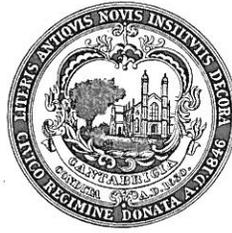


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CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

October 19, 2015

Richard C. Rossi
City Manager
City Hall
Cambridge, MA 02139

Re: Awaiting Report No. 15-105: Re: "determine whether the Cambridge Historical Commission has the authority to initiate a study for a possible designation of a Neighborhood Conservation District without exercising its jurisdiction during the study period to administer the area as though it had already been designated."

Dear Mr. Rossi:

In the above-referenced Policy Order, the City Council asked whether the Cambridge Historical Commission has the authority to initiate a study for a possible designation of a Neighborhood Conservation District without exercising its jurisdiction during the study period to administer the area as though it had already been designated. The Executive Director of the Historical Commission informed me that this issue has arisen relating to a recent petition submitted by ten registered voters to the Historical Commission that initiated the process of designating a Neighborhood Conservation District in the Fayerweather Street area.

Cambridge City Code §2.78.180(D) provides that any ten registered voters of the City may petition the Historical Commission to initiate the process of designating a Neighborhood Conservation District, as happened here. Cambridge City Code §2.78.180(I) provides in relevant part:

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 designation shall be granted until reviewed by the Commission as though the property were designated as a... neighborhood conservation district under this Article III. Beginning with the acceptance of a designation petition... the Commission shall review all proposed construction, demolition, or alteration that affects the exterior

architectural features, other than color, of the structures... within a proposed neighborhood conservation district.”

The language in the ordinance is mandatory and does not allow the Historical Commission any discretion to treat properties in the proposed district differently than as prescribed by the ordinance, i.e., “as though the property were designated as [being in]... a neighborhood conservation district...” during the pendency of the study period in a circumstance such as this, where the study is initiated pursuant to the petition of ten registered voters.

Very truly yours,



Nancy E. Glowa
City Solicitor