

### III. Deliberations of the East Cambridge NCD Study Committee

Concern for the preservation of architectural resources in East Cambridge appeared soon after the founding of the Cambridge Historical Commission in 1963. An historic district was considered in 1975 but failed to receive community support. Current efforts to initiate a neighborhood conservation district commenced in 2018.

#### A. Origins of the Study

East Cambridge has long been identified as one of the city's oldest and most historic neighborhoods. It was the subject of the Commission's initial survey of Cambridge architecture conducted in 1964. In 1965 the Commission published *Report One: East Cambridge* of the Survey of Architectural History in Cambridge, and in 1975 it initiated a study of a potential local historic district under M.G.L. Ch. 40C. Working with a committee of East Cambridge residents, the Commission identified a study area that included properties on Winter, Gore, Otis and Thorndike Streets, connected by properties on Sciarappa Street. However, historic districts established under state law are relatively strict and the scope of their jurisdiction quite inflexible. The study committee's proposal generated stiff resistance, and the Commission abandoned the project.

A city-wide historic preservation planning effort that began in the late 1970s under the auspices of the National Register of Historic Places identified concentrations of significant buildings on Winter, Gore, Otis and Thorndike streets, and in 1983 the Winter Street, East Cambridge, and Sacred Heart districts were listed on the National Register.<sup>1</sup> In 1988 the Commission published a new book, *East Cambridge*, which expanded the 1965 publication and brought it up to date.

By 2018, development trends in the proposed study area seemed to indicate a rapidly increasing level of activity. Relatively few projects involving demolition were brought to the Commission from East Cambridge until 2016, when the number began to rise.<sup>2</sup> Of the 37 demolition permit applications received from the proposed study area since 1996, 22 were less than fifty years old or were found not significant by staff. The majority of the eight significant cases heard since 2000 have occurred in the past few years: three in 2016 and two before the study started in 2019.

In this same period, there was an apparent increase in the frequency with which properties were being purchased by investors and hastily renovated with little regard for exterior architectural appearance. The renovation of the 1846 Greek Revival house at 66-68 Otis Street that began in 2015 was a triggering event. Although some exterior detail had been lost in the 1940s, the exterior remained relatively untouched (though much of it was covered by artificial siding) until the property was acquired by a real estate development investment company that undertook a full gut renovation without regard for surviving exterior architectural details. After the renovation was underway, a group of Cambridge voters petitioned the Historical Commission to study the building for landmark designation, which was enacted by the City Council in 2017.

A group of concerned East Cambridge residents contacted CHC staff in the fall of 2018 about the possibility of establishing a neighborhood conservation district. In December 2018 CHC staff made an informational presentation to the East Cambridge Planning Team (ECPT), the

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<sup>1</sup> Listing on the National Register is primarily a planning tool and carries no restrictions on privately-funded projects

<sup>2</sup> The City Council enacted a city-wide demolition delay ordinance in 1979. Under this measure applications to demolish buildings more than fifty years old that the staff considers significant are brought before the Historical Commission to determine whether the public interest warrants delaying the project to explore the possibilities of preservation

designated community organization representing the area, explaining the preservation tools available to the community. After the presentation, residents asked CHC staff to meet with a working group to explore options to conserve the neighborhood's character. CHC staff and the working group met numerous times to discuss potential boundaries and jurisdiction of a neighborhood conservation district. The working group presented to the East Cambridge Planning Team on June 12, 2019 and received a vote of support to move forward with a petition requesting the appointment of a neighborhood conservation district study committee.

On June 17, 2019 CHC staff received a citizens' petition requesting the Commission to initiate the process of designating a portion of East Cambridge as a neighborhood conservation district under Ch. 2.78, Article III of the City Code. The Cambridge Election Commission verified that the petition contained ten or more names of registered voters, as required by the ordinance. CHC staff then advertised a public hearing for July 11, 2019 so the Commission could consider whether to accept the petition and initiate a study.

CHC staff recommended that the Commission evaluate the petition for its appropriateness in terms of the significance of the proposed district, the urgency and relevance of the conditions the petitioners seek to address, the relevance of the proposed remedies, and the suitability of the proposed boundaries. Staff urged that the boundaries of the proposed study area should be reduced to exclude the Lechmere MBTA station and the former Middlesex County Courthouse properties and made the following observations.

- “The staff believes that the proposed East Cambridge district may be suitable for study on the grounds that it is a geographically and architecturally coherent neighborhood with strong associations with the broad cultural, economic, and social history of the city. The proposed district contains many individually significant structures that stand in a remarkably consistent context of vernacular buildings.
- “Staff has observed that threats to the architectural integrity of this urban environment seem to be more frequent. At the same time, many if not still a majority of owner-occupants have modest means and sometimes more pressing concerns than historic preservation. Regulatory measures should be limited to major construction issues that threaten the conservation of the neighborhood as a whole. Whenever possible, residents should be supported in their aspirations for unfettered homeownership.
- “While the volume of demolition permit applications in East Cambridge has been very low overall, the trend is distinctly increasing. Information on trends in property values and building permit applications is not readily available, but anecdotal evidence and direct observation indicates a steadily rising level of activity in recent years. Recent projects in the neighborhood have been of a larger scale than the original houses in the area, raising concerns with some property owners over the height and footprint of renovated or newly constructed houses. Some residents are concerned with the rapid redevelopment and quick renovations done by outside investors.”

At the July 11, 2019 Cambridge Historical Commission hearing, the East Cambridge resident group explained their justification of the boundaries and discussed their concerns over unsympathetic development in the area, which seemed to be driven mainly by proximity to large-scale developments at the perimeter of the neighborhood. Members of the Commission responded that the group reach out to not only property owners, but also renters, new property owners, and the

business community along Cambridge Street. The Commission declined to accept the petition and urged the proponents to conduct further outreach to demonstrate community support for a study.

The East Cambridge resident group presented to the East Cambridge Business Association (ECBA) on September 10, 2019. Staff attended the meeting to answer questions. The resident group also printed roughly 600 flyers and canvassed the neighborhood to publicize a meeting to be held at the Sacred Heart Parish Hall on September 18, 2019. CHC staff scheduled a new public hearing for October 3, 2019 and included the flyer on the reverse side of 1,300 notices mailed to property owners in the study area for the event. Additional notice of the September 18th neighborhood meeting was posted in commercial properties throughout the neighborhood and online via the East Cambridge Planning Team.

The East Cambridge neighborhood meeting on September 18th was well attended and over 32 individuals signed a sign-in sheet at the event. The study proponents described the boundaries as well as intent of the proposed conservation district. Staff attended the meeting to answer questions.

At the October 3 hearing CHC staff advised that the East Cambridge resident group had done everything within reason to inform the neighborhood about the proposed NCD district and recommended that both the Middlesex County Courthouse site (40 Thorndike) and the Lechmere MBTA Station site be removed from the study area because the sites were adequately governed by existing public processes. The Commission voted to accept the petition with the staff recommendation on boundaries and to adopt interim guidelines for review based on those in effect in the Half Crown-Marsh NCD (for residential areas) and the Harvard Square Conservation District (for the business district).<sup>3</sup>

The Historical Commission's jurisdiction over issuance of building permits went into effect immediately. The staff canvassed the community to generate interest in appointments to the study committee, which would consist of four neighborhood residents or property owners and three members of the Historical Commission. Fourteen candidates presented themselves for consideration and were interviewed by CHC staff and a representative of the City Manager's office to select four individuals with roots in the community who would represent a range of views on different aspects of the conservation district question.

City Manager Louis DePasquale appointed the members in December 2019 and the East Cambridge Neighborhood Conservation District Study Committee began meeting in person at the East End House in January 2020.

The initial meetings examined the architectural history of East Cambridge, different approaches to historic preservation, and goals and guidelines for conservation districts. However, after three monthly meetings and a walking tour, the emergency suspension of public meetings in March 2020 during the COVID-19 pandemic led to a suspension of all activities and meetings for the rest of the year.

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<sup>3</sup> See below for a description of the initial guidelines.

On September 10, 2020 the Historical Commission voted to renew the study for an additional year, thus extending its jurisdiction over issuance of building permits until September 9, 2021. However, the moratorium on public meetings was still in place, and the City Manager decided that virtual meetings of the study committee should not resume until arrangements could be made for live broadcast over the city's cable-TV channel. While this was being arranged CHC staff arranged for delivery of notices to all 1,200 property owners by first class mail and to about 5,000 households in the eastern part of Cambridge with a mass mailing.

Deliberations of the study committee resumed in January 2021. Meetings were conducted remotely on the Zoom platform and were broadcast live on CityView 22, Cambridge's public access channel and continued on a monthly basis. Due to the long hiatus and because many viewers may not have attended the 2020 meetings, the initial discussions covered much of the same ground. Votes were taken on the question of whether to resume or terminate the study; whether to exclude the Business B zoning district from the study; and whether to confine the study to areas and buildings listed on the National Register of Historic Places. In each case the committee voted to continue with the study boundaries and jurisdiction as originally adopted. While meetings during the second phase of the study had to be concluded within the two-hour broadcast window afforded by CCTV, public comments were truncated on only a few occasions.

Discussions of conservation and development goals and secondary goals for the proposed district occupied a number of meetings. The committee kept returning to the topic in order to refine the language that would be the basis for all NCD commission decisions. The overall goal statement and most of the secondary goals were rewritten several times as committee members deepened their understanding of the issues facing the community.

Substantial time was also given to discussing matters of jurisdiction. The goal in this case was to craft a scope of jurisdiction that would address the matters of primary concern for conservation, such as demolition, new construction, and certain irreversible alterations, while allowing property owners freedom to maintain and upgrade their properties in ways that do not detract from neighborhood conservation goals. The committee also discussed whether properties on the National Register should be treated differently than those that have not been so designated, whether certain determinations could be non-binding (advisory), and to what extent staff should be authorized to approve alterations without a public hearing.

The study committee continued to meet after the interim jurisdiction of the Historical Commission ended on September 10, 2021. A draft of the preliminary report was presented and discussed on October 20, 2021, and the committee decided ... [to be continued]

## B. Options for Conservation

The options for neighborhood conservation in East Cambridge are outlined in Section II of this report. Excluding establishment of a neighborhood conservation district, the remaining proactive approach to preservation would involve individual landmark designations under Ch. 2.78, Article III of the City Code. In the absence of designations, the status quo is represented by the city's demolition delay ordinance.

Landmarks are designated under the same section of the City Code as NCDs, except that the Cambridge Historical Commission conducts the study. Landmark designation studies can be initiated by the Commission on its own motion or by a petition of ten registered voters. The Commission acts as the study committee. Studies are prepared by the staff, and if approved by the Commission are forwarded to the City Council for adoption.

Cambridge currently has 42 individually-designated landmarks. In East Cambridge these include the former Lechmere National Bank at 225 Cambridge Street; St. Francis of Assisi Church at 325 Cambridge Street; the Jones-Hall houses at 66-68 Otis Street; and the former Third Congregational Church at 101 Third Street. Immediate candidate for landmark designation might include the seven structures individually listed on the National Register of Historic Places, as well as many of the approximately 125 contributing buildings in National Register districts.

While landmark designations are an essential preservation tool, they are not effective on a neighborhood scale. Designating large numbers of buildings one by one is administratively burdensome. The significance of a neighborhood is greater than the sum of its individual structures, and conservation of neighborhoods requires designation of structures within a defined boundary.

Reliance on the status quo would leave demolition permit reviews under Ch. 2.78, Article II as the only protection for buildings in the neighborhood. Development trends in the proposed study area seem to indicate a rapidly increasing level of activity. While the volume of demolition permit applications in East Cambridge has been low overall, the trend is distinctly increasing. Demolition permit reviews are important tools for protecting individual buildings, but like individual landmark designations they are not effective for neighborhood conservation.

### C. Conservation and Development Goals

The goal statement and secondary goals of a neighborhood conservation district describe the aims of the NCD commission and provide a basis for decisions regarding applications for certificates of appropriateness, non-applicability, or hardship. They are incorporated into the Order establishing the district and are meant to be referenced in the findings that will be made by the NCD commission in each case that comes before it.

The complexity of the urban environment and the broad range of issue that come before an NCD commission require a general goal statement that is broad and all-encompassing. The goal statement is aspirational, not prescriptive; it is meant as guidance, and is not intended to foreclose decisions that the NCD commission, in its collective judgement, might find appropriate in a particular situation.

The Study Committee reviewed the goals of other NCD commissions in Cambridge and after extensive discussion over several meetings agreed that the following statement best expressed their aspirations for the future development of the neighborhood:

**The East Cambridge Neighborhood Conservation District is an instrument of cohesiveness that aims to protect not only the historically significant architecture but also the dynamic social fabric of a diverse community. As a collective voice of the neighborhood, the goal of the 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 East Cambridge Neighborhood Conservation District Commission will seek to conserve significant structures and features where they exist while encouraging architectural diversity and individualized alterations that respect the vibrant and eclectic character of the neighborhood. The Commission will seek to maintain the present diversity of development and open space patterns (including green canopies where possible) and building scales. It will acknowledge the growing demand for housing in the community at large by accommodating greater density where appropriate and by preserving the existing housing stock of the neighborhood where possible.

Secondary goals are intended to provide general guidance to the NCD commission in a wide variety of situations. They are not intended to be applied to every project; they are statements of policy, not prescriptive measures that must be applied equally in each situation. In making decisions, commissioners may debate how a project meets or violates individual goal, and which should be cited in approving or denying applications for Certificates of Appropriateness.

- 1) **Conserve the diverse architectural character of the district by retaining historic structures, including 19th century workers' houses and buildings that reflect the diverse social fabric characteristic of the neighborhood. Protect significant civic and institutional buildings.**
- 2) **Allow for architectural diversity and individualized alterations while respecting the traditional housing stock of the neighborhood.**
- 3) **Retain significant architectural features, including but not limited to roof pitches, historical architectural elements, and traditional solid vs void configurations.**
- 4) **Support additional housing construction and density when appropriate, based on the nature and size of the lot and its surroundings.**
- 5) **Encourage contemporary design that respects surrounding context yet differentiates itself as belonging to the present day.**
- 6) **Revitalize the commercial environment of Cambridge Street by preserving or restoring architecturally significant building fabric. Where such fabric no longer exists, support creative, appropriately-scaled contemporary designs for remodeled storefronts and in new construction. Maintain consistent height of storefronts to match existing average heights and proportions.**
- 7) **Protect significant buildings on Cambridge Street while supporting construction on open lots and underdeveloped sites as allowed by zoning.**
- 8) **Encourage trees and greenery (especially vines and pergolas, typical of the history of the neighborhood) to enhance landscape amenities and limit new impervious paving to mitigate negative climate impacts on the neighborhood. Encourage preservation of stone retaining walls as well as**

**historic lighting fixtures. Encourage provision of public amenities such as accessible brick pavers on reconstructed sidewalks as well as benches and street trees.**

- 9) Encourage low fences to protect public views of houses and through yards, while permitting flexibility to enhance privacy and minimize the adverse visual effect of trash containers and mechanical equipment.**

There was significant debate among committee members about the conflicting nature of the goals and their potential to confuse applicants and commissioners. However, each neighborhood conservation district in Cambridge operates with a similar goals statement, and this approach has proven effective in enabling commissions to construct legally defensible findings to support their decisions.

#### D. Alternative Models for Jurisdiction

One of the primary tasks of an NCD study committee is to craft an approach to regulation that imposes the least burden on applicants while accomplishing the goals of the district. Except for regulation of exterior color, the jurisdiction of a neighborhood conservation district commission under the Ordinance is potentially every bit as strict as an historic district commission under state law. The study committee must calibrate the extent of jurisdiction and level of authority that a future NCD commission will be allowed to exercise to best meet local conditions.

The East Cambridge NCD Study Committee's debate about jurisdiction in residential areas took place on three levels: a) the types of activities that should be regulated to conserve the character of the neighborhood, including activities that could be excluded from review; b) whether properties not on the National Register should be allowed a less comprehensive level of review, and c) whether certain reviews should not be binding on the applicant.

##### 1. Jurisdiction

Neighborhood conservation district commissions potentially have the authority to regulate all publicly visible alterations (except color) as well as demolitions and new construction. However, the enabling ordinance provides that:

*Nothing in this chapter shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature ... within a neighborhood conservation district which does not involve a change in design or material or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition (2.78.200).*

The Ordinance also allows certain features to be excluded from review (2.78.090.B):

*The order designating or amending a landmark or neighborhood conservation district may provide that the authority of the Historical Commission or neighborhood conservation district commission having jurisdiction shall not extend to the review of one or more of the following categories of structures or exterior architectural features of the landmark or within the neighborhood conservation district in which event the structures or exterior architectural features so excluded may be constructed or altered without review by the Commission:*

1. *The application of exterior wall material in a manner that does not require the removal or enclosure of any cornice, fascia, soffit, bay, porch, hood, window or door casing, or any other protruding decorative element;*
2. *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;*
3. *The exterior appearance of a new structure that does not require a variance or special permit under the zoning ordinance then in effect;*
4. *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;*
5. *Terraces, walks, driveways, sidewalks and similar structures substantially at grade level;*
6. *Walls and fences;*
7. *Storm doors and windows, screens, window air conditioners, lighting fixtures, antennae, trelliswork and similar appurtenances;*

The Ordinance further allows that

*a neighborhood conservation district commission may determine from time to time after a public hearing that certain categories of exterior architectural features or structures, including, without limitation, any of those enumerated in this section, if the provisions of the applicable order do not limit the authority of such commission with respect thereto, may be constructed or altered without review by such commission without causing substantial derogation from the intent and purposes of this article (2.78.090.C).*

## 2. National Register Status

National Register status is a convenient but imperfect tool for sorting buildings by their architectural and historical significance. Properties were last assessed and listed in the early 1980s.

Boundaries of National Register districts are somewhat arbitrary, and selection criteria tended to favor buildings that were built for upper-middle class families and that survived with their architectural features more or less intact until the time of designation. Buildings that were less ornamented, more utilitarian, or heavily altered tended to be excluded from National Register designation even though as a group they contributed to neighborhood character. Nevertheless, most National Register buildings are valuable to the character of the district. The question then becomes whether non-National Register buildings should be regulated as extensively or in the same way.

## 3. Non-Binding Review

Non-binding review is a jurisdictional tool used in the Mid Cambridge and Avon Hill neighborhood conservation districts. In both cases it allows the NCD commissions or CHC staff to engage



with owners of non-National Register buildings or those applying for significant but less-important changes to their properties without ultimately forcing compliance with the Commission's decisions.

In the Mid Cambridge NCD the following rules apply:

Binding review by the Commission:

- New construction.
- Additions more than 750sf or enlarging floor area more than 33%.
- Demolition of more than 33% of a structure.
- Any alterations to National Register or publicly-owned buildings

Non-binding review by the Commission:

- New construction and additions between 150 and 750sf.
- Alterations involving removal of historic decorative elements, changes in size or location of doors or windows.
- Changes in the configuration of a roof

Exemptions from review:

- Additions less than 150sf; demolition of garages; fences; paving; solar panels; skylights; alterations not involving historic features or openings.
- Ordinary maintenance, repairs, interiors, exterior features not publicly visible

The Avon Hill NCD has a slightly different approach in that non-binding reviews are conducted by the staff:

Binding review by the Commission:

- Exterior alterations to National Register Properties.
- New construction.
- Additions more than 300sf or enlarging lot coverage to more than 35%.
- Demolition of any structure larger than 150sf.
- Vinyl or aluminum siding or windows.
- Alterations to bay windows, porches, and roofs, including dormers.

Non-binding review by the staff:

- Alterations for buildings not on the National Register, such as window reconfiguration, gutters, skylights, solar panels, and qualifying additions.

Exempt from review:

- Alterations not affecting historic features or roof shape.
- Driveways and terraces outside the NR District

- Walls and fences less than 4' high in front, less than 6' high elsewhere
- Temporary structures, play equipment, statuary
- Ordinary maintenance, repairs, interiors, exterior features not publicly visible.

While non-binding review by the commission (as in Mid Cambridge) can be an exercise in frustration for commissioners, applicants, and staff, in many cases it has been a productive process that exposes the parties to the technical expertise offered by the commission and allows abutters to ask questions and offer input. Non-binding review by staff (as in Avon Hill), combined with staff outreach and counseling of applicants, can enhance outcomes while minimizing delays and expense to property owners.

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