draft order the committee had developed was too detailed and prescriptive to be workable; it should express goals and be backed by guidelines, and allow the commission discretion to apply its collective judgment, and that requiring separate written findings on each component of a decision would be unworkable.

Working with the committee over several meetings, Mr. Sullivan prepared successive drafts of a revised Order and guidelines based on those governing the Harvard Square Conservation District. This revealed strong opposing views on the subject among the committee members. Mr. Lesses submitted a version of the previously discussed standards illustrated with photographs of neighborhood examples, and the committee debated whether they should be in the Order or in the guidelines. One approach would be prescriptive; the other would offer guidance. A majority agreed that a prescriptive list would mandate a decision without discussion, but could not cover all eventualities.

Beginning in April 2006, the committee began to discuss a draft preliminary report submitted by the staff containing preservation and development goals and guidelines that incorporated some of Mr. Lesses's text and photographs, and a draft Order. By early summer 2006, the study committee began to prepare for the conclusion of the study. Mr. Lesses continued to advocate for explicit guidelines, while remaining skeptical about the NCD model advocated by the staff. Mr. Hunt expressed strong reservations about the necessity of enacting a district, given the absence of substantial risk to the area and the effectiveness of the zoning code in forcing public review of many projects, and questioned the capacity of the staff to administer a new district effectively. All of the members agreed with Mr. Hunt that intensive training of commissioners was essential, and that there should be a strong sunset clause that would require positive action by the City Council to prevent expiration of the district after the previously-agreed upon five year period.

Finally, the Study Committee decided to recommend that the City Council consider establishing a citywide neighborhood conservation district commission that would incorporate all of the present and future neighborhood conservation districts except, perhaps, Mid Cambridge. Such a combined Commission would minimize potential next-door recusals and conflicts that have occasionally occurred with local residents comprising most of the City's existing NCDs.

II. Planning and Zoning in the Lower Common Neighborhood Conservation District

A. Planning Issues Affecting the Lower Common

The zoning history of the Lower Common has largely reflected perceptions of the neighborhood's highest and best uses. The earliest Cambridge zoning code, enacted in 1924, placed the entire Lower Common in a zone which permitted "private and two-family dwellings ... with customary incidental accessory uses including garage for not more than two cars." Private, or single-family houses could be three stories; others had to be 2½ stories or 40' high. This ordinance made all the apartment houses on Chauncy and Linnaean streets and elsewhere in the neighborhood non-conforming and prohibited the construction of others.

During the Depression attitudes toward older neighborhoods changed. The revised 1943 code, enacted during a nation-wide housing shortage, maintained the 1924 boundaries but put the neighborhood into a zone which permitted multi-family dwellings, apartment houses, lodging houses, dormitories, group dwellings, and hotels; it removed the non-conformity of the pre-existing apartment houses and allowing the area's unfashionable Victorian houses to be cut up into rooms and small apartments. Permissible heights were raised to 65' or six stories; setbacks, introduced for the first time, were 5' in front, 7'6" in side yards, and 20' in the rear. There was little or no new construction under the 1943 code, but the allowance of multi-family conversions reflected the lower value placed on urban living and Victorian houses during this period.

The zoning code adopted in 1962 reflected both Modernist attitudes toward traditional urban neighborhoods and the city's increasing desperation during the postwar urban crisis: the only viable future was to encourage redevelopment. The Lower Common was divided into two zones. All of Chauncy Street along with Rutland, Langdon, part of Shepard, and the north side of Linnaean streets were placed in a C-2 zone where height limits were relaxed to 85' and the new Floor-area Ratio (FAR) was set at 1.75. This action foresaw the expansion of the apartment house districts northward from Chauncy Street. The remainder of the area became Residence B and reverted to its pre-1943 status as a two-family zone, but with a 35' height limit and an FAR of 0.5. Existing multi-unit houses were grandfathered, but no new conversions were allowed.

The 1962 zoning proved to be as controversial in the Lower Common as elsewhere in Cambridge, and by the early 1980s Rutland, Langdon and Shepard Streets had been downzoned to Residence B, leaving Chauncy Street and the existing apartment buildings on Linnaean Street in the C-2 zone. Townhouses, once encouraged in residential zones, are now allowed only by special permit.

1. Current Zoning and Existing Conditions

The Lower Common NCD Study Area contains approximately 200 buildings in two zoning districts. The largest area is zoned Residence B and is located north of the C-2 zone along Chauncy Street, west of the C-2 and Business A zones along Massachusetts Avenue, and south of Linnaean Street. Both sides of Chauncy Street are zoned Residence C-2, as are the apartment houses on the north side of Linnaean Street (Fig. 2).

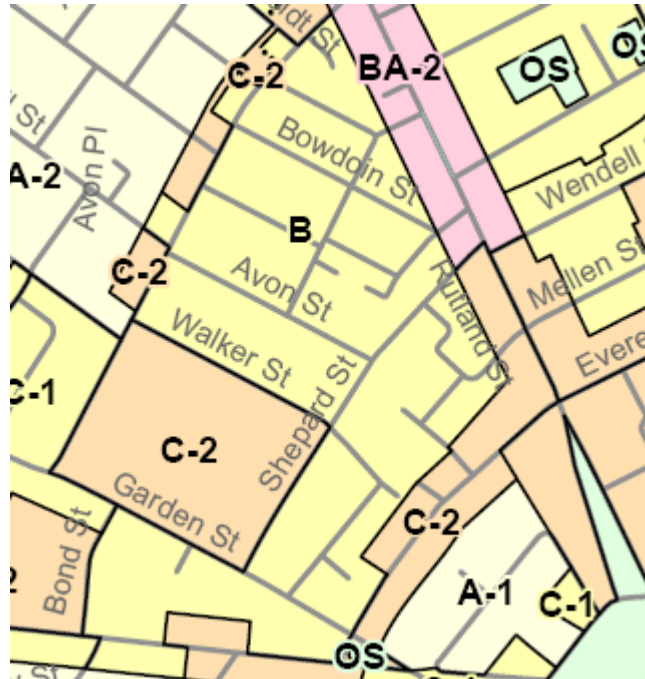


Figure 2. Current zoning in the Lower Common neighborhood.

The current zoning fails to illustrate the complexity and fine-grained texture of the historical development patterns of the Lower Common. The zoning ranges from nearly the least restrictive (C-2) zone to nearly the most restrictive (B), but it does confine the bulk of the area's uniformly dense, small-scale residential appearance and townhouses and apartment buildings to areas where they presently exist. The differing standards of each zone are outlined below.

Residence B

The city's zoning guide calls the Residence B zone a two-family and townhouse district. The majority of the study area's buildings are zoned B, which allows single and two-family residential uses, and, by Special Permit of the Planning Board, congregate housing for the elderly.

The maximum allowable FAR in the B zone is .5, the minimum lot size is 5,000 square feet, the minimum lot area for each dwelling unit is 2,500 square feet, and the maximum height is 35 feet.³ Yards must contain a minimum of 40% usable open space; front setbacks must be at least 15 feet, with 7.5-foot side setbacks, and 25-foot rear setbacks.

Based upon an analysis of the Cambridge Assessing Department's living area figures, probably only four buildings in the neighborhood's B-2 zone can add to their aggregate floor areas without zoning variances. (The assessors' figures have been increased by estimates of basement areas, which the zoning law counts but the assessors exclude from living areas, but have not been increased for other interior areas the zoning law includes but the assessors also exclude.) One of the four buildings could add up to 1,250 sq. ft., a second could add no more than 99 sq. ft., and a third no more than 103 sq. ft. The fourth would be limited to additions

³ The allowable FAR for lot area in excess of 5,000 square feet is .35.

of not more than 10% of its floor area or about 299 sq. ft. because it appears not to conform to other zoning requirements.

Residence C-2

The highest density zoning district in the study area is the eastern two-thirds of Chauncy Street and the isolated apartment houses on Linnaean. Zoned Residence C-2, the area, which contains about 22 buildings (about 9% of the total buildings in the study area), allows multi-family and certain transient accommodation residential uses, along with a limited number of institutional uses. Use as a private parking lot is allowed by Special Permit of the Zoning Board.

The major distinction of this zone is the allowable density, which is an FAR of 1.75. Other dimensional requirements also promote much higher density in the C-2 zone; these include a minimum lot area per dwelling unit of only 600 square feet and a minimum usable open space requirement of 15%. The zone also carries a much higher height limit of 85 feet or roughly eight stories. Setback requirements are as outlined in the C-1 zone: a minimum of 20 feet and maximum of 30 feet for the rear setback with the formula that each four feet of the lot that is over 100 feet in depth adds one foot to the 20 foot minimum. The side-yard setbacks are set by the formula of the height plus the length of the building divided by five ($H+L/5$). Most of Chauncy Street already exceeds the allowable density, but there are a few properties containing frame houses that may be susceptible to redevelopment.

Nonconformity and the Zoning Code

Given the large number of nonconforming buildings in the Lower Common study area, it is important to understand how the zoning code handles such cases. In most instances, expansion of an existing non-conforming building or construction of nonconforming existing buildings will require the issuance of a variance before a building permit can be obtained. Chapter 40A of the Massachusetts General Laws, the zoning enabling statute, establishes a stringent definition of hardship as the sole basis for issuance of relief from the applicable zoning.

Chapter 40A states that a variance may be granted by the permitting authority where the authority (which in Cambridge is the Board of Zoning Appeal) finds that:

owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance . . . would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance . . .

Thus, in the legal standard for granting a variance, a “substantial hardship, financial or otherwise” must be present in the conditions of the land or structure in question, must not be a general condition of the zone, and must be capable of being granted without detriment to the public good or derogation of the intent of the ordinance. In practice, variances are sometimes

granted in cases that may not strictly meet the hardship test but where all the affected abutters support granting the relief. Board of Zoning Appeal review of variance applications will not usually include consideration of historic or architectural impacts.

While alteration to nonconforming property generally requires a variance, certain exceptions to this requirement are contained in Section 8 of the Zoning Ordinance. Among its provisions, Section 8 allows the issuance of a building permit *without* a variance where conforming alterations are proposed for existing buildings that are nonconforming in lot size, lot width, or parking, or that are not to be increased in area or volume by more than 10%. Demolition that reduces a nonconformity and repairs, reconstruction, or replacement of nonconforming portions of a building are also allowed without a variance. Under limited circumstances, construction of dormers in the vertical plane of the building and less than 15 feet in length are also allowed without a variance.

B. Summary of Building Permits and Zoning Relief

1. Building Permit Activity (2005-2006)

During the interim study period, which was in effect between October 7, 2004 and October 8, 2005, the Cambridge Historical Commission reviewed 33 applications for building permits in the study area. Twenty-three involved interior work or repairs and were approved administratively under the Avon Hill guidelines. Ten required public hearings; all received Certificates of Appropriateness, but not without some important changes to the original proposals.

<u>Address</u>	<u>Alterations</u>	<u>Binding/Nonbinding</u>
42-44 Avon Street	construct addition	B NR
21 Bowdoin Street	add bay window, alter back entrance	B Zoning
40 Bowdoin Street	alter porches, windows, rem. chimney	B Zoning
3 Shepard Street	construct addition	B Zoning
44 Walker Street	alter carriage house	B Zoning
29 Bowdoin Street	build fence	NB >4' high
35 Linnaean Street	gutters and downspouts	NB Non-exempt
24 Langdon Street	change window configuration	NB Non-exempt
27 Shepard Street	alter entry and windows	NB Non-exempt
14 Wright Street	new windows	NB Non-exempt

Key: NR National Register
 Zoning Project required zoning relief
 Non-exempt Alterations not exempt from review under the Avon Hill rules; see Appendix #

Half of the applications generated a binding review, generally because a zoning variance was required for dimensional relief. All of these applications involved additions and/or substantial alterations. The owners of 42-44 Avon Street and 3 Shepard wished to construct additions, which were approved essentially as proposed. The owner of 44 Walker Street, a National Register-listed property, renovated the house without making any exterior alterations (and so avoiding Commission review), but needed a variance to convert his carriage house to office use by remodeling the first floor and completely changing the roof. Owners at 21 and 38-40

Bowdoin were conducting extensive renovations that involved much interior demolition, but few changes to the exterior; in each case the Commission requested (and received) changes to the original plans that enhanced the authenticity of the proposed exterior features or diminished their effect on the original structure.

The five non-binding cases mostly involved alterations that were not exempt from review under the Avon Hill rules; that is, they involved alterations that did not involve “The alteration of exterior architectural features on the premises of a property in the District in a manner that does not increase or diminish the existing building envelope and that does not require the removal, enclosure, or addition of any cornice, fascia, soffit, bay, porch, hood, cornerboard, window sash, window or door casing, or any other decorative element, including historic shingled siding, wood or copper gutters and downspouts, and copper, slate, or wood shingle roofing, and that does not alter the shape of a roof.” In these cases, the Commission had mixed results. None of the applicants challenged the Commission’s jurisdiction, and its advice was accepted in at least two cases.

2. Zoning Relief Applications (1924-2004)

Since the inception of zoning in Cambridge in 1924, there have been 155 applications for zoning relief in the Lower Common study area. Of these, 116 (75%) were granted; 22 (14%) were denied, and the remaining 17 cases (11%) were withdrawn or never heard. A summary of the cases is listed below.

Zoning Relief History: Lower Common NCD Study Area

<i>Decade/Total Cases</i>	<i>Type of Relief Sought</i>	<i>Percentage Granted</i>
1924-1943/25	Increase # units (15), allow garages or parking spaces (7)	48%
1943-1962/37	Increase # units (18), allow garages or parking spaces (15)	89%
1962-1998/78	Increase # units (60), allow garages or parking spaces (7), subdivide lot or setback nonconforming (10)	74%
1998-2004/15	Increase # units (13)	87%

Not surprisingly, requests for zoning relief have paralleled periods of economic prosperity and have increased in recent times. The growth in interest in the Lower Common study area as a residential neighborhood can be seen in the increase in requests for zoning relief for increasing the number of dwelling units and subdividing lots beginning in the 1950s and continuing through the 1970s.

By the 1980s, most lots had been subdivided but construction of additions remained significant, joined by requests for front yard parking as density increased. The trend toward increasing units strengthened in the 1990s; the increased frequency of variance requests no doubt reflects the extent to which the neighborhood was reaching or had exceeded allowable build-

outs. Additional parking continued to be sought as alternatives for parking diminished and numbers of cars per household increased.

A number of zoning cases were sampled to determine whether abutter responses had a perceptible impact on Board of Zoning Appeal decisions, on the theory that Massachusetts law concerning variances gives abutters great influence.

Abutter Influence on Zoning Cases, 1987 - 2005 (based on a sample of every eighth case)

Case Number	Address	Abutter Response	Disposition
5637	9 Bowdoin Street	None	Case continued and never reopened
7941	24 Bowdoin Street	None	Granted for back porch enclosure granted
6002	4, 6, 6R Chauncy Street	Strong opposition	Granted for construction of new dwelling following informal agreement worked out between developer/abutters
3907	7-9 Chauncy Street	Mild opposition	Denied subdivision of lot to allow development
5945	29 Chauncy Street	Support	Granted modified application for construction of 2 story addition
5222	36 Gray Street	None	Granted for addition of one story kitchen and mudroom
7386	50 Hudson Place	Support & opposition	Granted for main alteration; denied for garage conversion

It seems that abutter opposition has had a similar effect as that contemplated in the NCD process, which is to facilitate dialogue to achieve a compromise solution. Abutter opposition has rarely resulted in denial, at least in the cases studied, but often resulted in significant changes to the original projects.

Zoning and building permit activity in the Lower Common study area suggests the following:

- A high percentage of lots and buildings in the study area are nonconforming;
- The nature of nonconformity in the Lower Common is complex and multi-faceted;
- With the exception of the sections zoned C-2, the potential for infill construction or redevelopment appears to be low;
- Proposals for expansion or new construction are likely to trigger applications for zoning relief;

III. Historic and Architectural Development of the Proposed District

The Lower Common, once a 63-acre tract of open grazing land bounded by Massachusetts Avenue, Linnaean, Garden, and Waterhouse streets, originated in the 17th century as part of a large tract of land known as the Cow Common, where the settlement's cows were returned nightly for safekeeping after grazing freely on more remote common lands during the day. The Proprietors of Common Lands, which had been established in the early years of settlement to hold title to the ungranted land within the town, operated in the manner of a closed corporation for the benefit of the town's legal residents, with raw land substituting for capital. As the need arose, the Proprietors had granted nearly all the acreage within the present limits of Cambridge. In 1724 the Lower Common (so called to distinguish it from the common lands farther away from the village) was the last large tract to be distributed. (Fig. 3)

The proprietors used two distinct methods to divide these 63 acres of pasture into fields ranging from 1 to 5¾ acres. They divided the more desirable land, south of present Shepard Street and convenient to the village, into nine parcels with valuable highway frontage. To the north, they established eleven fields 600 feet deep with 50 to 200 feet of frontage on present Linnaean Street (Fig. 4). No new roads were necessary, and only the watering holes on Massachusetts Avenue and Garden Street were reserved for public use. The land remained rural for decades, and by 1775 only four houses had been built there. Most of the original lots were consolidated into larger parcels, and some of them were divided again. Many of the owners were still members of the town's elite, but from the late 18th century to the mid 19th century the Lower Common also sustained the only African American community in Old Cambridge.

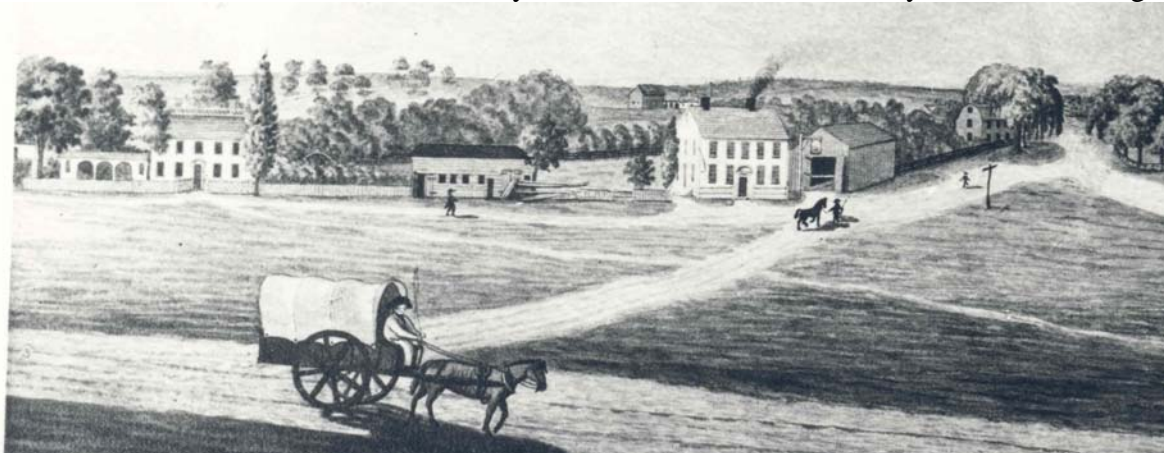


Figure 3. The Lower Common in 1809. From left to right are the Benjamin Waterhouse house, which still stands on Waterhouse Street; the Red Lion tavern (demolished) on the present site of the Christian Science church; and Massachusetts Avenue going north. The ridge in the background is Avon Hill. Bell View of Cambridge Common from the Episcopal Church (detail).

The present Lower Common Neighborhood Conservation District Study Area encompasses a large part of the 18th-century Lower Common, but not all of it. The Study Area comprises 261 parcels of land and approximately 200 buildings in an area defined by Chauncy, Garden, Walker, Shepard, and Linnaean Streets and Massachusetts Avenue. It is bounded on the south by the Old Cambridge Historic District, on the east by the commercial zoning district along Massachusetts Avenue, and on the north by the Avon Hill Neighborhood Conservation District. The Radcliffe Quad is not included in the area (see boundary discussion below).

A. Street Patterns

The present street layout reflects the limitations of the early land divisions (Fig. 5). Follen, Langdon, and Walker streets and Hudson Place are L-shaped or curved to maximize the street frontage on parcels that were both deep and wide. Hurlbut, Bowdoin, Avon, Gray and upper Walker streets run the length of the old fields. The streets that crossed lots (Follen, Chauncy, Shepard, and Martin) required coordination between owners and were laid out in stages.

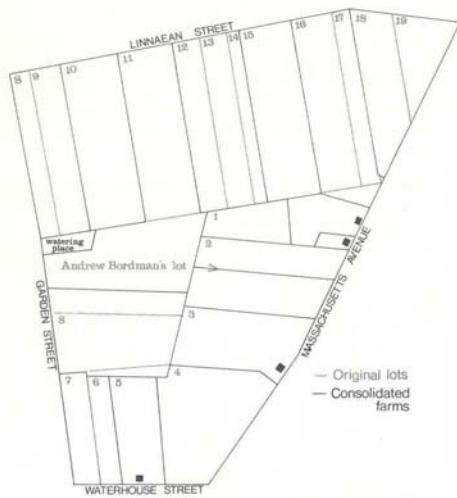


Figure 4. Original division of the Lower Common, 1724.

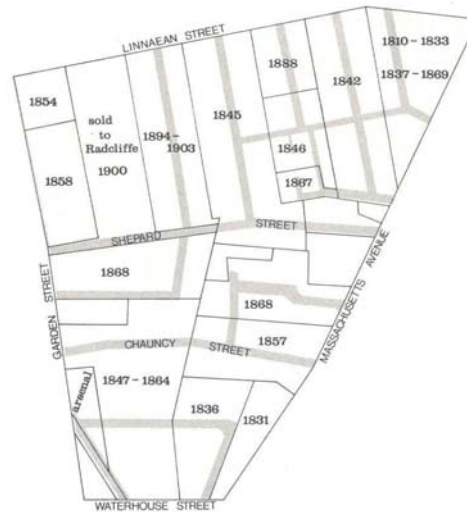


Figure 5. Subdivision of the Lower Common, 1831-1900.

The Lower Common was easily reached from Massachusetts Avenue, which became a prestigious suburban address in the mid-19th century, and from less-traveled Garden Street. Waterhouse and Follen streets became desirable after the present Common was enclosed and landscaped in 1830. The State Arsenal and the African-American community of Lewisville fell to suburban development soon after the Civil War. The remote pastures near the Botanic Garden remained nearly intact until 1900, when they were acquired by Radcliffe College.

The Lower Common street pattern has a geographic coherence reflecting its history, topography, and occupancy. Many of the original 1724 partition boundaries of the Lower Common can be distinguished in its street layout: these include the three long cross streets running east to west, Linnaean Street (laid out 1636), Shepard Street and Chauncy Street, which follow the partition lines that subdivided the area into three sections. North of Shepard Street, the streets (with the exception of Hudson Street) generally run parallel along the 600-foot length of the narrow fields that were laid out with narrow frontages on Linnaean Street. South of Shepard, deep lots were developed with curved streets (including Langdon and Walker) that increased street front access.

The resulting street pattern embodies one of the area's most distinctive characteristics: an area of "internal" pedestrian-oriented streets that are short, narrow, overarched with trees, and several of which are circuitous, contrasting with a few heavily-used, longer, more axial, and generally wider "public" through streets. The pattern is reinforced by current traffic regu-

lations that have established many of the streets as one-way, further thwarting access by non-resident traffic. Even the three main cross streets, Linnaean, Shepard, and Chauncy, have a curve near their mid-points, so that sight-lines are relatively short and one cannot see from Massachusetts Avenue to Garden Street.

A sense of enclosure is suggested as well by the presence of large early 20th-century apartment blocks along Chauncy and Linnaean streets and the west side of Massachusetts Avenue. The three- to five-story height and lot-line-to-lot-line site coverage of these structures form an intermittent wall around the wood-frame two- to three-story residences that characterize the neighborhood's interior blocks.⁴

B. Development Sequence and Architectural Characteristics

From its 17th-century beginnings as part of the Cambridge Cow Common, and for much of the 18th-century following its partition, the Lower Common was pasture, orchard, or garden land. The desirable lots facing the Common developed in the 18th century, while the Massachusetts Avenue frontage and some interior lots were settled by Cambridge's African American community, who were gradually displaced by suburban development in the 19th century. The remoteness of the Lower Common from the village also made it a suitable location for an arsenal, established by the Commonwealth of Massachusetts on Follen and Garden Streets in 1796.

The African American settlers included the relatives and descendants of Peter and Minor Walker Lewis, African-American laborers and emancipated slaves. They established a unique



Figure 6. 46 Hudson Place (1772, moved from Massachusetts Avenue in 1843).



Figure 7. 35 Bowdoin Street (1812, moved from Massachusetts Avenue in 1846). Photo 1969.

⁴ The Radcliffe Quad, although not a part of the NCD Study Area, performs a similar buffering function at the northwest corner of the neighborhood.



Figure 8. 26 Gray Street (1815, moved from Massachusetts Avenue in 1845).

family compound known as Lewisville, a cluster of homes and a private cemetery at Walker and Garden streets, which existed from 1814 to about 1858 before yielding to more intensive suburban redevelopment. Two of the three oldest houses in the neighborhood were also associated with the African American community; all of these small late 18th/early 19th-century houses were moved from their original sites on Massachusetts Avenue.

These three vernacular houses (46 Hudson Place, 1772, moved 1843; 35 Bowdoin, 1812, moved 1846; 26 Gray, 1815, moved 1845) were among the 18 houses that stood north of Cambridge Common in 1830 along what has been described as a “bleak, dusty thoroughfare with few trees, lined with scattered farmhouses, mostly weathered black” (Bunting, p. 45). The barrenness of the location, the paucity of settlement, and the age and simplicity of the houses, indicate the modest character of the earliest period of the Lower Common’s development. As rare survivors of pre-industrial Cambridge, these three houses represent the most significant historic architectural resources in the study area and ones that are critical to the architectural history of the city as a whole (Figs. 6-8).

1. Early Suburban Period (1843-1873)

Introduction of passenger service on the Fitchburg Railroad at Porter Square in 1843 precipitated tremendous growth across North Cambridge, establishing the area as a commuter suburb primarily for people employed in Boston. Speculative subdivisions for middle- and working-class residences were platted on undeveloped parcels convenient to the new railroad depot. The first such developments in the Lower Common occurred on Bowdoin and Hudson streets (1842) and were followed by similar efforts on Wright (1843), Avon and Shepard (1845), and Martin (1846) streets, and Norton Place (1851) (Fig. 9). Industrial, residential and population gains throughout Cambridge culminated in 1846 with incorporation as a city, consolidating the town’s three village centers (Old Cambridge, Cambridgeport, and East Cambridge) into one civic entity.

While piecemeal, the efforts of individual owners’ subdivision of their holdings in the Lower Common nonetheless have several distinctive characteristics in common. Architecturally, the earliest houses built in the Lower Common were generally small, one- or one-and-a-half story cottages, in the Greek Revival and Italianate styles. Full two-story houses tended to be double houses (side-by-side two-family dwellings), a form that became even more prevalent

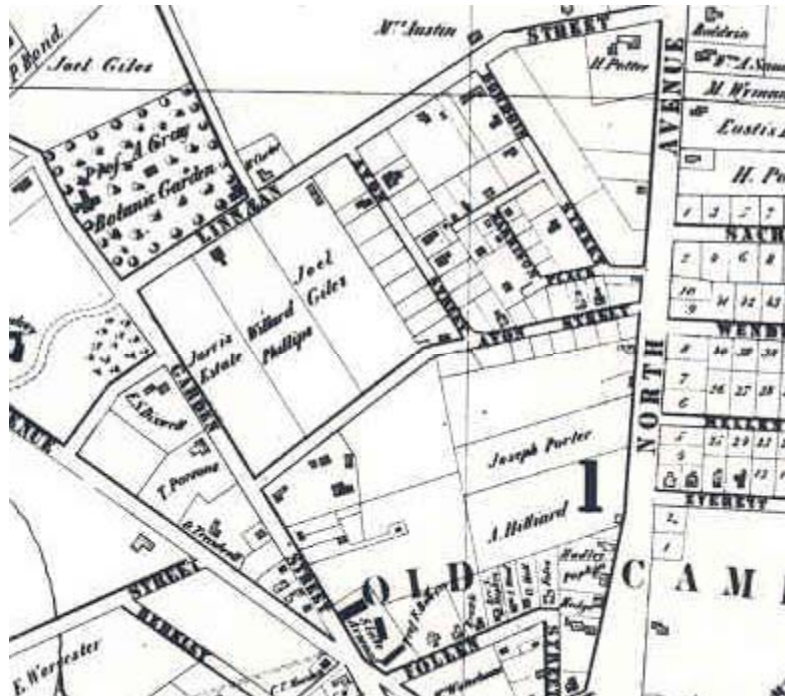


Figure 9. The Lower Common in 1854 (H.F. Walling, Map of Cambridge).

in the next generation of construction. Of the 32 structures standing in the Lower Common area on the 1854 Walling map of Cambridge, 11 have survived.

Additional transportation developments reinforced the earliest efforts of real estate speculators. In 1856, horsecar service commenced on Massachusetts Avenue and further subdivision followed on Chauncy Street (1857). During this period of suburban expansion, existing streets began to be more fully developed and new streets were platted (Langdon and Walker streets, 1868). By 1873, 69 houses stood in the neighborhood. Nearly a third were multi-family houses: they included double cottages and double houses, one rowhouse of three units, and a four-unit converted stable, all designed in the Italianate and mansard/Second Empire styles then popular. Of the 89 houses built between 1854 and 1873, 37 survive.

In design terms, the double houses, many of which are set quite close to the street with minimal setbacks and front stoops directly off the sidewalk, reflect an increasing urban density. The prevalence of the double house form in the Lower Common and its longevity as a

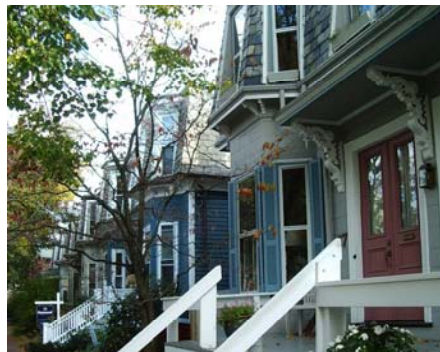


Figure 10. 35-37 Walker Street (1874).

housing option (examples of this form were still being built in the 1920s) is one of the neighborhood's most distinctive features. As a group, the Lower Common's double houses are unusual and make a significant contribution to the architectural, social, and economic history of the City. The four mansard-roofed double cottages at 35-37, 39-41, 45-47, and 49-51 Walker Street are particularly noteworthy and are listed on the National Register of Historic Places (Fig. 10).

2. Mature Suburban Period (1873-1912)

After the Civil War and the Panic of 1873, Cambridge experienced a sustained period of growth and consolidation, both as a suburb and as an industrial center. Significant transportation improvements acted to intensify the pace and nature of development: the horsecar lines were electrified after 1889, and the subway was constructed from Boston to Harvard Square in 1912. These improvements increased the desirability of the Lower Common for real estate development, and the neighborhood's remaining streets were platted in this period, beginning with Hurlbut Street (1881). Other streets of this period are Potter Park (1884), Rutland Street (1886), Gray Street (1888) and Langdon Square (1896). With those subdivisions in place, the neighborhood's current street pattern was complete. An indication of the neighborhood's maturity was the establishment of the Peabody School in 1888 (Fig.11)



Figure 11. The Lower Common in 1903 (G. M. Hopkins, Atlas of Cambridge, 1903). North is to the right.

Architecturally, the mature suburban period was characterized by the construction of a large number of commodious single-family houses, primarily designed by the city's growing number of local architects or by a skilled cohort of housewrights. Most of these houses were constructed on comparatively small lots, contributing to the neighborhood's density. With some exceptions, the architects associated with the neighborhood's Queen Anne, Shingle Style,

and Colonial Revival houses were not the nationally known practitioners whose work made Boston a center of the architectural profession. Rather, they were locally trained and locally active designers such as James and George Fogerty and J. R. and W. P. Richards, both notable as father-and-son partnerships. Of these houses, several are of particular individual architectural significance, including 10 Martin Street, 15-17 Shepard Street, 28 Linnaean Street, and 44 Walker Street.

A distinctive element of the Lower Common neighborhood is its architectural heterogeneity, which is evident in the continued popularity of multiple-family dwellings, even as single-family houses were being built in substantial numbers. Double houses continued to be an accepted option, and significant examples were built on Bowdoin Street (42-44, 1890), Chauncy Street (4-6, 1891), and Hurlbut Street (6-8, 1888). Three-unit (1-2-3 Walker Terrace, 1885) and four-unit row houses (8-14 Gray Street, 1889, and 16-22 Gray Street, 1893) were also constructed (Fig. 12). These house forms, with separate entrances, vertical party walls, and the opportunity for separate single-family ownership of each unit, indicate the middle-class aspirations of the area. This may be inferred as well from the overall lack of three-deckers in the Lower Common. The few that were constructed in the Lower Common are located on Bowdoin, Gray, Martin, Shepard and Wright streets.



Figure 12. 15-17 Shepard Street (1880)

A signal of the direction development would take for the next fifty years were the six-story apartment blocks built at the corner of Massachusetts Avenue and Shepard Street in 1898, the Dunvegan and the Montrose. These luxury “French Flat” apartments were the first of their type built in the city. In 1901 and 1902, two more modest three-story brick apartment buildings were constructed at 26 and 28 Hurlbut Street. Others followed, many on sites where earlier houses were demolished. Among the earliest of the three- to five-story brick or stucco apartment blocks built after the turn of the 20th century is 2-4 Avon Street (1909), designed by the firm of Newhall & Blevins, who, with Hamilton Harlow, became the main architects of this new building type in Cambridge.

3. High-Density Urban Period (1912-1981)

Automobiles were accommodated in the neighborhood only with difficulty. Few 19th century householders kept carriages, so there were only few barns to be taken down or converted to

garages. The high density of the area meant that garages had to be squeezed into back and side yards, consuming open space and introducing metal or concrete structures that fitted awkwardly into the vernacular architecture of the neighborhood. By the 1960s many of these garages were obsolete, and a large number have been demolished, restoring some of the original character of the area.

The replacement of older houses and open spaces with high-density, multi-story, multi-unit masonry apartment blocks represents the culmination of the neighborhood's development. Following the completion of the subway in 1912, 23 apartment buildings were constructed in the Lower Common in the years up to the Depression. Many of them replaced older houses, including at 24 Avon, 39-41 Bowdoin, 8, 16, and 21 Chauncy, 1-11 Gray, 28-30, 44, 55 and 65 Langdon, 25 and 36-42 Linnaean, 71-73 Martin, and 19-21, 32, and 46 Shepard streets (Fig. 13).



Figure 13. Bowdoin Court, 39-41 Bowdoin Street (Hamilton Harlow, 1927)

The early apartment buildings are characterized by lot line to lot line site coverage, flat roofs, courtyard entrances (many set off with attractive iron work and landscaping), multi-light sash, and decorative cast-stone detailing. Two plan variants, an L-plan with a side entrance and elongated courtyard, and a U-plan with a center courtyard, break up the volume of these large buildings somewhat. While the larger buildings are uniformly of brick construction, several smaller apartment buildings were constructed with wood framing and stucco finishes. Many were designed with open-air sleeping porches which were later enclosed.

When the first citywide zoning ordinance came into effect in 1924, the trend to apartment construction was so firmly established that the Lower Common was zoned at the R3 density, allowing 4-6 story multi-family dwellings, although elsewhere the zoning tended to preserve existing densities. After the Depression only one additional apartment structure was built (55 Langdon, 1938) until 1952, when 45 Linnaean was built with 21 apartment units. Seven years later, in 1959, the nine-unit townhouse row at 1-19 Bowdoin was constructed, almost as an experiment in urban planning.

Residential Construction in Various Time Periods, 1842-2005

Period of Development	1842-1860	1861-1880	1881-1900	1901-1920	1921-1940	1941-1960	1961-1980	1981-2005
Double	13	11	16					
Row house		2	3			1		
2- or 3-Decker			5	6				
Apartment				12	18	1	4	2
Total	21	46	82	20	20	2	4	2

The new zoning code of 1961 split the neighborhood into two widely varying residential districts, one on Chauncy Street with the high-density C2 zone and the rest of the neighborhood in a two-family Residential B zone. Chauncy Street already had many tall 1920s apartment houses on the south side, and the resulting canyonization of the street with a nine-story building at 19 Chauncy (1970; the tallest in the area) and another awkwardly large building at 13 Chauncy (1966) represented the nadir of this trend. The townhouses at 9 Chauncy (1964) offer a reduction in density and a more appropriate scale to the neighborhood.

4. Development Activity Since 1981

In the last 25 years, most of the construction activity in the neighborhood has been devoted to upgrading and addressing deferred maintenance, involving for the most part the replacement of various features with some changes in architectural details. A number of apartment buildings were quickly rehabilitated after the end of rent control. Two new buildings were built; a shingled, gambrel roof Colonial apartment house at 2 Chauncy Street (1990-92) and a free-standing contemporary condominium at the rear of 16 Bowdoin Street (1987). There were a number of additions, the largest of which were a rear wing at 11 Chauncy Street, for condominiums, and a third floor and rear wing at 25 Avon Street, for a 3-unit condominium. Other additions to houses were rear kitchen expansions (at least 3), new porches (4), porch enclosures (1 or 2), sunrooms (2), a bay window and dormers (2). Two garages were converted to other uses; one was expanded.

About a dozen buildings underwent changes to their architectural features. The most extensive renovations were at 11 Chauncy Street, 25 Avon Street, 25-27 Gray Street and Harvard's



Figure 14. 25 Avon Street (1862), as renovated in 2003-05.

Jordan Hall, at the corner of Walker and Shepard streets. Eleven Chauncy's addition included a number of elements from the original house. The house at 25 Avon Street lost the Italianate elements of its original structure and its 1960s contemporary rear wing; they were replaced by Greek Revival suggestions (Fig. 14). The double house at 25-27 Gray was converted from a conventional, shingled two-family of 1926 to a conventional two-unit clapboarded condominium of the early 2000s. Its third floor was expanded and one of its small entry porches was enclosed. The facades of Harvard's two Jordan Hall buildings, including windows and wall surface materials, were updated extensively in a contemporary manner. Examples of changes in smaller architectural features on other structures are the altered front stairs at 16 Avon Street, the addition of windows at 51 Martin, changed and new windows at 27 Shepard, and the back door recess and surrounding area at 21 Bowdoin Street.

The evolution of the Queen Anne houses at 14-16, 18 and 20 Martin Street offers an instructive case study in varying approaches to alterations. All three were built in 1885-1887 (except that 14 was an 1897 addition to 16), and all share a similar design language, involving patterned shingles, elaborate turned posts, and jigsaw-worked trim. In the 1980s a home owner restored number 16 with some lost details borrowed from similar houses in the neighborhood. Original window trim has been removed from 18, while 20 remains in original condition (Figs. 15-17).



Figure 15. 14-16 Martin Street (1885, renovated and porch restored, 1998).

Figure 16. 18 Martin Street (1887, replacement windows, clapboards and trim, 1995).

Figure 17. 20 Martin Street. (1888, in as-built condition).

Many buildings will continue to undergo modest renovations and additions, and these modifications may materially alter their appearance. Many buildings have roofed porches, for example, which owners generally have the right to enclose without seeking zoning relief. Most additions in this densely developed neighborhood will, however, require zoning relief for the construction of additional floor area.

If present trends continue (and notwithstanding the potential hurdle of obtaining zoning relief), it can be anticipated that “available” additional floor area existing in the neighborhood will continue to be sought by owners eager to capture whatever space can be gained on properties that are currently at high market values. Examples of “extreme rehabs,” where a house is shorn of its exterior and interior features and a new house is built around the old frame, have occurred at 25 Avon Street and 25 Gray Street. Another trend seen elsewhere in Cambridge – “teardowns,” where smaller houses are razed to allow a new house to take advantage of the zoning envelope – has not yet appeared in the Lower Common.

IV. Nature of Neighborhood Conservation District Protection

Historic preservation and zoning are legislative initiatives that serve the public interest by regulating the built environment. The objective of historic preservation (and neighborhood conservation) is to protect buildings and neighborhoods from inappropriate alterations or destruction. The purpose of zoning, on the other hand, is to protect property interests by regulating land use, density, and bulk. Both zoning and preservation operate through municipal boards, but while preservation is conservative and qualitative, zoning is permissive and quantitative.

Massachusetts has one of the most archaic zoning statutes in the U.S., so zoning and preservation are separately authorized under the General Laws. In Massachusetts, zoning cannot provide the close control over alterations to existing buildings that is possible in an historic district. The special permit process now allows design review of new buildings under the zoning code, but historic preservation, which involves detailed review of materials and design of existing as well as new buildings, is authorized under a separate statute. Neighborhood conservation, a subset of historic preservation, is implemented in Cambridge under the city's constitutional home rule authority.

A. Conservation vs. Preservation

Historic preservation in the United States has evolved from an early desire to protect buildings and sites associated with the great men and events of the Revolutionary period to an appreciation of more recent periods of American architecture and urban development, including the relatively recent past and vernacular residential, commercial and industrial architecture. Those who appreciate traditional urban architecture and neighborhoods have brought attention to areas that might not have merited attention from preservationists decades ago.

In Cambridge, attitudes toward preservation have mirrored the national experience. The first four historic districts, enacted in 1963, protected the landmarks of the Revolution: Cambridge Common, the Vassall-Craigie-Longfellow House (1759), the Fayerweather House (1764), and Elmwood (1767). When these were linked in 1976, the resulting Old Cambridge Historic District added dozens of significant houses from all periods of American architecture. Enactment of a demolition delay ordinance in 1979 gave the Cambridge Historical Commission authority to temporarily protect every building in Cambridge more than fifty years old.

The unbridled climate of development in the 1970s threatened several neighborhoods near Harvard Square. Neighborhood activists desired protection from overdevelopment, but could not gain the necessary zoning amendments. Historic districts were associated with elitist attitudes and strict controls, and some wished to see a more flexible form of protection that would be overseen by neighborhood residents, rather than a citywide commission. Protection from over-development was paramount; early neighborhood conservation districts involved little or no protection from inappropriate alterations. The Half Crown NCD (1984) was established to regulate demolition and new construction, while the Mid Cambridge NCD (1985) controlled excessive infill from townhouse developments.

The central theory of the neighborhood conservation district concept was that protection efforts should be tailored to the nature of the area. Some neighborhoods, like Tory Row, were nationally significant for their architecture and associations with American history, which justified protecting the publicly visible features of every individual house – including exterior colors - to the greatest extent possible. In neighborhoods composed of vernacular buildings more or less uniformly sited in relation to each other, where the whole could be considered greater than the sum of the parts, protection efforts could focus on the form and massing of structures, rather than their details.

One CHC member, Professor Charles W. Eliot 2nd (1899-1993), a landscape architect, defined "neighborhood conservation" as encompassing the concept of "wise use;" to him, "preserving" a resource (in this case, a neighborhood) meant maintaining and defending it in every practical way, while "conserving" it meant allowing reasonable changes. By analogy, historic districts resemble national parks, where great efforts are made to protect every significant feature, while neighborhood conservation districts resemble national forests, which are managed as sustainable environments, and changes are permitted as long as the integrity of the greater ecosystem is maintained. In practice, the distinctions are less clear, as each NCD in Cambridge has its own distinct guidelines. The Mid Cambridge Neighborhood NCD Commission now reviews many alterations, while the Avon Hill (1996) and Marsh (2000) NCDs more closely resemble historic districts.⁵

B. Legislative Authority

The authority to designate neighborhood conservation districts is contained in Chapter 2.78, Article III of the Cambridge City Code, which was enacted by the City Council on March 23, 1981. The City Council is authorized to designate neighborhood conservation districts by order, based upon the recommendations of the Cambridge Historical Commission and the findings of an investigation and report conducted by a study committee.

Chapter 2.78, Article III was drafted by the Cambridge Historical Commission to decentralize the protection of significant neighborhoods in Cambridge in a manner beyond that authorized in Chapter 40C of the Massachusetts General Laws. In drafting the ordinance, the

⁵ CHC Chair William B. King, a member since 1973, comments as follows:

I would like to add the following additional distinction between the RESULT ... of "preservation" and that of "conservation" contained in "The Fanny Farmer Cookbook" (Twelfth Edition, 1979 [approximately contemporaneous with Cambridge's NCD ordinance], page 699): "'Preserves' are fruits cooked with sugar so that they keep their shape within a jellylike syrup. 'Conserves' are jam like mixtures of two or more fruits to which nuts or raisins are sometimes added."

Actually, I think this distinction is very apt for what we have, and are trying to keep intact and saving from inappropriate change in our urban landscape. I also recall that Professor Charles Eliot, who was then a member of the Historical Commission, did make a big distinction between the extent or degree of protection to be given to structures and their original fabric that were in the Historic Districts (4 of them then) and those which might not need "preservation" but that might be in attractive or congenial neighborhoods, which were by use of the word "neighborhood" an area of different properties whose collective features made them worthy of "conservation." The cookbook distinction is an apt analogy for Prof. Eliot's concern -- certainly two or more "fruits" but would he also have been thinking of the "nuts and raisins"?

Commission relied upon Cambridge's "home rule" authority under the Massachusetts Constitution, but found a precedent in Chapter 772 of the Acts of 1975, the act establishing the Boston Landmarks Commission. This act authorized the City of Boston to designate architectural conservation districts, protection areas, and protected landmarks. In drafting the ordinance that became Ch. 2.78, Article III of the Cambridge City Code, the Historical Commission drew on Chapter 772 for many concepts and definitions, but wherever practicable also drew from the language of Chapter 40C, adapting procedures and authority designed for historic districts to the new task of decentralizing neighborhood protection under neighborhood conservation district procedures.

The purposes of Article III are:

to preserve, conserve and protect the beauty and heritage of the City of Cambridge and to improve the quality of its environment through identification, conservation and maintenance of neighborhoods . . . which constitute or reflect distinctive features of the architectural, cultural, political, economic or social history of the City; to resist and restrain environmental influences adverse to this purpose; to foster appropriate use and wider public knowledge and appreciation of such neighborhoods . . . ; and by furthering these purposes to promote the public welfare by making the city a more attractive and desirable place in which to live and work.

Authority to protect the built environment through historic districting has existed in Massachusetts since the passage of Chapter 40C in 1960, and has been exercised by the Cambridge Historical Commission since 1963. The purposes of historic districting, which are similar to the purposes expressed in Article III, are:

to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the Commonwealth and its cities and towns or their architecture, and through maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

The first Massachusetts historic districts, on Beacon Hill and in Nantucket, were established by special acts of the legislature in 1955 following an opinion of the Massachusetts Supreme Judicial Court that such legislation was a constitutional use of the State's power to promote the public welfare. The Massachusetts Court cited a dictum in the United States Supreme Court decision in the case of Berman v. Parker (1954):

The concept of the public welfare is broad and inclusive . . . The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as clean, well balanced as well as carefully patrolled. [348 U.S. 26 (1954)]

The courts have also upheld historic districts on the grounds of their contribution to the economic well being of a community. The Supreme Judicial Court in the 1955 Nantucket opinion noted that "the erection of a few wholly incongruous structures might destroy one of the principal assets of the town." [333 Mass. 773 (1955)] The courts have noted that these benefits may accrue to the individual property owner as well as to the community at large, but

have considered that public purposes are served if the public good, measured in terms of increased property values or business volume, outweighs private costs. [T.J. Reed, Land Use Controls in Historic Areas, 44 Notre Dame Lawyer 3, 387]

It has been judicially determined that historic district legislation does not constitute a taking of private property without compensation, and it has been noted that many zoning applications are as demanding in their application. [333 Mass. 773, 778 (1955)] Once again, the public benefit is held superior to a reasonable degree of private sacrifice, a principle that was upheld in 1978 in Penn Central Transportation Co. v. New York City [438 U.S. 104 (1978)] in confirming the landmark designation of Grand Central Terminal.

Power to establish historic districts is not given lightly. Chapter 40C requires a thorough survey and report on the areas proposed for protection; review and comment by other public agencies; a public hearing with notification of all affected property owners; and passage of the historic district ordinance by the City Council. Once a district has been established, an historical commission holds the power to review all construction and alterations of structures that will be visible from a public way. This authority cannot be arbitrarily exercised, however; the legislation requires that a commission “shall not make any recommendations or requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the . . . district.”

In all important respects, establishment of neighborhood conservation districts under Article III requires the same procedures and safeguards as for historic districts under Chapter 40C. Moreover, the authority of a conservation district commission, while subject to the same limitation of being able to prevent only developments incongruous to the district, may be more strictly circumscribed than that of an historical commission if the order establishing it contains extensive exclusions from its authority.

C. Establishment of Neighborhood Conservation Districts

Procedures for the establishment of a neighborhood conservation district are contained in Article III and conform to similar provisions for establishment of historic districts under 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, which is transmitted with the approved designation 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. The City Manager then appoints a neighborhood conservation district commission to administer the district.

D. Operations of Neighborhood Conservation District Commissions

Neighborhood Conservation District commissions consist of five members and three alternates, most of whom must be property owners; one member must be a member or alternate of the Cambridge Historical Commission. Members are to have “demonstrable knowledge and concern for improvement, conservation and enhancement of the district,” and at least two “shall have professional qualifications related to real estate or architecture or historic preservation” (Ch. 2.78.160.B). Members may serve until replaced, but may be appointed to no more than two consecutive three-year terms.

NCD commissions typically schedule monthly meetings that are advertised as public hearings when there are applications to be decided. Following the procedures in the ordinance and the goals and guidelines in the Order enacting the district, the Commission may grant certificates of appropriateness, nonapplicability, or hardship, as the circumstances allow:

A Certificate **of Non-Applicability** may be issued for work which matches existing conditions, interior alterations, alterations not visible from a public way, and any other work which does not require review by the neighborhood conservation district commission. These certificates are generally issued by the Historical Commission staff.

A Certificate **of Appropriateness** may be issued for reviewable alterations which the neighborhood conservation district commission deems not incongruous to the character of the property in question.

A Certificate **of Hardship** may be issued for work which is not otherwise appropriate if the Commission determines that failure to approve an application would entail a substantial hardship, financial or otherwise, and that the work would not be a significant detriment to the district.

Appeals from decisions of the NCD commission may be made by an applicant or by ten registered voters of the City. The initial appeal is made to the Cambridge Historical Commission, and must be initiated within twenty days after the filing of the notice of a determination with the City Clerk. “The Historical Commission may overrule the determination and return it for reconsideration consistent with that finding. If the applicant is aggrieved by the determination of the Historical Commission, or if action is not taken by the Historical Commission within thirty days of filing for review, the applicant may appeal to the superior court” (Ch. 2.78.240).

V. Conservation and Development Goals for the Lower Common Neighborhood Conservation District

The Lower Common NCD Study Committee finds that the following goals are appropriate for regulating preservation and development in the neighborhood.

The goal of the Lower Common Neighborhood Conservation District is to conserve the character, variety and scale of the district's streetscapes and architecture, and to enhance the livability, vitality and socio-economic diversity of the District for its residents and the public at large. The Lower Common Neighborhood Conservation District Commission will seek to preserve and enhance the unique environment and visual form of the District; preserve its architecturally and historically significant structures and their settings, and encourage design compatible therewith; mitigate any adverse impact of new development on adjacent properties and areas; and maintain the present diversity of development and open space patterns and building scales and ages. The District must remain a human-scale environment that complements nearby neighborhoods and maintains the history and traditions of its location. The Commission is committed to a process that will provide technical assistance to residents as they seek to make cost-effective changes to properties in accordance with the guidelines established for the District. The Commission will recognize and accommodate the needs and desires of resident property owners when it is possible to do so in a manner consistent with the District's overall conservation and development goals.

The following secondary goals for the District are intended to provide general guidance to the Lower Common Neighborhood Conservation District Commission in a wide variety of situations, and are not intended to be applied to every project that would come before it. They are statements of policy, not prescriptive measures that must be applied equally in each situation. Whenever possible, the Commission should seek to:

1. **Conserve the historic development patterns of the neighborhood, including the distinctive street layout of interior, resident- and pedestrian-oriented streets which are bounded by the neighborhood's automobile-oriented cross streets.**
 - a. **Encourage site or landscape improvements that enhance the variety of pedestrian pathways through the neighborhood.**
 - b. **Maintain the neighborhood's existing patterns of modern alterations to neighborhood streetscapes, including the provision of minimal side and back yard parking, the construction of traditional backyard garages, and the installation of privacy fences that preserve and maintain visual access to the front and portions of the side wall planes of houses from the public way.**
 - c. **Allow for structured rear-lot parking, on-, below- and above-grade, at buildings with more than four dwelling units.**

2. **Conserve the character, variety and scale of the neighborhood's architecture, its amalgamation of building styles, and the functional alterations of its structures.**
 - a. **Protect and preserve the neighborhood's significant buildings, including properties listed on the National Register of Historic Places and buildings constructed before 1840.**
 - b. **Maintain the neighborhood's open porches and verandas, and the visual unity of its double houses and rowhouses.**
 - c. **Maintain the neighborhood's existing patterns of modern alterations, including the addition of traditionally-scaled and detailed dormers, bays, and ells and the minimal enclosure of open porches and verandas.**
 - d. **Allow visually-indistinguishable modern materials and replacement building components**
 - e. **Support creative, contemporary design for new construction and alterations that complements and contributes to the character of the neighborhood.**
 - f. **Build on and sustain the diversity of the existing building form, scale and material. Maintain and encourage flowers, green yards and courtyards and small, freestanding wood-frame buildings where that character prevails.**
3. **Accommodate alterations that support the District's conservation goals and provide administrative procedures to enhance predictability of outcomes and timeframes for property owners.**
4. **Recognize and respect creativity of design during the review process and mitigate the functional impacts of development on adjacent areas.**

These preservation and development goals, in conjunction with Chapter V of this report ("Guidelines for Demolition, Construction, and Alterations"), are incorporated into the proposed Order establishing a Lower Common Neighborhood Conservation District and will be published separately for the benefit of the Commission, applicants and their advisors, and the general public.

VI. Guidelines for Demolition, Construction, and Alterations

Chapter 2.78, Article III, Section 220 describes the factors to be considered by neighborhood conservation district commissions:

A. In passing upon matters before it, the Historical Commission or neighborhood conservation district commission shall consider, among other things, the historic and architectural value and significance of the site or structure, the general design, arrangement, texture and material of the features involved, and the relation of such features to similar features of structures in the surrounding area. In the case of new construction or additions to existing structures a commission shall consider the appropriateness of the size and shape of the structure both in relation to the land area upon which the structure is situated and to structures in the vicinity, and a Commission may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable provision of the zoning ordinance. A Commission shall not consider interior arrangements or architectural features not subject to public view.

In making its determinations, the Lower Common NCD Commission would also operate under goals and guidelines designed by the Study Committee to protect historic resources while encouraging the architectural diversity that characterizes the neighborhood. Guidelines that are clear, detailed, and easy to apply would help maintain consistent interpretation of urban design and preservation priorities for the Lower Common.

In the proposed district, all applications would be reviewed by Cambridge Historical Commission staff for compliance with the guidelines, and the staff would actively engage the applicant in discussions about the objectives and nature of the project. The staff would advise the applicant throughout the application process, and would coordinate reviews by the Lower Common NCD Commission.

The following guidelines for demolition, construction, and alterations expand upon the language of the Ordinance to provide additional guidance for administration of the Lower Common Neighborhood Conservation District.

A. Demolition

Although the City's demolition delay ordinance would not apply in a Lower Common Neighborhood Conservation District, demolition would be similarly defined as "the act of pulling down, destroying, removing or razing a structure or commencing the work of total or substantial destruction with the intent of completing the same". Work of this sort would be reviewed under the following demolition guidelines, while the removal of building components would be reviewed as an alteration.

The purpose of reviewing demolition within the Conservation District would be to preserve significant buildings and the diversity of building ages, styles, and forms that help to define the character of the neighborhood. Other benefits would include the opportunity to review the

significance of individual buildings in the context of specific development proposals, to consider creative re-use possibilities, and to encourage the care and maintenance of the building stock.

The Lower Common NCD Commission would issue a Certificate of Appropriateness to an applicant seeking to demolish a structure in the Conservation District if the project, including both the removal of the demolished building or portion of the building and the construction of the replacement buildings, were determined to be "appropriate for or compatible with the preservation or protection of the . . . district."⁶ Approval of demolition would be dependent on a finding by the Commission that a) the demolition of the structure would not adversely impact the district or abutting properties in the sense described in secondary goal #1, and b) the replacement project meets the purposes of the Conservation District with respect to the provisions of secondary goal #2, where these are applicable. Relocation of a structure on its site will be permitted if, as relocated, its visible proportions, setbacks and orientation on the lot are compatible with the streetscape of which it is a part.

The history of the Lower Common suggests some specific criteria that may be applied to demolition proposals. Buildings that are over fifty years old, that are listed on or may in the future be considered eligible for the National Register of Historic Places, or that retain substantial integrity from their original construction, would generally be valued for their contribution to the character of the neighborhood, and it may be presumed that preservation would be strongly preferred to demolition (secondary goal #2f).⁷ However, applications would be reviewed on a case-by-case basis, and the Commission would not necessarily protect all such structures from demolition. In addition, the Commission is might look favorably on applications to remove garages that were constructed in the yards of earlier houses.

B. New Construction, Additions and Alterations

The Lower Common Neighborhood Conservation District Commission would review all proposed projects that involve new construction, additions, and alterations visible from a public way. In deciding to allow or deny a Certificate of Appropriateness or Hardship, the Commission would consider the following to the extent they are a part of the proposed work:

1. The proportions of visible planes on and massing of the structure.
2. The setbacks of the structure from the street and the side boundaries of the lot on which the structure is located.
3. Orientation on the lot of a new structure or addition.
4. Appearance of exterior materials.
5. Degree, extent and style of architectural detailing.
6. The shape of the roof.
7. The size, shape, location, patterns, materials, and trim of windows and doors that are part of the work.

⁶ Chapter 40C, Section 10a. This language is incorporated by reference in the Neighborhood Conservation District and Landmark Ordinance, Ch. 2.78.170.

⁷ "Build on and sustain the diversity of the existing building form, scale and material. Preserve and encourage flowers, green yards and courtyards and small, free-standing wood-frame buildings where that character prevails."

8. Other exterior architectural features, such as gutters, downspouts, shutters, fences, ornaments and masonry pointing.
9. The relationship of a proposed building to the site and to other buildings and structures in the vicinity

1. New Construction

The Lower Common is a diverse urban environment that has evolved through many eras of architectural design. The NCD Commission would recognize the continuing evolution of the area while seeking to conserve its character-giving features. Whenever possible, contemporary design would be encouraged in new construction (secondary goal #2e).⁸

The Commission would begin its review of a new construction project with an analysis of the historic significance and architectural value of the premises and its immediate surroundings. New construction that accommodates older structures on or adjacent to the site would be encouraged. Construction that incorporates significant major portions of older structures may be acceptable; however, use of isolated historic architectural elements would be discouraged. Demolition involving retention of facades to allow replacement of historic structures with new construction (mis-named "facadectomies") would be discouraged unless the supporting historic fabric is found to be unsalvageable.

In reviewing new construction, the Commission "shall consider the appropriateness of the size and shape of the structure both in relation to the land area upon which the structure is situated and to structures in the vicinity."⁹ Review of new buildings would be guided by considerations such as the appropriateness of the structure's height, scale, mass, proportions, orientation, and lot coverage; the vertical and horizontal emphasis, rhythm of openings, transparency, texture, and materials of the publicly-visible facades; sunlight and shadow effects; relationship to public open space; and landscaping.

The Commission "may in appropriate cases impose dimensional and setback requirements in addition to those required by the applicable provision of the zoning ordinance."¹⁰ Implementing such a measure could result in a reduction of the Floor Area Ratio (FAR) allowed by zoning. The appropriate circumstances for imposing dimensional and setback reductions could include a wide disparity of scale and density between the proposed project and its surroundings, or a situation in which the proposed project would destroy or diminish the historical resources of the site.

2. Additions to Existing Buildings

There are two schools of thought in the historic preservation community concerning additions to existing structures.¹¹ One approach, which has been often approved by the Cam-

⁸ "Support creative, contemporary design ... that complements and contributes to the character of the neighborhood."

⁹ Ch. 2.78.220.A.

¹⁰ Ch. 2.78.220.A.

¹¹ "Addition" in this context means a new structure, connected to the principal structure on a lot.

bridge Historical Commission, holds that additions should complement the appearance of the original structure, even mimicking its architecture to the extent that it is difficult to tell new and old apart. A less extreme version of this contextual approach might use materials and details that are similar to, but not imitations of, the original work. An approach favored by the National Park Service calls for making the addition distinct from the original work:

Additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.¹²

In both approaches, additions should defer to the original building; that is, they should be smaller than the original house, and should not draw attention away from it. The proportions, massing, roof shapes, orientation and setbacks of an addition should be compatible with the existing structure.

Recent additions in the Lower Common neighborhood illustrate that both approaches can produce an appropriate result. In the contextual approach, an addition to a structure might be considered appropriate *if the work appears substantially similar to the visible original parts of the existing structure*. For example, the addition at 24 Linnaean Street employs a proportion and rhythm of window openings and a cornice detail that recalls (but does not mimic) the period details of the original house. This addition is also subsidiary in scale to the main house (Fig. 18).



Figure 18. “Additions should defer to the original building; that is, they should be smaller than the original house, and should not draw attention away from it.” Addition (behind driveway), 24 Linnaean Street, 1998.

Alternatively, an addition might be of a *substantially different architectural style from the existing structure*. The kitchen addition at 31 Gray Street, which is visible across the yard of an adjoining house, employs a style that is clearly distinct from that of the original house, but is appropriately subsidiary to it (Fig. 19). Another example is the sun porch/greenhouse at 29 Shepard Street, which is clearly different not only in style and massing, but also in materials.

¹² The Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995

Greenhouse structures of this sort have their own vocabulary, and are usually very different in appearance from the houses to which they are attached. In this example, the sun porch is appropriately located on the side on the house.



Figure 19. “An addition might be of a substantially different architectural style from the existing structure.” Kitchen addition, 31 Gray Street.

3. Alterations to Existing Buildings

Alterations to exterior architectural features visible from a public way would be subject to binding review by the Commission, guided by secondary goals #2. The goals of the district favor retention and repair, rather than replacement, of original or significant exterior fabric.

While many irreversible changes would be subject to review and approval of the Commission, certain other visible exterior alterations would be reviewed by the staff or exempted from review entirely. Chapter 2.78, Article III identifies seven categories of construction and alterations that may be exempted from review. (Exterior color is categorically excluded from review in neighborhood conservation districts.) From that list, the Study Committee recommends that the following features be categorically exempt from review and not trigger an application process:

1. Alterations to the exterior of existing structures that do not increase or diminish the size and location of windows and doors, cause the removal of any bay, porch, hood, window or door casing or any other protruding decorative element, or alter the appearance of a roof;
2. Signs, temporary structures, lawn statuary, or recreational equipment, subject to such conditions as to duration of use, dimension, location, lighting, removal and similar matters as the Commission may reasonably specify;
3. Terraces, walks, driveways, sidewalks and similar structures substantially at grade level;
4. Storm doors and windows, screens, window air conditioners, lighting fixtures, antennae, trelliswork and similar appurtenances.

In addition, the Commission would adopt procedures delegating review and approval of certain alterations to the staff. The staff would issue a Certificate of Nonapplicability if Conservation District guidelines are followed. These categories would include:

- Ordinary repairs or maintenance using similar materials and construction details to those existing.
- Reconstruction replicating the exterior design of a building, structure, or exterior architectural feature damaged or destroyed by fire, storm, or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.¹³
- Roof repairs and HVAC equipment not visible from a public way.
- Window replacement in conformity with guidelines to be adopted by the Commission after public hearing.

Applications for projects that do not meet these criteria would be considered by the Commission at a public hearing.

The range of possible alterations is so great that it is difficult to prescribe guidelines for all of them. However, there are many examples of appropriate alterations in the Lower Common. As with new construction, some mimic the architectural style of the original building, and others are compatible with it. While contemporary, contrasting designs might be appropriate for additions, it is probably more important that alterations be in the same or similar style as the original building.

The most conservative approach to planning an appropriate alteration is to *ensure that it is exactly the same architectural style as the existing structure*. For example, a new bay window at 21 Bowdoin Street is a copy of one that existed elsewhere on the building. For this kind of detail, which is hard to design appropriately with contemporary mouldings and lum-



Figure 20. “The most conservative approach to planning an appropriate alteration is to ensure that it is exactly the same architectural style as the existing structure.” Bay window addition, 21 Bowdoin Street, (new bay at left; original at right, 2004-05).

ber, copying an existing feature may be the best approach (Fig.20). A similar result might be achieved *by adopting visible parts of another structure which is in the same streetscape and*

¹³ Such replacement work would still be subject to review of the staff and issuance of a Certificate of Appropriateness.

the same architectural style. The architect of a new side porch at 16 Martin Street found a prototype on another house nearby that was similar in age and style (see Fig. 15).

Another method is to *adapt substantially the same architectural style as the existing structure.* This, however, requires the applicant or designer to have a good working knowledge of the finer points of architectural history, and may expose the proponent to greater debate about appropriateness than approaches that copy an existing feature or adopt a somewhat different vocabulary. Adaptation is not impossible, however; a successful project in this vein was the reconstruction of the front porch at 30 Linnaean Street, which also met modern building code requirements for railings that are higher than traditional ones (Fig.21).



Figure 21. “Another method is to adapt substantially the same architectural style as the existing structure.” New porch, 30 Linnaean Street, 2001-02.

Another approach to designing an appropriate alteration is to complement the original structure by employing traditional materials and proportions in a simplified manner. For example, the new or remodeled back entrances at 21 Bowdon Street use new windows and porch details in a contemporary but appropriate manner (Figs.)

a. Alterations Not Visible From a Public Way

Interior arrangements and alterations to architectural features not visible from any public way are exempt from review in a neighborhood conservation district and a Certificate of Nonapplicability for such work would be issued by Commission staff without delay.

b. Protected buildings

At least four buildings in the proposed district have great historic significance, retain their original design, and/or have a subsequent design that is itself significant. These buildings would be specifically designated in the Order as requiring Commission rather than staff approval of all publicly visible exterior alterations:

- 46 Hudson Place (Edward Fillebrown house, ca. 1772). Built by Edward Fillebrown, a tanner, at 1671 Massachusetts Avenue between 1761 and 1772, this house was moved to its present location in 1846 by Stillman Willis, who laid out Hudson Place and Bowdoin Street. It is significant as one of fewer than 30 existing pre-

- Revolutionary houses in Cambridge, and as an example of the simple vernacular houses of the period (see Fig. 6).
- 35 Bowdoin Street (Ford-Lewis house, 1812). Built by Jonathan Ford as a rental property, this house was occupied by the Lewises, a prominent African American family, before it was moved from 1680 Massachusetts Avenue to its present location in 1850. It has been listed on the National Register of Historic Places since 1986 and is considered to be a significant example of the vernacular Federal style of architecture (see Fig. 7).
 - 26 Gray Street (Frost-Goodridge house, 1815). Elizabeth Frost, a descendant of a Colonial farming family, built this house at 1705 Massachusetts Avenue and occupied it until her death in 1839, when it passed to her son-in-law, Jonathan Ford. Charles Goodridge, a Boston marketman, occupied it for several years until he built the present house on that site in 1889. David Power, a prominent local builder, then moved the old house to its present site. It has been listed on the National Register of Historic Places since 1986 and is considered to be a significant example of the vernacular Federal style of architecture (see Fig. 8).
 - 1 Potter Park (Willis-Potter house, 1839-40). The Willis-Potter house originated on Massachusetts Avenue as a sober Greek Revival structure built by Stillman Willis in 1839. Henry Potter, a highly successful meat packer and North Cambridge landowner, purchased the property in 1849 and lived there until his death in 1876. His heirs laid out Potter Park in 1883 and moved the house to its present site. It has been listed on the National Register of Historic Places since 1986 and is considered to be significant for the idiosyncratic Queen Anne ornamentation that Henry's son, H. Staples Potter, applied probably in 1904 (Fig. 23).



Figure 22. Willis-Potter house, 1 Potter Park. (1839, moved from Massachusetts Ave., 1883).

Alterations to these buildings are by no means prohibited, but would require a Certificate of Appropriateness from the Commission. Additional significant buildings may be identified in the future, and the Commission may recommend to the City Council that they be added to the protected list.

c. Windows

Windows are critical to maintaining the characteristic appearance of buildings and neighborhoods. Replacement of wood windows with inappropriate modern units can destroy the traditional appearance of a building. The Commission would establish design guidelines for window alterations governing materials, muntin patterns, panning, and reflectivity.

In almost all cases, modern replacement windows are available that match the originals in appearance while offering significant energy efficiency. The Commission would, in most cases, allow window replacement routinely as long as design guidelines are met. Applications to replace windows that are ornamental in design or that contain significant original sash would require review by the Commission.

Review and approval of certain window alterations may be delegated to the staff. For example, applications for window alterations that do not change the size of the opening, configuration of the muntins, material, or transparency would receive a Certificate of Nonapplicability after staff review.

d. Masonry

The Lower Common contains several examples of brick masonry construction, mostly apartment buildings from the early 20th century that often exhibit significant limestone or cast stone details. In addition, brick chimneys are often important character-giving features of certain residential architectural styles. Because the appearance of masonry can be irreversibly altered by improper pointing or cleaning, Commission approval would be necessary for masonry operations that would not match original work in color, texture, dimension or appearance. The staff would review specifications and samples of replacement masonry units, and for cleaning, cutting joints, mortar composition, and joint profiles, and would issue Certificates of Nonapplicability for work that matches the original. Removal of chimneys or painting or cladding masonry surfaces above the foundation would not be allowed without a Certificate of Appropriateness.

VII. Proposed Lower Common Neighborhood Conservation District Boundaries

The traditional boundaries of the 18th century Lower Common comprised Massachusetts Avenue on the east, Linnaean Street on the north, Garden Street on the west, and Waterhouse Street on the south. The Study Area differs from the traditional boundaries by excluding high-density residential and commercially zoned properties along Massachusetts Avenue. It includes the apartment houses on the north side of Linnaean Street that were not included in the Avon Hill Neighborhood Conservation District, and is bounded on the south by the Old Cambridge Historic District, which includes Waterhouse and Follen streets. The Committee decided to remove the Montrose Spa building on Massachusetts Avenue from any potential district; an early map of the study area erroneously included 6 Lancaster Street, which was never intended to be part of the study and which is not proposed to be included.

The inclusion of Chauncy Street, which differs from the remainder of the district in that it is largely built up with multi-family structures, is appropriate to maintain the geographic integrity of the district and the continuity of protection with the adjoining Old Cambridge Historic District. Moreover, the various types of structures on Chauncy Street are not inconsistent with the types of structures comprised by the proposed district, including single-family homes, small multifamily structures, and large multi-unit apartment buildings. Thus, stewardship of these structures would not differ from others within the proposed boundaries.

The Radcliffe Quad is not included in the Study Area for two reasons: first, because it is regulated under Institutional Overlay Zoning, a separate category distinct from all other zoning districts in the Study Area, and second, because it is subject to the Cambridge Historical Commission's 1986 protocol with Harvard University governing alterations to properties on the National Register of Historic Places. Harvard and the Cambridge Historical Commission have agreed that the Radcliffe Quad is eligible for the National Register, and the university has retained consultants to prepare a nomination for review by the Massachusetts Historical Commission. Future construction of new buildings and alterations to structures in the Quad will be reviewed with the CHC staff to determine that they will not have adverse effects on the National Register district. Proposals for demolition will be reviewed by the entire Cambridge Historical Commission under Ch. 2.78, Article II of the City Code governing demolition permit applications. Other Harvard University-owned properties in the proposed district will be subject to the same rules as any other property.

VIII. Recommendations of the Study Committee

The Study Committee recommends by a vote of 5-1 that that the Lower Common Neighborhood Conservation District be enacted as proposed in the accompanying report. The primary reasons for advocating the establishment of the district are:

- the uniqueness and significance of the historic development patterns and architecture of the Lower Common neighborhood;
- the threat of change to neighborhood character posed by the inappropriate rehabilitation; and
- the desire of many residents to protect their neighborhood from inappropriate change, evidenced by the number of petitioners and the positive response to a survey of owners and tenants.

The approach to neighborhood conservation recommended by a majority of the Study Committee incorporates a set of primary and secondary goals to guide the Commission's deliberations. These goals encourage the Commission to be flexible in considering the appropriateness of modern alterations and materials and contemporary design, while seeking to maintain the neighborhood's traditional character and scale.

The Commission has recommended that the jurisdiction of the District be tailored to minimize the burden of regulation:

- The Executive Director of the Cambridge Historical Commission may issue Certificates of Nonapplicability for many minor projects, including fences, dormers, windows, doors, skylights, and siding.
- Alterations that do not increase or diminish the number or size or alter the location of windows and doors, cause the removal of any bay, porch, hood, window or door casing or any other protruding decorative element, or alter the appearance of a roof, are exempt from review.

The Committee recommends that the effectiveness of the Commission will be enhanced if its determinations are binding, not advisory as in some other districts.

The Study Committee unanimously voted to support the proposed study boundaries, and not to consider a proposal to seek consolidation with the Avon Hill NCD.

The Study Committee voted by a margin of 5-1 to adopt a sunset provision that will cause the District to cease to be in effect after five years unless re-enacted by the City Council. This term allows the Commission to establish a track record. The provision gives the Cambridge Historical Commission authority to review the operations of the Lower Common NCD Commission.

Finally, the Study Committee recommends that the City Council consider establishing a citywide neighborhood conservation district commission that would incorporate all of the present and future neighborhood conservation districts except, perhaps, Mid Cambridge.

Appendices

- A. Sample Petition
- B. Minutes of the Cambridge Historical Commission Hearing, October 7, 2004
- C. Avon Hill Review Criteria
- D. Lower Common Cases Reviewed by the CHC During the Interim Protection Period, October 7, 2004 – October 8, 2005
- E. Lower Common Characteristics, June 2005
- F. Lower Common Variance Activity, 1924-2004
- G. Possible National Register-Eligible Properties
- H. Lower Common Property Owner and Tenant Survey Facsimile
- I. Lower Common Property Owner and Tenant Survey Spreadsheet
- J. Lower Common Property Owner and Tenant Survey Respondent Comments
- K. Lower Common Cost-Benefit Considerations
- L. Timeline of Lower Common Meetings and Activities
- M. Minority Report by Study Committee Member Maurice Lesses

Appendix A: Sample Petition

SEP 10 2004

CAMBRIDGE HISTORICAL
COMMISSIONPetition for Landmark or Neighborhood Conservation District

We, the undersigned registered voters of the City of Cambridge, request the Cambridge Historical Commission to initiate the process of designating a landmark or neighborhood conservation district for the individual property or area named below bounded by or containing properties located on the named streets as a Landmark or Neighborhood Conservation District under Chapter 2.78, Article III of the Code of the City of Cambridge.

North or Upper Common NCD (Avon, Bowdoin, Chauncy, Garden, Gray, Hudson St and Place, Hurlbut, Langdon, Linnaean, Martin, Potter Park, Rutland, Shepard, Walker Place and Street, and Wright Streets, and such portion of Massachusetts Avenue as is shown on the attached map in the C2 zone) and as delineated on the attached map and identified on that map as being within the B and C2 zones, with the exception of Radcliffe Quad.

Name (signed)	Name (printed)	Address
✓ 1. Ted Zalewski	TEO ZALEWSKI	3 LINNAEAN ST. Cambridge, MA 02138
✓ 2. Jackie West	Jackie West	3 Chauncy Street, #1 Camb. 02138
✓ 3. Tim Shaw	Tim Shaw	44 Langdon St. #17 Camb. 02138
✓ 4. Joel Gordon	JOEL GORDON	44 LANGDON ST #5,6 CAMBRIDGE 02138
✓ 5. Marvin Rosen	MARVIN ROSEN	44 LANGDON ST. CAM
✓ 6. Anne Gilmer	ANNE GILMER	44 LANGDON ST. CAMBRIDGE 02138
✓ 7. Joan Zahorjan	JOAN ZAHORJAN	44 LANGDON ST 02138 CAMBRIDGE
✓ 8. Bethany Versoy	BETHANY VERSOY	44 LANGDON ST 02138 CAMBRIDGE
✓ 9. Douglas Stone	DOUGLAS STONE	44 LANGDON ST. 02138
✓ 10. Martha Shaw	MARTHA SHAW	44 LANGDON ST Camb. 02138
✓ 11. Melissa Wenig	Melissa Wenig	44 Langdon St #5 02138
✓ 12. James M. Shea	James M. Shea	44 Langdon St. Camb. 02138

Ten signatures are required Name of person submitting petition James M. Shea

Appendix B: Minutes of the CHC Hearing of October 7, 2004 (excerpt)

Public Hearing: Neighborhood Conservation District (NCD) Proceedings

Citizen Petition for NCD Study of Lower Common Neighborhood. Consider petition to initiate a neighborhood conservation district study for an area that includes all or portions of the following streets: Avon, Bowdoin, Chauncy, Garden, Gray, Hudson, Hurlbut, Langdon, Linnaean, Martin, Rutland, Shepard, Walker, and Wright streets; Hudson Place, Potter Park, and Walker Place; and such portion of Massachusetts Avenue bounding this neighborhood that is in the C-2 zone.

Ms. Zimmerman explained that she had met with neighborhood residents several times during the preceding months to discuss neighborhood conservation districts (NCDs), help them study aspects of the neighborhood, and answer their questions about historic preservation regulations. The petition, with over 100 signatures, had been verified to have at least ten registered voters. The number of signatures was about 10% of the property owners in the district. The neighborhood group had been referring to the neighborhood as the Upper Common, though that was not the historical name for the area. A public meeting at the Graham & Parks School on May 5, 2004 was attended by about 60 people. The petitioned study area extended to the abutting Avon Hill NCD and Old Cambridge Historic District. The staff was currently engaged in talks with Harvard University regarding listing of the Radcliffe Quad on the National Register of Historic Places and its inclusion in the pre-existing protocol between Harvard and the Commission, under which Harvard reviewed changes to National Register listed properties with the Commission staff. For this reason, the Quad was not included in the proposed study area.

Mr. Irving invited the proponents to make a presentation, then the opponents; then he would allow a general discussion.

Dennis Carlone, a member of the neighborhood committee interested in NCDs, described his background as an architect and urban designer. He said design review often made projects better. The neighborhood had a characteristic 19th century design and a human scale. Designation as an NCD would not mean that owners would be required to restore their buildings. However, sometimes preservation proved to be the more economical approach for a renovation project. Almost any kind of change could occur in a way that was sympathetic to the architectural integrity of a building.

Ron Axelrod of 26 Shepard Street, an architect and urban designer, said there were alterations that fell below the review criteria of the Board of Zoning Appeal such as air conditioning compressors and rooftop mechanicals.

Charlotte Moore of 9 Rutland Street, also a proponent, expressed support for the idea of including the entire area between the Avon Hill NCD and the Old Cambridge Historic District. The study should look at both residential and commercial buildings.

Maurice Lesses of 18 Gray Street, assisted by his son Richard Lesses, made a Power-Point presentation and described his reasons for opposing the study. He showed slides of buildings in the neighborhood and pointed out alterations, additions, and fences. The neighborhood did not have a distinctive character. There was a wide variety of structures with construction dates ranging from 1810 to 2004. Every building had changed over time.

What period would be chosen for historical accuracy? He liked some of the eclectic changes and wanted to protect them. He objected to the fact that the proposed study area had changed abruptly during the pre-petition neighborhood meetings. He asked the proponents why the neighborhood needed an NCD. The changes that had occurred up to now were not terrible. He complained there was a lack of notification for the neighborhood meetings. What review criteria would be used during the study period? He requested that the Commission decline the petition and not initiate an NCD study.

Betsy Dunn, of 27 Walker Street, said that Mr. Lesses' slides illustrated why an NCD was needed. Many of the alterations were haphazard. It was not good to allow constant expansion to go unchecked. The petition asked for a study, not to immediately designate the NCD without further discussion of the many issues outlined by Mr. Lesses.

Eve Lesses of 18 Gray Street said some people might want to tear down the fences or greenhouse additions that had occurred in the neighborhood, but the Commission could not require that those things be removed.

Madilyn Shanfel of 20 Shepard Street said she had had a bad experience when she moved in and tried to alter her house. Some neighbors had been obstructive in the Board of Zoning Appeal process. They were aggressive and tried to control things they should not have. Most new owners had made positive changes. The Zoning Code was sufficient.

Anselmo Tabit, the owner of the Montrose Spa, was surprised that his building was included in the proposed study area. He could understand both sides of the issue. He had recently renovated his building, leaving nothing of the original 1920s exterior.

Hugh O'Reilly of 16 Bowdoin Street said NCD design review was subject to personal taste and aesthetics. The present zoning procedures were sufficient. He objected to the interim protection period of design review during the study period. The study should occur first, then design review.

Ms. Lesses said repairs to architectural elements such as a rotted porch would become much more difficult to get approved in an NCD.

Michael Glendon of 4 Washington Avenue said design review and advice was a good thing and he would welcome it. Who would be appointed to the commission?

Dominic Jones of 6 Hurlbut Street asked about the down side to the study. Mr. Sullivan explained that there would be an interim protection period during which exterior architectural alterations would be reviewed by the Historical Commission. The review criteria and boundaries would be evaluated and could be amended as part of the study process.

Suzanne Kemple of 58 Shepard Street, a realtor, supported the study.

Gordon Moore, of 9 Rutland Street, said an NCD in a congested neighborhood would create a process in which neighbors would be allowed an opportunity to review changes in a neutral setting. Without such a forum, it could be very awkward to question one's neighbors.

Mr. Sullivan set about answering the many questions that had been asked. Regarding the distinctiveness of the neighborhood, he explained that the neighborhood had not been subdivided until 100 years after settlement of Cambridge. It was divided into smaller lots than other parts of the town. No restrictions had been placed on the deeds of most properties.

The neighborhood had distinct historic boundaries and would meet the definition in the NCD ordinance.

It was natural for buildings to change over time, but historically most changes were incremental. Some alterations added to the neighborhood's character and others detracted from it. Today, the problem was that often money was no object; owners were able to make significant changes to the building mass and design to max out its bulk under zoning. The character of these changes was beyond the zoning code's ability to control. Zoning review was quantitative and based upon formulas, not qualitative as with design review.

Regarding due process, Mr. Sullivan noted that the public hearings began with this October 7 meeting. Earlier meetings of neighborhood residents were not meetings of a publicly appointed board or commission and were not subject to public meeting requirements. The Commission had learned that a year was not long enough to develop a consensus, and Ms. Zimmerman had been advising neighbors informally as that got organized in advance of filing a petition.

He distributed copies of the Avon Hill NCD review criteria that could be adopted for this study with minor changes, and noted that not all activities required review. He recommended that commercial buildings be reviewed in the same manner as in the Harvard Square Conservation District, where changes within the storefront enclosure do not require a hearing. C-2 zoned properties should be reviewed in the same manner as C-1 zoned properties in the Avon Hill NCD. He provided more detail about the Harvard/CHC protocol for National Register listed properties. He suggested that the Commission use the name Lower Common because that was the historical name for the area between Linnaean Street and Harvard Square. Regarding repairs, there was no hearing required for in-kind repairs. So, repairing a rotted porch, if it didn't include changes to the design, would not require a hearing.

Maurice Lesses asked why an NCD was necessary when there was only one property in the neighborhood that could be further developed without triggering a review by the Board of Zoning Appeal. Mr. Sullivan noted the limitations of zoning's inherently quantitative review.

James Shea of 44 Langdon Street said that high property values pressured development to be as massive as possible. He had seen the footprint of a Victorian building changed and the single family turned into three condominiums.

Mr. Jones said the interim protection period was a good idea because otherwise many changes would occur preemptively before the neighborhood was designated. Mr. O'Reilly did not agree, and asked that the lowest possible level of restriction be used during the study until the committee could determine what was necessary. Mr. Fix said he wanted to learn more about the process before a review process was initiated.

Ms. Solet spoke positively about the design review advice she had received as a resident of the Old Cambridge Historic District. The purpose of an interim protection period was also to allow the neighborhood to observe the process in action and to use that information to inform the study committee's decisions about what type of review, if any, should be adopted on a permanent basis.

Ms. Moore commented that NCD reviews were unlike Board of Zoning Appeal reviews. For example, she and her husband were considering replacement windows, but she

wanted to get the right combination of efficiency and historical appropriateness. Eve Lesses suggested that interested property owners could consult the Historical Commission voluntarily if they wanted such advice. Mr. Moore said a one-year study was not going to hurt anyone. Very few alterations were urgent. There was no harm in proceeding with the study.

Rosalind Michahelles asked how the decision would be made. Mr. Sullivan read a draft motion and suggested that the map on the petition be amended to include the apartment building at 18-26 Chauncy Street. The building owner had been notified of the public hearing. He recommended adding the storefront review guideline for commercial structures and dealing with the C-2 zones as had already been discussed.

Ms. Berg asked how many signatures were on the petition. Mr. Sullivan replied that there were approximately 156 signatures out of approximately 650 owners. He read a letter from John R. Kennedy, which requested that an advisory neighborhood group be formed but did not support an NCD with binding review authority. Mr. Lesses said he had been authorized to extend the opposition to the NCD study from Rusty Drugan (16 Linnaean St.), Robert Hunt (35 Langdon St.), and Martin Elvis & Giuseppina Fabbiano (28 Linnaean St.).

Ms. Solet moved and Mrs. Green seconded the following motion:

1. Accept the petition, which was validated by the Election Commission, and initiate a neighborhood conservation district study, per the procedures of Ch. 2.78, Article III of the city code,
2. Adopt, during the study period, the review criteria and guidelines of the Avon Hill Neighborhood Conservation District for use in reviewing applications made to the Historical Commission by property owners in the study area, and with such provision that C-2 zoned properties in the study area be reviewed in the same manner as described in the Avon Hill order for C-1 zoned properties; and using the retail design guidelines for commercial properties as are currently in effect in the Harvard Square Conservation District.
3. Accept the mapped area shown on the petition, including the apartment building at 18-26 Chauncy Street, as the area to be included in the neighborhood conservation district study, and
4. Adopt the name Lower Common as the name to be used during the neighborhood conservation district study period on outgoing correspondence, reports, and notices of the Commission.

Mr. Bibbins commented that the study process was very important. Changes should continue to occur in a neighborhood. His 13-year experience on the Mid Cambridge NCD Commission taught him that the non-binding reviews were not very successful in changing the minds of applicants, but there was usefulness to having the discussions.

Ms. Berg asked how a final designation could be made. Mr. Sullivan explained that the study committee would make recommendations to the Historical Commission, and the Commission, following another public hearing, would in turn send a recommendation to the City Council. Ms. Solet asked him to discuss the sunset clause. Mr. Sullivan explained that in several districts, the order establishing the NCD included a clause that the district must be evaluated after 3-5 years so that the City Council would have a basis to make changes or rescind the designation.

Ms. Solet's motion carried 7-0, with Ms. Berg voting. Mr. Sullivan urged the skeptics as well as the enthusiasts to submit letters of interest in serving on the study committee.

Appendix C: Avon Hill Review Criteria



Avon Hill Neighborhood Conservation District

The Avon Hill Neighborhood Conservation District contains approximately 220 properties in an area bounded by Linnaean Street, Raymond Street, Upland Road, and the zoning boundary of the BA-2 and C-2 zones along Massachusetts Avenue. The review authority of the district is structured as follows.

A. Binding Determinations

The determinations of the Commission shall be binding with regard to applications:

- to construct a new building, as defined in the zoning ordinance then in effect;
- to construct an accessory building, as defined in the zoning ordinance then in effect;
- to construct a parking lot as a principal use;
- to construct an addition to an existing structure that would increase its gross floor area by more than 750 square feet in the A-2 zone or more than 500 square feet in the B and C-1 zones;
- to construct an addition to an existing structure that would increase the total lot coverage on the property to 30% or more in the A-2 zone or to 40% or more in the B and C-1 zones;
- to demolish an existing structure not originally used to garage automobiles and if a demolition permit is required;
- to alter the exterior architectural features of a building listed on or determined eligible for listing on the National Register of Historic Places;
- to alter the exterior architectural features of a structure that requires a variance or special permit under the zoning ordinance then in effect; or
- to alter the exterior architectural features of a publicly owned structure or of a structure containing a use established or continued by variance or special permit, or proposed to contain or continue a use that would require a variance or special permit under the zoning ordinance then in effect.

B. Non-binding Determinations

In all other cases than those listed in Sections A. or C., the determinations of the Commission shall be advisory only and not binding on the applicant.

C. 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.

1. The alteration of exterior architectural features on the premises of a property in the District in a manner that does not increase or diminish the existing building envelope and that does not require the removal, enclosure, or addition of any cornice, fascia, soffit, bay, porch, hood, cornerboard, window sash, window or door casing, or any other decorative element, including historic shingled siding, wood or copper gutters and downspouts, and copper, slate, or wood shingle roofing, and that does not alter the shape of a roof.
2. The construction of terraces, walks, driveways, sidewalks, and similar structures that do not involve a change in grade level and that are not to be used for parking between the principal front wall plane of a building, or the principal front and side wall planes of a building that occupies a corner property, and the street.
3. The construction of walls and fences less than four feet high as measured from the sidewalk or existing immediately adjacent grade and located between the principal front wall plane of a building, or the principal front and side walls of a building that occupies a corner property, and the street. Walls and fences less than six feet high elsewhere on the property shall not be subject to review.
4. Signs, temporary structures, lawn statuary, or recreational equipment, subject to such conditions as duration of use, dimension, location, lighting, removal and similar matters as the Commission may reasonably specify.
5. Storm doors and windows, screens, and window air conditioners.

A Certificate of **Non-Applicability** will be issued for work done in-kind (work which matches existing conditions exactly), interior alterations, alterations not visible from any public way, and any other work which does not require review by the neighborhood conservation district commission (see regulations above). These certificates are generally issued by the Historical Commission staff on the spot.

A Certificate of **Appropriateness** will be issued for reviewable alterations which the neighborhood conservation district commission deems not incongruous to the character of the property in question.

Occasionally, a Certificate of **Hardship** will be issued for work which is not otherwise appropriate if the Commission determines that failure to approve an application would entail a substantial hardship, financial or otherwise, and that the work would not be a significant detriment to the district.

Appendix D: Lower Common cases reviewed by the Cambridge Historical Commission during the interim protection period, October 7, 2004 – October 8, 2005

11 Shepard St	replace rear door	9/28/05
77 Martin St	interior renov-bath	7/6/05
9 Shepard St	reroof	6/28/05
36 Walker St	strip siding/interior renovs	7/25/05
1640 Mass. Ave.	rebuild vestibule	6/6/05
42-44 Avon St	rear addition, window change	6/30/05*
9 Bowdoin St	reroof	6/21/05
11 Bowdoin St	reroof	6/21/05
13 Bowdoin St	reroof	6/21/05
38 Langdon St	change roof, extend dormers	6/22/05
44 Walker St	interior demo	4/26/05*
40 Bowdoin St	interior demo	5/19/05
5 Avon St	interior renovs	5/23/05
38-40 Bowdoin St	porches, windows, chimney	6/30/05*
35 Linnaean St	gutters/downspouts	4/7/05*
4 Rutland St	interior	4/5/05
21 Chauncy St	bath	3/31/05
29 Bowdoin St	fence	4/7/05*
14 Wright St	windows changed	1/26/05*
21 Bowdoin St	add bay	2/3/05*
2 Avon St	interior	1/3/05
34 Linnaean St	roof	12/16/04
54 Hudson Pl	pre-study amend	12/16/04
24 Langdon St	change windows	12/14/04*
3 Shepard St	construct addition	1/6/05*
2 Avon St	interior	11/15/04
27 Shepard St	windows/entry change	12/9/04*
46 Shepard St	repair chimney	11/1/04
5 Wright St	rebuild deck	10/28/04
24 Langdon St	interior	10/28/04
32 Shepard St	interior	10/22/04
20 Langdon St	interior	10/22/04
27 Shepard St	interior	10/21/04

* required public hearing and Certificate of Appropriateness; all others issued Certificates of Non-Applicability (administrative review only)

total = 33 cases/10 required public hearing (30%)

Appendix E: Lower Common Characteristics

1. Historical Development Patterns

- street layout reflects original 1724 partition
- Linnaean, Mass. Ave., Waterhouse and Garden streets form historic boundary
- many lots are deep, but relatively narrow

2. Streetscape Patterns

- curved or right-angled streets/cul de sacs prevalent
- many interior, pedestrian-oriented streets contrast with a few linear, automobile-oriented cross streets
- traffic regulations reinforce “internal vs. external” street usage
- traffic is light on internal streets, heavy on external streets
- right-angled streets result in large number of corner lots

3. Architectural Patterns

- houses are set close to the street (15’ setback is typical)
- many houses with steep front stoops directly off the sidewalk
- houses with shallow front setbacks make strong visual impression on pedestrians
- few (no?) carriage houses/barns (only examples already converted to housing)
- substantial number of double houses across historical periods (1840s-1920s)
- very small number of three-deckers
- large number of masonry apartment buildings
- most single family houses are Queen Anne, Shingle Style or Colonial Revival (styles that have veranda-type porches, varied massing, detail, rooflines)
- single-family houses tend to be large houses that fill their lots

4. Landscape Features

- front yard gardens?
- brick sidewalks
- mature street trees
- varied pedestrian pathway choices thru LC

5. Characteristic Alterations

- tall corner-lot fences
- side yard parking/driveways
- parking within front house plane
- 1920s garages set in back yard corners
- conversion of outbuildings to residences
- paved back yard/lot surface parking, especially at southern end of LC
- porch enclosures have occurred but frequently leave a portion open or are temporary (glazed vestibules) or have retained arch’l features

Appendix F: Lower Common NCD Study Area Variance Activity: 1924-2004

1924-1943:

25 applications total (average 1.3/annually; peak year: 4 apps/1942)

12 approved
8 denied
4 withdrawn
1 unknown

Type of relief sought:

Increase number of units or size of dwelling	15
Allow non-conf # or dim of parking spaces/garages	7
Allow non-conforming uses	3

1943-1961:

37 applications total (average 2.0/annually; peak years: 4 apps/1950; 4/1957)

33 approved
4 denied
0 withdrawn

Type of relief sought:

Increase number of units or size of dwelling	18
Allow non-conf # or dim of parking spaces/garages	15
Allow non-conforming uses	3
Subdivide lot/setback non-conform	1

1961-1998:

78 applications total (average 2.1/annually; peak years: 4 apps/1967; 6/1986; 4/1988; 6/1989; 4/1990; 6/1993; 4/1994; 5/1995)

58 approved
10 denied
10 withdrawn

Type of relief sought:

Increase number of units or size of dwelling	60
Allow non-conf # or dim of parking spaces/garages	7
Allow non-conforming uses	1
Subdivide lot/setback non-conform	10

1998-2004:

15 applications total (average 2.5/annually; peak years: 4 apps/2001)

13 approved
1 denied
1 withdrawn

Type of relief sought:

Increase number of units or size of dwelling	13
Allow non-conf # or dim of parking spaces/garages	1
Allow non-conforming uses	0
Subdivide lot/setback non-conform	0

Appendix G: Possible National Register-Eligible Properties in the Study Area

National Register of Historic Places

Properties identified on the basis of association with known architect of stature, of age, or on stylistic grounds (incomplete analysis; other examples likely to be added for style); historical associations with events or persons of significance not studied (examples likely to be added on the basis of historical associations). Individual listings only; district potential of the neighborhood not studied.

Avon Street

2-4 1909 Newhall & Blevins
8-10 1915 Newhall & Blevins

Garden Street (odd 39-63)

45 1886 William Ralph Emerson

Hudson Street

46 1772, moved 1843

Hurlbut Street

9 1885

Langdon Street

65 1907, Newhall & Blevins

Linnaean Street (even 6-58)

28 1890, Clarence Blackall
32 1864
44 1960, Hugh Stubbins, Peabody School

Martin Street

10 1886, Rand & Taylor, moved 1926
14-16 1885, converted 1897, H. Langford Warren
51 1851

Rutland Street

9 1892, Clarence Blackall

Shepard Street

27-29 1853, Wm. A. Saunders

Walker Street

12 1901, William Ralph Emerson
44 1881, James Fogerty

Appendix H: Lower Common Property Owner Survey

Lower Common Neighborhood Conservation District Property Owner's Survey - March, 2006

The Lower Common Neighborhood Conservation District Study Committee has been working since March 2005 on a study of the desirability of designating the Lower Common neighborhood as a Neighborhood Conservation District (NCD), joining the five other districts established in Cambridge since 1984. Cambridge ordinances describe an NCD as an "area containing places and structures... of importance to the architectural, aesthetic, cultural, political, economic or social history of the City, and which considered together cause such area to constitute a distinctive neighborhood or to have a distinctive character in terms of its exterior features." In an NCD, many publicly visible exterior alterations and additions to buildings, new fences, and demolition are subject to review by a commission appointed by the City Manager. A list of properties in the study area can be found at http://www.cambridgema.gov/Historic/lowercommon_streetlist.pdf.

The Committee has not yet voted on what aspects of exterior alterations, additions, new structures, and demolition visible from a public way should be reviewed or what authority an NCD commission should have to review them. Please take a moment to tell us your opinions about the neighborhood's character and conservation issues. **Please return the survey as soon as possible, but no later than March 20.** Thank you!

1. Possible Areas of Focus in a future Lower Common NCD. Please indicate how important EACH of the following are to you: 3 = Most Important, 2 = Important, 1 = Not Important

_____ preserve the neighborhood's four pre-1842 houses (35 Bowdoin and 26 Gray streets, 46 Hudson Place, and 1 Potter Park) by reviewing all alterations visible from a public way

_____ conserve the visual unity of double houses and row houses by reviewing alterations that would materially diminish their identity as such

_____ conserve the open character of front porches and verandas by reviewing proposed enclosures while being sympathetic to those that preserve their architectural character

_____ conserve the traditional scale of dormers and roofs by reviewing new dormers and encouraging dormers that replicate the materials, detailing, and fenestration of the main house and conform to the Board of Zoning Appeal guidelines: <http://www.cambridgema.gov/~CDD/cp/zng/desguide.html>

_____ conserve the traditional scale and appearance of windows by requiring that replacement window sash match the appearance of historic sash and conform to stated standards

_____ conserve public views of buildings and yards by reviewing front yard fences over 4' tall and other fences over 6' tall.

_____ discourage parking in front yards

_____ conserve distinctive features of apartment houses by protecting windows, fencing, parapets and the like, while allowing less-costly substitute materials if they substantially match the appearance of the originals

_____ provide a sunset clause to require reauthorization of an NCD order after 5 years

2. NCDs can provide for reviews that are either BINDING (i.e., the Commission's determination is binding on the applicant) or ADVISORY (i.e., an appearance before the Commission is required, but the determination does not bind the applicant to the Commission's decision). Please use a checkmark to respond to the following.

Review of additions to structures should be
Advisory only Binding

Review of alterations to structures should be
Advisory only Binding

Review of demolition of a structure should be
Advisory only Binding

Review of new structures should be
Advisory only Binding

3. The Committee has recommended the inclusion of the apartment houses on Chauncy and the north side of Linnaean streets in the Lower Common NCD. Do you agree?

Check Yes , No , or Don't know .

4. Do you have any thoughts or comments for the Committee's consideration?

5. In general, I _____ support _____ oppose the designation of a Lower Common NCD, because:

6. I am: a property owner a tenant

To return this Survey, fold the paper so the "Cambridge Historical Commission" address is on the front, seal, and affix postage.

Lower Common Study Committee: Jacob Albert, Wyllis Bibbins, Dennis Carlone, Robert Hunt, William King, Peggy Kutcher, Maurice Lesse

Need more information? Call the Cambridge Historical Commission 617 349 4683 or go on line: http://www.cambridgema.gov/Historic/lowercommon_study.html

Appendix I: Lower Common Property Owner Survey Spreadsheet

Question 1 - Areas of Focus

	Pre-1842	Double houses	Porches	Dormers	Windows	Fences	Parking	Apt. houses	Sunset
1s	23 19.5%	36 30.5%	33 28.0%	34 28.8%	39 33.1%	21 17.8%	43 36.4%	44 37.3%	31 26.3%
2s	32 27.1%	34 28.8%	37 31.4%	41 34.7%	42 35.6%	35 29.7%	24 20.3%	33 28.0%	22 18.6%
3s	57 48.3%	40 33.9%	40 33.9%	35 29.7%	30 25.4%	54 45.8%	36 30.5%	31 26.3%	52 44.1%
Checked	3 2.5%	3 2.5%	3 2.5%	3 2.5%	2 1.7%	3 2.5%	1 0.8%	2 1.7%	0 0.0%
Blank	3 2.5%	4 3.4%	5 4.2%	5 4.2%	5 4.2%	5 4.2%	12 10.2%	6 5.1%	11 9.3%
? mark	0 0.0%	1 0.8%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	2 1.7%	2 1.7%	2 1.7%
	118 100.0%	118 100.0%	118 100.0%	118 100.0%	118 #####	118 100.0%	118 #####	118 100.0%	118 100.0%

Question 2 - Advisory or Binding

	Additions	Alterations	Demolition	New
Advisory	55 46.6%	66 55.9%	53 44.9%	46 39.0%
Binding	61 51.7%	50 42.4%	64 54.2%	71 60.2%
Blank	2 1.7%	2 1.7%	1 0.8%	1 0.8%
	118 100.0%	118 100.0%	118 100.0%	118 100.0%

Question 3 - Boundaries

	Agree	Disagree	Blank or DK
Support	71 60.2%	59 50.0%	33 28.0%
Oppose	37 31.4%	33 28.0%	26 22.0%
Blank	10 8.5%	118 100.0%	118 100.0%
	118 100.0%	118 100.0%	118 100.0%

Question 5 - Support District

	Status of Respondent
Support	Owners 109
Oppose	Tenants 8
Blank	Voters 1
	118 100.0%

Appendix J: Lower Common Property Owner Survey Comments

Lower Common Property Owner Survey

Negative Answers - Questions Four and Five

- 4 - Expense to owners. But if passes, should be binding - otherwise a farce
- 4 - I don't think this is necessary.
- 4 - I OPPOSE NCD status. We have already proven in Cambridge that government involvement in real estate is disastrous.
- 4 - I think singling out the 4 pre 1842 houses is very unfair and restrictive to those property owners, compared to the owners of non-historic houses in the area.

- 4 - If this goes through - how democratic and representative will commission membership be?? Why is Harvard property not included if this goes through??
- 4 - Please don't single out the 4 pre-1842 houses!
- 4 - Please go away and leave us alone & you could have at last included a prepaid envelope.
- 4 - Review should not cause an owner additional money--there should be flexibility & allowance for individual situations--not just rubber stamp approve/disapprove.

- 4 - The boundaries for this proposed NCD are arbitrary and do not make sense
- 4 - The Committee should dissolve.
- 4 - The neighborhood is not deteriorating and does not need protection beyond the city's zoning laws.
- 4 - The remarkable historical buildings would be better served by being on the National Register &/or included on the Cambridge landmark designation list

- 4 - These are design decisions that the zoning & planning review boards can regulate.
- 4 - These issues are design issues not historic issues & should be addressed w/ design guidelines rather than as historic issues.
- 4 - This seems like a waste of time. Renovations so far look great w/o the NCD.

- 4 - Too controlling in its entirety--does not allow for modern architecture.
- 4 - You should move to Boston. That has "The Ladder District" "South Roxbury." Don't blink when you go thru the "Theatre District" - you'll miss it!

- 5 - Allow neighborhood to grow in its own eclectic way--this is not Beacon Hill. This creates more bureaucracy.
- 5 - Arbitrariness of decisions by Avon Hill NCD and failure of Historical Commission to curb those abuses
- 5 - Enough already
- 5 - Evaluations are too subjective - restricts rights of property owners - little regard of financial concerns and preferences of owners
- 5 - Full time staff of City of Cambridge (Inspectional Services, Cambridge Historical Commission, Zoning Board)
- 5 - I disagree that the buildings in the district now are cohesive in any way, so I don't find that there is anything in particular about the NEIGHBORHOOD to conserve

5 - I see no justification at all for calling the proposed NCD a "distinctive neighborhood" or for attributing a "distinctive character" to it

5 - It is not clear that this very architecturally diverse area of Cambridge fits the criteria for designation as an NCD neighborhood.

5 - loosely--fewer rules are better than more

5 - No precise definitions of the standards have been formulated, leaving it to the whims of committee members as to what to approve or not.

5 - Not if it becomes and ends up as additional set of government regulation

5 - People's property rights should not be restricted beyond the requirements of the Building Code and the Historical Society.

5 - Property owners should have right to make alterations as they see fit.

5 - Sheer nonsense. Another "Huron Village"???

5 - subjecting property owners to a process based on the historical aesthetic judgment of an appointed commission is unduly burdensome even if such judgments are advisory.

5 - The neighborhood is too diverse to be considered a single district.

5 - Too restrictive to home owners. Good design can improve an old house.

5 - What's special about this area that warrants it being a Conservation District? It's much too diverse architecturally

Positive Answers - Questions Four and Five

5 - Cambridge's well-meaning technocrats WRECKED the city with Rent Control. HANDS OFF real estate already.

2A & 2B - Additions & alterations should be reviewed - maintaining character of the neighborhood is key - however there should be an awareness that some "modern" alteration can still maintain a tone that compliments existing architecture but adds new, interesting elements -scale is key - no McMansions! But modern & Victorian can live together aesthetically.

4 - Don't cut down or "trim" any more trees unless out of dire necessity.

4 - Don't want to discourage actual residents from moving here with too many rules

4 - I appreciate the time & effort the committee has expended. Also, the communication has been reasonably good re updates.

4 - I support the goals of the NCD but have some concern that it might add another level of bureaucracy to the process of housing changes and because it could become a way of promoting a leader's personal agenda and lead to bad feelings and divisiveness in a neighborhood.

4 - I think the Commission should have binding powers (mostly), but should strongly encourage negotiation and creativity to help both individual owners and the neighborhood, i.e. not just checklists!

4 - I worry that I do not want others to dictate how I paint/renovate my house nor where I park my car.

4 - If the District review is binding, does the petitioner have a right to appeal to a higher authority in the city.

4 - I'm hoping for the best of people's hearts and intentions to work in this project. Don't want tyranny but I personally like well-maintained homes.

4 - It would be helpful to circulate a comprehensive description of permissible & illicit alterations to all residents of the NCD as soon as they have been agreed.

4 - Keep up the good work
 4 - Limit high boarded fences that are right at the sidewalk line
 4 - NCD is useless without enforcement
 4 - New structures should be subject to stringent review
 4 - Please maintain the historic & unique character of this neighborhood--don't let what happened to Harvard Square creep up here. Cambridge will lose out as a city.

4 - Thank you for surveying your neighbors' opinions! I support a "common sense" approach that encourages preserving the neighborhood without stifling growth or change

4 - Thank you for your work
 4 - The change from the Peabody School to the Graham Parks have had a detrimental effect on our neighborhood & suggestions as to how to be effective and in the interest of the people of our neighborhood.

4 - The district should be structured to preserve the lively, jumbled character of the neighborhood, rather than making it a museum.

4 - There are extremely few opportunities for new structures in the NCD. These new houses could be as ugly and bizarre as imaginable and not hurt the architectural integrity of the neighborhood; it is not at all fragile. It would be a mistake to dictate "creativity" (How is that defined?) or the "contributory" "complementary" nature of a contemporary design.

4 - Too much parking has been added to side yards of houses
 4 - Too much traffic is not local or residential. Public school too dirty
 4 - Traffic on the main thoroughfares of Shepard & Linnaean needs to be dealt with. Too many people speed on these roads with no regard for residents (and the stop sign @ Shepard & Walker is constantly ignored by motorists.

4 - While theoretically I like the idea of a conservation district, most of those with whom I have spoken are against it because the "reach" of the proposal conflicts too dramatically with private property rights.

5 - Developers will alter the neighborhood very rapidly without such limits as NCD requires

5 - During my entire life I've been a supporter of old/traditional homes - maintained with integrity.

5 - Generally support but are concerned about over regulatory presence.

5 - Heartily support! Houses in this neighborhood are very close together, and so monitoring aesthetic sightlines from the street is very important; with so many nearby destinations, this is a real walking neighborhood - and it's nice to have pleasing views on one's treks. A lot of people have put a lot into their house, and property values are a consideration.

5 - I care a lot about historic preservation - and how things look

5 - I dislike uncontrolled building

5 - I have seen the negative effects of building additions even when "tastefully done." Too much open space & scale is sacrificed.

5 - I oppose demolition of historic houses for new construction.

- 5 - I STRONGLY SUPPORT the Lower Common NCD because I believe in preserving the historic presence AND because I believe it will protect property values.
- 5 - I want to live in a stable neighborhood without revolutionary changes
- 5 - increased value of property
- 5 - It is a special pedestrian scaled neighborhood of 19th & early 20th century buildings
- 5 - It is unique, interesting and inspiring of a gracious style of living
- 5 - It will enrich our neighborhood visually.
- 5 - It will help solidify the sense of community in our neighborhood, which can sometimes be overpowered by Harvard.
- 5 - It will preserve the streetscapes and character of our neighborhood
- 5 - It's a great neighborhood! I really like the character of the built environment, and in general new buildings don't have the same quality as older ones (though obviously there are exceptions).
- 5 - It's necessary to preserve what's distinctive about the neighborhood. Economics can no longer be relied on to preserve the dense mixed juxtaposed character.
- 5 - Maintaining the character of the neighborhood is important
- 5 - Needed - too much renovation in last 10 years
- 5 - New construction in this area seems to be driven more by economic than by aesthetic considerations
- 5 - Potential institutional & developer expansion would threaten current "neighborhood feel" and identity.
- 5 - Preservation of the neighborhood's historic importance & distinctive architecture.
- 5 - Preserve neighborhood
- 5 - So, I am "neutral", and suggest that "cost" is a very important consideration vis-à-vis opposition to the proposal, and believe you might have more support if the proposal demonstrated it would be "flexible" at all times relative to "location", "type of structure", and "improvement" proposed. Thus my vote for "advisory only".
- 5 - Strongly support. The character of the houses and small streets is exceptionally pleasant to live in. It is especially friendly to resident pedestrians, not pass thru drivers, like many neighborhoods.
- 5 - The architectural character of the neighborhood should be protected.
- 5 - The character of the neighborhood is special and needs to be preserved.
- 5 - The more checks on increasing density by stealth, the better
- 5 - The only way to control growth in the neighborhood-
- 5 - This neighborhood has a serene & rather unified appearance, and it would be detrimental to the community to allow over development or injudicious development.
- 5 - This part of Cambridge has a special character worth preserving.
- 5 - this will be a way to monitor changes and maintain the character of the area
- 5 - This will help preserve some history in Cambridge rather than HUGE expensive new buildings
- 5 - We must maintain the unique character of our city.

Condo associations have a real struggle preventing individual unit owners from removing their historic windows and replacing them with non-matching substitutes which they or their contractors claim are "substantially" matching. The result can spoil the uniform visual texture of the building. You wording runs the risk of making the condo associations' task harder. Individual unit owners should not be allowed to change windows unless there is an exact match (admittedly very difficult to achieve). Individual unit owners should be encouraged to refurbish existing historic windows. If the Committee becomes involved with individual "apartment house" style condo buildings, the first goal should be to maintain the uniform visual texture of the buildings.

5 - Actually isn't all of Cambridge preservable?

5 - Historical and aesthetic elements of the neighborhood are important in our community environment

5 - Just do!

Appendix K: Lower Common Cost-Benefit Considerations

1. **Benefits:**
 - .1. Retain high-valued architectural features
 - .2. Install high-valued architectural features
 - .3. Remove low-valued architectural features
 - .4. Prevent addition of low-valued architectural features
 - .5. Retain high-valued streetscapes
 - .6. Remove low-valued streetscapes
 - .7. Free design advice
 - .8. Costs of construction can be reduced
 - .9. Some additional controls on new construction in the neighborhood

2. **Costs:**
 - .1. Costs of construction can be increased
 - .2. Applicant has to prepare plans for CD hearing, the more elaborate the better. Plans are produced by an architect. No guarantee that plans will be acceptable; therefore money and time cost to prepare
 - .3. Timely decision from CD is not guaranteed, therefore preparation time before project goes to construction can be lengthened
 - .4. Positive decision from CD not guaranteed, and if negative then all preparation costs are net loss.
 - .5. Strips off some rights and transfers them to City, aka CHC and CD:
 - Choices of materials, form; fence height and placement
 - Conditions can be more restrictive than zoning
 - .6. Duties associated with rights are NOT stripped off, but remain with the "owner". Such duties include paying taxes, and paying for maintenance (of higher cost changes).
 - .7. CD is not subject to democratic procedures of jurisdiction, selection of commissioners, of procedures, or of decision-making
 - .8. Pandora's box of public disputes between neighbors
 - .9. Commission: Cost in finding, training, and retaining commissioners
 - Historic Commission budget, support for staff

21 June 2005, by Robert C. Hunt, Committee Member

Appendix L: Timeline of Lower Common Meetings and Activities

Planning meetings, August 15, 2003 – September 21, 2005:

August 15, 2003	Informal neighborhood meeting to discuss threats to the neighborhood.
Sept. 9, 2003	Informal neighborhood meeting to discuss threats to the neighborhood.
October 28, 2003	Lower Common Interested Neighbors discuss Hilles Library conversion, Law School expansion, and an appropriate name for their neighborhood: Upper Common? Outer Common? Inner Common?
December 2, 2003	Lower Common Interested Neighbors meet.
February 3, 2004	Lower Common Interested Neighbors discuss status of National Register and other designated properties, condominium ownership, student parking issues.
March 16, 2004	Upper Common Interested Neighbors discuss proposed newsletter identifying HVAC units, dormers, window alterations, and tall fences as neighborhood issues (see Appendix #).
April 7, 2004	Upper Common Interested Neighbors review proposed newsletter and case study of plans for 25 Avon Street renovation
April 29, 2004	“Upper Common News” pamphlet distributed to all property owners in the proposed study area.
May 5, 2004	Public meeting at Peabody-Graham & Parks School attended by about 50 residents. CHC staff presentations on history of neighborhood and workings of NCDs. Most present supported the proposed study of an NCD; three were opposed.
May 27, 2004	Upper Common Interested Neighbors meet at the Harvard Center for Astrophysics for a slide presentation to identify characteristic neighborhood features and discuss next steps. A resident, Maurice Lesses, pointed out that almost any addition to a property required a variance, and questioned the frequency of zoning variances granted. He also questioned the coherence of the proposed neighborhood, the random diversity of the architecture (making it difficult to propose guidelines), and the pervasiveness of jurisdiction that protects all publicly visible facades (19 attended).
June 30, 2004	North/Upper Common NCD Planning Group meets to discuss characteristics of the neighborhood, the petition signing effort that commenced at a block party in early June, and the draft of a July newsletter.

- September 15, 2004 Initial petitions delivered to CHC office; public hearing scheduled for October 7.
- September 21, 2004 Upper Common Planning Group meets to discuss CHC hearing.
Lower Common Neighborhood Conservation District Study, October 7, 2004 -
- October 7, 2004 CHC hearing, attended by about 60 people. The Commission adopted a motion to:
1. Accept the petition, which was validated by the Election Commission, and initiate a neighborhood conservation district study, per the procedures of Ch. 2.78, Article III of the city code,
 2. Adopt, during the study period, the review criteria and guidelines of the Avon Hill Neighborhood Conservation District for use in reviewing applications made to the Historical Commission by property owners in the study area, and with such provision that C-2 zoned properties in the study area be reviewed in the same manner as described in the Avon Hill Order for C-1 zoned properties; and using the retail design guidelines for commercial properties as are currently in effect in the Harvard Square Conservation District.
 3. Accept the mapped area shown on the petition, including the apartment building at 18-26 Chauncy Street, as the area to be included in the neighborhood conservation district study, and
 4. Adopt the name Lower Common as the name to be used during the neighborhood conservation district study period on outgoing correspondence, reports, and notices of the Commission.
- October 8, 2004 Protection period begins; pursuant to Ch. 2.78, Article III, all applications for building permits in the study area must be reviewed by the CHC under the Avon Hill NCD guidelines.
- October 15, 2004 Property owners notified that study has begun; they are sent an information sheet and a solicitation for members of the study committee.
- November 9, 2004 Lower Common Planning Committee notified that only four candidates had come forward.
- December 10-13, 2004 CHC staff interview eight candidates.
- December 16, 2004 CHC staff transmits recommendations to City Manager.
- January 31, 2005 City Manager agrees to appoint the following members of the Lower Common NCD Study Committee:
- Jacob Albert, 136 Fifth Street (CHC member)
 - M. Wyllis Bibbins, 314 Harvard Street (CHC member)
 - Dennis Carlone, 16 Martin Street
 - Robert Hunt, 35 Langdon Street
 - William B. King, 25 Hurlbut Street (CHC member)
 - Peggy Kutcher, 4 Washington Avenue
 - Maurice Lesses, 18 Gray Street

- March 2, 2005 Lower Common Neighborhood Conservation District Study Committee (LCNCDSC) convenes for the first time. Sally Zimmerman, CHC Preservation Planner, distributes reading material and proposes an intensive schedule of meetings every two weeks, aimed at a CHC hearing on September 15 and a City Council vote on October 3.
- March 16, 2005 LCNCDSC meets to discuss the concept of neighborhood conservation district commissions.
- March 30, 2005 LCNCDSC discusses past and present zoning in the neighborhood, and reviews variance applications in the period 1924-2005. Staff conclusion: “abutter opposition had had a similar effect as that contemplated in the NCD process, which is to facilitate dialogue to achieve a compromise solution” (see Appendix #).
- April 6, 2005 LCNCDSC further discusses the role of zoning.
- April 20, 2005 LCNCDSC discusses history of neighborhood; staff distributes chapter from forthcoming CHC book, *Building Old Cambridge*, and relevant portions of *Cambridge Buildings & Architects*, a list of every building in the area.
- May 4, 2005 LCNCDSC discusses urban design characteristics of the neighborhood
- May 15, 2005 Sally Zimmerman leads walking tour of the Lower Common neighborhood. 25 people attend.
- May 18, 2005 LCNCDSC reviews Bob Hunt memo on costs and benefits of a district (see Appendix #).
- June 1, 2005 LCNCDSC discusses fences.
- June 15, 2005 LCNCDSC discusses urban design characteristics
- June 22, 2005 LCNCDSC urban design characteristics continued (see Appendix #, June 21, 2005). Text of neighborhood description reviewed (see Part IV, above).
- July 5, 2005 LCNCDSC further discusses costs and benefits and neighborhood characteristics, as well as CHC staff capability to manage another district.
- July 20, 2005 LCNCDSC reviews staff proposal for preparing a draft study report by August 17 for an informational meeting on September 6, a post card poll, and a public hearing by the CHC on October 6. The Committee took a straw VOTE on the eligibility of the Lower Common for NCD designation: 4-1 were in favor. The neighborhood characteristics paper was left open for further comments. Boundaries were left preliminary; two members wanted streets with large numbers of apartment buildings excluded. Lower costs of synthetic materials for owners of low-value units were discussed, as well as non-binding vs. binding review and a sunset clause. The first draft of a City Council Order was presented but not discussed.

- August 17, 2005 LCNCDSC further discusses characteristics statement and binding-non-binding jurisdiction.
- September 7, 2005 LCNCDSC further discusses characteristics statement and binding-non-binding jurisdiction. Reviewed a draft newsletter. Committee VOTED to exclude the Montrose Spa (4-2) and then VOTED to continue studying the area within the amended boundaries (6-0).
- September 24, 2005 LCNCDSC approves newsletter to all property owners.
- October 5, 2005 LCNCDSC further reviews newsletter and discusses jurisdictional issues (see Appendix #).
- October 8, 2005 One-year protection period expires. During the year the CHC reviewed 33 applications for building permits. Twenty-one involved interior work or repairs and were approved administratively under the Avon Hill guidelines. The ten that required public hearings included:
- | | |
|----------------------|---|
| 42-44 Avon Street | addition |
| 38-40 Bowdoin Street | change porches, windows, remove chimney |
| 35 Linnaean Street | gutters and downspouts |
| 44 Walker Street | alter carriage house |
| 29 Bowdoin Street | fence |
| 14 Wright Street | new windows |
| 21 Bowdoin Street | add bay window, change back entrance |
| 24 Langdon Street | change windows |
| 3 Shepard Street | construct addition |
| 27 Shepard Street | alter entry and windows |
- All received Certificates of Appropriateness, but not without some important changes to the owner's original proposals at 21 and 38-40 Bowdoin Street, especially.
- October 19, 2005 LCNCDSC further discusses binding/non-binding jurisdiction. Lessees introduces specific standards for review.
- November 2, 2005 LCNCDSC discusses need for commission to make findings, as described in a paper by Robert Stipe ("A Letter to George"). Discusses need for more public input (a survey) and the possibility of one or more minority reports. Further discussion of review criteria: what are "valued buildings?" What does "compatible" mean, especially with regard to double houses? What is an addition? What is demolition? Case studies were reviewed.
- November 16, 2005 LCNCDSC engages in further discussion of definitions and standards for review in light of neighborhood case studies: compatibility, repairs, double houses, separate standards for brick apartment buildings. Some members advocate need for flexibility in review.
- November 30, 2005 LCNCDSC engages in further discussion of definitions and standards for review in light of neighborhood case studies: incongruity, demolition, conservation vs. preservation,
- December 14, 2005 LCNCDSC further discusses Order and standards for review.

- December 21, 2005 LCNCDSC further discusses definitions and standards: compatibility. One member wishes to eliminate commission discretion in the interest of predictability; another advocates for simplicity and favors the Avon Hill or Marsh approach. Possibilities for staff review are discussed.
- January 5, 2006 LCNCDSC discusses three members' versions of the proposed Order. Adopts exemptions from the Marsh Order and standards for porch enclosures and double houses, provides for staff review of compliant dormers and fences, and agreed to protect all National Register and pre-1830 buildings from all alterations.
- January 18, 2006 LCNCDSC holds public information meeting at the Peabody/Graham & Parks School. Reviewed work to date: reviewed the types of neighborhood conservation districts generally and those in Cambridge and the historical development of the area; traveled the neighborhood twice as a group and many times individually; viewed pictures of every building in the area; discussed reports of the proceedings at meetings of other NCD Commissions in Cambridge; and discussed what an NCD Commission should have considered if it were reviewing changes to existing structures that were made many years ago and the construction of existing structures that were newly built many years ago. A majority agreed that the area qualified as a neighborhood conservation district as defined in the ordinance. Issues remaining included the boundaries, the area's characteristics, the nature of future development, the effect of zoning; factors for review, the specific standards to be applied (and whether they should differ for more significant buildings), and categories of work that should be exempt from review. About forty people attended.
- January 23, 2006 Public outreach meeting at 25 Hurlbut Street (20 people)
- January 24, 2006 Public outreach meeting at 31 Gray Street (10 people)
- January 25, 2006 Public outreach meeting at 16 Martin Street (12 people, great cookies)
- January 26, 2006 Public outreach meeting at 1553 Massachusetts Avenue (8 people)
- February 1, 2006 LCNCDSC reviews proposed property owner survey and draft NCD study report. VOTED to abandon the idea of combining with the Avon Hill NCD (5-0). VOTED to encourage the CHC to develop an alternative NCD commission with citywide jurisdiction (5-0).
- February 16, 2006 LCNCDSC further discusses standards for review, general criteria for consideration of applications, characteristics of houses to be considered in making decisions, and limitations on commission authority.
- March 1, 2006 LCNCDSC continues with staff assistance from Charles Sullivan, Sally Zimmerman having resigned. Further discussion of the neighborhood survey. The committee VOTED that five years would be an appropriate term for a sunset clause (5-1). The committee agreed to discourage front-yard parking, in concurrence with the policies of other city boards and commissions.

- March 15, 2006 LCNCDSC continues to discuss the Order. Mr. Sullivan advises that the draft that the committee had developed was too detailed and prescriptive to be workable; it should express goals and be backed by guidelines, and allow the commission discretion to apply its collective judgment. The requirement for separate written findings on each component of a decision was unworkable. The survey had been mailed to 886 owners and 426 tenants in the neighborhood.
- March 29, 2006 LCNCDSC reviews the results of the neighborhood survey (see Part I above). About 60% favored the district; did this represent the necessary consensus to take to City Council? Majorities favored binding reviews of additions, demolition, and new construction, but non-binding for alterations. Further discussion of the revised draft order and guidelines revealed strong opposing views on the subject.
- April 5, 2006 LCNCDSC further discusses the revised draft order and guidelines. Mr. Lesses submits a version of the previously discussed standards illustrated with photographs of neighborhood examples, and debated whether they should be in the Order or in the guidelines. One approach would be prescriptive; the other would offer guidance. Were they rules or procedures?
- April 13, 2006 LCNCDSC discusses the quasi-judicial nature of commission review. Courts defer to expert administrative agencies exercising their judgment and discretion; the Superior Court had recently upheld the Avon Hill Commission on appeal. The committee further discussed the issue of rules vs. guidelines. A prescriptive list mandates a decision without discussion, but cannot cover all eventualities.
- April 25, 2006 LCNCDSC discusses a draft preliminary report submitted by the staff containing preservation and development goals and guidelines that incorporate some of Mr. Lesses's text and photographs, and a draft Order. There is further discussion about the desirability of including the four National Register buildings.
- May 9, 2006 LCNCDSC discusses a slightly revised and expanded draft report.
- May 23, 2006 LCNCDSC discusses a slightly revised and expanded draft report.
- June 6, 2006 LCNCDSC discusses the draft timeline; agrees to include it in the report. The committee supports Mr. Hunt's desire for intensive training for NCD members and officers and agrees to a five-year sunset clause that would require City Council action to renew the district.
- June 21, 2006 LCNCDSC discusses a revised and expanded draft report.
- July 25, 2006 LCNCDSC continues discussion of the preliminary report. The committee VOTED 5-1 to recommend that the City Council establish an NCD according to the guidelines and draft Order contained in the draft report, subject to comments and recommendations that may emerge from the public hearings.

- August 15, 2006 LCNCDSC continues discussion of the preliminary report, and agrees to schedule one additional meeting to review the draft, before taking their recommendations to the neighborhood.
- September 13, 2006 LCNCDSC continues to make corrections to the draft report. The committee then VOTED unanimously to authorize the staff to place the corrected report on the CHC website and to schedule a public meeting of the committee for November 1. The committee understood that the vote did not constitute an endorsement of the report or its recommendations.
- November 1, 2006 LCNCDSC held a public hearing at the former Peabody School attended by about 40 people. Of those who spoke, the majority seemed to be supportive of the district, although several contended that many people did not receive (or ignored) the survey. Comments on the report included the following:
- Chauncy Street should be excluded because of its clear physical differences from the rest of the neighborhood.
 - An approval of 60% does not represent a consensus; condo owners were under-represented in the survey.
 - The district should acknowledge the importance of accommodating long-term owners who may be in danger of being pushed out of the neighborhood.
 - Some were grateful for an objective process of adjudicating development issues between neighbors.
 - The district will be a useful tool for providing education and technical assistance.
 - The district would protect the neighborhood in a broader sense, by raising consciousness about its history and development.
- November 28, 2006 LCNCDSC agreed to amend the preliminary report to reflect public comments and to include a minority report from Maurice Lesses, and then VOTED 6-1 to approve the preliminary report and transmit it to the Cambridge Historical Commission with a positive recommendation.

Appendix M: Minority Report by Study Committee Member Maurice Lesses

1. The recommended Lower Common NCD fails to satisfy the minimum requirements of the city's NCD ordinance. In order for the Historical Commission to designate an area as a neighborhood conservation district, the ordinance requires that the area contain "places and structures which it determines are of importance to the architectural, aesthetic, cultural, political, economic or social history of the City, and which considered together cause such area to constitute a distinctive neighborhood or to have a distinctive character in terms of its exterior features...."

A high percentage of the buildings other than the large brick or stucco apartment houses/condominiums have been substantially altered since they were first built. Much of the original architecture is gone and little of it was distinctive in the first place, considering the city as a whole. The proposed NCD consists of lots of nondescript structures and too few the Study Committee was able to find are important to the architectural history of Cambridge. The ordinance requires that an area have enough important places and structures to cause it either to be a "distinctive neighborhood" or to have a "distinctive character" in order for it to become a conservation district, and the area we studied plainly does not.

2. The bulky, brick buildings dominating the north side of Linnaean Street are out of character with the buildings on the other side of Linnaean. Chauncy Street, particularly the south side, lined with similar structures, is also out of character with the rest of the recommended NCD. Physically, neither the Linnaean buildings nor the Chauncy buildings are part of the rest of the NCD. Few of them even have any interesting architectural features; none is architecturally distinctive. Although they contain a large majority of the NCD's property owners, there was very little discussion of them by the Study Committee, probably because there is so little to discuss.

3. The Lower Common NCD would in substance be a historic preservation district. With few minor exceptions, every proposed change to the exterior of a structure, large or small, except color, visible from the street will be subject to the binding scrutiny of the NCD Commission, as is the case in a historic district. Nothing has been presented during the Study Committee's proceedings to justify treating the Lower Common as stringently as Brattle Street.

The architectural variety which now characterizes the area developed dynamically over the past 250 years, during which there have been no aesthetic controls. Regulating alterations as tightly as the proposed Lower Common NCD order dictates will end this process and restrict, if no eliminate, additional architectural variety in the future.

4. The proposed order establishing the Lower Common NCD contains no standards by which the NCD Commission must judge proposed alterations and additions. The order includes vague goals it is hoped the NCD will achieve, goals which largely focus on preventing change, but nothing which links even these goals with the judgments the NCD Commis-

sion must make about proposed alterations and construction. As a result, it will be difficult for property owners planning work on their houses to predict if their design ideas will be acceptable to the Commission, and, as importantly, to their neighbors who have the power to oppose such work at Commission hearings. This will both discourage architectural imagination and lead to additional costs and delays for owners.

Maurice Lesses