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AUG 24 2021

CAMBRIDGE HISTORICAL
COMMISSION

August 24, 2021

Cambridge Historical Commission
831 Massachusetts Ave., 2nd Floor
Cambridge, Massachusetts 02139

Dear Commission Members:

Pursuant to the appeals procedure outlined in section 2.78.240 of Article III of the City Code, we, the undersigned registered voters of the City of Cambridge, write to formally appeal the August 2, 2021 decision of the Mid Cambridge Neighborhood Conservation District Commission regarding application MC 6112 (12 Fayette Street).

The MCNDC issued an order relative to this application following its May 3 meeting. After an appeal by more than ten registered Cambridge voters, the Historical Commission found that the MCNDC had not specified which of many different architectural plans it was approving and also had not issued findings of fact to support its decision. The Historical Commission remanded the matter to the MCNDC, which met via Zoom on August 2, 2021 and approved a design.

We regret the necessity of returning to the Historical Commission with a second appeal, and we do not do so lightly. But the MCNDC's findings do not comply with the Historical Commission's order.

We submit that the "findings of fact" recorded at the conclusion of the August 2 meeting are inadequate, for the following reasons:

- The MCNDC merely states that the proposed project is "not inconsistent with what has previously been approved in the district and does not constitute excessive infill," that the proposed new building "does not detract or compete with" the existing house, and that the proposal "does not violate the general objectives" of the MDNCD Order of June 8, 1992. These are not findings of fact but recitations of the conclusion to be reached. The MCNDC was required to state the specific ways in which the project meets these criteria, and it did not do so. Nor did it specify what projects of this scale have "previously been approved in the district" or how those projects are of a scale and style that properly serves as precedent for this massive box being built in the backyard of a graceful 19th century Victorian.
- At the August 2 meeting, Commission member Charles Redmon stated that a nearby "infill" house was of a scale and scope similar to the proposed construction. Although he did not specify the address, he appeared to be referring to a rendering of 43 Antrim St. This building cannot serve as a precedent for the MCNDC's determination. According to the "Cambridge Buildings and

Architects Database,”¹ 43 Antrim was built in 1896, just before 45 Antrim, the single family slightly to the north and east of it. It was built after the double house at 37-39 Antrim (and by the same owner, Samuel Montague), so that in the most technical sense it may constitute infill. However, it obviously predates not only the MCNCDC but most zoning and historic preservation regulation generally. It most likely never was reviewed or approved for any of the sort of “appropriateness” at issue with the current project. It therefore cannot be invoked as precedent for this infill project, which is out of proportion with any infill project we are aware of in this neighborhood.²

- Nor can the abutting houses at 1 and 2 Corliss Place be characterized as infills. They were built in 1874, the same time as the houses in front on Antrim Street. 1 Corliss had additions in 1999 and 2015 that were reviewed and approved by the MCNCD, and it therefore serves as precedent for a 2-story height limit for mid-block infills.
- Mr. Redmon, while saying that the infill was within the size and scope of neighborhood houses, referenced a slide in the presentation that showed a 2D birds-eye view of the neighborhood. He pointed to several surrounding infills on both Fayette and Antrim street. However, with the exception of 43 Antrim (which we have addressed already) all the other infills are 2 stories tall and not 3 stories tall. This might not be apparent to the commissioners when they looked at the 2D view from above, and may have given them a mistaken impression of size and scope. The infill as currently approved is 3 stories, and this forms the crux of the community objections. We want the infill reduced to 2 stories to match that of the surrounding infills.
- The MCNCDC’s finding that the “massing, siting, height, windows and decks were adjusted in response to the Commission’s feedback” is also insufficient. A finding that the revised proposal is slightly less inappropriate than a previous proposal is not the same as a finding that it is actually appropriate. If this determination is allowed to stand, developers will have every incentive to make the initial proposal wildly inappropriate in hopes of getting approval after trimming it back to something that is still too large and stylistically incongruous with its surroundings.
- Chairman Tony Hsiao noted the “passionate” character of the neighborhood opposition to the project as approved. He then asserted, without adducing any actual facts or statements by the neighbors, that no changes the MCNCDC could require would ever “be enough” for the neighbors. Leaving aside the condescending tone of this comment, it is simply inaccurate. Since the early meetings, the neighbors have made clear that they understand the right of private property owners to build on their property. We have consistently asked only that

¹ [https://urldefense.com/v3/__https://wayback.archive-it.org/all/20170330140613/http://*hul.harvard.edu/lib/archives/refshelf/cba/a.html__;Lw!!CUhgQOZqV7M!zZWlyk_GxTS1JGqnXHfoTJf_jZS90R6iZ8RVzcSkK4oFGa062eLLbe-j4HRfkPK21QsMzsz\\$](https://urldefense.com/v3/__https://wayback.archive-it.org/all/20170330140613/http://*hul.harvard.edu/lib/archives/refshelf/cba/a.html__;Lw!!CUhgQOZqV7M!zZWlyk_GxTS1JGqnXHfoTJf_jZS90R6iZ8RVzcSkK4oFGa062eLLbe-j4HRfkPK21QsMzsz$)

² At least three of the neighbors raised their (virtual) hands during this portion of the meeting to try to correct Mr. Redmon’s misstatement, and at least two of them emailed Allison Crosbie at the Commission at the same time to say that what was being said was incorrect. They were ignored.

the proposed structure be reduced to two stories – a position that the MCNDCDC at one point shared but has abandoned, for reasons it has not articulated.

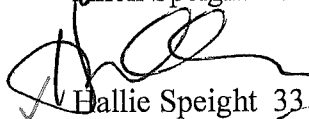
- Finally, and perhaps most important, the MCNDCDC has failed to explain why a project which, in substantially similar form the commission itself deemed to be “excessive infill,” “too much project for the location,” “a suburban house in an urban backyard,” and a project that “should be two stories, not three,” is suddenly entirely acceptable.³ Whatever minor tweaks to the design have been made between April and June have not resulted in the kind of substantial reduction that the MCNDCDC itself has asked the developer to make. The MCNDCDC has failed to follow through with its own requirements of the developer but has simply decided – whether from (understandable) fatigue or for some other reason – that what was unacceptable is now acceptable. This is the very definition of arbitrary and capricious, and the Historical Commission should not allow it to stand.


As we noted in our first appeal, there have been *no* public expressions of support for this project by neighbors during any of the meetings. At the August 2 meeting, in contrast, a letter signed by eighty people – all residents of Mid-Cambridge – voiced opposition. We are not categorically opposed to infill housing, despite the inaccurate characterization of Chairman Tony Hsiao. We simply want the project to be in keeping with the character of the neighborhood that we love, and in which some of us have lived for decades. To be very clear – all we are asking is that the building be reduced to two stories.

We thank you for reviewing our appeal.

Sincerely,


Allen Speight 33 Antrim Street


Hallie Speight 33 Antrim Street


Tony Hung 43 Antrim Street

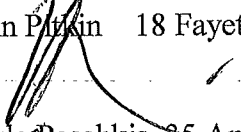
³ These are all comments by Commissioners cited in our previous appeal letter: According to the Minutes of the April 5, 2021 meeting of the MCNDCDC, all four commissioners present for this part of the meeting explicitly noted the incompatibly large size of the proposed structure and its poor fit given the character of this mid-Cambridge neighborhood. Commission Member Margaret McMahon remarked that it appeared to be “excessive infill”—“too much project for the location.” Commission Member Lestra Litchfield noted that the proposal was for “a 3,000-square foot, five bedrooms house behind a house...a suburban house in an urban neighborhood.” Commission Member Charles Redmon noted that the proposed structure was “larger than a carriage house”—“it should be 2 stories, not 3.” Commission Member Monika Pauli stated that “she would rather see a gable roof, a carriage house, so the massing would be less monumental” (MCNDCDC Minutes, 4/5/21, p. 4).

✓ Soojin Hung 43 Antrim Street



John Pitkin

✓ John Pitkin 18 Fayette Street



✓ Karla Paschkis 35 Antrim Street

Helen Snively

✓ Helen Snively 1 Fayette Park

Memo

✓ Mary Jane Rupert

Mary Jane Rupert 36 ANTRIM
George Despotes

✓ George Despotes 36 ANTRIM

✓ ALAN STONE 31 Antrim

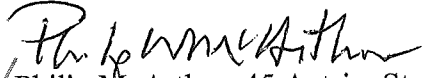


[ADDITIONAL SIGNATURES ON NEXT PAGE]

Signed,



✓ Amy Meltzer 45 Antrim Street



✓ Philip McArthur 45 Antrim Street

