



NEIGHBORHOOD & LONG TERM PLANNING, PUBLIC FACILITIES, ARTS & CELEBRATION COMMITTEE

COMMITTEE MEETING

~ MINUTES ~

Tuesday, October 25, 2022

3:00 PM

Sullivan Chamber

The Neighborhood & Long Term Planning, Public Facilities, Arts & Celebration Committee will conduct a public meeting on Neighborhood Conservation District Citizen's Petition: Historical Commission Proposed Response

Attendee Name	Present	Absent	Late	Arrived
Dennis J. Carlone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Patricia Nolan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Quinton Zondervan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marc C. McGovern	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Alanna Mallon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

NEIGHBORHOOD & LONG-TERM PLANNING, PUBLIC FACILITIES, ARTS & CELEBRATION COMMITTEE MEMBERS

Councillor Carlone, Chair
Councillor Nolan
Councillor Zondervan
Councillor McGovern
Vice Mayor Mallon

A public meeting of the Cambridge City Council's Neighborhood & Long-Term Planning, Public Facilities, Arts & Celebration Committee was held on Wednesday, October 25, 2022. The meeting was Called to Order at 2:00 p.m. by the Chair, Councillor Carlone. Pursuant to Chapter 20 of the Acts of 2022 adopted by Massachusetts General Assembly and approved by the Governor, this public meeting was hybrid, allowing participation in person, in the Sullivan Chamber, 2nd Floor, City Hall, 795 Massachusetts Avenue, Cambridge, MA and by remote participation via zoom.

Deputy City Clerk Crane called the roll.

Councillor Carlone – Present
Vice Mayor Mallon – Present
Councillor McGovern – Present
Councillor Nolan – Present
Councillor Zondervan – Present

Present – 5 Absent – 0. Quorum established.

Councillor Carlone gave opening remarks and noted that the focus of the meeting was on a Neighborhood Conservation District Citizen's Petition: Historical Commission Proposed

Response. He introduced Charles Sullivan, Executive Director of the Cambridge Historical Commission, and opened public comment.

Justin Saif, 259 Hurley Street, Cambridge, MA stated that they had continued support for the Ordinance.

Marilee Meyer, 10 Dana Street, Cambridge, MA spoke against the Petition.

Heather Hoffman, 213 Hurley Street, Cambridge, MA spoke against the Petition.

Loren Crowe stated that the Petition was timely and touches on two issues that are important to the community and the Council.

Suzanne Blier, 5 Fuller Place, Cambridge, MA spoke in support of the changes in the Petition.

Councillor Carlone introduced Charles Sullivan who spoke about the proposed Petition. They briefly went into detail about the memo that was sent to City Manager Yi-An Huang (ATTACHMENT A). They also reviewed the proposed amendments to the Petition (ATTACHMENT B).

Councillor Nolan noted that they appreciated the thoroughness of the memo. They questioned about tenants within the Historical Districts and if it should be factored into the demographics of the neighborhood that is being studied. Councillor Nolan was in favor of the proposed amendments. Charles Sullivan responded that each Conservation District is tailored to the conditions in the neighborhood.

Councillor Zondervan thanked the Chair, Councillor Carlone and thanked Charles Sullivan. They fully support the amendments. Councillor Zondervan had questions regarding the impact Neighborhood Conservation Districts would have on proposed affordable housing projects, which Charles Sullivan responded. Councillor Zondervan and Charles Sullivan went into discussion regarding affordable housing and the Cambridge Historical Commission.

Vice Mayor Mallon thanked the Chair, Councillor Carlone and Charles Sullivan. They noted that they agreed with Councillor Zondervan's statements, especially the conversation around affordable housing. They questioned the appeals period going from twenty days to sixty days. Charles Sullivan responded by saying that the City Solicitor would be the person to help with the answer. Vice Mayor Mallon also asked for clarification from the Chair on what today's discussion was about.

Councillor McGovern thanked the Chair, Councillor Carlone and Charles Sullivan. They questioned about construction compliances when new construction is being done in a Historical or Conservation District. Charles Sullivan responded and went into the process about how the Historical Commission would respond to new construction.

Councillor Nolan and Councillor Zondervan had questions and comments about a ten-signature requirement for the petition. Nancy Glowa, City Solicitor, was available to answer questions.

Councillor Zondervan made the following motion:

ORDERED: That the memo from Charles Sullivan regarding Comments on Citizen's Petition to Amend Ch. 2.78, Article III, Neighborhood Conservation Districts and Landmarks and the memo from Charles Sullivan regarding the Proposed Friendly Amendments to Ch. 2.78, Art. III be forwarded to the full City Council with the recommendation to refer said memos to the Ordinance Committee for further discussion.

Councillor Carlone – Yes
 Vice Mayor Mallon – Yes
 Councillor McGovern – Yes
 Councillor Nolan – Yes
 Councillor Zondervan – Yes
Yes -5 No – 0. Motion passes.

A motion to adjourn was made by The Chair, Councillor Carlone.

Councillor Carlone – Yes
 Vice Mayor Mallon – Yes
 Councillor McGovern – Yes
 Councillor Nolan – Yes
 Councillor Zondervan – Yes
Yes -5 No – 0. Motion to adjourn passed at 4:21p.m.

Attachment A: Comments on a Citizen's Petition to Amend Ch. 2.78, Article III, Neighborhood Conservation Districts and Landmarks

Attachment B: Proposed Friendly Amendments to Ch. 2.78, Art. III

Attachment C: Citizen's Petition

The City Clerk's Office received 3 written communications, attachments D-F.

Clerk's Note: The City of Cambridge/22 City View records every City Council meeting and every City Council Committee meeting. This is a permanent record.

The video for this meeting can be viewed at:

https://cambridgema.granicus.com/player/clip/333?view_id=1&redirect=true&h=3c2c75636a63ed9c1a274daa49b6274f

I. Discussion

A communication was received from Charles Sullivan, Executive Director, Historical Commission, transmitting CHC amendments response to petitioners and CHC friendly amendments memo.

Attachment A



CAMBRIDGE HISTORICAL COMMISSION

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Bruce A. Irving, *Chair*; Susannah Barton Tobin, *Vice Chair*; Charles Sullivan, *Executive Director*
 Joseph V. Ferrara, Chandra Harrington, Elizabeth Lyster, Jo M. Solet, Yuting Zhang, *Members*
 Gavin W. Kleespies, Paula A. Paris, Kyle Sheffield, *Alternates*

October 17, 2022

To: Yi-An Huang, City Manager
 From: Charles Sullivan, Executive Director
 Re: Comments on a Citizens' Petition to Amend Ch. 2.78, Article III, Neighborhood Conservation Districts and Landmarks

A citizens' petition to amend Chapter 2.78, Article III of the City Code will be heard by the Neighborhood Planning Committee of the City Council on October 25. I am submitting the following comments for approval in advance of the hearing. A separate memo proposes friendly amendments to the Ordinance. These comments and proposed amendments have been updated since a similar submission to the Ordinance Committee in September 2021.

Background

The Neighborhood Conservation District and Landmarks ordinance was adopted in 1983 to counter a wave of development that targeted historically significant neighborhoods. The immediate causes were the threat posed by commercial development to an area west of Harvard Square and the proliferation of townhouses in Mid Cambridge. These neighborhoods did not wish to be designated as historic districts under the Historic Districts statute, MGL Ch. 40C, so CHC staff and board members, working with City Councillor David Sullivan, devised a more flexible instrument that allowed jurisdiction to be tailored to local conditions. Cambridge's neighborhood conservation model has since been adopted by several other cities and towns in Massachusetts.

Conservation districts in Cambridge now include Mid Cambridge (1983, about 2,200 buildings); Half Crown-Marsh (1984, 200 buildings); Avon Hill (1998, 220 buildings); and Harvard Square (2000, 230 buildings). A conservation district study for East Cambridge is now underway.

Proposed Amendments by Citizens' Petition

The petitioners' suggested amendments fall into several broad categories:

1. NCD membership requirements and member qualifications (2.78.160)

NCD commissions consist of five members and three alternates allocated among homeowners, residents, property owners, and a member of the Cambridge Historical Commission. The proposed amendments would require appointment of two tenants and one business owner:

Minutes Acceptance: Minutes of Oct 25, 2022 3:00 PM (Committee Reports)

	Current	Citizens Proposal
Members - 5	2 resident homeowners 1 resident (tenant optional) 1 other property owner 1 CHC member	1 homeowner 2 tenants 1 other property owner 1 business owner
Alternates - 3	3 property owners	No requirements

Response: The Ordinance already allows for appointment of a tenant. The Mid Cambridge NCD Order requires a tenant representative, but over many years it has proved almost impossible to recruit a tenant for this slot. Avon Hill and Half Crown-Marsh are mostly single-family residential districts with small numbers of tenants, where businesses are few or non-existent.

The proposed amendments would strike the current requirement that members and alternates represent the “the diverse viewpoints expressed in the creation of the district” and “have demonstrable knowledge and concern for improvement, conservation, and enhancement of the district.” Professional qualifications related to real estate, architecture, or historic preservation would also be deleted (2.78.160.B).

Elimination of professional qualifications would degrade the ability of NCD commissions to deal with complex architectural and development issues. I recommend retaining the required professional qualifications, at least in part (see Staff Recommendation #2 below).

2. Limiting jurisdiction by preventing review of affordable housing, climate resiliency, and renewable energy measures (2.78.170, 2.78.210)

The proposed amendments would eliminate the authority of neighborhood conservation district commissions to review projects developed under the affordable housing overlay (2.78.170) or alterations that include climate resiliency or renewable energy features.

Response: The Historical Commission and the various NCD commissions have a long history of constructively balancing community goals with their stated purpose of restraining adverse influences on the city’s built environment. Over the last forty years complete denials have been extremely rare, and no commission has ever denied an affordable housing project. Commissions typically view their role as mitigating adverse effects, not preventing projects entirely. This amendment seeks to address a hypothetical problem that has no basis in past experience.

Projects that involve climate resiliency or renewable energy features can also be destructive of architectural character. No commission to date has ever denied an application for such features, but they occasionally request alterations to solar panel installations to protect historic features. The Historic Districts statute, which is incorporated by reference into Ch. 2.78, already prioritizes solar power:

When ruling on applications for certificates of appropriateness for solar energy systems ... the commission shall also consider the policy of the commonwealth to encourage the use of solar energy systems and to protect solar access (MGL Ch. 40C, Sec. 7).

3. Limiting initiation of NCD studies (2.78.180)

The proposed amendments would require City Council approval before an NCD study could be initiated.

Response: Eliminating the ten-citizen petition route to an NCD study would deny citizens an important right currently allowed (and frequently used) to introduce amendments to the zoning code. The Historical Commission has the right to decline frivolous or inappropriate petitions and has done so on several occasions. Initiation of a study imposes severe burdens of staff and commissioners, and is not a decision taken lightly.

The temporary jurisdiction exercised by the Cambridge Historical Commission in NCD study areas is acknowledged to be burdensome. Currently proposed friendly amendments would eliminate this jurisdiction.

Requiring the Historical Commission to identify all the opponents of a proposed district would be an impossibility. The study process is already designed to elicit and respond to a range of views.

4. Establishing perpetual sunset reviews (2.78.180)

The proposed amendments would require re-adoption of each existing NCD after ten years, beginning in 2022.

Response: The amendments overlook the provisions of paragraph 2.180.J, which provides for inclusion of a sunset clause in the Order establishing each district. Requiring a simultaneous decennial sunset review would be excessively burdensome. The Avon Hill, Mid Cambridge, and Harvard Square NCDs all had sunset reviews after establishment. The Harvard Square Order was readopted in 2021.

5. Limiting general authority (2.78.220)

The proposed amendments eliminate the ability of an NCD commission to “impose dimensional and setback requirements in addition to those required by applicable provision of the zoning ordinance.”

Response: Paragraph 2.78.220.A mirrors Section 7 of MGL Ch. 40C, the Historic Districts statute. Although it has been rarely used in Cambridge, this provision is an important regulatory tool. Elimination would seriously weaken the authority of NCD commissions.

6. Expanding time limit for appeal (2.78.240)

The proposed amendments would extend the time period for appeals from twenty to sixty days.

Response: The twenty day window is based on the M.G.L. Ch. 40C, Section 12, which is incorporated by reference. Extending the time period for appeals to sixty days would unfairly burden applicants by exposing them to legal jeopardy for an unreasonable length of time.

7. Preventing enforcement of decisions (2.78.270)

The proposed amendments eliminate the authority of NCD commissions to enforce their decisions.

Response: Eliminating the ability of NCD commissions to enforce their decisions in effect makes all decisions non-binding on the applicant.

Conclusion

The stated goals of the petition are to enhance diversity, equity, inclusion, and access, but the effect of the proposed amendments will be to diminish citizen access to the neighborhood conservation process and limit the ability of neighborhood conservation districts to “preserve, conserve and protect the beauty and heritage of the city [and to] resist and restrain environmental influences adverse to this purpose” (2.78.140). I propose instead amendments that reflect current community goals, broaden representation on NCD study committees, and make the conservation district study process less burdensome.

cc: Nancy Glowa, City Solicitor
Bruce Irving, CHC Chair



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October 17, 2022

From: Charles Sullivan, Executive Director

To: Yi-An Huang, City Manager

Re: Proposed Friendly Amendments to Ch. 2.78, Art. III

The Neighborhood Conservation District and Landmarks Ordinance (Ch. 2.78, Art. III of the City Code) was the first of its kind in Massachusetts. Almost forty years of experience suggests several friendly amendments that would align its objectives with current city policies, rationalize the NCD study process, and clarify certain procedures. I am submitting the following proposed amendments for approval in advance of the hearing.

1. Membership of NCD Commissions (2.78.160)

The current system of membership qualifications is weighted toward property ownership while allowing for tenant representation when appropriate. When the ordinance was written it was thought desirable to include an Historical Commission member on each NCD commission. However, this condition has often proved impossible to meet. Accordingly, we suggest that inclusion of an Historical Commission member on NCD commissions be limited to the initial three years of the commission's existence. I also suggest eliminating the requirement that one member represent the real estate profession.

2.78.160 - Neighborhood conservation district commission—Established—Membership requirements.

A. Upon designation as provided in Section 2.78.180 of this article of any neighborhood conservation district, and unless the designation provides that the Historical Commission itself shall exercise authority with respect thereto, the City Manager shall appoint a neighborhood conservation district commission to consist of five members and three alternates. At the establishment of the district the members shall include three residents of the neighborhood, not less than two of whom shall be homeowners own their place of residence in the district; one neighborhood property owner (who may or may not be a neighborhood homeowner); and one member or alternate of the Cambridge Historical Commission. Three years after establishment of the district the requirement that one member be a member or alternate of the Cambridge Historical Commission shall cease and a district resident shall be appointed to that position. One member and/or one alternate of a neighborhood conservation district commission, in addition to the mandated member of the Cambridge Historical Commission, may be a Cambridge resident who lives outside

the district. One member and/or alternate may be a tenant residing in the district. The remaining alternates shall be neighborhood property owners. The neighborhood conservation district commission shall act solely in the exercise of those functions described in this article which are applicable to the district under its administration.

B. Any member or alternate of the Historical Commission may be appointed to a neighborhood conservation district commission for a term coterminous with such person's term as a member or alternate of the Historical Commission. Members and alternates of a neighborhood conservation district commission who are not members of the Historical Commission shall by reason of experience or education have demonstrable knowledge and concern for improvement, conservation, and enhancement of the district, and at least ~~two of the one members~~ member or ~~alternates~~ alternate shall have professional qualifications related to ~~real estate or~~ architecture or historic preservation. The members of the neighborhood conservation district commission shall be appointed by the City Manager with regard to the diverse viewpoints expressed in the creation of the district. Such members shall serve for a term of three years, except that the initial appointments shall be for one member to serve one year and one member to serve two years, and vacancies shall be filled for the unexpired term of office. Each member and alternate shall continue in office after expiration of his or her term until a successor is duly appointed and qualified, except that no member shall serve more than two consecutive terms.

2. Enlarge NCD Study Committees (2.78.180)

I suggest that study committee membership be enlarged from seven to nine members. This would allow representation of a broader range of views on the committee.

C. In the case of a landmark, the report shall be prepared by the Historical Commission. In the case of a neighborhood conservation district, the report shall be prepared by a study committee consisting of three members or alternates of the Historical Commission and ~~four six~~ persons appointed by the City Manager, including at least four residents of the study area, not less than three of whom shall own their place of residence in the study area, at least one person who resides in the district under consideration, at least one person who owns property in the district under consideration, and, if possible, one person who owns property or resides elsewhere in the City and has demonstrated knowledge and concern for conservation and enhancement of those exterior features of the City which are important to its distinctive character.

4. Separate Designation Procedures and Review Authority for Landmarks and NCDs (2.78.180)

Section 2.78.180 establishes identical designation procedures for landmarks and neighborhood conservation districts: upon initiation of a landmark or NCD designation study, the Historical Commission protects the properties for up to one year while a recommendation is prepared for City Council action. I propose separating designation procedures and eliminating interim CHC jurisdiction over NCD study areas. Doing so would align the NCD ordinance with the provisions of MGL Ch. 40C, the Historic Districts statute, which contains no such provision for interim jurisdiction.

Landmarks and neighborhood conservation districts are fundamentally different. The potential landmarks is an individual building that may face imminent threats to its existence. It is essential that

the Historical Commission be able to exercise temporary jurisdiction to prevent the destruction of a potential landmark. On the other hand, the pressures facing neighborhoods are diffuse; while individual buildings may be threatened, a neighborhood in its entirety offers more resilience in the face of change.

In the case of a landmark the report is prepared by the staff, but a neighborhood conservation district study requires the appointment of a study committee. Recruitment of members and organization of a committee can easily consume a third of the time allotted for the study. The study itself requires that the committee reach consensus on a series of difficult topics while educating the public about the need for conservation and the policy choices involved in preparing a recommendation to the City Council.

Removing the Historical Commission's interim jurisdiction over building permits in proposed neighborhood conservation districts would allow the study committee time to study the issues and educate the public. I propose the following amendments to paragraph 2.78.180.I:

I. Following acceptance of a designation petition by the Historical Commission, no application for a building permit for new construction or alterations on the premises of a property being considered for landmark designation shall be granted until reviewed by the Commission as though the property were designated as a landmark ~~or a neighborhood conservation district~~ under this Article III. Beginning with the acceptance of a designation petition or a vote to initiate a landmark designation study and until (a) the Historical Commission makes a negative recommendation on a proposed designation, (b) the City Council determines not to enact the proposed designation, or (c) one year has elapsed, whichever is less, the Commission shall review all proposed construction, demolition, or alteration that affects the exterior architectural features, other than color, of the structures on the premises of a proposed landmark ~~or within a proposed neighborhood conservation district~~.

5. Alignment with City Goals (2.78.220)

In recent years Cambridge has faced growing problems of gentrification, diminishing diversity, and lack of affordable housing. It is critical that efforts to “preserve, conserve and protect the beauty and heritage of the city [and to] resist and restrain environmental influences adverse to this purpose” be aligned with city goals. Accordingly, I propose the addition of a new paragraph C to Section 2.78.220 - Factors considered by Commissions:

C. In passing upon matters before it, the Historical Commission or neighborhood conservation district commission shall also consider community goals as may from time to time be expressed by the City Council, including the need to provide additional housing, affordable and otherwise, and to promote the sustainable use of energy and capacity for climate resilience.

The proposed amendments would accomplish a new alignment of Historical Commission and NCD commission goals with the city's overall goals and eliminate the time pressure and conflict that accompanies the NCD study process. I hope that the Neighborhood Planning Committee will encourage further discussion among the parties and support making these revisions to the Ordinance.

cc: Nancy Glowa, City Solicitor
Bruce Irving, CHC Chair

Attachment

Proposed Friendly Amendments

Chapter 2.78, Article III. - Establishment of Neighborhood Conservation Districts and Protected Landmarks

2.78.140 - Purpose.

The City Council finds it necessary to enact this article under Section 6 of the Home Rule Amendment in order to preserve, conserve and protect the beauty and heritage of the City and to improve the quality of its environment through identification, conservation and maintenance of neighborhoods, areas, sites and structures which constitute or reflect distinctive features of the architectural, cultural, political, economic or social history of the City; to resist and restrain environmental influences adverse to this purpose; to foster appropriate use and wider public knowledge and appreciation of such neighborhoods, areas or structures; and by furthering these purposes to promote the public welfare by making the City a more attractive and desirable place in which to live and work. To achieve these purposes, the City may designate neighborhood conservation districts and landmarks to be administered as set forth in this article.

(Ord. 1002 (part), 1983: prior code § 2-147(k)(1))

2.78.150 - Definitions for Article III.

In addition to the terms defined in Section 2.78.080 of this Chapter, the following terms, when used whether or not capitalized in this subsection, shall have the meanings set forth in this section, unless the context otherwise requires:

- A. "Demolition" means the act of pulling down, destroying, removing or razing structures, or commencing the work of total or substantial destruction with the intent of completing the same.
- B. "Exterior architectural features" means and includes such portion of the exterior of a structure as is open to view from a public street, way, park or body of water, including but not limited to the architectural style and general arrangement and setting thereof, the kind, material and texture of exterior building materials, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.
- C. "Historic district" means an area so established under the authority of Chapter 40C of the General Laws.
- D. "Landmark" means any property within the City so designated in accordance with Section 2.78.180 of this article.
- E. "Neighborhood conservation district" means any area within the City so designated in accordance with Section 2.78.180 of this article.

F. "Neighborhood conservation district commission" or "district commission" means a commission provided for by Section 2.78.160 of this article.

G. "Structure" means a combination of materials including a building, sign, fence, wall, terrace, walk, driveway, street, bridge, statue, monument or other manmade feature.

H. "Gross floor area" means the floor area so defined in Article 2.000 of the Zoning Ordinance of the City of Cambridge.

(Ord. 1166 §§7, 16, 1995; Ord. 1002 (part), 1983: prior code § 2-147(k)(2))

2.78.160 - Neighborhood conservation district commission—Established—Membership requirements.

A. Upon designation as provided in Section 2.78.180 of this article of any neighborhood conservation district, and unless the designation provides that the Historical Commission itself shall exercise authority with respect thereto, the City Manager shall appoint a neighborhood conservation district commission to consist of five members and three alternates. At the establishment of the district the members shall include three residents of the neighborhood, not less than two of whom shall be homeowners own their place of residence within the district; one neighborhood property owner (who may or may not be a neighborhood homeowner); and one member or alternate of the Cambridge Historical Commission. Three years after establishment of the district the requirement that one member be a member or alternate of the Cambridge Historical Commission shall cease and a district resident shall be appointed to that position. One member and/or one alternate of a neighborhood conservation district commission, in addition to the mandated member of the Cambridge Historical Commission, may be a Cambridge resident who lives outside the district. One member and/or alternate may be a tenant residing in the district. The remaining alternates shall be neighborhood property owners. The neighborhood conservation district commission shall act solely in the exercise of those functions described in this article which are applicable to the district under its administration.

B. Any member or alternate of the Historical Commission may be appointed to a neighborhood conservation district commission for a term coterminous with such person's term as a member or alternate of the Historical Commission. Members and alternates of a neighborhood conservation district commission who are not members of the Historical Commission shall by reason of experience or education have demonstrable knowledge and concern for improvement, conservation and enhancement of the district, and at least ~~two of the members or alternates~~ one member or alternate shall have professional qualifications related to ~~real estate or~~ architecture or historic preservation.

The members of the neighborhood conservation district commission shall be appointed by the City Manager with regard to the diverse viewpoints expressed in the creation of the district. Such members shall serve for a term of three years, except that the initial appointments shall be for one member to serve one year and one member to serve two years, and vacancies shall be filled for the unexpired term of office. Each member and alternate shall continue in office after expiration of his or her term until a successor is duly appointed and qualified, except that no member shall serve more than two consecutive terms.

C. The neighborhood conservation district commission shall elect annually a Chairman and Vice-Chairman from its own number. In the case of absence, inability to act, or unwillingness to act because of self-interest on the part of a member, his or her place shall be taken by an alternate member designated by the Chairman, if available, otherwise by the Vice-Chairman if available, otherwise by a majority vote of the members and alternate members of the Commission present. The person exercising the function of Executive Director of the Historical Commission shall serve as secretary of each neighborhood conservation district commission. Persons serving as members or alternate members of a neighborhood conservation district commission shall, as a result of such service, be considered as "special municipal employees" for purposes of Chapter 268A of the General Laws.

(Ord. 1331, 12/14/2009; Ord. 1166 § 8, 1995; Ord. 1002 (part), 1983: prior code § 2-147(k)(3))

2.78.170 - Powers and duties.

The Historical Commission and each neighborhood conservation district commission shall have like powers, functions and duties with respect to each landmark and neighborhood conservation district over which it has jurisdiction as is provided Historic District Commissions under clauses (a) through (g) under Section 10 of Chapter 40C of the General Laws with respect to historic districts, including without limitation with respect to the approval and disapproval of certificates of appropriateness, nonapplicability and hardship, the dating and signing of such certificates, the keeping of records and adoption of rules and regulations, the filing with the City Clerk and Building Department of certificates and determinations of disapproval by it, and the determination of designs of appurtenances (excluding colors) which will meet the requirements of the landmark or neighborhood conservation district.

(Ord. 1002 (part), 1983: prior code § 2-147(k)(9))

2.78.180 - Designation procedures.

A. The Historical Commission by majority vote may recommend for designation as a landmark any property within the City being or containing a place, structure, feature or object which it determines to be either (1) importantly associated with one or more historic persons or events, or with the broad architectural, aesthetic, cultural, political, economic or social history of the City or the Commonwealth or (2) historically or architecturally significant (in terms of period, style, method of construction or association with a famous architect or builder) either by itself or in the context of a group of structures; may recommend for designation as a neighborhood conservation district any area within the City containing places and structures which it determines are of importance to the architectural, aesthetic, cultural, political, economic or social history of the City, and which considered together cause such area to constitute a distinctive neighborhood or to have a distinctive character in terms of its exterior features; and may recommend amendments to any designation of landmark or neighborhood conservation district theretofore made.

B. Prior to the recommendation of designation or amendment of designation of any landmark or neighborhood conservation district an investigation and report on the historical, architectural and other relevant significance thereof shall be made. The report shall recommend the boundaries of any proposed landmark or neighborhood conservation district and shall recommend for incorporation in the order of the City Council designating each landmark or neighborhood conservation district general and/or specific standards and appropriate criteria consistent with the purposes of this article and the provisions of Section 2.78.190 of this article that are to be applied in making any determination of the type referred to in Sections 2.78.170, 2.78.210 and 2.78.220 of this article, with respect to the designated landmark or within the designated neighborhood conservation district.

C. In the case of a landmark, the report shall be prepared by the Historical Commission. In the case of a neighborhood conservation district, the report shall be prepared by a study committee consisting of three members or alternates of the Historical Commission and ~~four-six~~ persons appointed by the City Manager, including at least four residents of the study area, not less than three of who shall own their place of residence in the study area, one person who resides in the district under consideration, at least one person who owns property in the district under consideration, and, if possible, one person who owns property or resides elsewhere in the City and has demonstrated knowledge and concern for conservation and enhancement of those exterior features of the City which are important to its distinctive character.

D. Any ten registered voters of the City may petition that the Historical Commission initiate, or the Historical Commission on its own may initiate, the process of designating a landmark or neighborhood conservation district or amending or rescinding any such designation theretofore made. The Commission shall within forty-five days following the filing of such request or petition hold a preliminary hearing and arrange for the preparation of a report and, if required, request the appointment of a study committee. The Historical Commission shall not reconsider a proposed designation, amendment or rescission of designation within one year of its previous hearing thereon, unless two-thirds of all its members vote to do so. No later than forty-five days after the transmittal of a report to the Commission pertaining to a proposed designation, the Commission shall hold a public hearing. The Commission shall give not less than fourteen days notice of such public hearing by publication in a newspaper of general circulation in the City and by mailing notice thereof to the owner of the proposed landmark and to every owner abutting the proposed landmark or within the proposed neighborhood conservation district, each such owner to be determined from the then current records of the Assessing Department, and to the City Manager, the Planning Board and the City Clerk.

E. Prior to the public hearing, the Commission shall transmit copies of the report to the Planning Board for its consideration and recommendations.

F. The recommendation of the Historical Commission with regard to any designation, amendment or rescission shall be transmitted to the City Manager and to the City Clerk with a copy of the approved designation report. Designation of a landmark or a neighborhood conservation district or amendment or rescission of designation shall be by order of the City Council. In the case of a designation, the order shall include a statement of the reasons for such designation and a statement of standards which the Historical Commission or neighborhood conservation district commission is to apply under Sections 2.78.170 and 2.78.190 through 2.78.220 of this article.

G. No designation, amendment or rescission of designation shall become effective until a map setting forth the boundaries of the landmark or neighborhood conservation district or change in the boundaries thereof, has been filed with the City Council and has been recorded with the Registry of Deeds for the South District of Middlesex County.

H. If the order establishing or amending a neighborhood conservation district contains provisions for both regulatory and educational/incentive programs, the regulatory provisions of the order shall not be effective unless and until the educational/incentive provisions of the order are funded.

I. Following acceptance of a designation petition by the Historical Commission, no application for a building permit for new construction or alterations on the premises of a property being considered for landmark designation shall be granted until reviewed by the Commission as though the property were designated as a landmark or a neighborhood conservation district under this Article III. Beginning with the acceptance of a designation petition or a vote to initiate a landmark designation study and until (a) the Historical Commission makes a negative recommendation on a proposed designation, (b) the City Council determines not to enact the proposed designation, or (c) one year has elapsed, whichever is less, the Commission shall review all proposed construction, demolition, or alteration that affects the exterior architectural features, other than color, of the structures on the premises of a proposed landmark ~~or within a proposed neighborhood conservation district.~~

J. Notwithstanding the prior provisions of this section 2.78.180, a neighborhood conservation district previously established by order of the City Council, in accordance with this section, which order instructs that there be a review of the activities of the neighborhood conservation district commission established pursuant to that order, following one or more public hearings by such neighborhood conservation district commission and by the Historical Commission, and a report to the City Council by such commissions containing a summary of testimony at such hearings and recommendations by such commissions for amendments to the powers, responsibilities and procedures of such neighborhood conservation district commission (including amendments to the boundaries of the affected neighborhood conservation district), may be amended by the City Council, in a manner consistent with the recommendations of such report, or be rescinded without the necessity of the appointment of a new study committee or of a de novo study process. (Ord. 1331, 12/14/2009; Ord. 1166 §§9, 10, 17, 18, 1995; Ord. 1009A (part), 1984; Ord. 1002 (part), 1983: prior code § 2-147(k)(4))

2.78.190 - Review procedures.

A. Except as the order designating or amending a landmark or neighborhood conservation district may otherwise provide in accordance with this article, the Historical Commission or neighborhood conservation district commission having jurisdiction shall review all construction, demolition or alteration that affects the exterior architectural features, other than color, of any landmark or within any neighborhood conservation district.

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. Alternations 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.

C. The Historical Commission or 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.

D. If the order establishing or amending a neighborhood conservation district provides, the determination of a neighborhood conservation district commission shall be binding only with regard to applications to construct a new building, to demolish an existing structure if a demolition permit is required, to construct a parking lot as a principal use, and to construct an addition to an existing structure that would increase its gross floor area, and in all other cases the determinations of a

commission shall be advisory only and not binding on an applicant. In no case shall a building permit be issued until the commission has made a determination under the applicable provisions of this article.

(Ord. 1002 (part), 1983: prior code § 2-147(k)(5))

2.78.200 - Maintenance, repair and reconstruction.

Nothing in this chapter shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature of a landmark or 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, not construed to prevent any construction or alteration under a permit duly issued prior to the effective date of the order which designates that landmark or district, nor construed to prevent the reconstruction, substantially similar in exterior design, of a structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

(Ord. 1002 (part), 1983: prior code § 2-147(k)(6))

2.78.210 - Certificates of appropriateness, nonapplicability or hardship.

A. Except as the order establishing or amending a landmark or neighborhood conservation district may otherwise provide, no structure designated a landmark or within a neighborhood conservation district shall be constructed or altered in any way that affects exterior architectural features unless the Historical Commission or neighborhood conservation district commission having jurisdiction shall first have issued a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship with respect to such construction or alteration.

B. Any person who desires to obtain a certificate from the Historical Commission or neighborhood conservation district commission shall file with the Commission an application for a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship, as the case may be, in such form as the commission may reasonably determine, together with such plans, elevations, specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application.

C. No building permit for alteration of an exterior architectural feature of a landmark or construction of a structure or for alteration of an exterior architectural feature within a neighborhood conservation district and no demolition permit for demolition or removal of a landmark or of a structure within a neighborhood conservation district shall be issued by the City or any department thereof until the certificate required by this article has been issued by the Historical Commission or neighborhood conservation district commission having jurisdiction.

(Ord. 1166 §§11, 12, 1995; Ord. 1002 (part), 1983: prior code § 2-147(k)(7))

2.78.220 - Factors considered by Commissions.

A. In passing upon matters before it, the Historical Commission or neighborhood conservation district commission shall consider, among other things, the historic and architectural value and significance of the site or structure, the general design, arrangement, texture and material of the features involved, and the relation of such features to similar features of structures in the surrounding area. In the case of new construction or additions to existing structures a commission shall consider the appropriateness of the size and shape of the structure both in relation to the land area upon which the structure is situated and to structures in the vicinity, and a Commission may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable provision of the zoning ordinance. A Commission shall not consider interior arrangements or architectural features not subject to public view.

B. A Commission shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects, architectural significance or the distinctive character of the landmark or neighborhood conservation district.

C. In passing upon matters before it, the Historical Commission or neighborhood conservation district commission shall also consider community goals as may from time to time be expressed by the City Council, including the need for additional housing, affordable and otherwise, and to promote the sustainable use of energy and capacity for climate resilience.

(Ord. 1002 (part), 1983: prior code § 2-147(k)(8))

2.78.230 - Public meetings and hearings.

The Historical Commission and each neighborhood conservation district commission shall adopt rules for the reasonable conduct of its meetings and public hearings, which rules shall not be inconsistent with the procedures provided for meetings of and hearings by historic district commissions under Section 11 of Chapter 40C of the General Laws; and in the absence of the adoption of any such rules, meetings and public hearings of the Historical Commission and of each

neighborhood conservation district commission shall be in conformity with the provisions of Section 11 of Chapter 40C applicable to historic district commissions.

(Ord. 1002 (part), 1983: prior code § 2-147(k)(10))

2.78.240 - Appeal procedure.

Any person aggrieved by a designation of a landmark or district may appeal to the superior court within thirty days after such designation. Any applicant aggrieved by a determination of a neighborhood conservation district commission or ten registered voters of the City opposing a determination under this article may appeal to the Historical Commission within twenty days after the filing of the notice of such determination with the City Clerk. The Historical Commission may overrule the determination and return it for reconsideration consistent with that finding. If the applicant is aggrieved by the determination of the Historical Commission, or if action is not taken by the Historical Commission within thirty days of filing for review, the applicant may appeal to the superior court. Appeal from a Historical Commission determination shall be taken within thirty days of the formal decision; appeal from a failure to act shall be taken within sixty days after the filing for review. The superior court may reverse a determination if it is not supported by substantial evidence in the record. In all other respects, the appeal shall be made in the same manner as provided under Section 12A of Chapter 40C of the General Laws.

(Ord. 1166 §13, 1995; Ord. 1002 (part), 1983: prior code § 2-147(k)(11))

2.78.250 - Historical Commission authority not limited.

No provisions of this article shall alter or diminish the duties and functions of the Historical Commission under the authority of Chapter 40, Section 8D and Chapter 40C of the General Laws, or apply to any historic district currently administered by such commission, or restrict the establishment of any future historic district under Chapter 40C of the General Laws.

(Ord. 1002 (part), 1983: prior code § 2-147(k)(13))

2.78.260 - Limitation on applicability.

The provisions of Article II of this chapter (relative to procedures for demolition permits for significant buildings) shall not be applicable with respect to the demolition of any structure within a neighborhood conservation district if the appropriate neighborhood conservation district commission has issued a certificate of appropriateness or a certificate of hardship permitting the demolition of such structure.

(Ord. 1002 (part), 1983: prior code § 2-147(k)(14))

2.78.270 - Enforcement and remedies.

The Historical Commission and any neighborhood conservation district commission are each specifically authorized to institute any and all actions, proceedings in law and in equity, as they deem necessary and appropriate to obtain compliance with the requirements of this article or to prevent a threatened violation thereof. Any violation of any provision of this article may be punished to the like extent provided in Section 13 of Chapter 40C of the General Laws for a violation of said Chapter 40C. In addition to the foregoing, no building permit shall be issued, with respect to any premises upon which a landmark or a structure within any neighborhood conservation district has been voluntarily demolished otherwise than pursuant to a certificate granted after compliance with the provisions of this article, for a period of two years after the date of the completion of such demolition (the word "premises" for the purposes of this sentence referring to the parcel of land upon which the demolished structure was located and all adjoining parcels of land under common ownership or control.)

(Ord. 1002 (part), 1983: prior code § 2-147(k)(12))

Cambridge Historical Commission
October 17, 2022

To the Honorable City Council:

The undersigned registered Cambridge voters respectfully request that the City Council ordain the ordinance language set forth below relative to the creation and operation of Neighborhood Conservation Districts in the city.

Diversity, Equity, Inclusion, and Access
21st Century Values for Neighborhood Conservation Districts

We invite you to join us in asking the City to improve the way that we create and operate Neighborhood Conservation Districts in Cambridge. Intended to serve the worthy goals of helping communities to preserve historic structures and maintain neighborhoods as they are, Neighborhood Conservation Districts have too often been exploited unfairly as a means by which tiny, unrepresentative groups of residents can exploit our city ordinances to control their neighbors' choices and housing options. Recently in Cambridge, we have seen small groups of homeowners initiate the process of establishing new Neighborhood Conservation Districts in order to raise their property values, settle interpersonal disputes, and restrict development potential below even that allowed by zoning. None of those purposes matches Cambridge's values, and yet that behavior is currently enabled by our City ordinances.

The current ordinance language was drafted 40 years ago and needs to be updated to reflect modern community values related to diversity, access, equity, representation, and inclusion. The ordinance governing the creation and operation of Neighborhood Conservation Districts currently allows just ten unrepresentative residents to launch a lengthy study of a Conservation District in an area that might be home to thousands of residents and burden their homes with binding rules. A study can be initiated by the appointed members Cambridge Historical Commission without any input or say so from our democratically elected City Council. A study places binding rules on a neighborhood from the Historical Commission that no one in the neighborhood outside of the Historical Commission's Study Commission has approved of or consented to, and, according to an opinion issued by City Solicitor Nancy Glowa, those rules can remain in place for as many years as the Historical Commission wants to study them. The membership appointed to the Neighborhood Conservation District Commissions in no way reflects the diversity of their neighborhoods with age, race, ethnicity, renter status, or a host of other factors, tending to confer additional power and privilege to the already powerful and privileged.

This petition proposes changes to the ordinance governing the creation and operation of Neighborhood Conservation Districts with a view to increasing the democratic legitimacy of our Conservation Districts by empowering the members of the neighborhoods they govern and by introducing essential democratic checks and balances to the process. The main goals of this petition are:

- Increasing the democratic threshold required to begin a Conservation District Study
- Ensuring that the goals of Neighborhood Conservation District are balanced with other City goals of diversity, equity, and inclusion in all City neighborhoods and the need to address the housing supply and cost crisis
- Ensuring that the democratically elected City Council has a voice in starting a new study
- Ensuring that the Neighborhood Conservation District Commissions and the rules governing Neighborhood Conservation Districts are reflective of the diversity of our neighborhoods

- Ensuring that no binding rules are imposed on neighborhoods without the consent of the governed

We find no fault with the intent behind the original ordinance language, and we believe that it likely represented the best thinking of the times to solve a social problem of importance to the community. However, the world has learned a lot in the past forty years. Everyone in this city has learned a lot. And we believe that the ordinance changes proposed below will help to better accomplish the ordinance's original goals by modernizing our Neighborhood Conservation Districts in accordance with our modern values and increased understanding of the moral requirement for diversity, access, affordability, equity, representation, and inclusion throughout community life.

We respectfully request ordination of the below changes to the language of Chapter 2.78 Article III. Underlined sections represent the petitioners' proposed new wording and ~~struck through sections~~ represent proposed deletions.

The primary point of contact for this petition is Loren Crowe of 8 Museum Way, Apartment #508 Cambridge, MA 02141. He can be reached at 760-522-2101 or lorencrowe@gmail.com.

Chapter 2.78 - HISTORICAL BUILDINGS AND LANDMARKS

Article III. Establishment of Neighborhood Conservation Districts and Protected Landmarks

2.78.140 Purpose.

The City Council finds it necessary to enact this article under Section 6 of the Home Rule Amendment in order to preserve, conserve and protect the beauty and heritage of the City and to improve the quality of its built environment through identification, conservation and maintenance of neighborhoods, areas, sites and structures which constitute or reflect distinctive features of the architectural, cultural, political, economic or social history of the City; ~~to resist and restrain environmental influences adverse to this purpose in balance with allowing housing growth in all City neighborhoods to welcome a diverse set of residents~~; to foster appropriate use and wider public knowledge and appreciation of such neighborhoods, areas or structures; and by furthering these purposes to promote the public welfare by making the City a more attractive ~~and desirable~~, desirable, affordable, diverse, equitable, accessible and inclusive place in which to live and work. To achieve these purposes, the City may designate neighborhood conservation districts and landmarks to be administered as set forth in this article.

(Ord. 1002 (part), 1983: prior code § 2-147(k)(1))

2.78.150 Definitions for Article III.

In addition to the terms defined in Section 2.78.080 of this Chapter, the following terms, when used whether or not capitalized in this subsection, shall have the meanings set forth in this section, unless the context otherwise requires:

- A. "Demolition" means the act of pulling down, destroying, removing or razing structures, or commencing the work of total or substantial destruction with the intent of completing the same.
- B. "Exterior architectural features" means and includes such portion of the exterior of a structure as is open to view from a public street, way, park or body of water, including but not limited to the architectural style and general arrangement and setting thereof, the kind, material and texture of exterior building materials, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.
- C. "Historic district" means an area so established under the authority of Chapter 40C of the General Laws.
- D. "Landmark" means any property within the City so designated in accordance with Section 2.78.180 of this article.
- E. "Neighborhood conservation district" means any area within the City so designated in accordance with Section 2.78.180 of this article.
- F. "Neighborhood conservation district commission" or "district commission" means a commission provided for by Section 2.78.160 of this article.
- G. "Structure" means a combination of materials including a building, sign, fence, wall, terrace, walk, driveway, street, bridge, statue, monument or other manmade feature.
- H. "Gross floor area" means the floor area so defined in Article 2.000 of the Zoning Ordinance of the City of Cambridge.

(Ord. 1166 §§7, 16, 1995; Ord. 1002 (part), 1983: prior code § 2-147(k)(2))

2.78.160 Neighborhood conservation district commission—Established—Membership requirements.

- A. Upon designation as provided in Section 2.78.180 of this article of any neighborhood conservation district, and unless the designation provides that the Historical Commission itself shall exercise authority with respect thereto, the City Manager shall appoint a neighborhood conservation district commission to consist of five members and three alternates: whose composition fairly represents the diversity of the neighborhood itself. The members shall include at least three residents of the neighborhood, ~~not less than~~ two of whom shall be ~~homeowner~~ tenants and one of whom shall be a homeowner; one neighborhood property owner (who may or may not be a neighborhood homeowner); and one ~~member-person who owns and/or alternate of the Cambridge Historical Commission operates a business within the neighborhood.~~ One member and/or one alternate of a neighborhood conservation district commission, in addition to the mandated member of the Cambridge Historical Commission, may be a Cambridge resident who lives outside the district. The remaining alternates shall be neighborhood property owners. The neighborhood conservation district commission shall act solely in the exercise of

those functions described in this article which are applicable to the district under its administration. A member of the Historical Commission staff should be assigned to provide ongoing administrative and operational support to the neighborhood conservation district commission.

~~B. Any member or alternate of the Historical Commission may be appointed to a neighborhood conservation district commission for a term coterminous with such person's term as a member or alternate of the Historical Commission. Members and alternates of a neighborhood conservation district commission who are not members of the Historical Commission shall by reason of experience or education have demonstrable knowledge and concern for improvement, conservation and enhancement of the district, and at least two of the members or alternates shall have professional qualifications related to real estate or architecture or historic preservation.~~ B. The members of the neighborhood conservation district commission shall be appointed by the City Manager with regard to the diverse viewpoints expressed in the creation diversity of the district. Such members shall serve for a term of three years, except that the initial appointments shall be for one member to serve one year and one member to serve two years, and vacancies shall be filled for the unexpired term of office. Each member and alternate shall continue in office for up to six months after expiration of his or her term until a successor is duly appointed and qualified, except that no member shall serve more than two consecutive terms.

C. The neighborhood conservation district commission shall elect annually a ChairmanChair and Vice-ChairmanChair from its own number. In the case of absence, inability to act, or unwillingness to act because of self-interest on the part of a member, his or her place shall be taken by an alternate member designated by the ChairmanChair, if available, otherwise by the Vice-ChairmanChair if available, otherwise by a majority vote of the members and alternate members of the Commission present. The person exercising the function of Executive Director of the Historical Commission shall serve as secretary of each neighborhood conservation district commission. Persons serving as members or alternate members of a neighborhood conservation district commission shall, as a result of such service, be considered as "special municipal employees" for purposes of Chapter 268A of the General Laws.

(Ord. 1331, 12/14/2009; Ord. 1166 § 8, 1995; Ord. 1002 (part), 1983; prior code § 2-147(k)(3))

2.78.170 Powers and duties.

The Historical Commission and each neighborhood conservation district commission shall have like powers, functions and duties with respect to each landmark and neighborhood conservation district over which it has jurisdiction as is provided Historic District Commissions under clauses (a) through (g) under Section 10 of Chapter 40C of the General Laws with respect to historic districts, including without limitation with respect to the approval and disapproval of certificates of appropriateness, ~~nonapplicability~~ non applicability and hardship, the dating and signing of such certificates, the keeping of records and adoption of rules and regulations, the filing with the City Clerk and Building Department of certificates and determinations of disapproval by it, and the determination of designs of appurtenances (excluding colors) which will meet the requirements of the landmark or neighborhood conservation district. The Historical Commission and each neighborhood conservation district commission shall have no powers, functions or duties with respect to, or jurisdiction over, affordable housing projects that either are developed under the Affordable Housing Overlay, as defined in Section 11.207 of the Zoning

Ordinance, or have a majority of their units permanently reserved for households at or below 100% of Area Median Income.

(Ord. 1002 (part), 1983: prior code § 2-147(k)(9))

2.78.180 Designation procedures.

A. The Historical Commission by majority vote may recommend for designation as a landmark any property within the City being or containing a place, structure, feature or object which it determines to be either (1) importantly associated with one or more historic persons or events, or with the broad architectural, aesthetic, cultural, political, economic or social history of the City or the Commonwealth or (2) historically or architecturally significant (in terms of period, style, method of construction or association with a famous architect or builder) either by itself or in the context of a group of structures; may recommend for designation as a neighborhood conservation district any area within the City containing places and structures which it determines are of importance to the architectural, aesthetic, cultural, political, economic or social history of the City, and which considered together cause such area to constitute a distinctive neighborhood or to have a distinctive character in terms of its exterior features; and may recommend amendments to any designation of landmark or neighborhood conservation district theretofore made.

B. Prior to the recommendation of designation or amendment of designation of any landmark or neighborhood conservation district an investigation and report on the historical, architectural and other relevant significance thereof shall be made. The report shall recommend the boundaries of any proposed landmark or neighborhood conservation district and shall recommend for incorporation in the order of the City Council designating each landmark or neighborhood conservation district general and/or specific standards and appropriate criteria consistent with the purposes of this article and the provisions of Section 2.78.190 of this article that are to be applied in making any determination of the type referred to in Sections 2.78.170, 2.78.210 and 2.78.220 of this article, with respect to the designated landmark or within the designated neighborhood conservation district.

C. In the case of a landmark, the report shall be prepared by the Historical Commission. In the case of a neighborhood conservation district, the report shall be prepared by a study committee consisting of ~~three members or alternates of the Historical Commission and four~~ five persons appointed by the City Manager, including at least one person who resides in the district under consideration, at least one person who owns property in the district under consideration, ~~and one person who owns property or resides elsewhere in the City and has demonstrated knowledge and concern for conservation and enhancement of those exterior features of the City which are important to its distinctive character.~~ at least one person who owns and/or operates a business within the district under consideration, and at least one person who rents in the district under consideration.

D. Any ~~ten~~ thirty registered voters of the City may petition that the Historical Commission initiate, or the Historical Commission on its own may initiate, the process of designating a landmark or amending or rescinding any such designation theretofore made. Any one hundred registered voters of the City may petition that the Historical Commission initiate the process of designating a neighborhood conservation district or amending or rescinding any such designation theretofore made. The Commission shall within forty-five days following the filing of such request or petition hold a preliminary hearing and arrange for

the preparation of a report and, if required, request the appointment of a study committee. In the event the Commission requests the appointment of a study committee, the approval of the formation of such committee shall be by order of the City Council. If the Commission declines to request the appointment of a study committee, it must make its recommendation as to whether or not to designate the landmark or neighborhood conservation district within forty-five days of the original petition or request for that designation. The Historical Commission shall not reconsider a proposed designation, amendment or rescission of designation within ~~one year~~ten years of its previous hearing thereon, ~~unless two-thirds of all its members vote to do so.~~ No later than forty-five days after the transmittal of a report to the Commission pertaining to a proposed designation, the Commission shall hold a public hearing. The Commission shall give not less than ~~fourteen~~thirty days notice of such public hearing by publication in a newspaper of general circulation in the City and by mailing notice thereof to the owner of the proposed landmark and to every owner abutting the proposed landmark or within the proposed neighborhood conservation district, each such owner to be determined from the then current records of the Assessing Department, to the residents of every address within the proposed neighborhood conservation district, and to the City Manager, the Planning Board and the City Clerk.

E. Prior to the public hearing, the Commission shall transmit copies of the report to the Planning Board for its consideration and recommendations.

F. The recommendation of the Historical Commission with regard to any designation, amendment or rescission shall be transmitted to the City Manager and to the City Clerk with a copy of the approved designation report. Along with its recommendation, the Historical Commission shall include a report on the impact of the designation on housing and renovation costs in the district and a letter from each business association within, or within 500 yards of, the proposed district setting out their views on the proposed district, and the Historical Commission shall identify opponents to the proposed district and allow them to submit a letter setting out their views on the proposed district and a counter-proposal to the CHC's recommendation. Designation of a landmark or a neighborhood conservation district or amendment or rescission of designation shall be by order of the City Council. In the case of a designation, the order shall include a statement of the reasons for such designation and a statement of standards which the Historical Commission or neighborhood conservation district commission is to apply under Sections 2.78.170 and 2.78.190 through 2.78.220 of this article.

G. No designation, amendment or rescission of designation shall become effective until a map setting forth the boundaries of the landmark or neighborhood conservation district or change in the boundaries thereof, has been filed with the City Council and has been recorded with the Registry of Deeds for the South District of Middlesex County.

H. If the order establishing or amending a neighborhood conservation district contains provisions for both regulatory and educational/incentive programs, the regulatory provisions of the order shall not be effective unless and until the educational/incentive provisions of the order are funded.

I. Following acceptance of a designation petition for a landmark by the Historical Commission, no application for a building permit for new construction or alterations on the premises of a property being considered for designation shall be granted until reviewed by the Commission as though the property were designated as a landmark ~~or a neighborhood conservation district~~ under this Article III. Beginning with the Following acceptance of a designation petition for a neighborhood conservation district by the Historical Commission and authorization of a study of the appropriateness of that designation by order of the City Council, and until (a) the Historical Commission makes a negative recommendation on a

proposed designation, (b) the City Council determines not to enact the proposed designation, or (c) one year has elapsed, whichever is less, the Commission shall conduct a non-binding review of all proposed construction, demolition, or alteration that affects the exterior architectural features, other than color, climate resiliency features, or renewable energy features, of the structures on the premises of a proposed landmark or within a proposed neighborhood conservation district. The period during which these rules and procedures apply may not be extended other than due to a declared emergency.

J. Notwithstanding the prior provisions of this section 2.78.180, a neighborhood conservation district previously established by order of the City Council, in accordance with this section, which order instructs that there be a review of the activities of the neighborhood conservation district commission established pursuant to that order, following one or more public hearings by such neighborhood conservation district commission and by the Historical Commission, and a report to the City Council by such commissions containing a summary of testimony at such hearings and recommendations by such commissions for amendments to the powers, responsibilities and procedures of such neighborhood conservation district commission (including amendments to the boundaries of the affected neighborhood conservation district), may be amended by the City Council, in a manner consistent with the recommendations of such report, or be rescinded without the necessity of the appointment of a new study committee or of a de novo study process.

K. Beginning in 2022, and every ten years thereafter, the City Council shall review each existing neighborhood conservation district and adopt an order (1) to renew the neighborhood conservation district unchanged; (2) to renew the neighborhood conservation district with more limited boundaries; (3) to renew the neighborhood conservation district with less restrictive rules and/or guidance; or (4) to discontinue the neighborhood conservation district. In the review process, the City Council shall revise the rules and/or guidance to conform with the current version of this ordinance, including setting a schedule for conformance of neighborhood conservation district commissions, upon vacancies, to the current membership requirements. In the absence of a City Council order renewing a neighborhood conservation district, the neighborhood conservation district shall be discontinued.

(Ord. 1331, 12/14/2009; Ord. 1166 §§9, 10, 17, 18, 1995; Ord. 1009A (part), 1984; Ord. 1002 (part), 1983: prior code § 2-147(k)(4))

2.78.190 Review procedures.

A. Except as the order designating or amending a landmark or neighborhood conservation district may otherwise provide in accordance with this article, the Historical Commission or neighborhood conservation district commission having jurisdiction shall review all construction, demolition or alteration that affects the exterior architectural features, other than color, climate resiliency features, or renewable energy features, of any landmark or within any neighborhood conservation district.

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. ~~Alternations~~ 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.

C. The Historical Commission or 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.

D. If the order establishing or amending a neighborhood conservation district provides, the determination of a neighborhood conservation district commission shall be binding only with regard to applications to construct a new building, to demolish an existing structure if a demolition permit is required, to construct a parking lot as a principal use, and to construct an addition to an existing structure that would increase its gross floor area, and in all other cases the determinations of a commission shall be advisory only and not binding on an applicant. In no case shall a building permit be issued until the commission has made a determination under the applicable provisions of this article.

(Ord. 1002 (part), 1983: prior code § 2-147(k)(5))

2.78.200 Maintenance, repair and reconstruction.

Nothing in this chapter shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature of a landmark or 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, not construed to prevent any construction or alteration under a permit duly issued prior to

the effective date of the order which designates that landmark or district, nor construed to prevent the reconstruction, substantially similar in exterior design, of a structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

(Ord. 1002 (part), 1983: prior code § 2-147(k)(6))

2.78.210 Certificates of appropriateness, nonapplicability or hardship.

A. Except as the order establishing or amending a landmark or neighborhood conservation district may otherwise provide, no structure designated a landmark or within a neighborhood conservation district shall be constructed or altered in any way that affects exterior architectural features unless the Historical Commission or neighborhood conservation district commission having jurisdiction shall first have issued a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship with respect to such construction or alteration.

B. Any person who desires to obtain a certificate from the Historical Commission or neighborhood conservation district commission shall file with the Commission an application for a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship, as the case may be, in such form as the commission may reasonably determine, together with such plans, elevations, specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application.

C. No building permit for alteration of an exterior architectural feature of a landmark or construction of a structure or for alteration of an exterior architectural feature within a neighborhood conservation district and no demolition permit for demolition or removal of a landmark or of a structure within a neighborhood conservation district shall be issued by the City or any department thereof until the certificate required by this article has been issued by the Historical Commission or neighborhood conservation district commission having jurisdiction. This provision does not apply to proposals for, or existing, affordable housing projects that either are developed under the Affordable Housing Overlay, as defined in Section 11.207 of the Zoning Ordinance, or have a majority of their units permanently reserved for households at or below 100% of Area Median Income, over which neither the Historical Commission nor any neighborhood conservation district commission has jurisdiction.

(Ord. 1166 §§11, 12, 1995; Ord. 1002 (part), 1983: prior code § 2-147(k)(7))

2.78.220 Factors considered by Commissions.

A. In passing upon matters before it, the Historical Commission or neighborhood conservation district commission shall consider, among other things, the historic and architectural value and significance of the site or structure, the general design, arrangement, texture and material of the features involved, and the relation of such features to similar features of structures in the surrounding area. In the case of new construction or additions to existing structures a commission shall consider the appropriateness of the size and shape of the structure both in relation to the land area upon which the

structure is situated and to structures in the vicinity, ~~and a Commission may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable provision of the zoning ordinance.~~ A Commission shall not consider interior arrangements or architectural features not subject to public view.

B. A Commission shall not make any recommendation or requirement except for the purpose of ~~preventing developments~~ rejecting proposals incongruous to the historic aspects, or the architectural significance ~~or the distinctive character~~ of the landmark or neighborhood conservation district.

(Ord. 1002 (part), 1983: prior code § 2-147(k)(8))

2.78.230 Public meetings and hearings.

The Historical Commission and each neighborhood conservation district commission shall adopt rules for the reasonable conduct of its meetings and public hearings, which rules shall not be inconsistent with the procedures provided for meetings of and hearings by historic district commissions under Section 11 of Chapter 40C of the General Laws; and in the absence of the adoption of any such rules, meetings and public hearings of the Historical Commission and of each neighborhood conservation district commission shall be in conformity with the provisions of Section 11 of Chapter 40C applicable to historic district commissions.

(Ord. 1002 (part), 1983: prior code § 2-147(k)(10))

2.78.240 Appeal procedure.

Any person aggrieved by a designation of a landmark or district may appeal to the superior court within thirty days after such designation. Any applicant aggrieved by a determination of a neighborhood conservation district commission or ten registered voters of the City opposing a determination under this article may appeal to the Historical Commission within ~~twenty~~ sixty days after the filing of the notice of such determination with the City Clerk. The Historical Commission may overrule the determination and return it for reconsideration consistent with that finding. If the applicant is aggrieved by the determination of the Historical Commission, or if action is not taken by the Historical Commission within thirty days of filing for review, the applicant may appeal to the superior court. Appeal from a Historical Commission determination shall be taken within thirty days of the formal decision; appeal from a failure to act shall be taken within sixty days after the filing for review. The superior court may reverse a determination if it is not supported by substantial evidence in the record. In all other respects, the appeal shall be made in the same manner as provided under Section 12A of Chapter 40C of the General Laws.

(Ord. 1166 §13, 1995; Ord. 1002 (part), 1983: prior code § 2-147(k)(11))

2.78.250 Historical Commission authority not limited.

No provisions of this article shall alter or diminish the duties and functions of the Historical Commission under the authority of Chapter 40, Section 8D and Chapter 40C of the General Laws, or apply to any historic district currently administered by such commission, or restrict the establishment of any future historic district under Chapter 40C of the General Laws.

(Ord. 1002 (part), 1983: prior code § 2-147(k)(13))

2.78.260 Limitation on applicability.

The provisions of Article II of this chapter (relative to procedures for demolition permits for significant buildings) shall not be applicable with respect to the demolition of any structure within a neighborhood conservation district if the appropriate neighborhood conservation district commission has issued a certificate of appropriateness or a certificate of hardship permitting the demolition of such structure.

(Ord. 1002 (part), 1983: prior code § 2-147(k)(14))

2.78.270 Enforcement and remedies.

The Historical Commission ~~and any neighborhood conservation district commission are each~~ specifically authorized to institute any and all actions, proceedings in law and in equity, as ~~they deem it~~ deems necessary and appropriate to obtain compliance with the requirements of this article or to prevent a threatened violation thereof. Any violation of any provision of this article may be punished to the like extent provided in Section 13 of Chapter 40C of the General Laws for a violation of said Chapter 40C. In addition to the foregoing, no building permit shall be issued, with respect to any premises upon which a landmark or a structure within any neighborhood conservation district has been voluntarily demolished otherwise than pursuant to a certificate granted after compliance with the provisions of this article, for a period of two years after the date of the completion of such demolition (the word "premises" for the purposes of this sentence referring to the parcel of land upon which the demolished structure was located and all adjoining parcels of land under common ownership or control.)

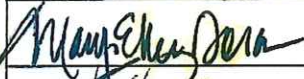

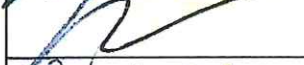



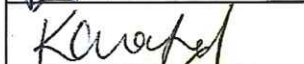
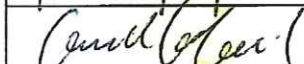
(Ord. 1002 (part), 1983: prior code § 2-147(k)(12))

Petition to: Cambridge City Council

Cambridge Neighborhood Conservation District Ordinance Amendment Petition

Petition Summary and Background	For more equitable, inclusive, and representative community processes governing all phases of the creation and operation of Neighborhood Conservation Districts
Action Petitioned for:	Amendment of the Cambridge Neighborhood Conservation District Ordinance

For more information, please email lorencrowe@gmail.com

Signature	Printed Name	Street Address
	Mary Ellen Doran	48 Spring Street
	Bryan Doran	48 Spring Street
	Joseph Aiello	207 Charles St.
	Caroline Lowenthal	23 6 th St.
	Sam Ribnick	62 Fulkerson
	DANIEL GOLPSMITH	71 FULKERSON #201
	Kari Crawford	119 Spring St
	Conrad Crawford	119 Spring St


Minutes Acceptance: Minutes of Oct 25, 2022 3:00 PM (Committee Reports)

Petition to: Cambridge City Council

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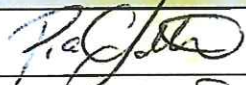
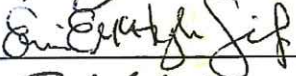



Signature	Printed Name	Street Address
	Lorena Crowe	Museum Way #508

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Signature	Printed Name	Street Address
	Pia Chatterjee	68 Otis Unit 2
	Erin McHugh Saif	259 Hurley St. #4
	Patrick Magee	877 Cambridge St 2
	Jay Wasserman	34 Seward St
	Justin Saif	259 Hurley St #4







Minutes Acceptance: Minutes of Oct 25, 2022 3:00 PM (Committee Reports)

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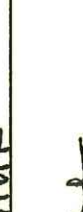

Signature	Printed Name	Street Address
	Lena Sawin	90 Grozier Rd, Cambridge, MA 02138
	Aaron Kasper	90 Grozier Rd. Cambridge MA 02138
	Lorraine Thomas	111 Magazine St #1, Cambridge MA 02139
	Catherine Hovnsi	572 Franklin St, Cambridge MA 02139
	JASON B. ALONSO	572 FRANKLIN ST, CAMBRIDGE, MA 02139
	ELI BOGART	27 Mt Man Ave #12 Cambridge MA 02139

Petition to: Cambridge City Council

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For more information, please email lorencrowe@gmail.com

Signature	Printed Name	Street Address
	Jemin Kim	1475 Prospect St #13
	Laura Carey	23 Elsworth Ave #1
	Young Cynn	194 Prospect St #2
	Christina Mork	8 James Way, 02141
	MARGARET CURRIER	4345 SAVILLE ST.
	Michaela Wozniak	30 Saville St.
	Louisa NEVILLE	38 Saville St.
	TARA NUGUL	253 Walden Street

Petition to: Cambridge City Council

Cambridge Neighborhood Conservation District Ordinance Amendment Petition

Petition Summary and Background	For more equitable, inclusive, and representative community processes governing all phases of the creation and operation of Neighborhood Conservation Districts
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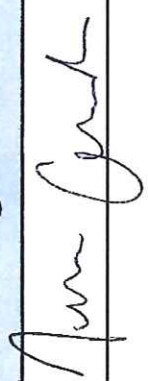
For more information, please email lorencrowe@gmail.com

Signature	Printed Name	Street Address
	Esther Bleicher	93 Antrim St. Cambridge 02139
	Rebecca Sparkes	26 Lowell St. Cambridge 02138
	Jordan Bleicher	93 Antrim St Cambridge 02139
	Jonathan Russell	18 Pine St. Cambridge 02139
	LAURA BACON	18 Prince St Cambridge 02139
	Robert V. Dyer	32 Decatur St Cambridge 02139
	Jessica Sheehan	48 Fairmont St.
	Marisa Gold	610 Franklin St. 02139
	Daniel Greenwald	610 Franklin St 02139

Petition to: Cambridge City Council
Cambridge Neighborhood Conservation District Ordinance Amendment Petition

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For more information, please email lorencrowe@gmail.com

Signature	Printed Name	Street Address
	Jessica Corbin	32 Market St Cambridge, 02139

Attachment D

Crane, Paula

From: Blier, Suzanne <blier@fas.harvard.edu>
Sent: Tuesday, October 25, 2022 8:38 AM
To: Azeem, Burhan; Carlone, Dennis; Mallon, Alanna; McGovern, Marc; Nolan, Patricia; Siddiqui, Sumbul; Simmons, Denise; Toner, Paul; Zondervan, Quinton; Clerk; City Manager; Sullivan, Charles M.; Burks, Sarah
Subject: Neighborhood Conservation Districts - On Looking etc.

Honorable Mayor, Cambridge City Council Members, Cambridge City Manager, and Members of the Cambridge Historic Commission.

I write with respect to the citizen petition regarding Cambridge Neighborhood Conservation Districts (NCDs) that is coming up for review in the Neighborhood and Long-Term Planning Committee. The petition seems to have emerged from disgruntled individuals upset with the process underway to create a NCD in East Cambridge. This part of the city is an area of critical historic importance to Cambridge and our vital immigrant and factory history. The timing of this petition on the eve of the city's celebration of its 400th birthday is also unfortunate. A study of existing NCDs in our city and others indicates that NCDs are either neutral with respect to rising housing costs or tend to keep such price rises lower than in non-NCD areas. The main petitioner's social media posts have unfortunately confused NCDs with Historic Districts which follow completely different sets of rules. The petition before the committee would have the added impact of further increasing labs in the city (which take up critical housing space and make the city far less livable) – all at the expense of housing.

I support the proposed changes by Mr. Sullivan to this petition. Specifically:

- **On looking for more diversity:** This is positive. Perhaps the CDC could provide CHC with the affiliated neighborhood demographics (age, gender, and race) as a partial model or goal for new NCD members on each local NCD from the recent U.S. census reports. Currently NCD members tend to be older due to fewer time constraints and a desire to “give back” to the community as family and career commitments decrease, but if younger people, especially renters, are willing to serve, they should be encouraged.
- **On adding (where possible) renters to NCDs.** This makes sense, providing such renters can be located and are interested in serving. Sociological studies indicate that renters generally are *less* supportive of residential building alternations in their neighborhoods than property owners, so this would encourage proponents of major changes to get even more support from adjacent residents. In short, this move may make NCDs more conservative than they tend to be in the city currently. Some will see this as a plus; others as a minus.
- **On maintaining professional expertise on the NCDs:** This is important (particularly architects, preservationists, landscape architects). Most NCDs already have a healthy mix of professionals and non-professionals serving on them.
- **On adding a commercial property owner to the NCD.** Many NCDs have very few commercial properties in them, much less commercial properties owned by people who reside in Cambridge, but again CDD could be asked to provide data on the percentage of Cambridge-residing commercial property owners to Cambridge-residing residential property owners in a given proposed NCD in the assessment of what percentage each might have if this is viewed as a critical need.
- **On changing current NCD filing requirements:** Eliminating existing rights of citizens – nationally or locally – is not something we should be doing, and the same is true of this petitioner's desire to eliminate the ten-citizen petition for a NCD study. If it is eliminated for NCDs, what would stop the city from limiting other citizen rights for other Cambridge petition forms?
- **On requiring the CHC to identify all the opponents of a proposed district:** This would be impossible, and it also would make it much harder for renters to participate on such commissions because of potential competing views by property owners.

Minutes Acceptance: Minutes of Oct 25, 2022 3:00 PM (Committee Reports)

- **Further re. opponents:** I am one of a number of Cambridge residents who has continued to be harassed and attacked by several of the petitioners of this anti-NCD group on social media - in part because of my early support for the East Cambridge NCD effort and the East Cambridge Planning Team as a leader of another city neighborhood group, the Harvard Square Neighborhood Association. Volunteer members of the CHC have also been personally attacked by these same individuals on social media and in at least one case at their homes, merely for participating in this process. Sometimes of those attacked have been members of underrepresented minorities, precisely the group of people we are trying to bring into these boards. Freedom of speech is one thing, but uncivil and unruly behavior on the part of those pushing for what seems to be largely a political agenda should never be allowed much less encouraged.
- **On adding secondary criteria such as affordable housing and environmental criteria.** This is a plus. NCDs generally have the highest percentage of naturally occurring affordable housing. Recently in my NCD, a four-apartment rental building was demolished and replaced by two luxury condos (one still empty, several years later). If affordability is brought into play, it is possible that this demolition and repurposing would have been viewed more negatively and not allowed. Adding environmental considerations is positive too, and may help to stop the increasing McMansionizing by outside investors for far wealthier individuals seeking to purchase added investment homes here. This might also prevent the new generation of housing investors and others from trying to use every possible inch of green space for housing additions or infill that drive up housing costs for everyone, destroy trees, and make our neighborhoods and city less livable.
- **On regular reviews of NCDs.** This is positive. The Harvard Square Conservation District was recently reviewed this way, thanks to a 10 person citizens' petition, and this led to more collaboration and a recent re-zoning petition.
- **On the proposed decadal sunseting of NCDS.** This would be onerous for CHC staff – as each renewal would involve a multi-year process. Moreover, we do not do this for other ordinances and there are many residents who would like to see sunseting on a number of new changes from bicycle lanes to parking issues.
- **On limiting set back and dimensional requirements.** Not only would this negatively impact the environment (green spaces and trees - one of the factors now proposed to be considered with NCDs), but this also would likely lead to more discord among neighbors.
- **On replacing a CHC member on the NCD after three years:** It is not clear why one would want to replace the CHC member on an NCD by a local resident after three years. I have found it helpful to have someone knowledgeable about CHC historic decisions on the local NCDs, although presumably if CHC staff is present some of this would be in place.

Cordially,

Suzanne Blier
5 Fuller Place

Attachment E

Crane, Paula

From: jeanspera23 <jeanspera23@gmail.com>
Sent: Tuesday, October 25, 2022 2:18 PM
To: Hill, Eric; City Council; Sullivan, Charles M.; City Clerk; City Manager
Subject: FW: Amendment to Chapter 2.78

Correction: Citizen Petition

Sent from my Verizon, Samsung Galaxy Tablet

----- Original message -----

From: jeanspera23 <jeanspera23@gmail.com>
Date: 10/25/22 1:03 PM (GMT-05:00)
To: CityManager@cambridgema.gov, CityClerk@cambridgema.gov, CityCouncil@cambridgema.gov, csullivan@cambridgema.gov, ehill@cambridgema.gov
Subject: Amendment to Chapter 2.78

Dear Cambridge City Manager, Mayor Siddiqui, City Council Members, and Cambridge Historical Commission Officials,

We are writing in opposition to the Citizen Position regarding Cambridge Neighborhood Conservation Districts. We do support the proposed changes advanced by Mr. Sullivan.

We believe strongly that the Historical Commission is vital to the preservation of the history of the City of Cambridge, the State of Massachusetts, and the United States of America. Please do not let the viewpoint of one citizen impact on such an important and vital City commission.

Thank you for your attention to this most important matter.

Sincerely,
 Anna Spera
 Jean Spera
 12 Sciarappa Street

Sent from my Verizon, Samsung Galaxy Tablet

Minutes Acceptance: Minutes of Oct 25, 2022 3:00 PM (Committee Reports)

Attachment F

Taylor, Bernice

From: Heather Hoffman <heather.m.hoffman.1957@gmail.com>
Sent: Tuesday, October 25, 2022 4:21 PM
To: Carlone, Dennis; McGovern, Marc; Zondervan, Quinton; Nolan, Patricia; Mallon, Alanna
Cc: Toner, Paul; City Clerk; Sullivan, Charles M.
Subject: This is NOT ZONING

The reason so many people were upset at the way this "petition" was handled by the City Council is that it is not a zoning petition nor any other type of petition provided for in state law. It is disturbing that so many members of this committee seem not to understand this, or at least seem to be forgetting it. Were it a zoning petition, you would probably expect to have members of CDD, such as Iram Farooq and Jeff Roberts in attendance. Instead, you have the Executive Director of the Historical Commission, which has no role in overseeing zoning.

Heather Maguire Hoffman, Attorney at Law
213 Hurley Street

Minutes Acceptance: Minutes of Oct 25, 2022 3:00 PM (Committee Reports)