



CAMBRIDGE HISTORICAL COMMISSION

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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, Kyle Sheffield, Susannah Barton Tobin, *Alternates*

Date: January 31, 2017

To: Cambridge Historical Commission members and alternates

From: Sarah Burks, Preservation Planner

Re: Draft Policy/Regulation Allowing Relocation of Potentially Significant 50+ Year Old Buildings to Achieve Conformity with Zoning Setbacks

The staff circulated the draft policy for comment to James Rafferty and Sean Hope, two local lawyers familiar with Cambridge's historic preservation and zoning ordinances. We received feedback from Sean Hope of Hope Legal Law Offices. Those comments are attached.

The goal of the new policy is to encourage preservation of significant older buildings by enabling administrative level approval of minor relocation of a building its lot in order to reduce or eliminate existing non-conformance with zoning setback dimensions. The zoning code restricts the as-of-right size of additions to existing non-conforming buildings, a circumstance that often has the effect of deterring property owners from renovating a historic building and persuading them to demolish the non-conforming building and building a new building to current zoning requirements.

The draft policy would authorize the Executive Director to approve requests to move a building on its lot by up to 3 feet in any direction, if the applicant has put forward a plan for the preservation of the building. Mr. Hope comments speak to two points,

1. Noting that moving the building on the lot to meet setback requirements would then allow for conforming additions with the issuance of a building permit and no demolition hearing or zoning relief request requirement,
2. Noting that zoning requirements for front yard setbacks is 10 feet in most residential districts and side yard setbacks are generally a minimum of 7.5 feet, would the Commission consider increasing the distance cited in the policy?

However, the staff opinion is that moving a building by 7.5 or 10 feet and thereby creating the option for a conforming addition could have a major impact on sun and shadow conditions for abutters. A modest adjustment of 3 to 4 feet feels more reasonable. Applicants would still have the option to apply for a demolition review hearing for moving a building a greater distance on a lot. A demolition hearing of the Historical Commission provides notice to the neighboring property owners and a forum for questions and comments to be heard.

Please see attached amendments to the draft policy and emails from Sean Hope.

REVISED DRAFT

REGULATION ALLOWING RELOCATION OF POTENTIALLY SIGNIFICANT 50-YEAR
OLD BUILDINGS TO ACHIEVE CONFORMITY WITH ZONING SETBACKS

Chapter 2.78, Art. II of the City Code provides that applications to relocate buildings fifty or more years old that have received an initial determination of significance by the Executive Director shall be reviewed by the Historical Commission as though the building were proposed to be demolished (Ch. 2.78.808.G).

The zoning ordinance first adopted in Cambridge in 1924 established arbitrary standards for setbacks that did not reflect neighborhood development patterns. Today's required front yard setbacks of 10, 15, 20 or 25 feet and side-yard setbacks of 7.5 to 15 feet make the vast majority of buildings over fifty years old non-conforming for dimensional reasons. Many buildings can achieve conformity by being relocated a short distance within the lot without detracting from the Commission's purpose of "preserving and protecting significant buildings." Conforming buildings may be more likely to be renovated than if they are non-conforming.

In consequence, the Commission adopts the following regulation:

The Executive Director or his designee is authorized to approve the relocation of potentially-significant 50-year-old buildings within their present lots to achieve zoning compliance, provided that:

- The building will be moved no further than 36" (or 48"?) from its present position in any direction;
- The proponent-applicant has submitted plans for staff approval showing the preservation or restoration of the structure-building to be moved, notwithstanding the removal of any ells or accessory-structuresubordinate structures that comprise less than 25% of the total buildingstructure by volume; and
- As provided in Ch. 2.78.090.H, the proponent's plans for the property have been filed with the Building Department and found to comply with all laws pertaining to the issuance of a building permit for that site.-

Cambridge Historical Commission
December 27, 2016January 31, 2017

Burks, Sarah

From: Sullivan, Charles M.
Sent: Wednesday, January 04, 2017 7:51 PM
To: Sean Hope
Cc: Burks, Sarah
Subject: RE: Proposed regulations

Sean,


Thanks for this and your earlier email; you raise some interesting questions and possibilities.

I'm going to suggest to Bill King that we take the communications we've received and whatever testimony is offered tomorrow and then continue the hearing to another meeting; I don't anticipate having a substantive discussion until later.

Charlie

Charles Sullivan, Executive Director
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From: Sean Hope [mailto:sdhope77@gmail.com]
Sent: Tuesday, January 03, 2017 10:27 AM
To: Sullivan, Charles M. <csullivan@cambridgema.gov>
Subject: Re: Proposed regulations

Hi Charlie,

Happy New Year. I was thinking about draft order for the historical commission. Would you consider increasing the distance to either 7'6" or 10'? The rationale is that 10' is generally the minimum front yard setback in most residential districts in Cambridge expect for Res B and A which are 15' and 25'. Also 7'6" is also generally the minimum sideyard setback as well. If you increased the distance to 10' you would cover structures that have either a zero front yard or sideyard setback and allow them to be conforming. I am just afraid that 36" might be too limiting. I am not thinking about any structure in particular but 10' might actually yield a better result and greater preservation of significant structures.

Best,

Sean D. Hope Esq.

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On Tue, Dec 27, 2016 at 11:37 AM, Sullivan, Charles M. <csullivan@cambridgema.gov> wrote:

Sean,

FYI, here are some draft regulations the Commission will consider at its January 5 meeting.

Charlie

Charles Sullivan, Executive Director

Cambridge Historical Commission

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Burks, Sarah

From: Sullivan, Charles M.
Sent: Wednesday, December 28, 2016 4:32 PM
To: Burks, Sarah
Cc: Bill King
Subject: FW: Proposed regulations

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From: Sean Hope [mailto:sdhope77@gmail.com]
Sent: Wednesday, December 28, 2016 1:28 PM
To: Sullivan, Charles M. <csullivan@cambridgema.gov>
Subject: Re: Proposed regulations

Thanks Charlie. The draft order regarding relocation of structures on a lot makes a lot of sense and would likely result in more building being restored rather than demolished. The second bullet point raises a question of whether a relocated building under this draft provision would be allowed a conforming addition by just applying for a building permit? For example what about a property that is not within a historic or conservation district and the Petitioner is administratively approved to relocate the structure on the lot less than 36" and commences some basic restoration on the property. The Petitioner would then be allowed to construct a conforming addition by applying for a building permit without any further review correct?

I ask because of Demolition review is sometimes used by neighbors and others as design review which may be a good or bad thing. This draft order would seemingly encourage renovation/restoration of non-conforming structures but may also allow for as of right additions. Was that the intention?

Best,

Sean D. Hope Esq.

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