

**Five Year Status Report
to the Cambridge City Council and the
City Manager, Robert W. Healy**

**on the Activity and Effectiveness of the
Harvard Square Conservation District**

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Cambridge Historical Commission

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I. Introduction

On December 18, 2000, the Cambridge City Council, by a unanimous 9-0 vote, adopted an Order establishing the Harvard Square Conservation District (see Appendix A, Harvard Square Conservation District Order). Among the provisions of the Order was a requirement that the Historical Commission hold a public hearing and submit a report on the effectiveness of the first five years of the District, with a recommendation to the City Council as to whether the Order establishing the District should continue in effect, continue in effect with amendments, or be repealed. The reason for including this requirement in the Order was to ensure that the District continued to meet the objectives set forth in final study report and to provide an opportunity for amendments to be introduced after the District had been in effect for a reasonable period of time.

The Harvard Square Conservation District, bounded by Massachusetts Avenue and Mount Auburn, Eliot, Bennett, Story, and Church streets, contains approximately 195 buildings. Within this District the Commission has binding review over demolition, new construction, and publicly visible exterior alterations to existing buildings, and can, in appropriate cases, impose dimensional and setback requirements in addition to those required by zoning. In making its decisions, the Commission follows guidelines intended to preserve historic resources while encouraging the social, economic, and architectural diversity that characterizes the Square. The Commission collaborates with the Harvard Square Advisory Committee on large projects that require special permits in the Harvard Square Overlay District.

The initial impetus for the Conservation District was a July 31st, 1995 City Council directive that the Commission "submit a plan...for a Harvard Square Historic District which would preserve and protect all remaining historical buildings in Harvard Square." This Council Order was adopted during the controversy over the proposed redevelopment of the Read Block and the displacement of its retail and commercial tenants, including The Tasty, a popular lunch counter with a wide following. This was only the most recent event in the gradual demolition of wood-frame commercial buildings in the square. The Read Block/Tasty debate was a turning point in the on-going discussion about development in the Square because it heightened public awareness of the fragility of its older buildings and sharpened the discussion about the meaning and limitations of historic preservation.

A study committee appointed by the City Manager first considered the area for designation as an historic district under Ch. 40C of the General Laws. The Commission's October 1999 recommendation to the City Council to establish a Harvard Square Historic District under M.G.L. Ch. 40C and related amendments to the Zoning Code expired at the end of the Council term. In June 2000 the City Council passed a new Order asking that the City Manager "direct the Historical Commission ... to prepare an alternative version of the proposed Harvard Square Historic District ordinance using the neighborhood conservation district model." The same members were reappointed as a new study committee in September 2000 (giving the Commission interim jurisdiction while it formulated a recommendation), and they determined that the neighborhood conservation district established under Ch. 2.78 of the City Code could be as effective in accomplishing historic

preservation goals as a historic district, and could be more flexible and efficient than an historic district in a variety of respects, including the ability to delegate certain approvals to the Executive Director.

On October 7, 1999 the Harvard Square NCD Study Committee recommended the establishment of a neighborhood conservation district under Ch. 2.78, Article III of the City Code. The committee also recommended amending several existing provisions of the codes: (a) the zoning ordinance, to maintain the existing density allowed in the Harvard Square Overlay District; (b) Ch. 2.78, Article III, to clarify its appeal provisions and to extend the time within which action must be taken; and (c) the Historical Commission ordinance (Ch. 2.78, Article I), to provide for a Harvard Square representative on the Commission. The District was established on December 18, 2000 and the amendments to the Zoning Code went into effect soon thereafter. However, the City Council took no action on the amendments to Ch. 2.78. These amendments are described more fully in Section IX, Recommendations for Amendments.

II. Historical Background and Architectural Significance

Harvard Square originated in 1630 as the village of Newtowne, a settlement that was intended by the Proprietors of the Massachusetts Bay Colony to be their capital. Today, the Square retains landscape features and buildings from every period of its development, and displays a rich mix of architectural forms and historical sites in a dynamic commercial and residential setting.¹

Alone among the early colonial towns, Newtowne was laid out on a grid plan of straight streets intersecting at right angles; befitting a capital, houses were required to “range even”, with uniform setbacks. Although the General Court moved to Boston in 1634, it located the Colony’s first college in Newtowne in 1636, and the town changed its name to Cambridge in 1638. Harvard College was founded in a former cattle yard north of the village center, which was clustered on a hilltop closer to the river. Gradually the center of the village moved toward the college, and present-day Harvard Square became the administrative center of both the town of Cambridge and Middlesex County. Still surviving from the 17th century are the original street plan, with Winthrop Square, the early town marketplace, at its center, and the stone retaining walls along Winthrop and South Streets.

During the Revolution, Cambridge became the first headquarters of the American Army. General Washington was quartered at Wadsworth House, and then at the present Longfellow House on Brattle Street. The William Brattle House at 40 Brattle Street (1726), the Rev. East Apthorp House (1760), and the John Hick House at 64 J.F. Kennedy Street (1762) are important survivors of this period.

The construction of the West Boston Bridge in 1793 shortened the overland route to Boston from 8 to 3½ miles, and opened Cambridge to suburban development. In the first decades of the 19th century Harvard became an agent for change, providing faculty with

¹ The Final Report of the Harvard Square Historic District Study Committee, upon which this report is based, contains an extensive discussion of the history and significance of the Square.

the means to construct large homes and contributing to the enclosure of the Common as a public park. In the village proper, modest frame houses such as 98 Winthrop Street (ca. 1795), 17 South Street (1826), and 69 Dunster Street (1829) sheltered families who worked on the College Wharf, at the gas works, or on the omnibus lines that provided frequent transportation to Boston. As the century progressed, more elaborate Greek Revival houses were constructed, including 53 Dunster Street (1841) and 41 Winthrop Street (1845).

After the Civil War, Harvard Square became a transportation hub for suburban towns west of Boston. Horse-drawn streetcars supplanted the omnibus lines in 1854, and were electrified in 1892. An important remnant of the horse-car period is the Union Railway stable at the corner of Mount Auburn and Dunster Street (1860). This building continued in transportation use as an automobile battery-charging station and then as a parking garage before becoming a shopping mall in the 1970s. Another survivor of this period is the former police station on Church Street (1864)

The transformation of Harvard University into an institution of national standing, coupled with the University's policy of encouraging undergraduates to find their own housing, led private investors to construct a number of private dormitories beginning in 1876. Gradually the most expensive of these concentrated on Dunster, Linden, Plympton, and Bow streets, while the construction of exclusive student clubs caused Mount Auburn Street from Dunster to Plympton Street to be called the Gold Coast. Some of the larger private dormitories from this period, such as Claverly Hall (1892), The Craigie (1897), Randolph Hall (1897), the first Cambridge Savings Bank building (1897), Westmorely Hall (1898), and Hamden Hall (1902) contained amenities such as elevators, squash courts, and swimming tanks that were rivaled only in Manhattan apartment houses. In the rush to cash in on the demand for student housing, older buildings were converted to private dormitories. The most prominent of these, The Fairfax (1869-1885) contains the most significant storefront in Harvard Square, the Art Nouveau facade at 1304 Massachusetts Avenue (1907).

The Harvard finals clubs were an integral part of the Gold Coast and introduced some of Harvard Square's most sophisticated architecture. Most, such as the Delphic Club (1902), the Iroquois (1916), and the Spee (1931), are small brick buildings fashioned after English clubs, but the Fox Club (1906) is a frame building in the Georgian Revival style. Other clubs, such as the Signet Society (1820, 1902) and the Pi Eta (1846), adapted much older buildings. The original Pi Eta club on Winthrop Square (1908) has since been converted entirely to commercial use.

The construction of the Cambridge Subway between 1909 and 1912 cemented Harvard Square's relationship with downtown Boston. Some merchants lost business, but the subway stimulated construction of the Abbot Building (1909) and the Brattle Building (1913), and, after World War I, the Cambridge Savings Bank (1923) and the Harvard Coop (1924). During the Depression, local real estate entrepreneur George L. Dow assembled properties in Brattle Square and remodeled a miscellaneous group of 19th-century stores into an Art Deco shopping block (1936-1941).

Preservation became a priority in the late 1960s after Harvard University demolished several private dormitories, a club, and some commercial buildings to put up Holyoke Center (1961-1965). The Cambridge Historical Commission undertook the Survey of Architectural History in Cambridge in 1964, and published *Report Four: Old Cambridge*, which included Harvard Square, in 1973. A demolition delay ordinance was enacted in 1979, and in the same year an overlay district (which was substantially strengthened in 1986) was established to review applications for special permits. Finally, Harvard Square was placed on the National Register of Historic Places in 1988.

In the 1970s, the intense controversy over the proposed John F. Kennedy library and museum did not abate when the Charles Hotel and the Kennedy School of Government were built on the site instead. Harvard Square became a nationally-known tourist destination during this decade, and successive real estate booms brought pressure on under-utilized sites. New buildings at 1280 Massachusetts Avenue (1985) and One Brattle Square (1988-1992) illustrated the possibilities of contextual design in the former case and the dangers of over-development in the latter. Proposals for the redevelopment of the Read Block (1780-1896) in 1996 and four properties on Winthrop Square (1876-1927) in 1997 were encountered in a stronger regulatory environment and resulted in new construction and facade restoration in one case and adaptive reuse in the other.

III. Conservation District Goals and Administration

The City Council request that the Commission consider establishing an historic district “to preserve and protect all remaining historical buildings in Harvard Square” occurred during the debate over the Read Block and Winthrop Square. The study committee’s initial proposal for an historic district under state enabling legislation was opposed by property owners and the business community because it was unclear who would have standing to appeal Commission decisions. Finally, in December 2000 the City Council adopted a neighborhood conservation district under a local ordinance.

The goals of the new District represented a careful balancing of the property owners’ desire to retain the development potential represented by 4.0 FAR provisions of the zoning code, the retailers’ need for flexibility to devise fresh and creative signs and storefronts, and the community’s interest in preserving the character of the square:

The goal of the Harvard Square Conservation District ... is to guide change and encourage diversity in order to protect the distinctive characteristics of the District’s buildings and public spaces, and to enhance the livability and vitality of the District for its residents and all Cambridge residents, students, visitors, and business people. The Cambridge Historical Commission will seek to preserve and enhance the unique functional environment and visual form of the District; preserve its architecturally and historically significant structures and their settings, and encourage design compatible therewith; mitigate the impact of new development on adjacent properties and areas; and discourage homogeneity by maintaining the present diversity of development and open space patterns and building scales and ages. The District must remain a pedestrian-friendly, accessible, human-scale,

mixed-use environment that complements nearby neighborhoods and maintains the history and traditions of its location.

Other goals were adapted from in the Planning Board's 1986 "General Development Guidelines for the Harvard Square Overlay District." The Commission was directed to "preserve historically or architecturally significant buildings and structures as well as those that contribute to the distinctive visual character or historical significance of the District." For new construction, the Commission should "support creative, contemporary design ... that complements and contributes to its immediate neighbors and the character of the District," "expand the network of pedestrian walkways and paths" and "encourage street wall buildings where that character has been set." Public projects should "expand the high quality public environment established in the heart of the District with attractive and compatible materials, lighting, and street furniture," and "enhance accessibility and safety for pedestrians" ("Final Report of the Cambridge Historical Commission regarding the Proposed Harvard Square Conservation District," November 29, 2000).

The Commission decided that storefronts were "a source of Harvard Square's continuing vitality," and developed an historic preservation approach to protect significant examples, restore original building facades, and encourage creative new designs. Storefronts at 1304, 1316, and 1320 Massachusetts Avenue and 30 Plympton Street were identified as significant in their own right and were specifically protected from alteration without Commission approval. All others were regarded as impermanent, and alterations – even completely new storefronts – would be approved automatically if they took place within the original enclosure and restored the original architectural features of the ground floor. Alterations to upper stories were to be regarded as having the potential for significant and permanent adverse effects and would be reviewed more strictly.

The Order establishing the Harvard Square Conservation District specified that the Historical Commission was to be the board responsible for administering the District, rather than a new NCD Commission. The Historical Commission also administers the Old Cambridge Historic District, the Fort Washington Historic District, individual landmarks and properties protected with preservation restrictions as well as the citywide demolition review ordinance for buildings over 50 years old and the Preservation Grant programs.

IV. Multiple Designations

A significant number of buildings in Harvard Square had been individually designated as landmarks or protected with preservation restrictions prior to the establishment of the Conservation District. Several Harvard club buildings, College House, the Brattle Theatre, and a former carriage factory at 26-28 Church Street/47 Palmer Street were already protected by easements. A half dozen frame buildings, originally residential but converted to commercial uses, were protected by landmark designations. Examples include the ca. 1800 house at 98 Winthrop Street, the William Brattle and Dexter Pratt houses at 42 and 54 Brattle Street, and the Read Block.

The issue of applying the guidelines of the new District to buildings already subject to specific restrictions first arose when the Commission reviewed a proposal for a three-dimensional sign at the Veggie Planet restaurant at 47 Palmer Street. The building, a for-

mer carriage factory and the current home of Club Passim, was already protected by a preservation easement donated by the heirs of Sheldon Dietz, the former owner. The easement had guidelines for the installation of signs that were more specific and restrictive than the design guidelines of the Harvard Square Conservation District.

The city's Law Department determined that in the event of a conflict the more stringent regulation should be applied. The Commission approved the Veggie Planet sign and issued a Certificate of Appropriateness. This rule has been put into practice in several other cases where properties within the District were also protected by easement or landmark designation, including College House at 1420-1440 Massachusetts Avenue (an easement) and the Red House restaurant at 98 Winthrop Street (a landmark).

V. Summary of Cases Heard

A total of 362 applications for Certificates of Appropriateness, Hardship or Non-Applicability for properties within the Harvard Square Conservation District were made to the Historical Commission between December 18, 2000 and October 31, 2005 (see Appendix B, Case Log).

Of these Harvard Square cases, 75% required no hearing and were issued a Certificate of Nonapplicability by the staff because the alteration proposed was exempt from Commission review. These included interior alterations, ordinary maintenance and repair, alterations not visible from a public way, and certain storefront and sign alterations that meet the District design guidelines written into the designation Order. 21% of the applications required a public hearing before the Historical Commission and 4% went before the Historical Commission under the Ten-Day Notice procedure, whereby an application can be considered without a public hearing if the Commission determines that the proposed alterations are insubstantial in their effect on the designated property or district and neighboring property owners are given ten days to object to the issuance of a certificate after the meeting.

The majority of the Harvard Square cases, 277 (76%), resulted in the issuance of a Certificate of Nonapplicability. In another 68 cases (19%) a Certificate of Appropriateness was issued. The Commission issued Certificates of Hardship for another three cases (1%). Two temporary certificates, one of Appropriateness and one of Hardship, were approved. Six applications (2%) were withdrawn prior to the approval of a certificate.

Three applications (1%) were denied a Certificate of Appropriateness. In each case, the application was denied on the basis that the proposed alteration, demolition, or new construction was incongruous with the architecture of the building or incongruous with the characteristics and goals for the Harvard Square subdistrict in which it was located (see Appendix C, Denials of Certificates).

VI. Categories of Cases Reviewed

The Historical Commission reviews applications for alterations, new construction, and demolition that affect the exterior architectural features, other than color, of structures within the Harvard Square Conservation District.

Applications for interior alterations, general maintenance, repairs in kind, and alterations to first-floor storefronts and signs that meet the design guidelines can be reviewed by Commission staff and issued Certificates of Nonapplicability. This review ordinarily takes only a few minutes to complete.

Applications to install signs that conform to the requirements of the Cambridge Zoning Code receive a Certificate of Nonapplicability issued by the staff. Applications for signs that do not conform to the Zoning Code either in number, size, illumination, or location in a residential zoning district are reviewed by the Historical Commission and may be issued Certificates of Appropriateness if they are deemed consistent with the goals of the District.

Four intact nineteenth century storefronts were specifically listed in Order designating the Harvard Square Conservation District. Alterations to any of these storefronts at 1304, 1316, and 1320 Massachusetts Avenue and 30 Plympton Street will require review by the Commission and issuance of a Certificate of Appropriateness. Elsewhere in the District, certain alterations to storefronts are exempt from review by the full Commission and are eligible for issuance of a Certificate of Nonapplicability by the staff. The design guidelines for this exemption are as follows:

- Alterations that do not alter, enclose, or extend further than the decorative or structural framework of the building or retail space originally intended to surround a storefront. The framework consists of such elements as piers, columns, cornerboards, quoins, cornices and similar structural or decorative features.
- Storefront alterations that do not obscure, remove, relocate, or replace historic or original exterior architectural features. Exterior architectural features may include, but are not limited to, such features as brackets, window and door casings, fascia, hoods, bays, and window sash.

This guideline has streamlined the review process for many storefront alterations. Often applicants desire an expedited permit review because they want to open for business as quickly as possible. Also, large retailers that are headquartered outside of Cambridge often find this guideline appealing because they are unfamiliar with the Commission and are eager to avoid the public hearing process.

The design guidelines for demolition, construction, and alterations that were incorporated into the designation Order (see Appendix A) have been a helpful resource for the Commission and applicants alike in considering what aspects of historic buildings and settings

are important to retain and what kind of new construction and alterations will not be incongruous with the District.

A brief review cases from each of the design review categories follows.

A. Signs and Alterations

Most sign applications have conformed to the Zoning Code and have been approved by the staff with a Certificate of Nonapplicability. Applications for non-conforming signs requiring full Commission review have also been approved, but sometimes with significant amendments. For example, a sign consisting of a three-dimensional tomato planet with an orbiting carrot-shaped spacecraft, measuring over 4' in diameter, was the original design proposed for the Veggie Planet restaurant at 47 Palmer Street. The Commission expressed support for the creativity of the design, but the proposed sign exceeded the dimensional guidelines allowed by the existing preservation restriction. The original application was withdrawn, but subsequent applications for a carrot-shaped wall sign and a smaller tomato-shaped planet projecting sign were approved and Certificates of Appropriateness issued.

Examples of storefront alterations that were approved by the staff and required no public hearing before the full Commission include the restoration of the brownstone arch at 18 John F. Kennedy Street for a Papyrus paper goods store and the restoration of the Adidas storefront at 1270 Massachusetts Avenue. In the Papyrus case, the retailer (based in California) initially wanted to install a new storefront, but when the Commission staff explained that restoration of the original brownstone arch hidden underneath layers of 20th century materials could proceed immediately under staff review, the retailer agreed to restore the arch and insert a new storefront system inside it. The project received a Preservation Award from the Commission in 2005. The Adidas storefront has a similar story. The projecting window bays were installed in the 1970s, prior to the designation of the District. Hoping to increase retail foot traffic, Adidas applied to rebuild these display windows, but agreed to restore the original openings when the staff indicated that restoration of the original plate glass windows and masonry jambs would earn the project a Certificate of Nonapplicability without further review.

None of the owners or tenants of the four individually protected storefronts (Leavitt & Pierce, J. August, Gnomon Copy, and Bow Street Flowers) have proposed alterations during the first five years of the District. This is testament to the stability of the retailers and their intent to preserve the historical fabric of these unique storefronts.

Initially, there was some concern that design review of alterations would stifle creativity and lead to boring, monotonous, restoration-only type design. Several examples demonstrate that there is still plenty of creative thought being focused on commercial design in Harvard Square. The storefront renovations at 50 Church Street for Dado Tea opened up the concrete corner of the building to make a new entrance for the restaurant from the street and to make the space more inviting to the pedestrian, although this required full Commission review because the structure of the building had to be altered. The metal and

glass grid design for the Black Ink storefront at 5 Brattle Street was a significant departure from that of the previous tenant, Wordsworth Gifts, but could be approved by the staff without further review. The recessed entry and cafe seating option for the Mexican restaurant at The Garage building facing Mt. Auburn Street was a creative design that could be approved by the staff because it preserved the original structure of the building.

The 1956 aluminum façade of the Bank of America (formerly Harvard Trust Company) at 1408-1414 Massachusetts Avenue was restored in 2002. Though the 1956 aluminum screen was a modern feature that covered a pre-existing Georgian Revival façade that comprised about 25% of the street frontage, the staff considered it to be a significant feature and encouraged the bank to retain it. The aluminum grid of louvers and windows were restored, and a modern storefront glazing system was installed on the first floor without full Commission review.

At the east end of the District a section of houses along Mt. Auburn Street has generated only a few applications, mostly for interior renovations. A few exterior changes, such as the recent application to construct a mudroom and new stairs at 20 Mt. Auburn Street, have been approved.

B. Demolition and New Construction

Three projects in the District have involved demolition and new construction. In October 2000, while the Commission had interim jurisdiction before the City Council enacted the District, the Commission held a joint hearing with the Harvard Square Advisory Committee to review a proposal to replace the old post office on Mount Auburn Street with a new office building. In 2004 the Commission approved Harvard University's plan to demolish and rebuild part of the Hasty Pudding theater at 12 Holyoke Street. The applicant proposed demolishing the theater itself, which was not accessible and did not meet modern code requirements, and renovating the brick club house at the front of the site. The mass of the new theater was limited and several floors will be constructed below grade in order to keep the height of the new construction to a minimum.

The other demolition and new construction case was also a Harvard project. The University selected Hans Hollein, a Viennese Expressionist who had won the Pritzker Prize for architecture in 1985, to design a technology services building for the Harvard Libraries at 88-96 Mount Auburn Street. On the site were two buildings, an 1895 triple-decker and a two-story commercial building of 1971. The site, near the center of the original village of Newtowne, is surrounded by low rise, residential-scale buildings that buffer the commercial district of Harvard Square from the River Houses; the most recent nearby new construction was the modestly contextual Rosovsky Center, designed for Harvard-Radcliffe Hillel by Moshe Safdie in 1993. Hollein's proposed building was 62 feet high (not counting the inevitable mechanical penthouses), with a sloping, undulating wire-mesh façade overhanging a recessed first floor. The Commission was prepared to sacrifice the significant three-decker, but decided that Hollein's proposal was inappropriately bulky and "incongruous because of its aggressive indifference to its surroundings." The Commission rejected Harvard's application for a Certificate of Appropriateness in April 2001.

Harvard then selected the Boston firm of Leers, Weinzapfel Associates to design a conventionally-massed four-story building with a glazed façade that the Commission approved in 2003. The building's height was kept low by placing several floors of mechanicals and offices below grade. Additionally, the University kept rooftop mechanicals to a minimum by installing a geothermal heating and cooling system, eliminating the need for rooftop condensers.

The only project for new construction on an empty site since the establishment of the District was the new theater/office building at 0-2 Arrow Street. The lot was cleared of buildings in the mid-1980s for an office building, but appeals tied up the project for many years and the site remained empty until the Carr Foundation purchased it for an office building and theater. The architect used traditional cladding materials like brick and cast stone affixed to curtain wall framing, allowing generous amounts of glazing. The result is a gracious four-story post-modern building that employs traditional forms with a modern sensibility. The through-block pathway that was created by this project provides pedestrian access between the Kerry Corner neighborhood and Massachusetts Avenue.

C. New Construction/Additions

In 2000, during the study period, the Commission approved significant changes in connection with the adaptive reuse of a former garage at One Bow Street that involved the addition of two stories to the existing two-story 1907 structure.

Other additions have been approved but not built, including a two-story addition above the existing one-story brick bay at 1174 Massachusetts Avenue (2001), and a small basement courtyard level addition at 15 Story Street (2005).

The highly significant Cox-Hicks house at 98 Winthrop Street (ca. 1806) had long presented a difficult challenge for preservationists because it was no longer suitable for residential occupancy and could not be easily adapted for other uses. In 2001 a new owner approached the Commission with a plan to convert it to a restaurant and link it via a bridge to his adjacent restaurant, Charlie's Kitchen at 10 Eliot Street. After lengthy negotiations, the Commission approved an adaptive reuse project that involved razing several additions and constructing a new dining room on a cantilevered foundation to minimize the impact on the adjoining 18th century retaining wall. The original house was restored inside and out and now houses the Red House restaurant.

VII. Public Notice and Meeting Procedures

The Historical Commission meets on the first Thursday of each month at 6:00 PM. Meetings take place at the Cambridge Senior Center, 806 Massachusetts Avenue. Abutters and abutters of abutters are notified of public hearings. Legal notices are posted at the City Clerk's office and on the Cambridge Historical Commission web site (<http://www.cambridgema.gov/~Historic/legalnotices.html>), as well as being published in the *Cambridge Chronicle*.

There is a Harvard Square Conservation District homepage on the Historical Commission web site (<http://www.cambridgema.gov/~Historic/harvardsquarehome.html>). A permitting guide was published to walk local property and business owners through the review process. This *Practical Guide to Permitting in the Harvard Square Conservation District* is available at the Commission office and also can be downloaded online at, <http://www.cambridgema.gov/~Historic/HSquareGuide.pdf>.

On the Commission's monthly agenda, Harvard Square applications are reviewed together with other applications to alter historic district properties, local landmarks, or properties protected by preservation easement. The Commission also regularly reviews demolition permit applications for buildings over fifty years old, petitions to study properties for designation, and applications for preservation grants.

VIII. Five Year Status Report: Public Process

The Historical Commission scheduled a public hearing for December 1, 2005 to review the draft report and to solicit public comment. All property owners in the District were notified and invited to participate. Also notified were members of the local institutions and community groups including Harvard University, the Harvard Square Business Association, and the Harvard Square Defense Fund, as well as the Cambridge Planning Board.

At the public hearing on December 1, 2005 the Commission reviewed the draft report and heard public testimony on the activity and effectiveness of the Harvard Square Conservation District in its first five years after designation. The Commission voted to forward the report to the City Council with the following recommendations:

- The Commission voted unanimously after public hearing and testimony to find that the order that created and established the Harvard Square Conservation District should remain in effect without amendment and that the Historical Commission should continue to be the body to administer the district.
- The report includes a discussion of amendments to the enabling ordinance, Ch. 2.78 of the City Code, which were recommended but not acted upon in 2000 (See Section IX below). The Commission voted on December 1, 2005 to undertake a review of those provisions of the ordinance during a study to take place in 2006 and to recommend that all neighborhood conservation districts be studied for their activity and effectiveness every five years.

The Commission found the review and report to be a useful exercise, especially because a large percentage of applications are reviewed and approved at the staff level without requiring a public hearing before the full Commission. The Commission confirmed that the district is working well as originally established by the order. The public testimony at the hearing by property owners, the Harvard Square Defense Fund, Harvard University, and a member of the Harvard Square Advisory Committee and the written correspondence received prior to the hearing affirmed this opinion and supported the recommendations in the report.

IX. Possible Amendments

The Commission's final report on the proposed Harvard Square Conservation District, dated November 29, 2000, included recommendation for amendments to both the Zoning Code and Chapter 2.78 of the Municipal Code. The zoning code was amended as recommended, but the provisions of Ch. 2.78 were left in place. The Commission should consider whether to repeat the recommendation to amend Ch. 2.78, and whether further amendments to the zoning code might be desirable.

A. Zoning Ordinance Amendments

The City Council approved the recommended changes to the related Zoning Ordinance sections regarding the Harvard Square Overlay Zone, which included insulation of Harvard Square FAR provisions from city-wide downzoning measures and provided flexibility in the Historical Commission's regulation of signs, on December 18, 2000.

The feedback from Community Development Department staff regarding the implementation of these zoning changes has been positive. However, they suggest that the amendments made in December 2000 should be further amended to return jurisdiction over signs located behind windows to the zoning ordinance. The enabling ordinance for neighborhood conservation districts is explicit that review of interior alterations is beyond the purview of the Historical Commission, so these signs cannot be reviewed by the Commission under the Harvard Square Conservation District Order. Some signs of this type have been removed by persuasion, such as at the Citizens Bank branch in the Read Block, but others remain and continue to be objectionable. An amendment to the provisions of the Harvard Square Overlay District regarding review of interior signs is not proposed at this time but could be considered in the future when administrative amendments are brought forward by the Community Development Department.

In 2000, the study committee recommended that the Harvard Square Advisory Committee retain its responsibility for reviewing large projects and making recommendations to the Planning Board. The Cambridge Historical Commission continues to work with the Advisory Committee on projects that are under the jurisdiction of both boards. In recent years, however, the number of projects that have required the review of the Advisory Committee has dwindled, and it has met infrequently. The Commission should discuss whether to consult the Planning Board on the question of whether the Advisory Committee should be eliminated from the provisions of the Harvard Square Overlay District.

B. Historic Preservation Ordinance Amendments

The changes that were recommended in 2000 to Chapter 2.78 of the Municipal Code, regarding the appeal provisions and representation on the Commission were never enacted by the City Council. A description of the proposed amendments from the November 29, 2000 report follows (numbers added) and the specific language of the amendments is included in Appendix E, Amendments to the General Ordinances of Cambridge:

“The Harvard Square NCD Study Committee determined that Ch. 2.78 of the City Code should be amended to clarify the basis for appeals in neighborhood conservation districts, extend the time within which a commission must act, and expand the membership of the Cambridge Historical Commission.

1. *With regard to appeals, the Committee observed that Section 2.78.240 was not clearly drafted and contains varying and inequitable definitions of standing to appeal determinations of commissions. The term “person aggrieved” is not defined. Ten registered voters, living anywhere in the city, should not be given standing to appeal a commission determination when their interests might not be directly affected. Although the ordinance states elsewhere that NCDs may be administered by the Historical Commission itself, the nature of appeals that might result from such jurisdiction is not specified. Finally, the Law Department questioned the appropriateness of the provision that permits an appeal to the superior court of an action by the City Council designating a landmark or a neighborhood conservation district.*

The Committee’s proposed amendment of Section 2.78.240 would strike the existing section in its entirety. It includes a definition of standing based, for convenience, on the definition of “parties in interest” in the Massachusetts Zoning Act, Ch. 40A Section 11. This definition – “the applicant, the abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the subject property” – would expand the standing allowed under either M.G.L. Ch. 40C, which includes owners within 100 feet, or Ch. 2.78.240, which includes only the applicant. Standing as defined in the proposed amendments would include all those who are, by ordinary administrative practice, given notice of Commission proceedings.

The amendment also clarifies the distinction between appeals from determinations of neighborhood conservation district commissions to the Cambridge Historical Commission and appeals from determinations of the Cambridge Historical Commission to the Superior Court. In both cases, the amendments provide that a determination may be overruled if it is unsupported by evidence in the record or exceeds the authority of the commission in question. The grounds for appeals must be specified with regard to the way in which the commission has exceeded its authority or in which its determination is inconsistent with the specific goals, standards, and criteria established for the particular landmark or district.

2. *A related amendment allows a commission to extend the time in which it must act on an application for an additional forty-five days. Currently, the Commission meets once a month, but must render a decision on an application within forty-five days of its receipt. While most applicants will*

grant a continuance if faced with the prospect of a denial, this deadline imposes significant pressure on commissions to act in a way that may be inconsistent with full public discussion. The proposed amendment also allows ten landowners or residents of a district to request such an extension.

3. *Finally, another amendment expands the qualifications for membership in the Cambridge Historical Commission by requiring that one member or alternate be a resident or property owner in the proposed district.”*

1. Appeals. The proposed amendment relating to appeals generated a discussion that had not been resolved at the Historical Commission’s public hearing on the proposed conservation district on November 2, 2000. On November 16, 2000, the Commission voted to transmit its report to the City Council with the advice that discussions on the proposed amendments be continued until the hearing of the Council’s Ordinance Committee.

The appeals controversy was rooted in the resistance of Harvard Square property owners and the business community to allowing organized preservation groups standing to appeal decisions of the district commission, as provided for historic districts under MGL Ch. 40C; this led the Historical Commission to recommend enactment of a conservation district under Ch. 2.78 of the City Code, which is less specific on the question of standing. The ambiguity of the local appeals provision allowed the Harvard Square Defense Fund and the property owners to disagree on the matter of standing, so that the City Council could proceed to enact the district. Revisiting this issue will inevitably bring the old discussion to the forefront, and the Commission should consider whether correcting the deficiencies in the current appeal provisions is worth the exercise.

2. Extending the time to act. The 2000 discussion speaks for itself. This amendment would reduce the pressure on both applicants and the Commission in cases where a continuation serves the public interest.

3. Membership. This provision seemed to be a good idea at the time, but there have been no complaints stemming from the lack of representation. However, the argument for adding a Harvard Square representative would become more compelling if the Harvard Square Advisory Committee is abolished.

4. Additional amendments. Though not directly related to the operation of the Harvard Square Conservation District, an additional amendment is recommended to the appeals section of the ordinance (Ch. 2.78.240) to increase the time allotted to schedule a Historical Commission hearing on an appeal of a neighborhood conservation district decision. The ordinance currently provides the Commission with 30 days to take action, but the intervals between Commission meetings is sometimes slightly longer, so a special meeting can be required; the staff recommends 60 days. The administrative work required to advertise a hearing in the newspaper, mail notification to abutters, and schedule a meeting time and space is difficult to accomplish within 30 days. Add to that the staff time required to outline the record of the NCD case and to write a response to the appellant's arguments, and it is clear that the 30-day window is just not adequate.

X. Conclusion

The day-to-day operations and Commission jurisdiction in administering the Harvard Square Conservation District have proceeded without major incident for the first five years of the District. The design guidelines have been an effective educational and regulatory tool in the District. The ability to streamline the review of storefront and sign alterations has been welcomed by the retail community as a means of providing predictability and expedited turn-around time for most applications. Another benefit of streamlining the review of smaller sign and storefront projects has been to allow the Commission adequate time to focus on major construction projects such as at 0 Arrow Street and 90 Mt. Auburn Street. The impact of designation on owners of small residential buildings has not been controversial. The number of applications from these owners has been small and none have been disapproved. The forum provided by both Commission and staff reviews has demonstrably improved the design of retail facades and led to greater historic preservation activity. **The Commission voted on December 1, 2005 to recommend that there be no amendments to the Council Order that established the District.**

The Commission discussed whether to proceed with the amendments proposed in 2000 to Chapter 2.78 regarding appeals, response time, and membership. The staff recommended that if the Commission determined that amendments to Ch. 2.78 are warranted, they should be the subject of more extensive hearings in the coming months. **The Commission voted on December 1, 2005 to undertake a review of those provisions of the ordinance during a study to take place in 2006 and to recommend that all neighborhood conservation districts be studied for their activity and effectiveness every five years.**

APPENDIX A

**City Council Order of December 18, 2000,
Establishing the Harvard Square Conservation District**

APPENDIX B

**District Case Log
December 18, 2000-present**

APPENDIX C

Denials of Certificates

APPENDIX D

**Letters Received from the Public
Regarding the Status of the Harvard Square Conservation District**

APPENDIX E

(Proposed December 2000)

**Amendments to the General Ordinances of Cambridge
Expanding the Membership of the Cambridge Historical Commission,
Extending the Time Within Which a Commission Must Act,
and Clarifying the Basis for Appeals in Neighborhood Conservation Districts**