

Half Crown-Marsh NCD Commission Review Worksheet

Case: HCM-323
Address: 138 Mt. Auburn Street

Hearing: March 14, 2016

This worksheet provides a summary of the Specific Objectives and Principles, the General Criteria, and the Exemptions of the City Council order establishing the Half Crown-Marsh NCD that the Commission should consider in making a determination whether or not to issue a Certificate of Appropriateness, Hardship, or Non-Applicability in this case. The determination must be made in a public meeting after a hearing open to questions and testimony by members of the public. (However, the staff may issue a Certificate of Non-Applicability on behalf of the commission if it determines that the case involves only changes to architectural features not visible from a public way or that are exempt from Commission review under the order.)

The Commission "shall not consider interior arrangements or architectural features not subject to public view" and "shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects, architectural significance or the distinctive character of the . . . neighborhood conservation district." (Ch. 2.78.220, A. and B.)

Section III, B. General Criteria

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

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

Application may contain issues relevant to these aspects of Section III, A. Specific Objectives and Principles:

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

Application may contain issues exempted as per Section V, Exemptions:

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

- Terraces, walks, driveways, sidewalks and similar structures substantially at grade level, provided, however, that they are not to be used for parking between the street and either the principal front wall

plane of a building or the principal front and side wall planes of a building that occupies a corner property.

- Walls and fences four feet high or less as measured from the grade of the sidewalk or the surface of the ground immediately below the wall or fence, whichever grade is lower.
- Storm doors and windows, screens, window air conditioners, trelliswork and similar appurtenances.
- 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.
- Intake and exhaust vents of less than one square foot in area provided that no more than two such vents are installed on an elevation of a one-to-three family house or within a 20-foot horizontal section of an elevation of a rowhouse, apartment, retail or commercial structure.
- Permanent exterior lighting provided that it is installed in a manner that will prevent direct light from shining onto any adjacent property.
- Chimney caps provided they are installed in a manner that will allow their removal without altering the structure or appearance of the chimney.”

Date of Construction: 1854

Architect/Builder (if known): unknown

The subject property was constructed as a double-house in 1854. The two-story structure has been previously altered over the years and suffered a fire around 1970 which burned the roof and had a substantial impact on the structure. The structure currently has two rear additions, one is a one and a half story addition, while the second is a small single story addition. After the fire, the roof was rebuilt as a flat roof and many of the Greek Revival features had been removed. Most recently features were added to give the structure a Second Empire style with the addition of a mansard roof, dormers and bracketed entries.

The applicant is proposing to alter the exterior, remove the existing rear ell, construct a new rear ell and add one parking space.

Half Crown-Marsh NCD Commission Review Worksheet

Case: HCM-323
Address: 138 Mt. Auburn Street

Hearing: June 13, 2016

This worksheet provides a summary of the Specific Objectives and Principles, the General Criteria, and the Exemptions of the City Council order establishing the Half Crown-Marsh NCD that the Commission should consider in making a determination whether or not to issue a Certificate of Appropriateness, Hardship, or Non-Applicability in this case. The determination must be made in a public meeting after a hearing open to questions and testimony by members of the public. (However, the staff may issue a Certificate of Non-Applicability on behalf of the commission if it determines that the case involves only changes to architectural features not visible from a public way or that are exempt from Commission review under the order.)

The Commission "shall not consider interior arrangements or architectural features not subject to public view" and "shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects, architectural significance or the distinctive character of the . . . neighborhood conservation district." (Ch. 2.78.220, A. and B.)

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The applicant is proposing to alter the exterior, remove the existing rear ell, and construct a new rear ell.

Half Crown-Marsh Neighborhood Conservation District Commission
Adopted by vote of June 9, 2008
Guidelines for Infill Construction and Substantial Additions or Alterations

Introduction

The following Guidelines for Infill Construction and Substantial Additions or Alterations are intended to provide general guidance to the Commission for a variety of situations. The guidelines are intended to offer general advice to applicants and provide assistance to the Commission in arriving at its decision regarding the appropriateness of a particular proposal, but are not intended to be prescriptive measures that must all be applied equally in every case.

Infill construction and substantial additions or alterations should follow the District's historic precedent and conserve the modest character of the District's mid to late 19th century workers' housing and the overall simplicity of its traditional wood-frame vernacular architecture.

Definitions

Infill construction means the construction of additional free-standing dwelling unit(s) on a premises.

Substantial additions or alterations means 1) the construction of additional dwelling unit(s) attached to or within an existing building or 2) the enlargement of an existing building, either of which would result in a 25% or greater increase in the footprint, lot coverage, or floor area of the existing building.

Guidelines

A. Where infill construction or substantial additions or alterations are proposed, the new addition or freestanding building should be subordinate in massing, height, and level of ornamentation to the existing house. The Commission will use the following characteristics in conjunction with B-D below as guidelines to make a determination of appropriateness in applications for infill construction or substantial additions or alterations. Infill construction or substantial additions or alterations should have:

1. lot coverage or floor area that is generally smaller than the existing house;
2. overall height that is generally lower than the existing house; and
3. exterior treatment that is as simple as the existing or original conditions of the house and that is not inappropriate to it.

Changes made within the five years preceding an application for infill construction or substantial additions or alterations, even if made pursuant to a prior Certificate of Appropriateness, Hardship or Non-Applicability, will generally be considered to be changes to "the existing house."

B. Infill construction and substantial additions or alterations should not entirely block existing layered views from the public way through yards and between houses. Infill construction and substantial additions or alterations should be placed to preserve some significant portion of existing layered views from the public way or to create alternative new views from the public way through yards and between houses.

C. Infill construction or substantial additions or alterations should not significantly diminish light to existing neighboring properties by casting large new shadows beyond the applicant's property line. New shadows should fall mainly on the applicant's property.

D. Because of historical concern about the effect of new construction on the water table and subsoil conditions in much of the District, applications for infill construction and substantial additions or alterations that involve significant excavation will not be considered complete without a soils report and/or drainage plan and calculations from a civil engineer indicating that the proposed construction, addition or alteration will not adversely affect either the stability of the soil or likelihood of flooding at either the subject site or any nearby property.

Zoning Compliance and Appropriateness

Construction, additions and alterations that satisfy the applicable zoning do not necessarily satisfy the standard of appropriateness under the terms of these guidelines or the order establishing the District. Ideally, a proposal for infill construction or substantial addition or alteration should comply both with the existing zoning and with the terms of the order establishing the District and these guidelines. Applicants are strongly encouraged to pursue proposals that satisfy the applicable dimensional requirements of the zone in which the premises are located.

Applicants should be aware that an application for a proposal that is "as-of-right" by zoning may nonetheless not meet the Commission's standard of appropriateness and that the Commission "may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable provision of the zoning ordinance." (Ch. 2.78.220, Cambridge City Code)

The city's zoning code is a legal framework based on a topic of state statute (ch. 40A MGL) that is separate and distinct from neighborhood conservation regulation. It is a product of substantial due process and sets city policy on development standards. While the Commission may recommend dimensional and setback requirements that are at variance from the requirements of the zoning ordinance, its determinations will not require an unwilling applicant to obtain relief from the applicable provisions of the zoning ordinance.

APPENDIX: Relevant Language from City Code and District Order

Chapter 2.78, Article III, Section 220 of the Cambridge City Code 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.
- B. A Commission shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects, architectural significance or the distinctive character of the landmark or neighborhood conservation district.

Additionally, the July 30, 2007 City Council Order establishing the Half Crown-Marsh Neighborhood Conservation District provides goals for the district and criteria for the evaluation of applications by the Commission. Section III of the Order outlines the objectives and principles of the district as well as the general criteria and specific factors to be considered by the Commission when it reviews applications for new construction and alterations within the District.

III. Factors to be considered by the Commission.

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

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

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

1. Conserve the historic architectural character of the Neighborhood, including the modest character that typifies the mid to late 19th-century workers' and suburban housing of the Neighborhood and the overall simplicity of its traditional wood-frame vernacular architecture, as well as the early 20th-century apartment houses where they exist.

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

B. General Criteria

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

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

C. Specific Factors to Be Considered

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

1. *Construction of a new structure.*

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

- a. site layout;
- b. provisions for parking;
- c. volume and dimensions of the structure;
- d. provision for open space and landscaping;
- e. the scale of the structure in relation to its surroundings;

and

- f. the effect on the water table or subsoil conditions of adjacent properties...

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

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

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



Photos in Survey File
circa 1997

1997

**Half Crown-Marsh Neighborhood
Conservation District Commission Meeting
March 14, 2015**

Agenda

**1. Alterations to Properties in the Half Crown-Marsh Neighborhood
Conservation District**

• **HCM-323: 138 Mt. Auburn Street, by Loreda, LLC.**

Alter exterior, demolish rear ell, and construct new ell.

2. Minutes

HCM-323: 138 Mt. Auburn Street, by Loreda, LLC. Alter exterior,
demolish rear ell, and construct new ell.

3. Other business

HCM-323: 138 Mt. Auburn Street, by Loreda, LLC.
Alter exterior, demolish rear ell, and construct new ell.



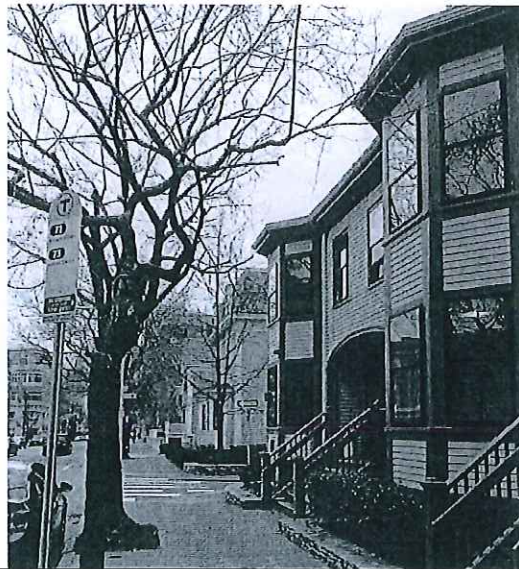
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82/2A



77/13A

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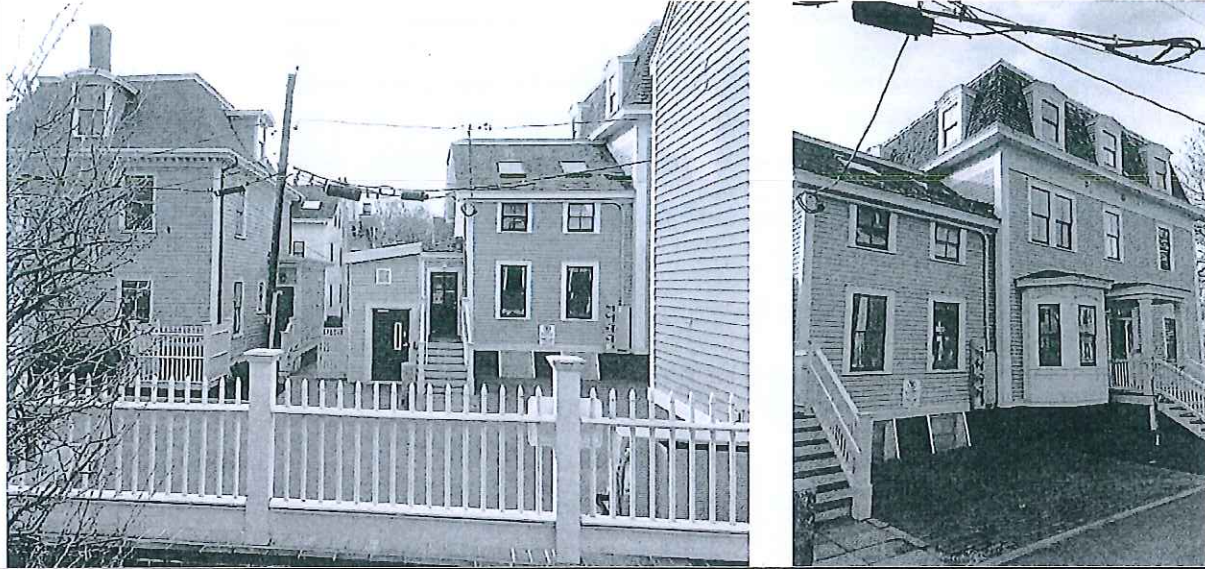
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Minutes

Other business

**Half Crown-Marsh Neighborhood
Conservation District Commission Meeting
June 13, 2015**

Agenda

- 1. Alterations to Properties in the Half Crown-Marsh Neighborhood Conservation District**
 - **HCM-323: 138 Mt. Auburn Street, by Loreda, LLC.**
Alter exterior, demolish rear ell, and construct new ell.
 - **HCM-335: 7-9 Gibson Street, by Robert Livingston**
Alter windows and demolish chimney
- 2. Minutes**
- 3. Other business**

HCM-323: 138 Mt. Auburn Street, by Loreda, LLC.
Alter exterior, demolish rear ell, and construct new ell.



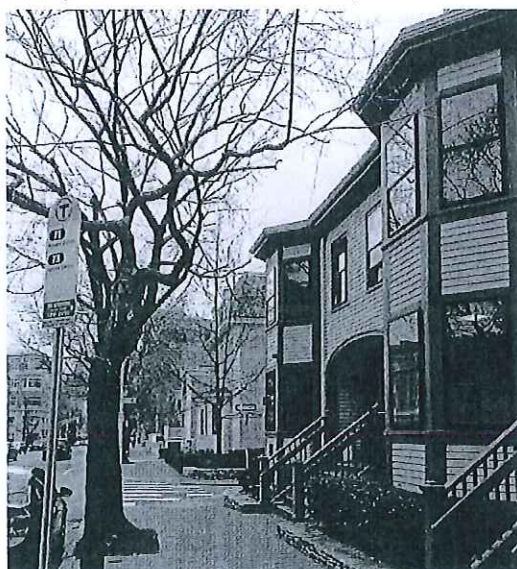
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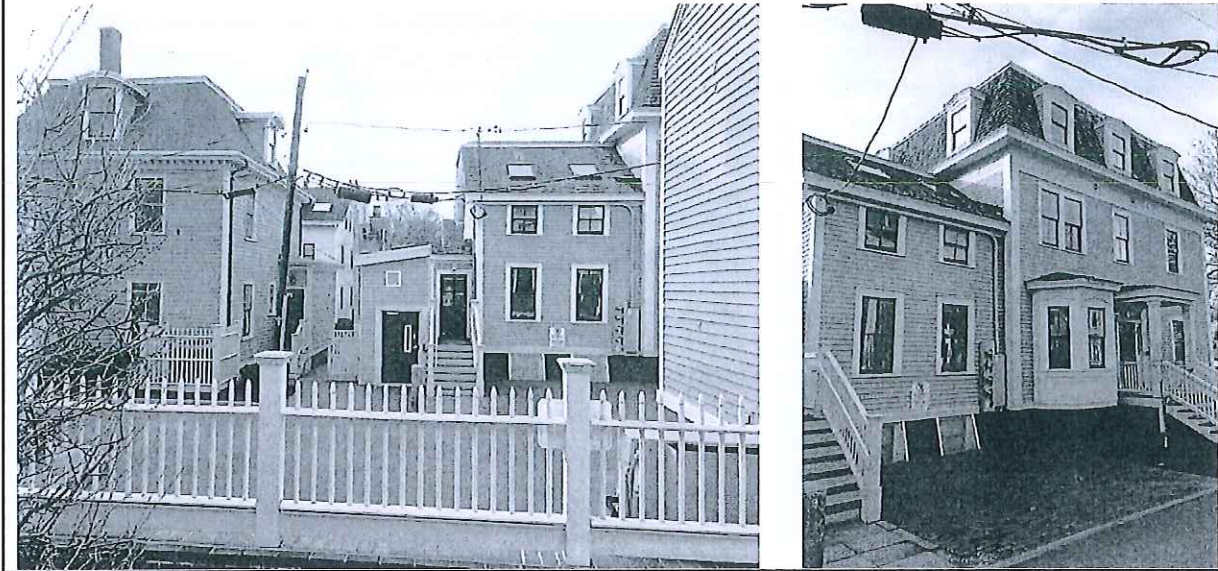
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HCM-335: 7-9 Gibson Street
Alter windows and demolish chimney



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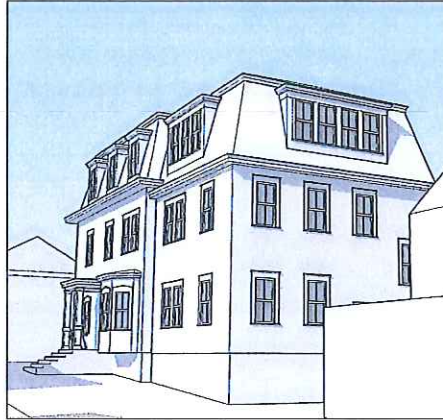
Minutes

Other business

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

138 MOUNT AUBURN STREET

Revised proposal in response to input from March 14th hearing.



Submitted by: Maynard Design + Architecture, LLC
Lincoln, MA
June 13, 2016

SUMMARY:

138 Mount Auburn Street | Proposal to Remove and Rebuild Ell

Proposal has been revised in response to the concerns voiced at the March 14th hearing:

- The extension to the back of the property is 1.5 ft less than the previous version
- Setbacks are greater than required by zoning
- The GFA (gross floor area) of the addition has been reduced by 18.5% to 1000 sq ft
- Dormers, eave and roof have been adjusted to further reduce mass and bulk
- Ell is subordinate in massing, height, and level of ornamentation to the existing house
- Additional effort has been made to keep the project within scale, style and tradition of neighborhood

Alternate Proposal – Rebuild entire roof in a manner consistent with traditional mansard:

- Steeper upper roof pitch
- Correct proportion
- Increases distinction between front and ell of structure
- Conceals elevator head house

Project conforms with:

- HC-M NCDC Infill Guidelines
- 1996 Dormer Guidelines
- Zoning

HOW THE REVISED PROJECT RESPONDS TO:

Half Crown-Marsh Neighborhood Conservation District Commission

Guidelines for Infill Construction and Substantial Additions or Alterations

The guidelines are intended to provide general guidance regarding the appropriateness of a particular proposal, but are not intended to be prescriptive measures that must all be applied equally.

Substantial Additions or Alterations are defined as:

- 2) the enlargement of an existing building, either of which would result in a 25% or greater increase in the footprint, lot coverage, or floor area of the exiting building.

The current proposal is a 19% increase in floor area.

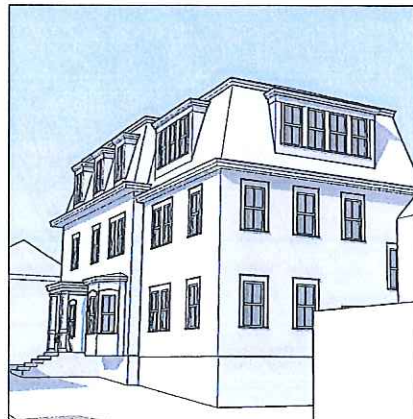
HOW THE REVISED PROJECT RESPONDS TO:

Half Crown-Marsh Neighborhood Conservation District Commission

Guidelines for Infill Construction and Substantial Additions or Alterations

The proposed project is sensitive to the intent of the guidelines in the following ways:

- The ell steps back from the front
- The eave line of the ell steps down from the front
- The exterior treatment of the ell is in keeping with the front
- The reconstructed ell is "subordinate in massing, height, and level of ornamentation to the existing house."



HOW THE REVISED PROJECT RESPONDS TO:

NCDC Criteria

APPENDIX: Relevant Language from City Code and District Order

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

C. Specific Factors to Be Considered

...3. Alteration to existing structures.

- *the extent to which the integrity of the original design has been retained or previously diminished;*
 > Cambridge Historical Commission determined the existing structure has “no significant historical fabric”
- *the consistency of the proposed alteration with the character, scale, massing, and detailing of surrounding properties;*
 > the design is in keeping with Mt. Auburn Street and adjacent buildings across Gerry and Revere Streets
- *the proximity of adjacent surrounding structures.*
 > the design has a voluntary increased setback beyond that which is required by zoning formula

HOW THE REVISED PROJECT RESPONDS TO:

Design Guidelines for Roof Dormers

1996 City of Cambridge Board of Zoning Appeal

SHED DORMERS

Setbacks

- Front wall is setback from exterior walls below
- Sidewalls are setback well beyond the recommended 3' 6" from the corners

Length

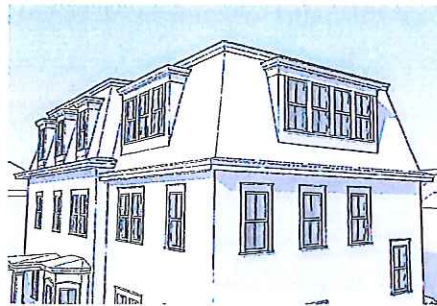
- None of the dormers exceed the recommended maximum of 15'
- The dormers on Gerry and Revere Streets are well below that limit, 12' and 8' respectively

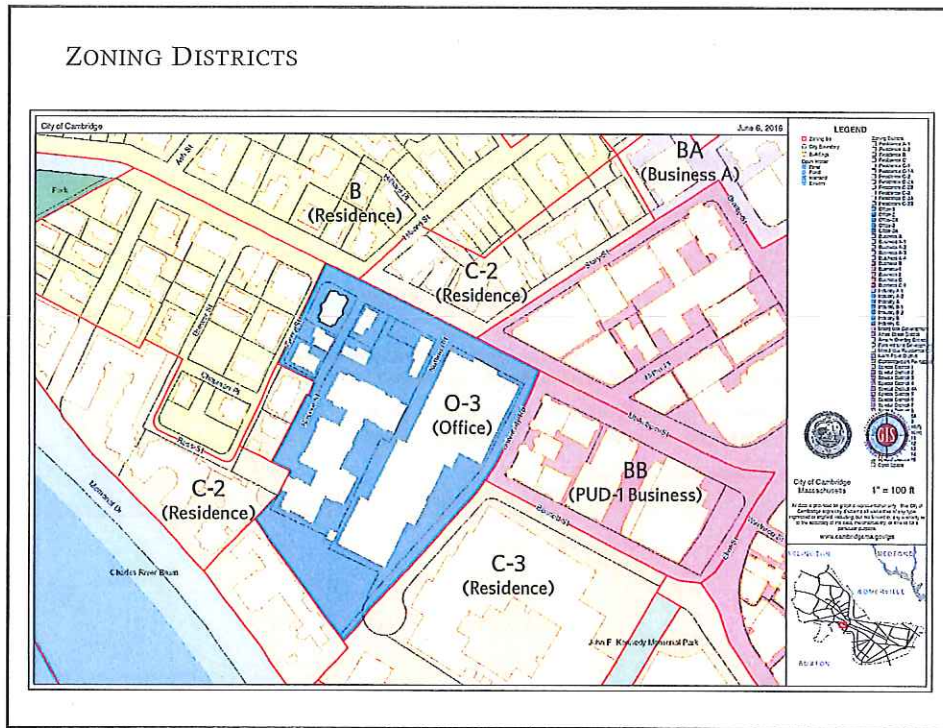
Windows:

- Windows comprise the majority of the dormer's face
- Correlate in style, alignment and proportion with the windows in wall below
- Asymmetrical placement of dormer windows is in keeping with Victorian style, as noted in the guidelines

Materials

- Dormers on ell will be clad in roof slate so as to recede in appearance and be subordinate to dormers on front block





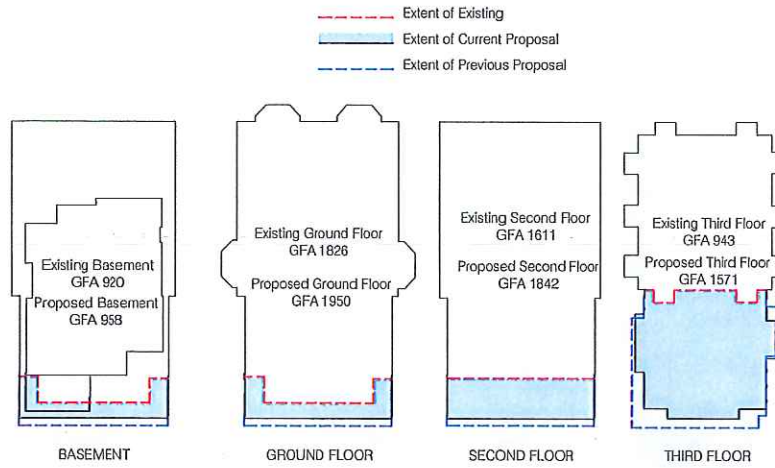
ZONING SETBACK CALCULATIONS

Proposed Project Conforms to All Zoning Dimensional Requirements

138 Mount Auburn Street
Table 5-2 Table of Dimensional Requirements - Calculations

	Street Width	Formula		Variables		from Street Edge		Min. Req. from St. Edge	Existing	Proposed
		from street Center-line	H	L	Calculation	[(formula)-(st width/2)]				
Mt. Auburn (Front)	66	(H+L)/(S+2)	35	32.75	9.7	-23.3	5	5	5.4	no change
Gerry Street (Front)	20	(H+L)/(S+2)	35	58.5	13.4	3.4	5	5	12.2	no change
Revere St (Front - Pvt Way)	17	(H+L)/(S+2)	35	58.5	13.4	4.9	5	5	13	no change
Between Gerry and Revere (Side)		(H+L)/(6+2)	35	30	8.1	-	none	none	11.7	9.58
Alternate: Raised Roof-Line										
Mt. Auburn (Front)	66	(H+L)/(S+2)	42	32.75	10.7	-23.3	5	5	5.4	no change
Gerry Street (Front)	20	(H+L)/(S+2)	42	58.5	14.4	4.4	5	5	12.2	no change
Revere St (Front - Pvt Way)	17	(H+L)/(S+2)	42	58.5	14.4	5.9	5	5	13	no change
Between Gerry and Revere (Side)		(H+L)/(6+2)	42	30	9.0	-	none	none	11.7	9.58

SQUARE FOOTAGE COMPARISONS

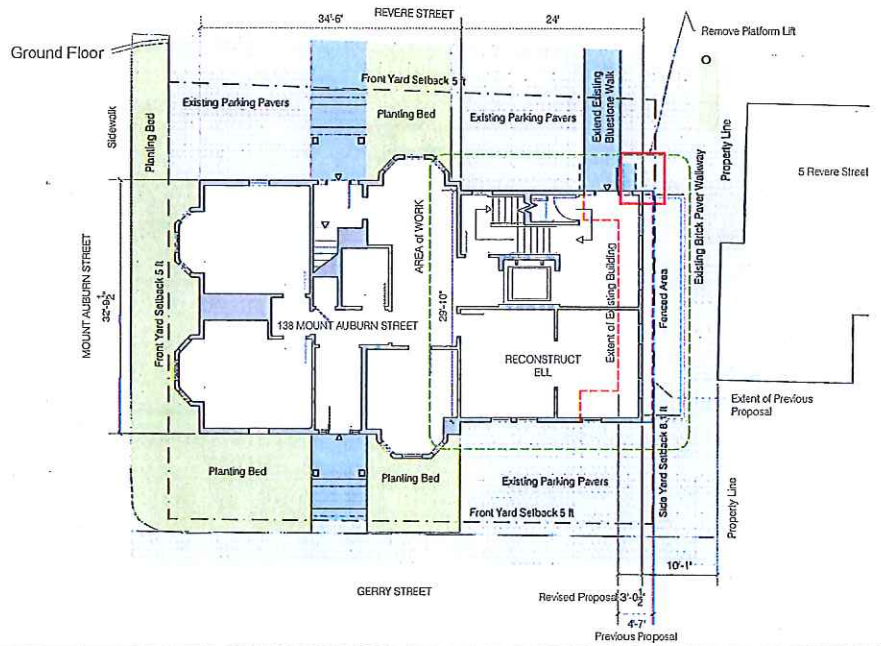


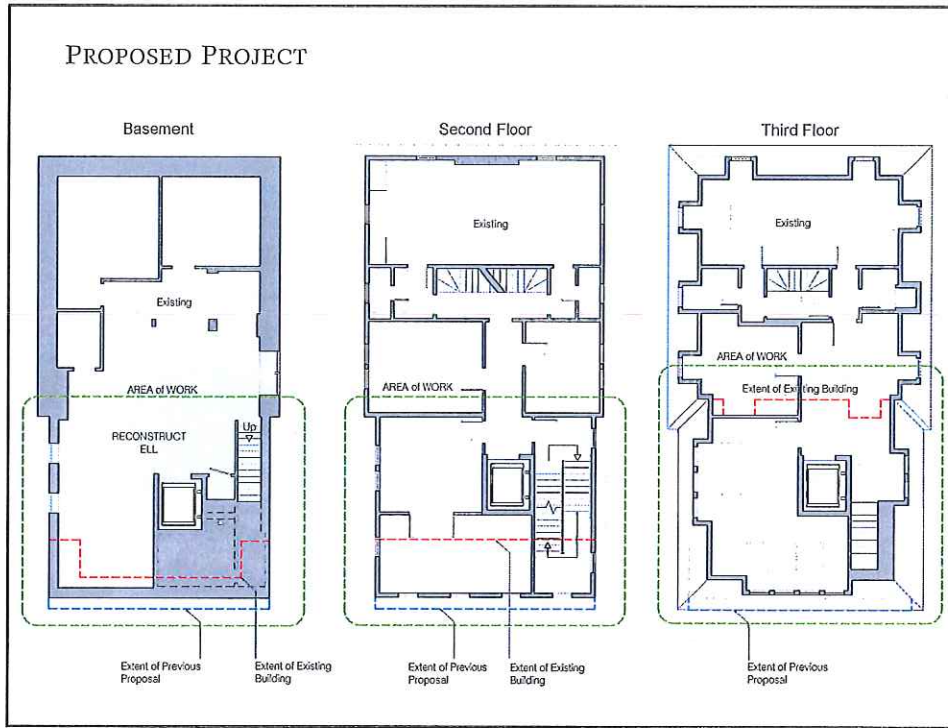
Total GFA Existing 5300

Total GFA Proposed 6321 (19% increase)

(Current proposed addition is 18.5% smaller than previous proposal)

PROPOSED PROJECT

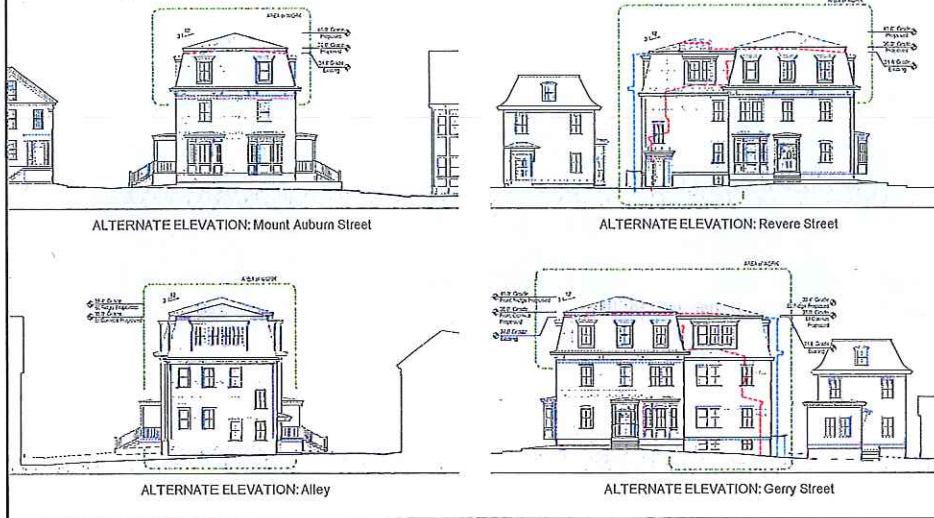




PROPOSED PROJECT – ALTERNATE

Alternate Proposal: Roof Height: *Why?*

- Consistent with traditional Mansard roof type in pitch and proportion
- Improves Mt. Auburn St. and Hilliard St. long views and streetscapes
- Negligible impact on views and shadows to adjacent structures
 - Conceals elevator head house
- Increases space for mechanicals and insulation

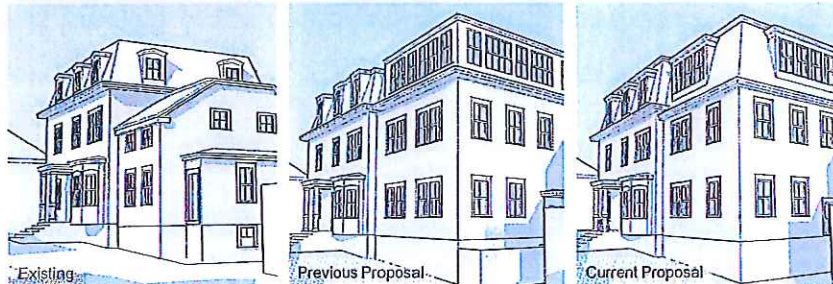


HOW THE PROJECT RESPONDS TO:



Neighborhood Concerns

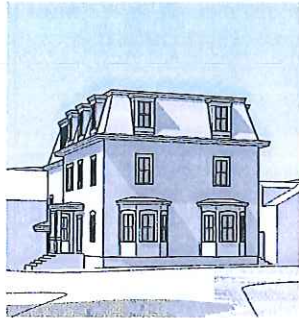
- Rendering created by neighbor exaggerates but also illustrates concerns with previous proposal
- Revised proposal responds to these concerns in a meaningful and tangible way



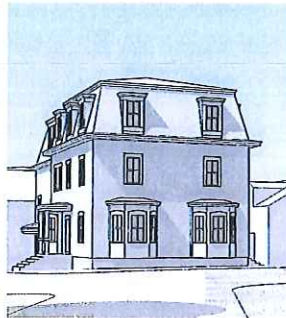
PROPOSED PROJECT COMPARISON

View from Hilliard Street

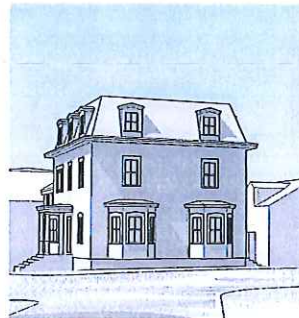
Proposed



Raised Roof (Alternate)



Existing



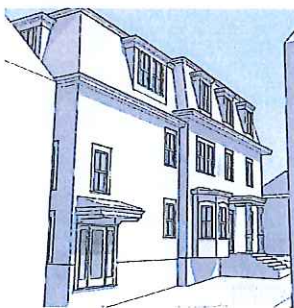
PROPOSED PROJECT COMPARISON

View up Revere Street

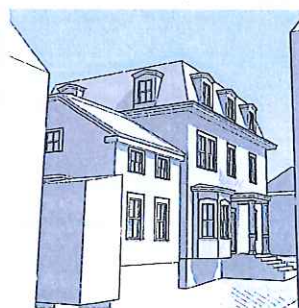
Proposed



Raised Roof (Alternate)



Existing



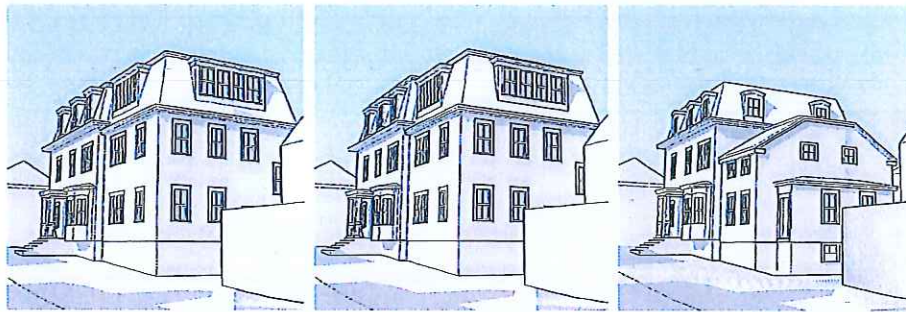
PROPOSED PROJECT COMPARISON

View up Gerry Street

Proposed Low Roof

Raised Roof (Alternate)

Existing



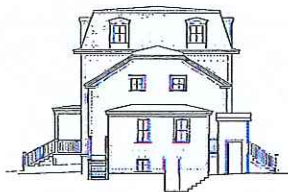
EXISTING ELEVATIONS



ELEVATION: Mount Auburn Street



ELEVATION: Revere Street



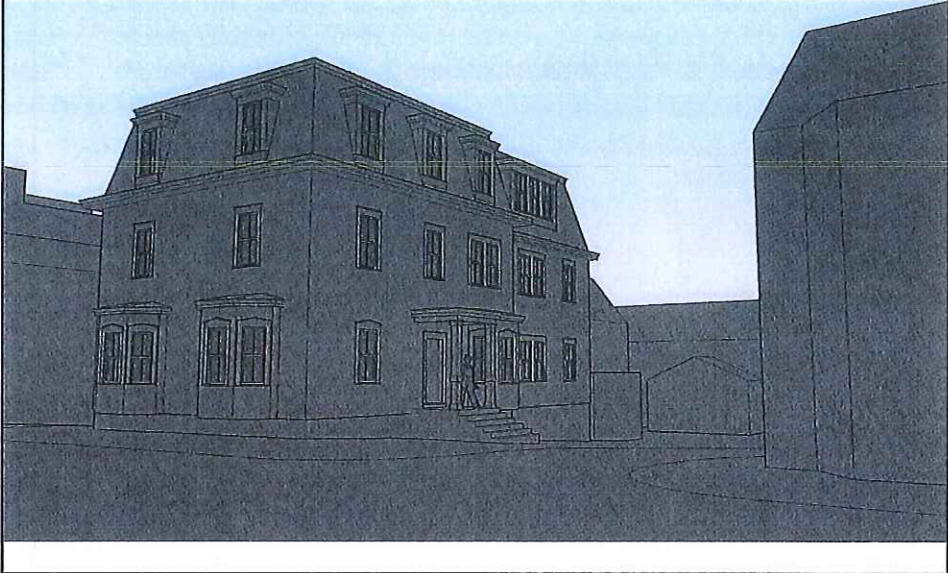
ELEVATION: Alley



ELEVATION: Gerry Street

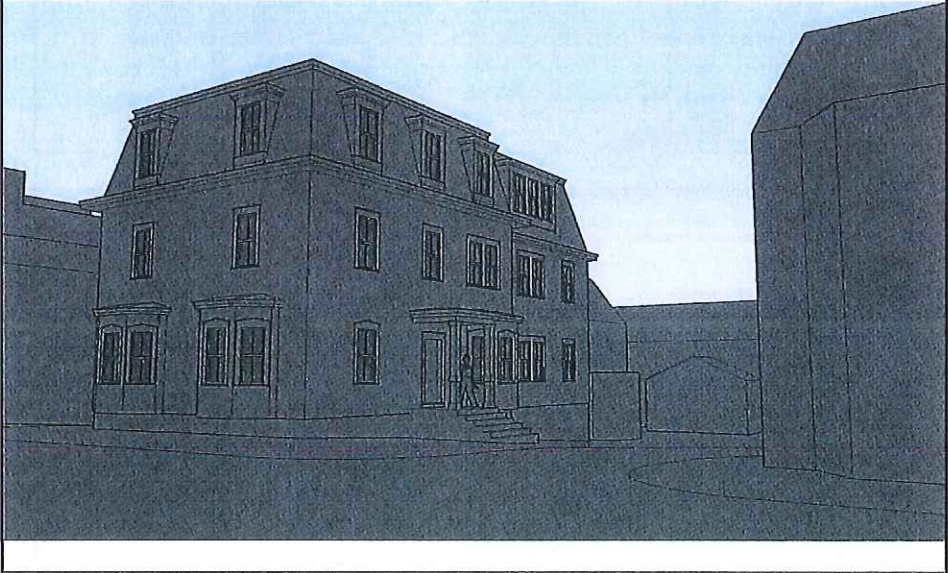
PROPOSED PROJECT

Sun Study – Summer Solstice



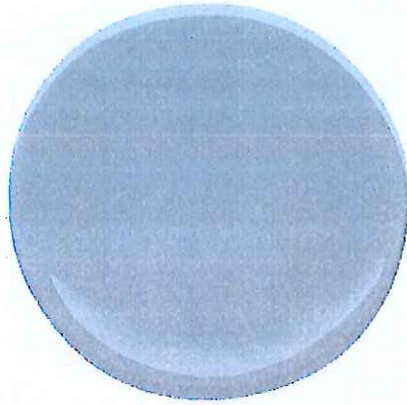
PROPOSED PROJECT

Sun Study – Winter Solstice



PROPOSED COLORS

Selected historical colors complement the colors of adjacent buildings.
Trim selection matches trim color commonly found throughout the neighborhood.



Benjamin Moore 1580
Intrigue

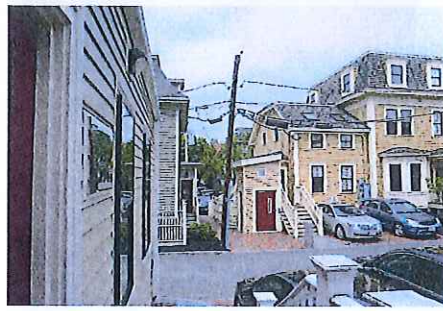


Trim: Benjamin Moore 1522
Inner Balance

PHOTOS



PHOTOS



PHOTOS



PHOTOS



PHOTOS: DORMERS



PHOTOS

Details: Roofs, Dormers, Brackets



Submitted by: Maynard Design + Architecture, LLC
Lincoln, MA
June 13, 2016



Half Crown-Marsh Neighborhood Conservation District Commission

831 Massachusetts Avenue, 2nd Fl., Cambridge, Massachusetts 02139
Telephone: 617 349 4683 Fax: 617 349 3116 TTY: 617 349 6112
E-mail: histncds@cambridgema.gov

James Van Sickle, *Chair*, Judith Dortz, *Vice Chair*
Marie-Pierre Dillenseger, Peter Schur, Charles Smith, Deborah Masterson, William
King, *Members*

DISAPPROVAL OF APPLICATION

PROPERTY: **138 Mt. Auburn Street**

OWNER: **LOREDA, LLC.**
138 Mt. Auburn Street
Cambridge, MA

ATTENTION: **Nick Maynard, Maynard Design + Architecture**
160 Lincoln Road
PO Box 457
Lincoln, MA 01773

The Half Crown-Marsh Neighborhood Conservation District Commission hereby certifies, pursuant to Title 2, Chapter 2.78, Article III, Section 2.78.140-270 of the Code of the City of Cambridge and the City Council order establishing the Commission, that the construction described below is **incongruous** to the historic aspects or architectural character of the building or district:

Demolish the existing rear ell, construct a new rear ell, and alter the exterior of the existing structure as part of a larger renovation project as depicted on the plans titled, "138 Mount Auburn," by Maynard Design + Architecture dated May 25, 2016.

This disapproval is made for the reasons stated in the minutes of the Commission meeting of June 13, 2016 and summarized below:

The massing of the proposed 3-story ell out of scale with the neighboring buildings on Gerry Street.

Case Number: **HCM-323**

Date of Certificate: **June 23, 2016**

Attest: A true and correct copy of decision filed with the office of the City Clerk and the Half Crown-Marsh Neighborhood Conservation District Commission on 6/23/2016. By

James Van Sickle /slb, Chair

Twenty days have elapsed since the filing of this decision.

No appeal has been filed _____ . Appeal has been filed _____ .

Date _____, City Clerk.

VI. CHC Meeting for Appeal on

August 4, 2016

ADAMS & RAFFERTY
ATTORNEYS AT LAW
A Professional Association *
675 Massachusetts Avenue
Cambridge, MA 02139

James J. Rafferty, P.C.
jr Rafferty@adamsrafferty.com

Telephone (617) 492-4100
Fax (617) 492-3131

July 11, 2016

Charles Sullivan
Executive Director
Cambridge Historical Commission
831 Massachusetts Avenue
Cambridge, MA 02139

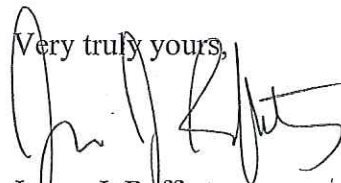
Re: CHC Case No. HCM-323
138 Mount Auburn Street

2016 JUL 11 PM 2:16
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Dear Mr. Sullivan:

Pursuant to Chapter 2.78.240 of the Cambridge Municipal Code, please accept this letter as an appeal by the applicant in the above-captioned matter of the decision of the Half Crown Marsh Neighborhood Conservation District Commission denying its request for a Certificate of Appropriateness.

Thank you for your attention to this matter. I would request that this appeal be heard by the Commission at its' August 4 meeting.

Very truly yours,

James J. Rafferty

cc: Andrew Stevenson

RECEIVED

**not a partnership*

JUL 11 2016

CAMBRIDGE HISTORICAL COMMISSION

Burks, Sarah

From: Burks, Sarah
Sent: Friday, July 15, 2016 12:47 PM
To: 'legals@wickedlocal.com'
Subject: CHC legal ad
Attachments: 080116 ah legal ad.doc

Hello,

Here's another one from me today.

Cambridge Historical Commission legal ad. Please run in the 7/21/16 and 7/28/16 editions of the Cambridge Chronicle.

Thank you,
Sarah

Sarah L. Burks, Preservation Planner
Cambridge Historical Commission
831 Massachusetts Ave., 2nd Fl.
Cambridge, MA 02139
ph 617-349-4687; fax 617-349-3116; TTY 617-349-6112
<http://www.cambridgema.gov/Historic>

Like us on facebook!



Follow us on flickr!



Burks, Sarah

From: Burks, Sarah
Sent: Monday, July 18, 2016 9:24 AM
To: 'Hoyen, Carol'; 'legals@wickedlocal.com'
Subject: RE: CHC legal ad
Attachments: 0816LEGL.docx

Hi Carol,

Here's the ad that I intended to send you on Friday. Total of two ads (Avon Hill-sent and received separately and this one for CHC).

Thanks for your help on this.

Sarah

From: Hoyen, Carol [mailto:choyen@wickedlocal.com]
Sent: Friday, July 15, 2016 8:25 PM
To: Burks, Sarah <sburks@cambridgema.gov>
Subject: Re: CHC legal ad

I will be working tomorrow. You can email it and I'll get it or send it first thing Monday morning but no later than 9:30am so that I can beat the deadline.

Thank-you,

Carol, Legal Advertising Representative
Direct: 781-433-7903
Dept: 781-433-6930
Fax: 781-433-7951
Email: legals@wickedlocal.com

On Fri, Jul 15, 2016 at 8:20 PM, Burks, Sarah <sburks@cambridgema.gov> wrote:

Yes, I guess I sent the wrong ad in my second message. It is supposed to be the ad for the Cambridge Historical Commission. It is longer than the Avon Hill ad. Can you save room and I'll send it first thing Monday morning? Or I can go into the office in the morning, but I don't think I can access it from home.

Sarah

From: Hoyen, Carol <choyen@wickedlocal.com>
Sent: Friday, July 15, 2016 1:38:58 PM



CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, 2nd Fl., Cambridge, Massachusetts 02139

Telephone: 617 349 4683 TTY: 617 349 6112

E-mail: histcomm@cambridgema.gov URL: <http://www.cambridgema.gov/Historic>

William B. King, *Chair*, Bruce A. Irving, *Vice Chair*, Charles M. Sullivan, *Executive Director*
William G. Barry, Jr., Shary Page Berg, Robert G. Crocker, Chandra Harrington,
Jo M. Solet, *Members*; Joseph V. Ferrara, Susannah Barton Tobin, *Alternates*

LEGAL NOTICE

CAMBRIDGE HISTORICAL COMMISSION

Notice is hereby given that a public hearing will be held on Thursday, August 4, 2016, at 6:00 PM at 806 Massachusetts Ave., Cambridge Senior Center, Cambridge, to consider the following matters under M.G.L. Ch. 40C and Ch. 2.78 of the Code of the City of Cambridge:

Alterations to Designated Properties

Case 3659: 18-20 Farwell Pl., by Gary S. Chafetz & C. Rieder.

Construct dormer, basement egress stair; erect fence and gate; install skylights; add door, sidelights, and transom at rear.

Case 3660: 102 Appleton St., by Edward Kerslake & Melinda Gray.

Complete exterior renovation of house; select demolition and new additions at rear and side; construct new porch and dormers; new foundation, windows, cladding, and roofing; exterior insulation.

Case 3661: 71 Appleton St., by Christian Nolen. Install metal fence around south lawn terrace.

Landmark Designation Proceedings

Case L-115: 135 Western Ave., Bluepower LLC, owner. Consider draft study report for designation.

Demolition Review

Case D-1390 (amendment): 40 Cottage St., by Roy Russell & Robin Chase. Consider any design revisions to proposed project; consider initiating a landmark designation study.

Appeal of NCD Decision

Case HCM-323: 138 Mt. Auburn St., by Loreda LLC. Appeal Half Crown-Marsh Neighborhood Conservation District Commission's decision to deny certificate of appropriateness.

William B. King, Chair

Cambridge Chronicle, 7/21/16, 7/28/16

Cases may be taken out of order and approved at the beginning of the meeting. Persons who wish to have a hearing on a case should notify the Commission in advance or be present at the beginning of the meeting when the Consent Agenda will be discussed.

The City of Cambridge does not discriminate on the basis of disability. The City may provide auxiliary aids and services, written materials in alternative formats, and reasonable modifications in policies and procedures to qualified individuals with disabilities. For information contact Sarah Burks by calling: 617/349-4683 or 617/349-6112 (TTY).

138 714 A

166-33
HARTFAM LLC,
208 PLEASANT ST
ARLINGTON, MA 02474

168-48
DIBENEDETTO, INC
71 PENNI LANE
NORTH ANDOVER, MA 01845

167-22
DIGIOVANNI, JOHN P & ANNE E. DIGIOVANNI
19 HILLIARD ST
CAMBRIDGE, MA 02138

TANYA IATRIDIS
HARVARD PLANNING & PROJECT MANAGEMENT
1350 MASS AVE, STE 573
CAMBRIDGE, MA 02138

166-25
GORDON, KEVIN & DIANA LEONARD
9 GERRY ST., UNIT #9A
CAMBRIDGE, MA 02138

166-26
NIXHOLM, HOLLY G.
30 MADISON STREET
CAMBRIDGE, MA 02138

166-24
PRESIDENT & FELLOWS OF HARVARD COLLEGE
C/O HARVARD REAL ESTATE, INC.
HOLYOKE CENTER - RM. 1000
1350 MASSACHUSETTS AVE.
CAMBRIDGE, MA 02138

166-26
APPEL, CRAIG H.
11-11 1/2 GERRY ST., #1
CAMBRIDGE, MA 02138

166-77
KRITZMAN, MARK TR. OF
FIVE REVERE STREET REALTY TRUST
5 REVERE ST
CAMBRIDGE, MA 02138

166-78
SILLMAN, FREDERICK H. AND JANE S. SILLMAN
8 GERRY ST
CAMBRIDGE, MA 02138

166-27
JHALA, JAYASINHJI & RAJKUMARI JHALA
15-17 GERRY ST., UNIT #15
CAMBRIDGE, MA 02138

166-25
SUN, ANGELA A.
9B GERRY ST
CAMBRIDGE, MA 02138

166-79
RICH, DAVID T. & ELLEN M. RICH
10 GERRY ST., UNIT #1
CAMBRIDGE, MA 02139

166-25
SAUL, DANIEL & RANELLA HIRSCH
20 PARK PLAZA, 4TH FLOOR
BOSTON, MA 02116

166-27
BROSIO, GIUSTINA
C/O GAMBLE, IAN P. & LISA M. GAMBLE
15-17 GERRY ST., #17
CAMBRIDGE, MA 02138

166-25
KEARNS, PAUL T. & MARY KEARNS
5 GERRY ST. UNIT #5
CAMBRIDGE, MA 02138

166-79
PLUMB, RICHARD A & NANCY G. PORTER
14 GERRY ST. UNIT #3
CAMBRIDGE, MA 02138

167-23
BAILE BEAG 11, LLC
50 CHURCH ST
CAMBRIDGE, MA 02138

166-79
TITTMANN, LUCY K.
12 GERRY ST. #2
CAMBRIDGE, MA 02138

166-46
CLEARY, JOANNE M.
16 GERRY ST
CAMBRIDGE, MA 02138

ATTN: ANDREW STEVENSON
LOREDA, LLC
138 MT. AUBURN ST
CAMBRIDGE, MA 02138

Nicholas Maynard, AIA
Maynard Design + Architecture
PO Box 457
Lincoln, MA 01773

JAMES J. RAFFERY, ESQ
ADAMS & RAFFERTY
675 MASSACHUSETTS AVE
CAMBRIDGE, MA 02139

HCM NCD
members

RECEIVED

JUL 25 2016

CAMBRIDGE HISTORICAL COMMISSION

ADAMS & RAFFERTY
ATTORNEYS AT LAW
A Professional Association *
675 Massachusetts Avenue
Cambridge, MA 02139

James J. Rafferty, P.C.
jrfferty@adamsrafferty.com

Telephone (617) 492-4100
Fax (617) 492-3131

July 22, 2016

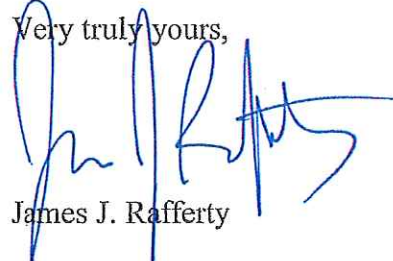
Sarah Burks
Cambridge Historical Commission
831 Massachusetts Avenue
Cambridge, MA 02139

Re: HCM-323
138 Mount Auburn Street

Dear Ms. Burks:

Delivered herewith, please find a Memorandum of Loreda, LLC in support of their Appeal of the Half Crown-Marsh Neighborhood Conservation District's decision to deny the above-captioned application for a Certificate of Appropriateness.

Very truly yours,


James J. Rafferty

**not a partnership*

Re: HCM-323
138 Mount Auburn Street

**Memorandum of Loreda, LLC
in Support of Appeal**

BACKGROUND

This is an appeal pursuant to Chapter 278.240 of the Cambridge Municipal Code of a decision by the Half-Crown Marsh Neighborhood Conservation District Commission (“HCM”) denying the application of LOREDA, LLC (“applicant”) for a Certificate of Appropriateness authorizing an addition at the above captioned address.

STATEMENT OF THE CASE

HCM conducted a public hearing on the application on March 14, 2016. At that time, Commission members expressed concern about the bulk and mass of the proposed third floor addition. During the hearing there was extensive commentary about the existing condition, specifically the mansard roof that was constructed in 1997. It was stated by the Commission Chair that the roof was not a particularly good example of the mansard style. The application before the Commission that evening did not involve any modifications to the existing mansard roof. At the conclusion of the hearing the case was continued to a later date to allow the application an opportunity to respond to the comments of the HCM.

A second public hearing on the application was held on June 13, 2016. At that hearing the applicant presented a revised plan that modified the existing mansard roof and reduced the footprint, bulk and mass of the proposed addition. At the conclusion of the hearing the Commission voted 4-1 to approve a Motion to Deny the application since it “created a massing that did not fit in with the existing massing on Gerry Street”.¹ The HCM made no further findings nor offered any further reasons for denying the application. The sole vote against the motion was made by Commission Member James VanSickle who chaired the hearing. Prior to the vote, the Chair expressed his view that the proposed addition was consistent with the HCM guidelines

“He continued that it was absolutely appropriate to the character along Mount Auburn Street, stating that the addition of the massing on the back, while one would hope that it could have been stepped down an entire floor, the need for the elevator and headhouse are understandable. He said that the addition as proposed remained subservient to the primary structure. He said that from the application materials, he did not see that the addition added any significant shadow, nor did it cut off thru-views between the buildings, which were criteria

¹ Minutes of the Half Crown Marsh Conservation District Commission meeting [Draft]

that applications in the District were reviewed under. He added that it seemed to match the character of the neighborhood as there were three-story structures in the surrounding area as Mr. Rafferty had pointed out.”²

ARGUMENT

I. The decision of the HCM to deny the applicant’s request for a Certificate of Appropriateness should be overturned because there is not “sufficient evidence” to support its finding that a three story structure does not fit in with the existing massing on Gerry Street.

The subject property is located on a unique lot that has frontage on three streets, Mount Auburn Street, Gerry Street and Revere Street. The abutting structure at 5 Revere Street is a three story mansard building. Moreover, Gerry Street contains numerous three story structures of similar size and massing.

II. The HCM decision is capricious, arbitrary and in excess of its authority.

- A. The HCM is required to evaluate applications for Certificates of Appropriateness in accordance with the General Criteria of City Council Order establishing the District. That Order specifically prevents HCM from making “any recommendation or requirement except for the purpose of *preventing developments incongruous to the historic aspects, architectural significance or the distinctive character* of the landmark or neighborhood conservation district”. [emphasis added] .In its limited deliberations and ultimate vote to deny the application, the HCM made no such assertion or finding.
- B. The HCM failed to apply the Objectives and Principles for the Half Crown-Marsh Neighborhood Conservation District in considering the applicant’s request for a Certificate of Appropriateness.

The only discussion of those criteria by the Commission was provided by the Chair who identified the many features of the proposed addition that satisfied the relevant criteria and then voted in opposition to the Motion to Deny.

- C. The HCM’s determination at the outset of the hearing to treat the application as a “substantial addition” notwithstanding that it was below the 25% threshold in the HCM’s guidelines was arbitrary and capricious.

CONCLUSION

For the reasons set forth above the application requests that the Historical Commission overturn the decision of the HCM denying the application and return the matter to the HCM for a determination consistent with the Commission’s findings.

² Minutes of the Half Crown-Marsh Conservation District Commission meeting [Draft]

RECEIVED

JUL 28 2016

Re: HCM-323
138 Mount Auburn Street

CAMBRIDGE HISTORICAL COMMISSION

28 July 2016

**Memorandum of Gerry Street Neighbors
in Opposition to Appeal**

BACKGROUND

Loreda LLC (Applicant) has appealed the decision of the Half Crown-Marsh Neighborhood Conservation District at its meeting of 13 June 2016 to deny Applicant a Certificate of Appropriateness for alterations at the subject address. Applicant has submitted a memorandum in support of the appeal; this memorandum responds to that submission and rebuts various arguments and claims of fact therein. (Headings in this document correspond to headings in Applicant's memorandum.)

STATEMENT OF THE CASE

Applicant states, "The application before the Commission that evening [14 March 2016] did not involve any modifications to the existing mansard roof." This is an error of fact. Applicant's March submission proposed extensive modifications to the existing roof; please refer to Applicant's first package of drawings as well as sketches in Neighborhood Response, all in the record.

Applicant states, "At that hearing [June 13, 2016] the applicant presented a revised plan that modified the existing mansard roof and reduced the footprint, bulk and mass of the proposed addition." There was some slight reduction *relative to the initial proposal*, but that is irrelevant: the revised proposal still shows significant increase in footprint, bulk, and mass *over the existing structure*, which is the standard to which the proposal must be compared.

Applicant continues, "At the conclusion of the hearing the Commission voted 4-1 to approve a Motion to Deny the application since it 'created a massing that did not fit in with the existing massing on Gerry Street.' The HCM made no further findings nor offered any further reasons for denying the application."

The relevant mandate of the NCD, in Section III of the Consolidation Order, "Factors to be considered by the Commission," directs that the Commission "shall consider" various points in arriving at its finding. The logic of this extensive list of factors must be taken as exclusive, that is, the Commission may deny an application if *any* of the considerations is violated by the proposal. For example, if an application agrees to conform to parking, green-space, fence, through-view, and traffic considerations, but proposes a neo-Brutalist structure in a mid-19th-century setting, evidently the Commission may deny. There is no provision in the Zoning Ordinance, the Consolidation Order, or the Guidelines for Infill Construction, that requires the Commission's findings be based on some specified number of factors.

What *is* mandated is that the Commission "shall consider" the various factors. Applicant claims [below, "Argument II B."], that a finding which explicitly *names* only one factor proves that the Commission failed to fulfill its statutory duty to *consider* all the other factors. In support of this, he adduces the closing remarks of NCD chair Mr. Van Sickle. Applicant complains that "the only discussion of those criteria [the Objectives and Principles] was provided by the chair," but this proves *the exact contrary* of Applicant's claim, because the Commission, in the person of Mr. Van Sickle, evidently considered the criteria: he raised them in his discussion, and this discussion in itself constitutes "consideration." The Order does not require *every* member of the Commission to speak

on every factor-to-be-considered, or that a motion to deny must be exhaustive in the listed factors, only that the Commission as a whole, and by implication at least one of its members, "shall consider" the factors, and Mr. Van Sickle very certainly did that.

ARGUMENT

I. The decision of the HCM to deny the applicant's request for a Certificate of Appropriateness should be overturned because there is not "sufficient evidence" to support its finding that a three story structure does not fit in with the existing massing on Gerry Street.

The structure at 138 Mt Auburn is eight to ten feet higher than any other on Gerry Street, due to the change in grade, and so the building appears much more massive from Gerry St. than any of its neighbors. Extensive evidence to this effect was submitted by the neighborhood to the NCD for the April meeting, was reviewed at the May meeting, remains in the record, and constitutes more than sufficient evidence to support the NCD's finding.

Applicant has never made any argument, or submitted any evidence, to support the notion that the proposed alteration is visually compatible with the immediate neighborhood, except to note in passing that there are other three-story buildings in the vicinity. These three-story structures, however, all have peaked roofs and so approximately half the volume, or visual mass, of the proposed alteration with its three full stories and nearly flat roof.

The Consolidation Order (III.B.) provides that "Applications shall be considered...with regard to...the physical characteristics of the site, including...topography; and the potential adverse effects...on the immediate streetscape." So the Commission was well within its mandate in considering the change in grade down Gerry St and its effect on the apparent massing at 138 Mt Auburn.

II. The HCM decision is capricious, arbitrary and in excess of its authority.

Applicant states,

"A. The HCM is required to evaluate applications for Certificates of Appropriateness in accordance with the General Criteria of City Council Order establishing the District. That Order specifically prevents HCM from making "any recommendation or requirement except for the purpose of *preventing developments incongruous to the historic aspects, architectural significance or the distinctive character* of the landmark or neighborhood conservation district". [emphasis added] .In its limited deliberations and ultimate vote to deny the application, the HCM made no such assertion or finding."

Finding that "the proposal created a massing that did not fit in with existing massing on Gerry Street" is substantially equivalent to finding that the development would be "incongruous to the...distinctive character... of the neighborhood conservation district," one important element of which, and one which was brought out repeatedly by the neighbors and is part of the record, is the modest and relatively uniform height of the buildings on Gerry St. The existence or non-existence of other three-story buildings is irrelevant; what is relevant is the massing produced by the *average height above grade*. The Loreda proposal would violate that character, and the Commission ruled accordingly, hence, not arbitrarily or capriciously.

Applicant states,

"B. The HCM failed to apply the Objectives and Principles for the Half Crown-Marsh

Neighborhood Conservation District in considering the applicant's request for a Certificate of Appropriateness. The only discussion of those criteria by the Commission was provided by the Chair who identified the many features of the proposed addition that satisfied the relevant criteria and then voted in opposition to the Motion to Deny."

Again, Applicant himself points out that the Objectives and Principles were in fact considered by the Commission in the discussion by Mr. Van Sickle, see above. So there is no procedural flaw here.

Applicant states,

"C. The HCM's determination at the outset of the hearing to treat the application as a 'substantial addition' notwithstanding that it was below the 25% threshold in the HCM's guidelines was arbitrary and capricious."

This claim is unsupported by the record. The minutes of the March meeting state, "Mr. Van Sickle read the Commission's "Guidelines for Substantial Additions," and noted that it is important the additions remain subordinate in massing, scale, and height." There is nothing in the Minutes to indicate that the ratio of the proposed to the existing floor area had been presented at that time, and there is nothing to indicate that the Commission made a "determination...to treat...as a 'substantial addition'."

Furthermore there is no difference in procedural treatment between "substantial alterations" and other proposals that do not cross the 25% threshold. The Infill Guidelines, which apply above the 25% threshold, are in any case only suggestions.* The Consolidation Order *does* direct the Commission to consider "the consistency of the proposed alteration with the character, scale, massing, and detailing of surrounding properties" (III.B.3.b), which in this case is substantially the same consideration.

CONCLUSION

We believe that the Commission's findings were obtained with full due process afforded to the applicant, that the findings were well supported by the evidence in the record, and that the Commission was neither arbitrary or capricious in its actions; accordingly we respectfully request that the Historical Commission uphold the findings of the Half Crown-Marsh NCD in this case.

for Gerry Street Neighbors:



Craig H. Appel
11 Gerry St.



David Rich
10 Gerry St.



Nancy Porter
14 Gerry St.

* Introduction. "The following Guidelines for Infill Construction and Substantial Additions or Alterations are intended to provide general guidance to the Commission for a variety of situations. The guidelines are intended to offer general advice to applicants and provide assistance to the Commission in arriving at its decision regarding the appropriateness of a particular proposal, but are not intended to be prescriptive measures that must all be applied equally in every case."



CAMBRIDGE HISTORICAL COMMISSION

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William B. King, *Chair*, Bruce A. Irving, *Vice Chair*, Charles M. Sullivan, *Executive Director*
William G. Barry, Jr., Shary Page Berg, Robert G. Crocker, Chandra Harrington, Jo M. Solet, *Members*
Joseph V. Ferrara, Kyle Sheffield, Susannah Barton Tobin, *Alternates*

Date: July 29, 2016

To: Members and Alternates of the Historical Commission
City Clerk, please post

From: Charles Sullivan, Executive Director

Re: Preliminary Agenda

The next regular meeting of the Cambridge Historical Commission will be held on **Thursday, August 4, 2016, at 6:00 PM at 806 Massachusetts Ave., Cambridge Senior Center, Cambridge, Mass.**

AGENDA

1. Public Hearings: Alterations to Designated Properties

Case 3659: 18-20 Farwell Pl., by Gary S. Chafetz & C. Rieder. Construct dormer, basement egress stair; erect fence and gate; install skylights; add door, sidelights, and transom at rear.

Case 3660: 102 Appleton St., by Edward Kerslake & Melinda Gray. Complete exterior renovation of house; select demolition and new additions at rear and side; construct new porch and dormers; new foundation, windows, cladding, and roofing; exterior insulation.

Case 3661: 71 Appleton St., by Christian Nolen. Install metal fence around south lawn terrace.

2. Public Hearings: Landmark Designation Proceedings

Case L-115: 135 Western Ave., Bluepower LLC, owner. Consider draft study report for designation.

3. Public Hearings: Demolition Review

Case D-1390 (amendment): 40 Cottage St., by Roy Russell & Robin Chase. Consider any design revisions to proposed project; consider initiating a landmark designation study.

4. Appeal of NCD Decision

Case HCM-323: 138 Mt. Auburn St., by Loreda LLC. Appeal Half Crown-Marsh Neighborhood Conservation District Commission's decision to deny certificate of appropriateness.

5. Preservation Grants

Case IPG 16-3: 71 Cherry St., by the Margaret Fuller House. Application for \$4,380 for emergency repairs.

6. Community Preservation Act

Consider FY 2017 project recommendations.

7. Minutes

8. Director's Report (written reports will resume in September)

9. New Business