

An Order Establishing the Half Crown-Marsh Neighborhood Conservation District

WHEREAS The Half Crown Neighborhood Conservation District and the Marsh Neighborhood Conservation District are two previously separate neighborhood conservation districts established pursuant to Article III of Chapter 2.78 of the City Code by orders of the City Council dated April 9, 1984 and December 18, 2000, respectively; and

WHEREAS, consistent with the provisions of Section 2.78.180 of the City Code relative to amendments to neighborhood conservation districts, separate study committees have been appointed, have met jointly (as the “Half Crown-Marsh Neighborhood Conservation District Consolidation Study Committee”) and have approved a Final Report recommending the consolidation (the “Consolidation”) of such two separate neighborhood conservation districts, following which the Cambridge Historical Commission has, after a public hearing, approved such report and recommended an order by the City Council to effect the Consolidation;

NOW, THEREFORE, IT IS ORDERED by the City Council of the City of Cambridge as follows:

I. Designation of The Half Crown-Marsh Neighborhood Conservation District.

Pursuant to Section 2.78.180 of the Code of the City of Cambridge, there is hereby designated, effective upon the Consolidation Effective Date (defined below), as a neighborhood conservation district The Half Crown-Marsh Neighborhood Conservation District heretofore comprising the separate Half Crown Neighborhood Conservation District and Marsh Neighborhood Conservation District and containing the areas having the boundaries set forth on the map entitled “The Half Crown-Marsh Neighborhood Conservation District, ” which District shall be administered by a commission to be known as “The Half Crown-Marsh Neighborhood Conservation District Commission” appointed by the City Manager pursuant to Section 2.78.160.A of the City Code. The reasons for the designation of the District are those set forth in the Final Report of The Half Crown-Marsh Neighborhood Conservation District Consolidation Study Committee dated April 28, 2006 and approved by the Cambridge Historical Commission following a public hearing on June 1, 2006, which reasons shall guide the Commission in its administration of the District. As used in this Order, unless the context otherwise requires, the entire area subject to this Order is referred to interchangeably as the “Neighborhood” or the “District.”

II. Membership.

Pursuant to Section 2.78.160.B, the Half Crown-Marsh Neighborhood Conservation District Commission (hereafter, the “Commission”) shall consist of five members and three alternates. The members shall include three residents of the Neighborhood, not less than two of whom shall be homeowners; one Neighborhood property owner (who may or may not be a Neighborhood homeowner); and one member or alternate of the Cambridge Historical Commission. The three

alternates shall all be Neighborhood property owners. At least two of the members or alternates shall have professional qualifications in real estate, architecture, or historic preservation; and at least one other member or alternate shall have professional qualifications in landscape architecture, urban planning, law, or geotechnical engineering. The members of the Commission shall be appointed with regard to the diverse viewpoints expressed in the creation of the District, with representation so far as is practicable from both predecessor Half Crown and Marsh sections of the District. Prior service as a member or alternate of either of the two predecessor neighborhood conservation district commissions shall not constitute prior service on the Commission for purposes of limits upon terms set forth in the last sentence of City Code Section 2.78.160.B.

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.

2. *Demolition of an existing structure.*

In evaluating an application to demolish a structure, the Commission shall review and consider each of the following factors:

- a. the architectural and historical significance of the structure of which any portion is to be demolished;
- b. the physical condition of the structure and its subsoil conditions and practical restoration or repair alternatives to demolition that might be available using modern techniques and materials;
- c. the design of any proposed replacement structure;
- and
- d. if made, a claim of substantial or other hardship.

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.

IV. Review Authority.

Pursuant to Section 2.78.190.B of the City Code, the Commission shall review all construction, demolition or alteration that affects the exterior architectural features, other than color, within the District that is visible from any public way in Cambridge or in Boston. The authority of the Commission shall be binding except with regard to the categories of structures or exterior architectural features identified in Section V below.

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:

- A. 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.

B. 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.

C. Storm doors and windows, screens, window air conditioners, trelliswork and similar appurtenances.

D. 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.

E. 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.

F. Permanent exterior lighting provided that it is installed in a manner that will prevent direct light from shining onto any adjacent property.

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

VI. Determinations by the Commission.

The Commission shall make its determinations within 45 days after the filing of a complete application for a certificate of appropriateness, nonapplicability, or hardship, or such further time as the applicant may in writing allow.

Any completed application not acted upon within such period shall be deemed to be approved.

In no case shall a building permit be issued until the Commission has made a determination under the applicable provisions of Article III of Chapter 2.78 of the City Code.

VII. Coordination with other agencies and boards.

The Board of Zoning Appeal, the Commissioner of Inspectional Services, the Half Crown-Marsh Neighborhood Conservation District Commission, and other city boards, agencies and officials are directed to coordinate all review, hearing, permitting and other procedures relative to physical changes with the District to the extent practicable, consistent with their respective responsibilities and with the "Objectives and Principles for the Half Crown-Marsh Neighborhood Conservation District," "General Criteria," and "Specific Factors to be Considered" set forth in Section III above. In addition, the Half Crown-Marsh Neighborhood Conservation District Commission shall call to the attention of appropriate governmental agencies apparent ongoing violations of provisions of codes or ordinances administered by those agencies.

VIII. Ordinary Maintenance and Repair.

Nothing in this Order shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature or structure within the District which does not involve a change in the design, material, or outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any construction or alteration under a permit duly issued prior to the effective date of this Order.

IX. Report to City Council.

The Cambridge Historical Commission shall submit a report, not later than the fifth anniversary of the Consolidation Effective Date, to the City Manager and the City Council summarizing the activities of the Half Crown-Marsh Neighborhood Conservation District Commission during the four years following the Consolidation Effective Date. In preparing this report, the Cambridge Historical Commission shall hold a public hearing to determine the opinion of neighborhood residents. The report shall also submit any recommendations that the Historical Commission may have with respect to amending the powers, responsibilities and procedures of the Half Crown-Marsh Neighborhood Conservation District Commission and-or other provisions of this Order affecting the District.

X. Consolidation Effective Date; Transition; Severability.

A. Consolidation Effective Date.

The Consolidation shall be effective upon the later (“Consolidation Effective Date”) of the dates (i) upon which both a copy of this Order and the Map are recorded with the Middlesex South District Registry of Deeds and (ii) the City Manager appoints the initial members of the Half Crown-Marsh Neighborhood Conservation District Commission as provided in Section II of this Order. Upon the Consolidation Effective Date (subject to Subsections X.B and C below), the respective authorities of the Half Crown Neighborhood Conservation District Commission and of the Marsh Neighborhood Conservation District Commission shall cease and the orders establishing the Half Crown Neighborhood Conservation District and the Marsh Neighborhood Conservation District shall cease to be effective; provided, however, that all certificates of appropriateness, nonapplicability and hardship issued prior to the Consolidation Effective Date by either such predecessor commission shall continue in full force and effect.

B. Transition.

With respect to any completed application for a certificate of appropriateness, nonapplicability or hardship relative to any property in the predecessor Half Crown or

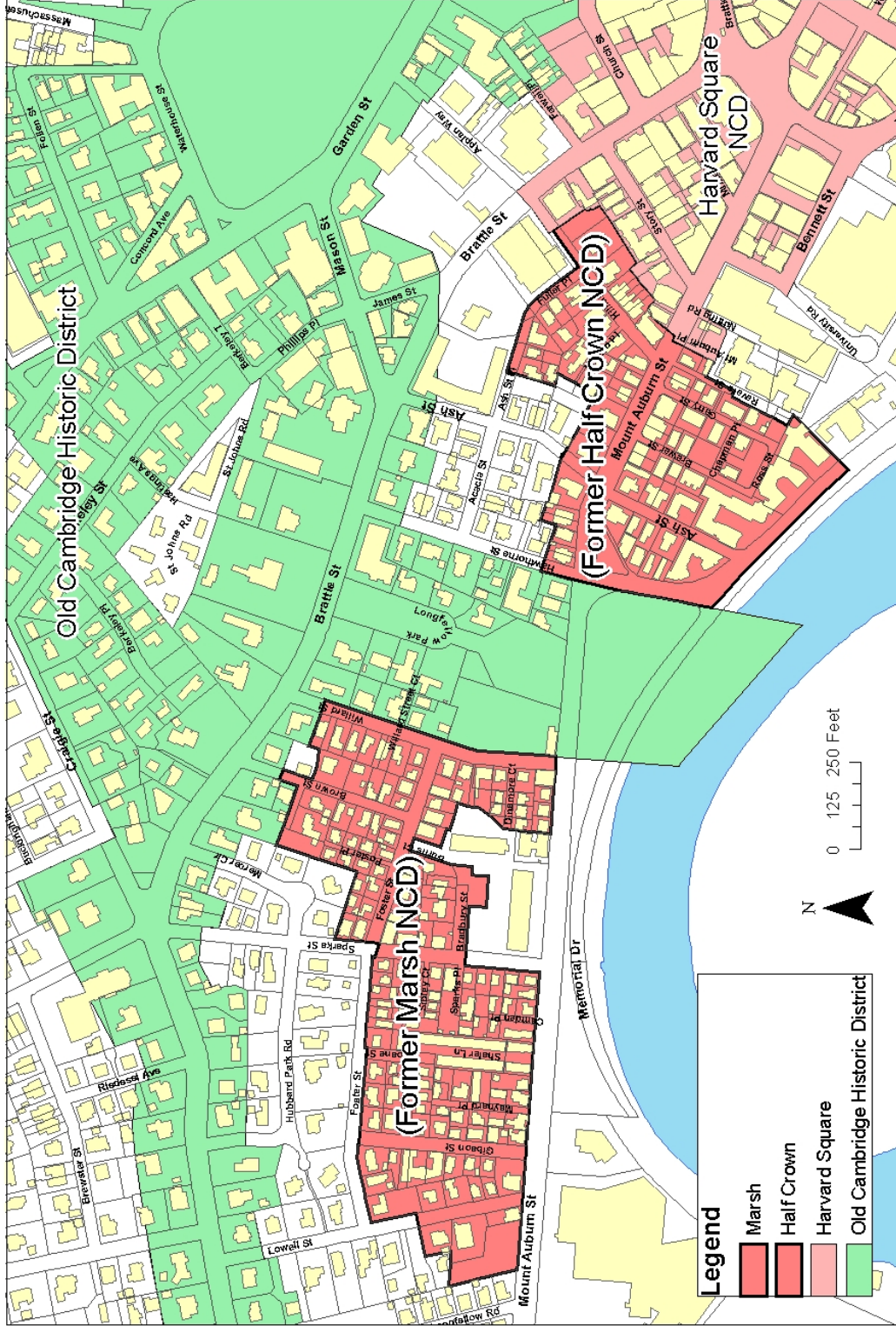
Marsh sections of the District that is filed with the staff of the Cambridge Historical Commission prior to the Consolidation Effective Date, the Half Crown-Marsh Neighborhood Conservation District Commission shall apply the general and specific objectives, factors to be considered, and exemptions contained in the respective order establishing the predecessor Half Crown Neighborhood Conservation District or Marsh Neighborhood Conservation District, as the case may be, to such application if it determines that such objectives, factors or exemptions differ substantively from those set forth in Section III or Section V of this Order.

C. Severability.

The provisions of the orders establishing the Half Crown Neighborhood Conservation District and the Marsh Neighborhood Conservation District shall continue in full force and effect if any of the provisions of this Order shall be held to be invalid or unconstitutional by any court of competent jurisdiction.

XI. Map.

The Half Crown-Marsh Neighborhood Conservation District as adopted by Order of the City Council, July 30, 2007.



Half Crown - Marsh Neighborhood Conservation District
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