

**Appendix D: Communications Received Since January 2007**

1. Ordinance Committee Report, January 22, 2007
2. Ordinance Committee Report, June 25, 2007
3. City Council Order #0-59, July 30, 2007. This Order contains the Council's charge to the Committee.
4. Reaffirmation of petition by Raymond Street area petitioners
5. Communication from Eric Wodlinger to William King, May 11, 2007
6. Communication from Edward and Margaret Handy to the City Council, June 5, 2007
7. Communication from Maurisse Taylor Gray to City Councilor Michael Sullivan, July 13, 2007
8. Communication from Craig Whitaker to Judy and John Bagalay, July 16, 2007
9. Communication from Peter Schweich to the City Council, no date.
10. LEED Ratings System summary and NCD Pilot Project Checklist proposal from Craig Whitaker to Committee, December 5, 2007
11. Plan by Mills Whitaker Architects LLC titled "Raymond Street Site Study: Existing Conditions," dated 5 April 2005.

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## CITY COUNCIL

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## Committee Report

## Committee Report #3

ORDINANCE COMMITTEE MEMBERS In City Council January 22, 2007*Councillor Brian Murphy, Co-Chair**Councillor Michael A Sullivan, Co-Chair**Councillor Henrietta Davis**Councillor Majorie Decker**Councillor Anthony D Galluccio**Councillor Craig A Kelley**Mayor Kenneth E Reeves**Councillor E. Denise Simmons**Vice Mayor Timothy J Toomey*

The Ordinance Committee held a public hearing on Wednesday, December 13, 2006 beginning at six o'clock and twenty-five minutes p. m. in the Sullivan Chamber. The hearing was held for purpose of considering the recommendations for changes to the Neighborhood Conservation District Ordinance and the Avon Hill Neighborhood Conservation District Order, submitted by the Avon Hill Neighborhood Conservation District Boundary Study Committee, and endorsed by the Historical Commission.

Present at the meeting were Councillor Brian Murphy, and Councillor Michael A. Sullivan, Co-Chairs of the Committee, Councillor Henrietta Davis, Councillor Anthony D. Galluccio, City Clerk D. Margaret Drury, Charles Sullivan, Executive Director of the Historical Commission, William King, Chair of the Historical Commission, and Nancy Glowa, Deputy City Solicitor.

Councillor Murphy convened the hearing and explained the purpose. He invited Charles Sullivan, Executive Director of the Cambridge Historical Commission, to provide some background. Mr. Sullivan explained that the proceedings that led to the recommendations from the Historical Commission currently before the Ordinance Committee began with petitions to the Historical Commission from 18 property owners on Raymond Street who requested that their properties be excluded from the Avon Hill Neighborhood Conservation District (Avon Hill NCD). The Historical Commission accepted the petitions and, pursuant to the provisions of the NCD Ordinance, the City Manager appointed a Study Committee to investigate, take public testimony and report back to the Historical Commission.

The Historical Commission requested the Study Committee to look at more than just the boundary issue, to look at the underlying governance problems that appeared to underlie the petitions and also to consider the potential for combination of the Avon Hill NCD with the Lower Common Study Area. The Study Committee engaged in a process which included more than 12 meetings to take public testimony and formulate recommendations. The Study Committee submitted its report to the Historical

Commission, and on November 2, 2006, after a public hearing, the Historical Commission voted unanimously to endorse the recommendations and forward the report to the City Council.

Mr. Sullivan noted that the report recommends focusing on irreversible changes and elimination of the category of nonbinding determinations from the NCD's jurisdiction.

He also pointed out that the report suggested considering a citywide NCD Commission. The recommended changes are set forth below:

#### Recommendations to the City Council

Recommendation 1 is a general recommendation that the district stay as currently describe in the order - No City Council action is necessary to effect this recommendation.

Recommendation 1: The Committee unanimously recommends that Raymond Street should remain in the District, and that the problems that Raymond Street petitioners and others have encountered are better dealt with through the jurisdiction and governance changes recommended below.

Recommendation 2 - 8 : Amend the Avon Hill Order to effect Recommendations 2-8 with respect to elimination of change of review for alterations to non-NR buildings (see Attachment A)

Recommendation 2: Clarify the general purpose and approach of the District by amending the preamble of the Avon Hill NCD Order.

Recommendation 3: Eliminate a provision of the Order requiring NCD review when a special permit or zoning variance is required.

Recommendation 4: Require binding review of aluminum or vinyl siding and aluminum, vinyl, or vinyl-clad windows where they currently do not exist outside as well as within the National Register portion of the District.

Recommendation 5: Require binding review for alterations that affect the building envelope, including altering, adding or removing bays, dormers, roof shapes and porches outside the National Register portion of the District.

Recommendation 6: Eliminate non-binding determinations and replace them with advisory administrative reviews by CHC staff.

Recommendation 7: Change the guideline regarding total lot coverage from 30% to 35% in the A-2 zone and 40% to 45% in the B and C-1 zones.

Recommendation 8: Add a conservation guideline for architectural features such as siding, trim and windows, clarifying that these features should generally be compatible with the architectural style of the building. Specifically state that vinyl fencing, vinyl siding, and vinyl windows should not be used.

Recommendation 9 - Amend the NCD Ordinance (Ch. 278, Article III) (see Attach. 2)

Recommendation 9: Allow up to two additional Cambridge residents living outside the District to serve on the Commission (one as a member, one as an alternate), with preference given to those who have served on other NCD commissions.

#### Recommendations to the City Manager

Recommendation 10: Encourage residents of the District to nominate potential candidates for membership [to the Avon Hill Neighborhood Conservation District Commission].

Recommendation 11: Enforce the provision of the Ordinance that Commission

members are limited to two consecutive terms of service. Allow former members to be considered for reappointment after one year of retirement.

**Recommendation 12:** Recommend to the City Manager that he appoint a new Commission of members and alternates who have not previously served.

#### **Administrative Recommendations**

**Recommendation 13:** Assign the Historical Commission clear responsibility for the oversight of NCDs. The Historical Commission should hold periodic joint meetings with the Avon Hill NCD Commission to review the operations of the District and report its findings to the City Manager and the City Council.

**Recommendation 14:** The Avon Hill NCD Commission should continue to use the hearing procedures recently established.

**Recommendation 15:** The Historical Commission should increase training of Commission members and should consider establishing a Code of Conduct for Commissioners.

**Recommendation 16:** The Historical Commission should consider increasing its public education efforts.

#### **Recommendation for Possible Future Action**

**Recommendation 17:** The Historical Commission should consider recommending that the City Council amend the NCD Ordinance so as to consolidate some of the city's smaller NCDs under one citywide NCD commission. Consolidation of the Avon Hill NCD with the proposed Lower Common NCD is not recommended.

The Study Committee report contains a copy of the current order with the proposed amendments included (Attachment A). Language for the proposed ordinance changes will be submitted by the Historical Commission at a later date.

The Committee then heard from William King, Chair of the Historical Commission. Mr. King stated that, under the ordinance, amending a Neighborhood Conservation District requires the same process as establishing one. Mr. King informed the Ordinance Committee that he served on this study committee. He stated that in this case, to be sure that the positions of the petitioners who initiated the process were fully considered, the Study Committee elected Co-Chairs Theresa Hamacher, a Raymond Street resident who had submitted a petition requesting that Raymond Street be removed from the NCD, and Arthur Bardige, also a Raymond Street resident. He introduced the Co-Chairs.

Arthur Bardige, 98 Raymond Street, stated that the Study Committee's process took almost a year and included more than a dozen meetings. They send a survey to all households within the district and received a 40% response. The Study Committee held a number of public hearings. The Study Committee concluded that (1) the Avon Hill NCD was causing anxiety and anger in the community at large and (2) the Avon Hill community likes the idea of a neighborhood conservation district. All of the Study Committee members agreed upon all of the recommendations in the report. Mr. Bardige said that it became clear that the nonbinding reviews were particularly troublesome; there were a lot of gray areas that almost invited conflict and misunderstanding. He also noted that removal of Raymond Street would only exacerbate the problem of finding new members. The smaller the group of homeowners, the bigger the potential conflict of interest issues.

Theresa Hamacher, 95 Raymond Street, said that one of the key findings of the Study Committee was that the community supported regulation of big, unalterable construction but did not support regulation for the smaller, more easily reversible and temporary changes. The Study Committee also found that the NCD was not perceived as predictable to the homeowners. As part of its work, the committee looked at all of the projects that had been reviewed in the past. She said that she was one of the people

who wanted her house removed from the jurisdiction of the NCD, but through the process she became convinced that there is a role for the NCD as long as it works correctly. With regard to the Raymond Street petitions, the Study Committee concluded that membership in the NCD is not optional. They reviewed the drawing of the original NCD map and concluded that no mistakes were made. She noted that there are three houses that are also technically within the Gray Gardens area.

At this time Councillor Murphy invited public comment.

Maurisse Gray, 49 Linnaean Street, stated that she lives on the corner of Linnaean Street and Raymond Street. She and her husband were among the original petitioners for removal, and she still believes that their house does not belong in the NCD because it relates much more to Linnaean Street than Raymond Street. She does not believe that NCDs should have any binding authority.

Nelson Gore, 60 Raymond Street, stated that he was one of the original petitioners. Eighteen people petitioned because the NCD Commission acted in an arbitrary way. He has seen reasonable projects voted down and horrible projects approved. He believes that at least some of the Study Committee members were chosen because they favored expansion of the NCD Commission. He urged the City Council to support removal of the three Gray Garden properties and redrawing the district line to remove all properties on the west side of Raymond Street.

Jacqueline Olds, 30 Hillside Avenue, member of the Study Committee stated that she remembers the original discussions to form the NCD, where preserving open space was a very important consideration. She said that she believes that the new guidelines could make the NCD Commission work better.

Judith Bagalay, 15 Raymond Street, said that in 1997 she went to some of the original meetings and she thought that the NCD would work. Then in 2000, she went before the commission with her architect to get approval for a garage in the front part of her yard, which is where she parks. She presented beautiful plans, but they were never really considered. This has gone on for six years. Seventy five percent of the property owners on Raymond Street signed the petitions for removal. A Study Committee that was stacked in favor of keeping Raymond Street in the NCD hijacked their petitions. The Commission has lost the confidence of the Raymond Street property owners. She urged the City Council to either remove Raymond Street from the district or support nonbinding review of border properties.

Heli Meitzner, 74 Avon Hill Street, stated that she is a member of the Avon Hill NCD, and she served on the Study Committee that produced this report. The Study Committee gave this matter its full and serious attention. She, like other committee members, approached the issue with an open mind. She believes that these recommendations will solve the underlying problems that led to the frustration and anger expressed by the Raymond Street petitioners.

Sabine Istridou, 1 Gray Gardens East, stated that she has never had a negative experience with the NCD Commission, but she has heard her neighbors' frustration. She would like her house to be removed from the NCD. Gray Gardens is a separate community, and it is separate from Avon Hill. She also objects to the fact that the NCD review results in binding decisions.

At 7 p.m., Councillor Murphy convened the Ordinance Committee hearing scheduled for 7 p.m. on the issue of whether all neighborhood conservation districts should have the same standards. He explained that due to time constraints and the fact that the councillor who had brought this issue to the City Council was not present, the matter would remain in the Ordinance Committee. He invited anyone who was present to make comments on the matter at this time if they so desired.

Maurice Lessings, Gray Street, stated that he is a member of the Lower Commons Study Committee. Each NCD is different from the others, so the concerns about what must be preserved will be different as well. However, the standards by which the projects are judged should be similar and should involve the application of documented rules. Guidelines should be provided to the members of the NCD commission. The

Commission should be required to make finding based on specific evidence to support their decision. He also said that the process for establishing a neighborhood conservation district is undemocratic. The study committee is composed of three members of the Historical Commission and three residents. The Historical Commission members will support establishment of the NCD, so all it takes is one resident to vote in favor. Mr. Lessings stated that he believes that the idea of a single citywide NCD makes sense. He also suggested revision of the appeal process.

At this time Councillor Murphy recessed the 7 p.m. hearing.

Councillor Galluccio thanked all the members of the public and the Study Committee. He said that he believes that there should be some thought of separation here. He would be aided by some clarity here. He does not know who wants to be removed, particularly along the Raymond Street corridor. Mr. Sullivan stated that the original petition consists of 18 property owners on Raymond Street.

Councillor Sullivan said that he is glad to hear about the amendments. He is also interested in hearing more about a citywide neighborhood district commission. He asked whether the City Council has the authority to amend the map of the district and requested that the City Solicitor look into the question and report back to the City Council.

Councillor Murphy thanked the members of the Study Commission for their work on this matter. He said that his inclination would be to accept the recommendations in the report and move forward, but he does not know what the full City Council will decide.

Councillor Sullivan said that if there is an inclination to go back and poll the residents of a specific street, those residents should also get an update on the changes that have already been made and those that have been recommended to the Council.

Councillor Davis made the following motion:

**Ordered:** That the City Manager be and hereby is requested to direct the City Solicitor to report back to the City Council on whether the City Council has the authority to amend the map of a neighborhood conservation district, and if so, what is the process for doing so; and be it further

**Ordered:** That the City Manager be and hereby is requested to confer with the Executive Director of the Historical Commission on how a plan to update and poll residents could be implemented.

The motion passed on a voice vote without objection.

Councillor Davis moved that the matter be referred to the full City Council. The motion carried on a voice vote without objection.

Councillor Murphy and Councillor Sullivan thanked all those present for their participation. The meeting was adjourned at 7:45 p.m.

For the Committee

Councillor Brian Murphy

Councillor Michael A. Sullivan

Attachment A Draft order with proposed amendments

Attachment B Letter from Catherine Henn

Attachment C Letter from Edward and Margaret Handy

COMMITTEE REPORT AMENDED, ORDER ADOPTED SEE ORDER #18 AND  
REPORT TABLED BY COUNCILLOR SULLIVAN, on January 22, 2007  
REFERRED TO HISTORICAL COMMISSION AND AVON HILL  
NEIGHBORHOOD CONSERVATION DISTRICT BOUNDARY STUDY  
COMMITTEE SEE ORDER #59 on July 30, 2007.

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# CITY COUNCIL

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## Committee Report

Committee Report #1

### ORDINANCE COMMITTEE MEMBERS

In City Council June 25, 2007

- Councillor Brian Murphy, Co-Chair*
- Councillor Michael A Sullivan, Co-Chair*
- Councillor Henrietta Davis*
- Councillor Majorie Decker*
- Councillor Anthony D Galbuccio*
- Councillor Craig A Kelley*
- Mayor Kenneth E Reeves*
- Councillor E. Denise Simmons*
- Vice Mayor Timothy J Toomey*

The Ordinance Committee held a public meeting on, Tuesday, May 8, 2007 at beginning at six o'clock and thirty-five minutes P. M. in the Sullivan Chamber.

The meeting was held for the purpose of continuing discussion of the recommendations of the Historical Commission to accept the recommendations of the Avon Hill Neighborhood Conservation District Boundary Study Committee.

Present at the meeting were Councillor Michael A. Sullivan and Councillor Brian Murphy, Co-Chairs of the Committee, Councillor Henrietta Davis, Councillor Craig Kelley and City Clerk D. Margaret Drury. Also present were Charles Sullivan, Executive Director of the Historical Commission, and Donald Drisdell, City Solicitor.

Councillor Sullivan convened the meeting and explained the purpose. He invited Charles Sullivan to provide an update on this matter. Mr. Sullivan gave a brief history. He described the recommendation of the Study Committee that the Avon Hill NCDC boundary stay as originally drawn and that several changes and improvements be made to the governance of the neighborhood conservation district. Mr. Sullivan said that in response to the City Council's request, the Historical Commission did a second survey in February 2007. A report of that survey is attached (Attachment A). Mr. Sullivan reported that the survey was sent to all 295 property owners in the district. Eighty-five responded, which represented a 28.8 percent response rate, more than the 19 percent return for the original survey. He said that 81 percent supported the goals of the Avon Hill Neighborhood Conservation District and 78.1 percent opposed redoing the size by

allowing the petitioners to leave the district.

Councillor Davis asked if the survey was representative. Mr. Sullivan said that they sent it to every property owner in the district.

Councillor Sullivan invited public comment.

Sarah Alvard, 16 Bellevue Avenue, spoke in support of the boundary study and its recommendations. Fair processes are very important. She said that she believes these issues have been addressed in the Study Committee's recommendations.

Judy Bagalay, 15 Raymond Street, stated that she is one of the original petitioners. The original petitioners have reaffirmed their desire to leave the district. They have had eight years experience with imposed tastes and unelected arbiters. They live in the second most restrictive zoning district in the City but there is no objective because the zoning rules are objective. She said that Raymond Street is different from the rest of the district. The Raymond Street petitioners would be willing to stay in the district if the review were made nonbinding for all properties except National Historical Registered and Massachusetts Avenue properties. Ms. Bagalay said that if that is too drastic, they would request that the boundary streets (Linnaean, Raymond and Upland Streets and Massachusetts Avenue) have non-binding review. She said that the NCD Commission failed to understand that on a street with 11 garages, one more should be allowed.

Eric Wodlinger, Craigie Street, suggested that the Cambridge Historical Commission should have jurisdiction over the neighborhood conservation districts. He also suggested a mechanism like the demolition delay provision. Homeowners who have bought historic houses should not be treated like children; there should be a negotiation process. The very complexity of the recommendations shows that the Avon Hill Neighborhood Conservation District is fatally flawed.

Rob Adelberg, 18 Bellevue Avenue, stated that his property is located three houses from Raymond Street; he is an abutter to 79 Raymond Street. The petition served a good purpose. It catalyzed a serious and thorough report. He has just participated for the first time and he was struck by the courtesy and professionalism of the commission. He supports giving them a chance to demonstrate how much improvement has taken place. He is not sure of accuracy of the statement that all but one of the original petitioners resigned. Some have moved and he knows of a couple of others who no longer want Raymond Street out of the Neighborhood Conservation District. He hopes that the person who has requested approval to build a garage could apply again and succeed.

Steven Fitzsimmons, 3 Wyman Street, said that good points were made about mistakes in the process in the past. He said that he believes that it is part of what makes the Study Committee's recommendation sound. He urged the Ordinance Committee to forward the report to the full City Council with a favorable recommendation. He noted a recent good discussion by the Avon Hill Neighborhood Conservation District Commission with regard to the 79 Raymond Street property. He also discussed the concept of the street. For example, 79 Raymond Street has ten abutters and only one is on Raymond Street.

Alan Harwood, 77 Avon Hill Street, read from a letter from his wife, Margot Welch. She said that the NCDC provides a structure that can help neighbors to problem-solve. Everyone needs to think bigger. There may well be more traffic on Raymond Street since the district boundaries were established. So the challenge is to see if the community can be strengthened as circumstances change. Through public discussion and strong governance structures that facilitate discussion and learning, differences can be explored in ways that strengthen and enrich the whole.

Brian Hutte, 147 Brattle Street, spoke in support of the Neighborhood Conservation District. He emphasized the importance of objective standards. The Historical Commission has the expertise to train the commissioners. Traffic does not undermine the historical significance of the street, but it does make difference to the needs of the residents. Nonbinding review does not mean really work in a hot real estate market. He urged adoption of the Study Commission Report.

Nelson Gort, 80 Raymond Street, said that he is in favor of the design that has been proposed for 79 Raymond Street. He noted that a sun porch was inappropriately allowed for the former owners because of cronyism, while the new owners' plan would tear it down and replace it with something more architecturally appropriate. With regard to the Gray Gardens houses, the Historical Commission ignored the staff recommendations. The Study Commission came in with a particular bias. Traffic on Raymond Street and Upland Road creates different demands and makes a garage more necessary.

Councillor Sullivan asked Mr. Drisdell about what process would be required if the City Council believes the boundary should be changed. Mr. Drisdell said that if the Council wants to make changes to the boundary the matter should be referred back to the Study Committee, as is detailed in his legal memorandum (Attachment B). Councillor Sullivan stated his appreciation for the work of the Study Committee and said that he is supportive of it. He suggests that the City Council place a sunset clause in the ordinance that would require reauthorization by the City Council. Councillor Sullivan added that he has been reluctant to go along with the order of remodeling some of the houses; although he has noted that some properties were removed at the onset. He asked whether a homeowner could re-file after a negative decision. Mr. Sullivan answered in the affirmative.

Councillor Davis said that she is not sure that the sunset clause solves the problem. This issue has been so contentious that finality may be important. She asked Mr. Sullivan whether a sunset clause would be a problem.

Mr. Sullivan said that the Study Commission does recommend review after a period of time.

Councillor Sullivan said that he wants some way to ensure that the promises, such as the education piece, are kept.

Councillor Davis noted that the Council can always decide to change the ordinance,

whether there is a sunset clause or not. She agrees that there should be monitoring.

Councillor Kelley asked Mr. Drisdell about his recommendations that if the City Council wants to change the boundary the City Council should refer the matter back to the Historical Commission and Study Committee. He stated that his conclusion is that the substantive discussion on how the City Council will resolve the issue will take place at the City Council.

Councillor Sullivan stated that he would like to have some of the substantive discussion in the committee. Councillor Kelley said his suggestion is that the City Council recognizes that traffic entirely defines Cambridge. He recommends that everyone on the border streets be let out or be made subject only to nonbinding review.

Councillor Murphy expressed his appreciation for the work of the Study Committee. He does not agree that traffic is the entire focus of an historical district. The essence is the history. He noted an increase in the number of responses to the second survey and the overwhelming support of those who responded. He does not have a problem with a sunset provision. Councillor Murphy said that the piece he would still like to hear more about is that of the Gray Garden buildings.

Mr. Sullivan said that there are arguments on both sides. He remarked that Raymond Street dates from the seventeenth century. The part of Raymond Street that is now Gray Gardens was a farm until the 1920's, and then it all was developed in a piece.

Councillor Murphy asked about the progress of consideration of a broader based NCDC. Mr. Sullivan said that is part of a longer process. There are complexities that the Historical Commission wants to look into. In response to Councillor Murphy's question, Mr. Sullivan said that he believes that a sunset clause would be doable. A review every year would be too much, but three years would be manageable.

Councillor Kelley said he is not surprised that most people in the district are supportive because they live on quiet streets and do not have to deal with traffic. He added that he would keep fences subject to binding review.

Mr. Sullivan said that the nonbinding concept came up in 1980. It has not worked. It is not taken seriously and it is not an educational opportunity, as was originally contemplated. If there is going to be a review, it should be a binding review. Mr. Sullivan said that traffic was not disregarded, but traffic was not an issue in establishing the district. Compared with Brattle Street, the traffic on Raymond Street is much lighter.

Mr. Drisdell stated that he believes that the City Council would need to refer the issue of a sunset clause back to the Study Committee for its consideration and report back.

Councillor Kelley stated that he would like to vote for the Study Committee recommendations be amended to remove Raymond Street.

The matter was referred to the City Council without recommendation on a voice vote. Councillors Murphy and Sullivan thanked all those present for their participation. On a motion from Councillor Kelley the meeting was adjourned at eight o'clock and ten minutes p.m.

For the Committee,

Councillor Brian Murphy, Co-Chair

Ordinance Committee

Councillor Michael A. Sullivan, Co-Chair

Ordinance Committee

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## Policy Order Resolution

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O-59  
IN CITY COUNCIL

July 30, 2007

COUNCILLOR MURPHY  
COUNCILLOR SULLIVAN

**ORDERED:** That the City Council hereby refers the Ordinance Committee reports for the hearings held on December 12, 2006 and May 8, 2006 on the report of the Avon Hill Neighborhood Conservation District Boundary Study Committee back to the Historical Commission and the Study Committee for further considerations; and be it further

**ORDERED:** That the Boundary Study Committee and Historical Commission be and hereby are requested to report via the City Manager's Agenda to the City Council on, *inter alia*, the following

- the possibility of a sunset provision in the Conservation District Order
- removal of the three Gray Garden East properties from the Avon Hill NCD,
- definition, clarification and objective measurement of "open vista"
- issues raised in letters forwarded to the Executive Director of the Historical Commission by the Chairs of the Ordinance Committee,
- further consideration and explication of the pros and cons of binding review vs. nonbinding review
- any information about other issues raised in the committee reports that the Boundary Committee or the Historical Commission believes could benefit the City Council's consideration.

In City Council July 30, 2007  
Adopted by the affirmative vote of nine members.  
Attest- D. Margaret Drury, City Clerk

A true copy,

ATTEST:

D. Margaret Drury, City Clerk

Mr Charles Sullivan

**AVON HILL PETITIONERS REAFFIRM**

Notwithstanding the Study Committee Report, the following property owners reaffirm their request for removal from Avon Hill NCD as stated in our petitions accepted by the Cambridge Historical Commission on May 23, 2005:

1. Eight years of experience with the AHNCD Commission show that it empowers certain unelected citizens to impose their personal aesthetic and architectural preferences on their fellow citizens, with no effective appeal.
2. As unelected arbiters, the appointed Commissioners don't have to disclose their views or positions to an electorate before gaining office, and they don't have to answer to an electorate for their votes.
3. We live in the second most restrictive zoning district in the City, but the rules are objective, written and knowable in advance. I can give them to my architect and say make sure what you design conforms to R-A2 zoning. No such objective rules govern the AHNCD.
4. Raymond Street is different from the rest of Avon Hill. It is a major thoroughfare, and the burden of noise and traffic on the houses on the street require different architectural responses than conditions on the quiet back streets of most of Avon Hill.

We renew our petitions and request City Council to amend the Study Report to remove Raymond Street and West Bellevue Avenue cul de sac (west of Raymond Street) from Avon Hill NCD.;

49 Linnaean Street Salim A. Valimahomed & Maurisse T. Gray  
Salim A. Valimahomed & Maurisse T. Gray

15 Raymond Street John E. & Julia C. Bagalay  
John E. & Julia C. Bagalay

27 Raymond Street Harvey C. Mansfield  
Harvey C. Mansfield

29 Raymond Street Morton & Phyllis Keller  
Morton & Phyllis Keller

47 Raymond Street  
Bjorg & Eggert Dagbjartsson

55 Raymond Street Clifford B. Moller (by Gabriel Gemin)  
Clifford B. Moller

77 Raymond Street Mary J. D. Good & Byron J. Good (widow)  
Mary J. D. & Byron J. Good

87 Raymond Street Kenneth & Susan Dawson  
Kenneth & Susan Dawson

95 Raymond Street  
Theresa Hamacher

103 Raymond Street Janet W. Walker  
Janet W. Walker

1 Gray Gardens East Sabine Iatridou & Constantine/Marinos  
Sabine Iatridou & Constantine/Marinos

60 Raymond Street Nelson Gore  
Nelson Gore

72 Raymond Street Sarah E. Jolliffe  
Sarah E. Jolliffe

90 Raymond Street Robert Maginn  
Robert Maginn

10 West Bellevue Avenue Steve & Pat Moore  
Steve & Pat Moore

9 West Bellevue Avenue David Smith & Sandra Sweetnan  
David Smith & Sandra Sweetnan

47 Raymond Street

  
Bjorg & Eggert Dagbjartsson

55 Raymond Street

Clifford B. Moller

77 Raymond Street

Mary-Jo D. & Byron J. Good

87 Raymond Street

Kenneth & Susan Dawson

95 Raymond Street

Theresa Hamacher

103 Raymond Street

Janet W. Walker

1 Gray Gardens East

Sabine Iatridou & Constantine Marinos

60 Raymond Street

Nelson Gore

72 Raymond Street

Sarah B. Jolliffe

90 Raymond Street

Robert Maginn

10 West Bellevue Avenue

Steve & Pat Moore

9 West Bellevue Avenue

David Smith & Sandra Sweetnan

47 Raymond Street

*Bjorg Eggertsdottir*  
Bjorg & Eggert Dagbjartsson

55 Raymond Street

Clifford B. Moller

77 Raymond Street

Mary-Jo D. & Byron J. Good

87 Raymond Street

Kenneth & Susan Dawson

95 Raymond Street

Theresa Hamacher

103 Raymond Street

Janet W. Walker

1 Gray Gardens East

Sabine Iatridou & Constantine Marinos

60 Raymond Street

Nelson Gore

72 Raymond Street

Sarah B. Jolliffe

90 Raymond Street

Robert Maginn

10 West Bellevue Avenue

Steve & Pat Moore

9 West Bellevue Avenue

David Smith & Sandra Sweetman

5 West Bellevue Avenue Kathryn Kravitz  
Kathryn & Edward Kravitz

106 Raymond Street Raffael Hemmie C. Cavallaro  
Raffael & Hemmie C. Cavallaro

ADDENDUM

35 Raymond St - Mark G. G. G.

Blank lined area for additional entries.

5 West Bellevue Avenue

Kathryn & Edward Kravitz

106 Raymond Street

Raffael & Hemmie C. Cavallaro

*[Handwritten signature: Raffael Hemmie C. Cavallaro]*

ADDENDUM

79, 81, 83 Raymond Street

*[Handwritten signature: Eric Griffith and Farah Ebahini]*

Eric Griffith and Farah Ebahini

James P. Beck 34 Bates St La

James C. Beck

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May 11, 2007

William King, Esq.  
Chairman, Cambridge  
Historical Commission  
831 Massachusetts Avenue  
Cambridge, MA 02139

Re: Avon Hill Neighborhood Conservation District

Dear Bill:

I am writing on behalf of my clients, John and Judy Bagalay of 15 Raymond Street, with what I hope you will view as a constructive suggestion that might form the basis of a compromise which the several parties might be able to support.

As you know, my clients and their neighbors on Raymond Street would prefer to see the AHNCD boundaries amended to remove Raymond Street from the District. Contrary-wise, many of the residents in the interior parts of the AHNCD would prefer to see the District boundaries remain as they are, although they appear to support the study committee recommendations for amendments to the City ordinance establishing the District.

As a compromise, my clients proposed a non-binding review of those houses located on the "border streets" at the edges of the District, namely Linnaean, Raymond and Upland Streets. At a recent ordinance committee meeting, Charles Sullivan expressed the view that non-binding review had not proven effective in other contexts (although I have heard different opinions expressed with respect to the mid-Cambridge District).

In any event, after discussion with my clients, they are prepared to modify their proposal of non-binding review to include the concept of a 6-months' delay, modeled after the demolition delay ordinance applicable to properties over 50 years old. Under this proposal, a homeowner seeking to

RACKEMANN, SAWYER & BREWSTER

William King, Esq.

May 11, 2007

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make a significant alteration to his property would be referred to the AHNCD Board for review. If the Board had reservations about the proposal, the Board could delay the issuance of a building permit and/or demolition permit for 6 months while the Board and the owner's architect negotiated modifications to the homeowner's proposal.<sup>2</sup>

My own experience suggests that this proposal would give the AHNCD Board considerable leverage in negotiating changes in the homeowner's proposal. Typically, homeowners are desirous of commencing work as soon as possible, and they have lined up contractors, subcontractors, equipment, vendors, etc. on a schedule which anticipates work will begin immediately. In addition, the construction contract is typically premised upon cost estimates based upon current conditions and contractors' willingness to be bound to a cost schedule 6 months in the future tends to be rather limited. Thus, the homeowner will typically have considerable incentive to reach a compromise with the AHNCD Board so that work can begin without having to wait for 6 months.

Apart from the financial incentives, and the desire to get the work going immediately, a delay on this length will typically give a homeowner time to reflect and to consider the AHNCD's requests in a cooler and more deliberate setting than a public hearing.

From the homeowner's point of view, the AHNCD would not have an absolute veto and the homeowner would feel that he has the ability to negotiate on a level playing field. Lastly, this would create an opportunity for third party expert mediation by a local architect who could try to bring the parties together and find a design solution that would satisfy both sides. My clients would be willing to back this proposal and urge it upon the other Raymond Street petitioners as a means to resolve the current impasse.

Kindly review this proposal with the Historical Commission and let me know whether this might serve as the basis for an amicable resolution.

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<sup>2</sup> This assumes that the proposed work complies as of right with the zoning ordinance

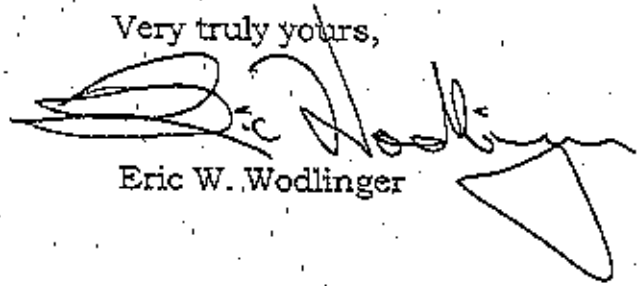
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I enclose a recent article from "Land and Planning Law Report" which examines the legal issues arising from "form based development codes." The discussion of the problems of design guidelines and standardless delegation closely resembles the issues arising in the AHNCD, and perhaps in other NCD's.

Thank you for your attention.

Very truly yours,



Eric W. Wodlinger

EWV/mo  
Enclosure

18 Bellevue Avenue  
Cambridge, MA 02140  
June 5, 2007

The Honorable (*each of the nine City Councilors*)  
Cambridge City Council  
City Hall,  
Cambridge, MA 02139

RE: Keeping Raymond Street in the Avon Hill  
Neighborhood Conservation District

Dear Councilor - - - - :

We write this letter to earnestly request that you keep Raymond Street in the Avon Hill Neighborhood Conservation District. The boundaries set by the City Council were carefully considered.

As you know, the eighteen residents on Raymond Street who signed the "we want out" petition consist of seventeen who have done this to support an aggrieved neighbor. We believe that neighbor does, in fact, have a strong case, but not one that warrants boundary change.

To revise the boundaries of a neighborhood conservation district because one or perhaps several homeowners are in conflict with the district's commissioners would establish a most unfortunate precedent. The City's other four such districts have operated well for many years without allowing aggrieved homeowners to opt out.

We ask you to also consider our view that the petitioners' "we have heavy traffic" argument is ill-considered. The many highly-regarded city planners in Cambridge – public and private – would surely advise that such streets should not be removed from a conservation district due to traffic but rather dealt with differently as to their treatment.

Further, the City Council's already strong procedures established for appealing a conservation district ruling are, we understand, to be

made even stronger by the Cambridge Historical Commission's recommended revisions to those procedures.

It is our hope that in addition to keeping Raymond Street in the Avon Hill Neighborhood Conservation District you will decide to adopt the Commission's recommendations for procedure improvements.

Sincerely yours,

Edward A. Handy

Margaret C Handy

~~MAURISSE TAYLOR GRAY~~

7/13/2007

Dear Michael,

Here are the dot points I promised you.  
 The proposed changes translate into total  
 control over the "visual form" of the NCD.  
 I respectfully request if we can not have  
 a non-binding educational based conservation  
 approach to the NCD that our property be  
 removed.

We have no abutters, the Lower Commons

NCD has been dropped due to protest by residents  
 and our property lies outside of the  
 boundary of the District.

Thank you for your thoughtful  
 consideration of this issue.

Maurisse Taylor

To: Michael Sullivan  
 From: Maurice Jay

Re: Recommend Amendments to Present  
 Avon Hill NCD Order

### New definition

"Open Vista" - a new subjective definition  
 meaning the visual impression of green space.

Whose visual impression?

### Preamble

The Study Group eliminated the purpose:  
 - to establish a process for  
 accommodating changes in properties  
 and replaces it with

- The Commission should seek to  
 preserve and enhance the visual form of the District

What does visual form mean?

### Review Principal

New language - Commission encourages  
 changes so that its compatible with the  
visual character of the neighborhood

page 2

How is visual character determined?

**B. General Conservation Standards**  
 eliminates the defined term of green space a ~~quantifiable~~ quantifiable term and replaces it with open vista - a subjective term

B. 2

Enhance the pedestrian's visual enjoyment of neighborhood's buildings, landscapes and structures.

In essence the NCD wants to secure a "visual easement" to the properties in the district for the enjoyment of pedestrian's.

Shouldn't there be compensation when an easement is granted or obtained?  
 Who are these pedestrians. Do they pay property taxes in Cambridge?

16 July 2007

Judy and John Bagalay  
15 Raymond Street  
Cambridge MA 02140

Dear Judy and John,

I have reviewed the Final Report of the Avon Hill Neighborhood Conservation District Boundary Study and have enclosed some specific comments and concerns as follows:

1. Comments Regarding the Boundary Study's Recommendations.
2. Comparisons of Proposed Changes to the Present NCD Order.

The Final Study Report begins by saying, "The Committee unanimously recommends that Raymond Street should remain in the district, and the problems that Raymond Street petitioners and others have encountered are better dealt with through jurisdiction and governance changes recommended below." The recommendations of the Study Committee conclude with Appendix J containing Proposed Changes to the Present NCD Order (Proposed Changes).

My review of the Study Report's Recommendations and Proposed Changes confirms that the Committee's recommendations will do little to address your concerns. In practice, their Proposed Changes would subject you and others to binding review for almost all exterior changes except for those that are considered to be "Exemptions" under the City Code.<sup>1</sup> In other words, the Committee has taken your petition as an opportunity to quietly amend the Review Criteria for "binding determinations." The Proposed Changes will increase your and other property owners' exposure to binding review and in so doing will likely exacerbate the extreme frustrations that you and others have experienced over many years. It should also be noted that partial replacement of Commission members would do little to guard against future poor behavioral patterns of the Commission, especially when the binding review criteria has been made more onerous, not less.

You first submitted an application in 2000 to the Commission for the construction of a small 21 x 22 foot garage on the northwest corner of your property. You had two distinct design options. In the first instance, you could have built the garage against the west end of your house. This option had the distinct advantage of only requiring "non-binding" review by the Commission. If you had elected this option you could have ignored the NCD's own conservation guideline that states that, "Additions should... be sited away from principal elevations."<sup>2</sup> Furthermore, this option would have required the removal of several beautiful, mature Hemlock trees - a decision that would have violated another NCD conservation principle, "Impacts on significant landscape features and mature

plantings should be minimized.”<sup>3</sup> Note that your first option, which was subject to non-binding review, would now be subject to binding review under the Proposed Changes.

Your second option, which was the basis of your binding review NCD application, nestled the garage between the trees at the northwest corner of your lot and away from the principal façade of your house. (It should be noted that the garage siting “*conserve(d) the historic development patterns of the neighborhood, including its green space, open vistas, generous setbacks, and predominately low density lot coverage*” as there are multiple examples of garages set close to Raymond Street.<sup>4</sup>) As an independent structure, the garage was considered to be an “accessory building” and was therefore subject to binding review by the Commission. This option would have required a variance, thus creating a second circumstance requiring the Commission’s binding review. You chose to accept the binding review option because it conserved the trees and conserved the existing pattern of development. Also, in your opinion, it was a better option for you and for everyone, including pedestrians, since it maintained the mature landscaping and the visibility of the Raymond Street side of your Lois Lilley Howe designed home.

**The Commission, under the Proposed Changes, would now have the power of binding review over your Application and would have the absolute right to deny you a Certificate of Appropriateness for something that is currently subject only to non-binding review.<sup>5</sup>** A new garage, whether attached to your house or not, would now be subject to binding review because the Recommendation 5 in the Study Report requires binding review for changes to the “building envelope”.<sup>6</sup>

Imagine now a more minor change to your house such as adding a bay window or modifying a roof on your porch. Currently, the Commission only has binding review authority if your changes include altering “exterior architectural features of a structure that requires a variance or special permit under the zoning ordinances then in effect.” Note that the new language regarding alterations doesn’t use the term “exterior architectural features” because to do so would limit their review to changes visible from a public way. (Section 2.78.150 of the City of Cambridge Municipal Code defines “exterior architectural features” to mean and include “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.”<sup>7</sup>) The Commission, under the Proposed Changes, would have binding review over a new bay or dormer, whether visible from the public way or not, because they deleted the term “exterior architectural features.”

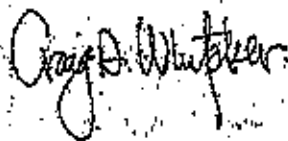
The Proposed Changes to the Review Criteria are changes that you and other property owners should understand because binding review would be required in all but the most minor of circumstances. This is certainly not the outcome you or I or any reasonable person would have expected from a Committee charged with making jurisdictional and

governance changes to address problems that prompted your withdrawal petition. You have attempted, for more than five years, to address the Commission's concerns and have spent countless hours and dollars trying to persuade the Commission that your application merited their support. When those efforts failed, and only then, you and others on Raymond Street requested withdrawal from the District. Instead of addressing your request, the Committee has recommended Proposed Changes that institute new obstacles for you and other property owners.

You and other petitioners requested that your properties be removed from the Avon Hill Neighborhood Conservation District because of your and others' very negative experiences with the NCD. Nevertheless, I understand that you would be willing to consider the following modifications, in descending order of preference, as an alternative to your original request for removal:

1. All project applications made by any owner of properties that are located on the boundary streets of the Avon Hill Neighborhood Conservation District (District) would be subject only to "non-binding determinations" by the Avon Hill Neighborhood Conservation District Commission (Commission).
2. All project applications relating to properties in the District now owned by the petitioners would be subject only to non-binding review by the Commission.
3. All project applications relating to a) properties in Gray Gardens that are now within the District and b) properties that abut or are adjacent to properties not used as a residence or used for multi-family dwellings would be either removed from the District or made subject only to non-binding review by the Commission.
4. If no relief whatever is granted to you and the other petitioners who must therefore stay in the District subject to binding orders of the Commission, you should urge that certain of the recommendations made by the District Boundary Study should be either eliminated or modified in accord with the terms set out in our attached Comments.

Sincerely,



Craig Whitaker, Architect  
Mills Whitaker Architects LLC

Enclosures: Comments Regarding the Boundary Study's Recommendations;  
Comparisons of Proposed Changes to the Present NCD Order;  
Section 2.78.150 - Definitions for Article III.

Footnotes:

1. Section 2.78.190 of the City of Cambridge Municipal Code Review procedures defines "Exemptions" as follows:
  - B. *The order designating or amending a landmark or neighborhood conservation district may provide that the authority of the Historical Commission or neighborhood conservation district commission having jurisdiction shall not extend to the review of one or more of the following categories of structures or exterior architectural features of the landmark or within the neighborhood conservation district in which event the structures or exterior architectural features so excluded may be constructed or altered without review by the Commission:*
    1. *The application of exterior wall material in a manner that does not require the removal or enclosure of any cornice, fascia, soffit, bay, porch, hood, window or door casing, or any other protruding decorative element;*
    2. *Alterations to the exterior of existing structures that do not increase or diminish the size and location of windows and doors, cause the removal of any bay, porch, hood, window or door casing or any other protruding decorative element, or alter the appearance of a roof;*
    3. *The exterior appearance of a new structure that does not require a variance or special permit under the zoning ordinance then in effect;*
    4. *Signs, temporary structures, lawn statuary, or recreational equipment, subject to such conditions as to duration of use, dimension, location, lighting, removal and similar matters as the Commission may reasonably specify;*
    5. *Terraces, walks, driveways, sidewalks and similar structures substantially at grade level;*
    6. *Walls and fences;*
    7. *Storm doors and windows, screens, window air conditioners, lighting fixtures, antennae, trelliswork and similar appurtenances.*
2. *"The following guidelines establish the conservation principles to be encouraged within any given application. (<http://www.cambridgema.gov/Historic/avonhillguidelines.html>)*

*Infill Construction and Additions: In the A-2 zone, infill construction (including accessory buildings) and additions shall not cause total lot coverage to exceed 30%; in the B and C-1 zones, infill construction and additions should not cause total lot coverage to exceed 40%. In addition to considering streetscape impacts of infill construction and additions, vistas into and through the site from surrounding public ways should be conserved. Impacts on significant landscape features and mature plantings should be minimized. Additions should be compatible with the architectural character of the principal building and its surroundings, should be sited away from principal elevations, and should respect the cornice height of the original building."*
3. Ibid.
4. *"B. General Conservation Standards: Conserve the historic development patterns of the neighborhood, including its green space, open vistas, generous setbacks, and predominately low density lot coverage..." (<http://www.cambridgema.gov/Historic/avonhillguidelines.html>)*
5. Under the Proposed Changes, the need for a variance would no longer precipitate binding review. But you could no longer build the garage against the principal façade without receiving approval under a binding review process. The Committee understood all too well that the existing order gives them no control over a garage attached to the house. They now propose new binding review criteria that would allow them to block the construction of a garage attached to the house even if

no variance were necessary. Why? Because the Proposed Changes modify the criteria for "binding determinations" in subtle yet significant ways and substantially increases the times that an application will be subject to a "binding determination". Under the current Order, a binding review for alterations to the exterior of a building is limited to changes of "exterior architectural features of a structure that requires a variance or special permit under the zoning ordinance in effect." The Committee recommends eliminating this provision in its entirety and adding new language that says an application that seeks to "alter, add or remove bays, dormers, porches, and/or roofs" would require binding review. Importantly the new language omits any reference to "exterior architectural features". Under their current order exterior alterations not visible from a public way are not subject to binding review if no variance or special permit is required. Under the proposed order any alteration, addition, or removal of any bay, dormer, porch and/or roof, even if not visible from a public way, would be subject to a binding determination.

- 6. The Proposed Changes to the Present NCD Order state that applications that propose to "alter, add, or remove bays, dormers, porches and/or roofs" will subject to "binding determinations" by the Commission.
- 7. Section 2.78.150 of the City of Cambridge Municipal Code defines "exterior architectural features" to mean and include "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."

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Final Report of the Avon Hill Neighborhood Conservation District Boundary Study  
Comments on the Recommendations  
Mills Whitaker Architects LLC for John & Judy Bagalay  
16 July 2007

General Recommendation

*"Recommendation 1: The Committee unanimously recommends that Raymond Street should remain in the District, and that the problems that Raymond Street petitioners and others have encountered are better dealt with through the jurisdiction and governance changes recommended below."*

The Bagalay's, as petitioners for removal from the District, would be willing to consider the following modifications, in descending order of preference, as an alternative to their original request for removal:

1. All project applications made by any owner of properties that are located on the boundary streets of the Avon Hill Neighborhood Conservation District (District) would be subject only to "non-binding determinations" by the Avon Hill Neighborhood Conservation District Commission (Commission).
2. All project applications relating to properties in the District now owned by the petitioners would be subject only to non-binding review by the Commission.
3. All project applications relating to a) properties in Gray Gardens that are now within the District and b) properties that abut or are adjacent to properties not used as a residence or used for multi-family dwellings would be either removed from the District or made subject only to non-binding review by the Commission.
4. If no relief whatever is granted to the petitioners who must therefore stay in the District subject to binding orders of the Commission, then certain of the recommendations made by the District Boundary Study should be either eliminated or modified in accord with the terms set out in this Memorandum.

Recommendations to the City Council - Amend the Avon Hill Order to effect the following Recommendations 2-3 with respect to elimination or change of review for alterations to non-National Register buildings

**Recommendation 2:** Clarify the general purpose and approach of the District by amending the preamble of the Avon Hill NCD Order.

The term "adverse impact" is a new phrase that has been added to the preamble language in the Proposed Changes to the Present NCD Order, "The District Commission should seek to...mitigate any adverse impact of new development on adjacent properties and areas." As if the acrimony between neighbors was not already significant - now neighbors can point to the preamble of the order as a mandate for preventing any development that might have an adverse impact on their property.

*Recommendation 3: Eliminate a provision of the Order requiring NCD review when a special permit or zoning variance is required.*

We support this recommendation, as we have always believed that binding review should not be precipitated by the need for a variance.

*Recommendation 4: Require binding review of aluminum or vinyl siding and aluminum, vinyl, or vinyl-clad windows where they currently do not exist outside as well as within the National Register portion of the District.*

We concur that conserving historic materials is a sound general conservation principle and one that we support. We do not think however that binding review should be precipitated by an applicant's selection of any particular material, whether it be vinyl or metal. We would recommend instead adoption of language similar to that found Mid-Cambridge NCD's list of non-binding review criteria:

"alteration(s) involving any of the following: removal or enclosure of any historic or original decorative element, such as a cornice, fascia, soffit, bay, porch, hood, corniceboard, window sash, or window or door casing."

*Recommendation 5: Require binding review for alterations that affect the building envelope, including altering, adding or removing bays, dormers, roof shapes and porches outside the National Register portion of the District.*

We vigorously recommend that this provision not be adopted. Under the current NCD order the review of alterations of the building envelope is limited to "exterior architectural features", which by legal definition are those features that are visible from a public way. This provision would give the Commission binding review over all alterations to a structure's exterior. This is yet another example of the over-reaching nature of the Avon Hill NCD Commission and the Study Committee.

*Recommendation 6: Eliminate non-binding determinations and replace them with advisory administrative reviews by CHC staff.*

We strongly believe in the value of non-binding public review for its educational and consensus building value. A non-binding review process serves as a valuable moderated public forum for discussion between the property owner, the Commission and neighbors. Non-binding review is also an invaluable educational tool where everyone can learn something. The Committee contends that the neighborhood can only be conserved if they have the power to force property owners to accept their recommendations. In other words, the Committee puts more stock in binding coercion than logical persuasion. One would think that of all places Cambridge would be the one place where consensus would take precedent over authoritarian power from a few over many.

Of course all of the rationale for non-binding review disappears if the Commission extends binding review to any alterations of the building envelope as most of the criteria for non-binding review would be replaced by jurisdictional requirements for binding review. (It is no wonder that the Committee is so willing to abandon public non-binding review as there will be very few applications that would be subject to a "non-binding determination" if Recommendation 5 is adopted.)

*Recommendation 7: Change the guideline regarding total lot coverage from 30% to 35% in the A-2 zone and 40% to 45% in the B and C-1 zones.*

Eric Wodlinger, legal counsel for petitioners John and Judy Bagalay, believes that Recommendation 7 is illegal. "Under Zoning, both floor area ratio ("FAR") and minimum usable open space are regulated, and provide more generous limitations than either the current or the recommended "guidelines". For example, in the A-2 zone, Max. FAR is .5 (meaning a one-story house could cover half the lot) and required open space is 50%. Recommendation 7 calls for "total lot coverage" in the AHNCD to increase from 30% to 35%.

- a. these "guidelines" are not enacted by the City Council by a 2/3rds majority, as required by the Zoning Act, G.L. c. 40A, S.5. In fact they are not even enacted by the City Council at all. They are "adopted" by the AHNCD, seven unelected citizens with no such authority.
- b. where the City Council has adopted zoning dimensional controls in accordance with the procedures required by state law, the AHNCD has no authority to "enact" more restrictive "guidelines", which they then apply with the force of law.

*Recommendation 8: Add a conservation guideline for architectural features such as siding, trim and windows, clarifying that these features should generally be compatible with the architectural style of the building. Specifically state that vinyl fencing, vinyl siding, and vinyl windows should not be used.*

We believe, as we stated in response to Recommendation 4, that conserving historic materials is a sound general conservation principle that we support. We do not think however that any review, binding or non-binding, should be precipitated by an applicant's selection of a particular material, whether it is vinyl or any other material. Furthermore, we believe review of architectural features such as siding, trim and windows should only be subject to non-binding determinations.

*Recommendation to the City Council - Amend the NCD Ordinance (Ch. 278, Article III)*

*Recommendation 9: Allow up to two additional Cambridge residents living outside the District to serve on the Commission (one as a member, one as an alternate), with preference given to those who have served on other NCD commissions.*

*Recommendations to the City Manager*

*Recommendation 10: Encourage residents of the District to nominate potential candidates for membership [to the Avon Hill Neighborhood Conservation District Commission].*

*Recommendation 11: Enforce the provision of the Ordinance that Commission members are limited to two consecutive terms of service. Allow former members to be considered for reappointment after one year of retirement.*

*Recommendation 12: Recommend to the City Manager that he appoint a new Commission of members and alternates who have not previously served.*

We agree with this recommendation and believe that members of the Study Committee should not serve on the Commission. We also believe the City Manager should appoint a new Historical Commission representative who has not previously served on the Avon Hill NCD.

Administrative Recommendations

*Recommendation 13: Assign the Historical Commission clear responsibility for the oversight of NCDs. The Historical Commission should hold periodic joint meetings with the Avon Hill NCD Commission to review the operations of the District and report its findings to the City Manager and the City Council.*

We concur with this recommendation.

*Recommendation 14: The Avon Hill NCD Commission should continue to use the hearing procedures recently established.*

What are these procedures and how have they been made public? Have these procedures been formalized in a written document? Is this document available for public review?

*Recommendation 15: The Historical Commission should increase training of Commission members and should consider establishing a Code of Conduct for Commissioners.*

We concur with this recommendation.

*Recommendation 16: The Historical Commission should consider increasing its public education efforts.*

One of the best venues for public education has always been the forum of non-binding public review where applications are reviewed without the limitations imposed by binding review.

Recommendation for Possible Future Action

*Recommendation 17: The Historical Commission should consider recommending that the City Council amend the NCD Ordinance so as to consolidate some of the city's smaller NCDs under one citywide NCD commission. Consolidation of the Avon Hill NCD with the proposed Lower Common NCD is not recommended.*

This is perhaps the most important recommendation of all and should not be put off any longer. City Councilor Marjorie Decker spoke eloquently about this point at the June 25, 2007 meeting of the Cambridge City Council. It would be good to have a citywide NCD similar to the Board of Zoning Appeals. Such an NCD could provide a more even-handed and efficient mechanism for the review of applications. Most importantly Conservation Guidelines would provide for uniform review criteria, which in our view would result in a process based upon greater fairness to the applicant while still respecting the desire to conserve Cambridge's unique built environment.

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commentary in blue)

strike-thru; new text in blue

Effect of proposed Amendments to  
Current NCD order

Changes in proposed Amendments to  
Current NCD order

Comparison of Proposed Changes to the Present NCD Order  
(Final Study Report Appendix J: Paragraphs 1 through V.B.)

**I. Preamble and Purpose**

The Avon Hill neighborhood is characterized by 19th and early 20th century residences of significant architectural quality sited in cohesive pedestrian-oriented neighborhood of pleasant streetscapes with little automobile-traffic, abundant mature trees and plantings, and vistas through to surrounding properties. The Avon Hill neighborhood contains National Register-listed properties of city-wide significance. It is marked by the diversity of its turn-of-the-century architectural design and by the evolution of that architecture as subsequent owners have updated properties. The generous size of the neighborhood's lots and buildings contains substantial scope for subdivision, new construction, and additions which could alter or diminish the qualities and characteristics that render the neighborhood an attractive and desirable place in which to live. It is therefore recommended that an Avon Hill Neighborhood Conservation District be established for the following purposes.

The purpose of the Avon Hill Neighborhood Conservation District (the "District") is to guide change in order to preserve, conserve and protect the beauty and heritage of the District's architecture and landscape, to improve the quality of its environment.

The District Commission should also seek to preserve and enhance the visual form of the District and encourage design

consistent compatible therewith, preserve its architectural and historical significant structures and mitigate any adverse impact of new development on adjacent properties and areas, to establish a process for accommodating changes to properties in the District, to ensure that additions and alterations to properties are compatible with the character of the District, to offer a forum for neighborhood dialogue about changes to properties in the District, to provide technical assistance to District property owners on issues of conservation and preservation, to foster wider public appreciation of the District, and to promote public welfare by making the District a more attractive and desirable place in which to live.

Deleted "little automobile traffic"

Deletion wipes out an important distinction regarding the boundary streets and the adverse impact of traffic on those streets. Applicants cannot point to the traffic on the boundary streets as a mitigating circumstance that should be considered as part of the application's review.

The phrase "to guide change in order" has been added.

The role of the Commission should be limited to "reviewing" and not to "guiding". This kind of overreaching language is a reminder of what is wrong with the Commission's view of their role.

A new subjective concept of "visual form" has been added to the language

"Visual form" is not defined but is again the kind of subjective language that has been a problem in the past.

Strikes the word "consistent" and introduces new language about "architecturally and historically significant structures" and adds new language about "mitigating adverse impact of new development on adjacent properties and areas."

This language will pit neighbor against neighbor. The Commission's authority was previously limited to the review of changes "visible from a public way", per the City Code 2.78.150. This is the kind of broad language that means that highlights the Commission's unstated objective of having control over almost any change.

(existing text in black; deleted text in red with underscores; new text in red with underscores; comments are in blue)

**Comparison of Proposed Changes to the Present NCD Order**  
(Final Study Report: Appendix J: Paragraphs I (through V.R.)

**Changes in proposed Amendments to Current NCD order**

**Effect of proposed Amendments to Current NCD order**

**II. Definitions**

**"Total Lot Coverage"**

**"Green Space"**

Open Vista means the visual impression of green space from a public way.

Unchanged from existing criterion

New definition added - "Open Vista"

"Open vista" is subjective language similar to what has led to problems in the past. This will likely lead to misunderstandings and potentially unfair decisions. In the past, the view of the pedestrian has taken precedence over the applicant's interests. This new definition appears to have been developed to buttress the ability of the Commission to deny a Certificate of Appropriateness.

**III. Membership**

The Study Committee says that they have already replaced many of the original members of the Commission.

Two of the original members (Irving Meltzer and Oids) are still on the Commission and should be replaced. The new Commission will not be credible unless these members are replaced. Better training of Commission members is essential.

**IV. Review Authority**

The determinations of the Commission shall extend to the review of all construction, demolition, or alteration of exterior architectural features, other than color, within the District. Each NCD is administered by its own Commission, which is empowered to approve any new construction, demolition, or alteration that is visible from a public way.

Commission of language regarding alterations to "exterior architectural features". This omitted language limited binding review to alterations that would have been visible from a public way.

This increases the Commission's authority to review even those alterations that are not visible from a public way.

**Comparison of Proposed Changes to the Present NCD Order**  
(Final Study Report, Appendix J: Paragraphs 1 through V.B.)

**Effect of proposed Amendments to  
Current NCD order**

**Changes in proposed Amendments to  
Current NCD order**

The location of items 1 through 8 below that are within this paragraph implies by association that it only refers to National Register listed or eligible properties. However, items 1-8 refer broadly to any determinations of the Commission on properties within the district.

This language was listed as an one of the review criteria in the original order (no. 7) but has been repositioned to this spot in the first paragraph describing Binding Determinations.

This looks like a lessening of one of the binding review standards but in fact the other criteria require binding review even without this standard. In some cases where an Application had been denied, the Lot Coverage was not the issue. The Bagalay's attorney believes this language in the Present and Proposed Orders is illegal.

This increases the times where binding review will occur.

It looks at first glance like the language has been deleted. In fact it has just been moved to the Introductory paragraph of the Binding Review section.

**V. Determinations of the Commission**

**A. Binding Determinations**

The determinations of the Commission shall be binding regarding exterior alterations of National Register-listed or National Register-eligible properties.

The determinations of the Commission shall be binding with regard to applications:

- 1 to construct a new building, as defined in the zoning ordinance then in effect;
- 2 to construct an accessory building, as defined in the zoning ordinance then in effect;
- 3 to construct a parking lot as a principal use;
- 4 to construct an addition to an existing structure that would increase its gross floor area by more than 750 square feet in the A-2 zone or more than 500 square feet in the B and C-1 zones
- 5 to construct an addition to an existing structure that would increase the total lot coverage on the property to 30% or more in the A-2 zone or to 40% or more in the B and C-1 zones;
- 6 to construct an addition to an existing structure that would increase the total lot coverage on the property to 35% or more in the A-2 zone or to 45% or more in the B and C-1 zones;

Unchanged from existing criterion  
Unchanged from existing criterion  
Unchanged from existing criterion

Lot coverage increased from 30% and 35% respectively to 35% and 40%.

Extends the review to any demolition greater than 160 square feet in area

Deleted language moved to first sentence of paragraph under "A. Binding Determinations"

- 6 to demolish an existing structure not originally used to garage automobiles and if a demolition permit is required; to demolish an existing structure not originally used to garage automobiles that has a footprint which exceeds 150 square feet;
- 7 to alter the exterior architectural features of a building listed on or determined eligible for listing on the National Register of Historic Places; to install vinyl siding, where it does not already exist, or to install vinyl, vinyl-clad, or aluminum windows, where they do not already exist;

(existing text in black; deleted text in red w... strike-thru; new text in red with underscore; comments are in blue)

**Comparison of Proposed Changes to the Present NCD Order**  
(Final Study Report; Appendix J; Paragraphs 1 through V.B.)

**Effect of proposed Amendments to Current NCD order**

**Changes in proposed Amendments to Current NCD order**

This language is particularly onerous. The review of the Commission was previously limited to review of changes visible from a public way. The Commission now wants to have binding review items not visible from a public way.

Creates binding review of any exterior alterations, even those not visible from a public way.

The elimination of this binding review standard is of no effect because there are so many other criteria that would require binding review.

Criterion language deleted

The elimination of this binding review standard is of no effect because there are so many other criteria that would require binding review.

Criterion language deleted

The attempt to eliminate non-binding review is a curious one since the second paragraph of the Preamble of the proposed order says that the purpose is, in part, to "offer a forum for neighborhood dialogue about changes to properties in the District, to provide technical assistance to District property owners on issues of conservation and preservation, to foster wider public appreciation of the District, and to promote public welfare by making the District a more attractive and desirable place in which to live."

Eliminates non-binding review hearings before the Commission.

The assertion that non-binding review is not effective is wrong. Mid-Cambridge has used non-binding review since its inception with great success. Non-binding review allows neighbors to have a chance to look at a project in a moderated forum - a forum that will not occur if the staff are assigned this responsibility.

8 to alter, add or remove bays, dormers, porches, and/or roofs.

to alter the exterior architectural features of a structure that requires a variance or special permit under the zoning ordinance then in effect, or

to alter the exterior architectural features of a publicly-owned structure or of a structure containing a use established or continued by variance or special permit, or proposed to contain or continue a use that would require a variance or special permit under the zoning ordinance then in effect.

**B. Non-binding Determinations.**

All applications other than those listed in Section V, A or C of this order shall be subject to administrative review by the Staff of the Cambridge Historical Commission. The staff's recommendation in these cases shall be advisory only and not binding on the applicant. The following procedures shall be followed:

Section 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 §57, 16, 1995; Ord. 1002 (part), 1983; prior code § 2-147(k)(2))

RECEIVED  
MAY 21 1995  
CITY OF CAMBRIDGE

To City Council Members:

I understand that on July 30, 2007 you plan to adopt the Avon Hill Conservation District Commission's proposal to delete the phrase "from public view" from the regulations governing the Commission's jurisdiction.

I believe that this will constitute a "taking" of privately owned land by the City of Cambridge and wish to go on record that I believe that this constitutes a violation of property rights guaranteed by the Constitution of the United States. Such a deletion will leave property owners in this district as mere custodians of property, entirely controlled by the City, and will diminish the value of the effected properties. A property on which changes, not seen "from public view," must be approved by unelected "officials" of this City will meet the Supreme Court's test of pecuniary loss, thus requiring the City of Cambridge to compensate homeowners for their loss.

Further, under the theory that requires real estate agents and homeowners to disclose "material defects" during the process of selling a house, I will ask the Massachusetts Legislature to consider a law that requires a real estate agent and seller to disclose that the home is located in a historical or conservation district and that further requires the agent and homeowner to provide a full and detailed disclosure of the restrictions connected with any change to that home that a potential buyer might one day consider making. If passed, this disclosure will adversely affect the sales price of homes in these districts and the City of Cambridge should offer owners of these homes substantial tax abatements or compensation to cover their loss in property value.

If the City proceeds with this "taking," I intend to create a class to file suit against the City of Cambridge, its Council members, the members of the Avon Hill District Commission, and the City Manager for violating the Constitutional rights of a class of Cambridge residents. I believe that a small group of inter-related individuals is attempting to abridge the constitutional rights of homeowners living in certain districts, the reason for which does not meet the well settled test for a government body to force a "taking."

I recognize that the City Council does whatever it is told to do by the City Manager, but I believe the final responsibility and consequences will, ultimately, rest with each of you.

If you wish to perpetuate the dictatorship that seems to be the form of government currently existing in the City of Cambridge, it seems to me that you shouldn't push residents to a point where a public revolution becomes the only option with which residents are left. Further, I think this action that you contemplate will become national news and embarrass you in front of your families and business associates. No other city, through its historical and conservation commissions, has ever given such extraordinary control over individual property owners to unelected officials, and I speak to at least ten such commissions across the country each week.

In essence, your proposal to control all property rights of individuals in certain districts, who pay taxes to the City of Cambridge; should result, at least, in a tax exemption or full market compensation for the properties these groups are "seizing." I would like to direct you to the Fifth Amendment that imposes two conditions on the state's authority to confiscate private property: the taking must be for a "public use" and "just compensation" must be paid to the owner." In the case of the Avon Hill Conservation District Commission, unelected officials who are appointed by an unelected City Manager will be engaging in a "taking" of private property that is not for the purpose of public use. By disguising the "taking" as the mere exertion of complete control over the property for which the owner will be offered no compensation, does not, in my opinion, minimize your violation of the Fifth Amendment rights of these property owners.

I am certain that most Cambridge residents will share my concern that by making Mr. and Mrs. Sullivan the Masters of the outside of our homes, it will only be a matter of time until they are allowed to dictate what we do inside our homes. It is a pity that at least on two occasions in public meetings on this subject, the public was told there would be no time for public comment. I

assume that a "public meeting" in Cambridge is only to give taxpayers an opportunity to hear about new regulations under which they must live, not an opportunity for residents to make their views heard.

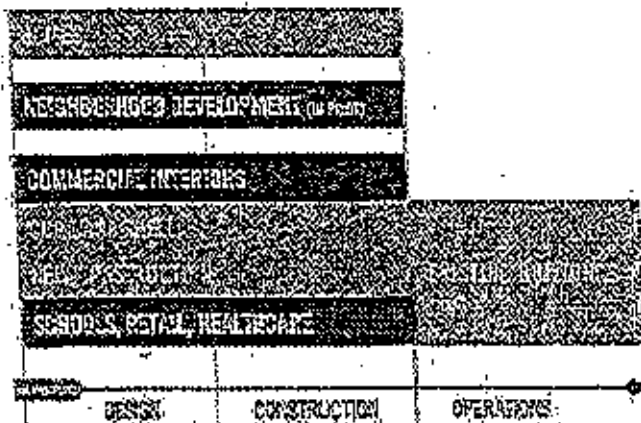
Regards,

Peter Schweich  
192 Brattle Street  
Cambridge, MA 02138

## LEED Rating Systems

### What is LEED®?

The Leadership In Energy and Environmental Design (LEED) Green Building Rating System™ encourages and accelerates global adoption of sustainable green building and development practices through the creation and implementation of universally understood and accepted tools and performance criteria.



LEED is the nationally accepted benchmark for the design, construction and operation of high performance green buildings. LEED gives building owners and operators the tools they need to have an immediate and measurable impact on their buildings' performance. LEED promotes a whole-building approach to sustainability by recognizing performance in five key areas of human and environmental health: sustainable site development, water savings, energy efficiency, materials selection and indoor environmental quality.

### Who Uses LEED?

Architects, real estate professionals, facility managers, engineers, interior designers, landscape architects, construction managers, lenders and government officials all use LEED to help transform the built environment to sustainability. State and local governments across the country are adopting LEED for public-owned and public-funded buildings; there are LEED initiatives in federal agencies, including the Departments of Defense, Agriculture, Energy, and State; and LEED projects are in progress in 41 different countries, including Canada, Brazil, Mexico and India.

### How is LEED Developed?

LEED Rating Systems are developed through an open, consensus-based process led by LEED committees. Each volunteer committee

### LEED Rating Systems

#### New Construction

LEED for New Construction and Major Renovations is designed to guide and distinguish high-performance commercial and institutional projects.

#### Existing Buildings

LEED for Existing Buildings: Operations & Maintenance provides a benchmark for building owners and operators to measure operations, improvements and maintenance.

#### Commercial Interiors

LEED for Commercial Interiors is a benchmark for the tenant improvement market that gives the power to make sustainable choices to tenants and designers.

#### Core & Shell

LEED for Core & Shell aids designers, builders, developers and new building owners in implementing sustainable design for new core and shell construction.

#### Schools

LEED for Schools recognizes the unique nature of the design and construction of K-12 schools and addresses the specific needs of school spaces.

#### Retail

LEED for Retail recognizes the unique nature of retail design and construction projects and addresses the specific needs of retail spaces.

#### Healthcare

LEED for Healthcare promotes sustainable planning, design and construction for high-performance healthcare facilities.

#### Homes

LEED for Homes promotes the design and construction of high-performance green homes.

#### Neighborhood Development

LEED for Neighborhood Development integrates the principles of smart growth, urbanism and green building into the first national standard for neighborhood design.

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Review and comment on proposed final drafts of new and updated LEED Rating Systems.

is composed of a diverse group of practitioners and experts representing a cross-section of the building and construction industry. The key elements of USGBC's consensus process include a balanced and transparent committee structure, technical advisory groups that ensure scientific consistency and rigor, opportunities for stakeholder comment and review, member ballot of new rating systems, and a fair and open appeals process.

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## LEED for Neighborhood Development

The LEED for Neighborhood Development Rating System integrates the principles of smart growth, urbanism and green building into the first national system for neighborhood design. LEED certification provides independent, third-party verification that a development's location and design meet accepted high levels of environmentally responsible, sustainable development.

Currently in its pilot period, LEED for Neighborhood Development is a collaboration among USGBC, the Congress for the New Urbanism and the Natural Resources Defense Council.

### LEED for Neighborhood Development, Pilot Version

[Pilot Version Rating System \(PDF\)](#)

The Rating System lists the intent, requirements, submittals and technologies/strategies for each credit and includes the Project Checklist.

[Pilot Version Project Checklist \(XLS\)](#)

The Checklist helps project teams track their credits against requirements for certification.

[List of Registered Pilot Projects \(PDF\)](#)

[LEED for Neighborhood Development Public Health Report \(PDF\)](#)

*USGBC would like to thank the Blue Moon Fund, the EPA Office of Brownfields Cleanup and Redevelopment, the EPA Development, Community, and Environment Division, the Centers for Disease Control and Prevention, the National Endowment for the Arts and the Kresge Foundation for their support of LEED for Neighborhood Development.*

[Join the LEED for Neighborhood Development Corresponding Committee](#)

A corresponding committee is established for every LEED rating system so that interested stakeholders who are not on the LEED for Neighborhood Development Core Committee can stay up-to-date and also participate. The corresponding committee is invited to comment on draft versions of the LEED for Neighborhood Development rating system and will receive minutes from core committee meetings and other announcements.

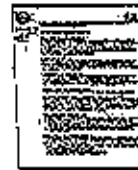
The corresponding committee is open to USGBC members and nonmembers but there are different ways to join:

- USGBC members can visit the USGBC Web site, log in to Your Account, and subscribe to the committee listserv.
- Others can send an e-mail to [nd@committees.usgbc.org](mailto:nd@committees.usgbc.org) requesting to be added to the corresponding committee.

#### LEED Brochure

Introduction to the LEED Rating System for distribution to clients. [more...](#)

\$0.68 each  
(Members \$0.59)



#### FAQ

[LEED for Neighborhood Development Frequently Asked Questions](#)

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**Neighborhood Conservation District Pilot**

**Project Checklist**

*Italics denote checklist items that could be appropriate for review and credits.*

12/3/2007 - Prepared by Idyll Whitaker Architects; based on LEED's Neighborhood Development Pilot

Project Name:				
0	0	0		
Prereq 1	Smart Location			Required
Prereq 2	Proximity to Water and Wastewater Infrastructure			Required
Prereq 3	Impaired Species and Ecological Communities			Required
Prereq 4	Wetland and Water Body Conservation			Required
Prereq 5	Floodplain Conservation			Required
Prereq 6	Floodplain Avoidance			Required
Credit 1	Brownfield Redevelopment			2
Credit 2	High Priority Brownfields Redevelopment			1
Credit 3	Preferred Location			10
Credit 4	Reduced Automobile Dependence			8
Credit 5	Bicycle Network			1
Credit 6	Housing and Jobs Proximity			3
Credit 7	School Proximity			1
Credit 8	Slope Slope Protection			1
Credit 9	Site Design for Habitat or Wetlands Conservation			1
Credit 10	Restoration of Habitat or Wetlands			1
Credit 11	Conservation Management of Habitat or Wetlands			1
Yes	1	No		
0	0	0		
Prereq 1	Open Community			Required
Prereq 2	Compact Development			Required
Credit 1	<i>Initial construction does not cause lot coverage to exceed certain percentages</i>			TBD
Credit 2	<i>Conservation of vistas into and through the site from the public way</i>			TBD
Credit 3	<i>Compatible design and character for adjacent and new structures</i>			TBD
Credit 4	<i>Site additions and new structures away from the principal facade of the building</i>			TBD
Credit 5	<i>Height of additions and new structures do not exceed the original cornice height</i>			TBD
Credit 6	<i>Reduced Driveway Footprint</i>			TBD
Credit 7	<i>Minimize area devoted to parking</i>			TBD
Credit 8	<i>Use of permeable materials for parking areas</i>			TBD
Credit 9	<i>Low fencing, low walls and plant material to screen accessory structures or parking</i>			TBD
Credit 10	<i>Observe the existing pattern of site development</i>			TBD
Credit 11	<i>Maintain large open spaces on the site</i>			TBD
Credit 12	<i>Support of abutters and abutters to abutters</i>			TBD
Credit 13	<i>Bring project in conformance with zoning</i>			TBD
Credit 14	<i>Support of abutters for any required variances</i>			TBD
Credit 15	<i>Use of similar historic building materials</i>			TBD
Credit 16	<i>Use of similar building vocabularies</i>			TBD
Yes	1	No		
0	0	0		
Prereq 1	Construction Activity Pollution Prevention			Required
Credit 1	LEED Certified Green Buildings			TBD
Credit 2	Energy Efficiency in Buildings			TBD
Credit 3	Reduced Water Use			TBD
Credit 4	Building Reuse and Adaptive Reuse			TBD
Credit 5	Reuse of Historic Buildings			TBD
Credit 6	<i>Minimize impact on significant landscape features</i>			TBD
Credit 7	<i>Minimize Site Disturbance during Construction</i>			TBD
Credit 8	Contaminant Reduction in Brownfields Remediation			1
Credit 9	Stormwater Management			TBD
Credit 10	Heat Island Reduction			TBD
Credit 11	Solar Orientation			TBD
Credit 12	On-Site Energy Generation			TBD
Credit 13	On-Site Renewable Energy Sources			TBD
Credit 14	District Heating & Cooling			TBD
Credit 15	Infrastructure Energy Efficiency			1
Credit 16	Wastewater Management			1
Credit 17	Recycled Content for Infrastructure			TBD
Credit 18	Construction Waste Management			TBD
Credit 19	Comprehensive Waste Management			1
Credit 20	Light Pollution Reduction			TBD
Yes	0	No		
0	0	0		
Credit 1.1	Innovation in Design: Provide Specific Title			1
Credit 1.2	Innovation in Design: Provide Specific Title			1
Credit 1.3	Innovation in Design: Provide Specific Title			1
Credit 1.4	Innovation in Design: Provide Specific Title			1
Credit 1.5	Innovation in Design: Provide Specific Title			1
Credit 2	Preservation Professional or LEED Accredited Professional			1
Yes	0	No		
3	0	0		
<b>Project Totals (pre-certification estimates)</b>				<b>108 Points</b>
Certified: 40-49 points, Silver: 50-59 points, Gold: 60-79 points, Platinum: 80-109 points				



# LEED for Neighborhood Development Pilot Project Checklist

Project Name: \_\_\_\_\_

Yes	No				
<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>	Prereq 1	Smart Location	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Prereq 2	Proximity to Water and Wastewater Infrastructure	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Prereq 3	Imperiled Species and Ecological Communities	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Prereq 4	Wetland and Water Body Conservation	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Prereq 5	Farmland Conservation	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Prereq 6	Floodplain Avoidance	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Credit 1	Brownfield Redevelopment		2
<input type="checkbox"/>	<input type="checkbox"/>	Credit 2	High Priority Brownfields Redevelopment		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 3	Preferred Location		10
<input type="checkbox"/>	<input type="checkbox"/>	Credit 4	Reduced Automobile Dependence		8
<input type="checkbox"/>	<input type="checkbox"/>	Credit 5	Bicycle Network		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 6	Housing and Jobs Proximity		3
<input type="checkbox"/>	<input type="checkbox"/>	Credit 7	School Proximity		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 8	Steep Slope Protection		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 9	Site Design for Habitat or Wetlands Conservation		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 10	Restoration of Habitat or Wetlands		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 11	Conservation Management of Habitat or Wetlands		1
<input type="checkbox"/>	<input type="checkbox"/>				

Yes	No				
<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>	Prereq 1	Open Community	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Prereq 2	Compact Development	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Credit 1	Compact Development		7
<input type="checkbox"/>	<input type="checkbox"/>	Credit 2	Diversity of Uses		4
<input type="checkbox"/>	<input type="checkbox"/>	Credit 3	Diversity of Housing Types		3
<input type="checkbox"/>	<input type="checkbox"/>	Credit 4	Affordable Rental Housing		2
<input type="checkbox"/>	<input type="checkbox"/>	Credit 5	Affordable For-Sale Housing		2
<input type="checkbox"/>	<input type="checkbox"/>	Credit 6	Reduced Parking Footprint		2
<input type="checkbox"/>	<input type="checkbox"/>	Credit 7	Walkable Streets		8
<input type="checkbox"/>	<input type="checkbox"/>	Credit 8	Street Network		2
<input type="checkbox"/>	<input type="checkbox"/>	Credit 9	Transit Facilities		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 10	Transportation Demand Management		2
<input type="checkbox"/>	<input type="checkbox"/>	Credit 11	Access to Surrounding Vicinity		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 12	Access to Public Spaces		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 13	Access to Active Public Spaces		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 14	Universal Accessibility		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 15	Community Outreach and Involvement		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 16	Local Food Production		1
<input type="checkbox"/>	<input type="checkbox"/>				

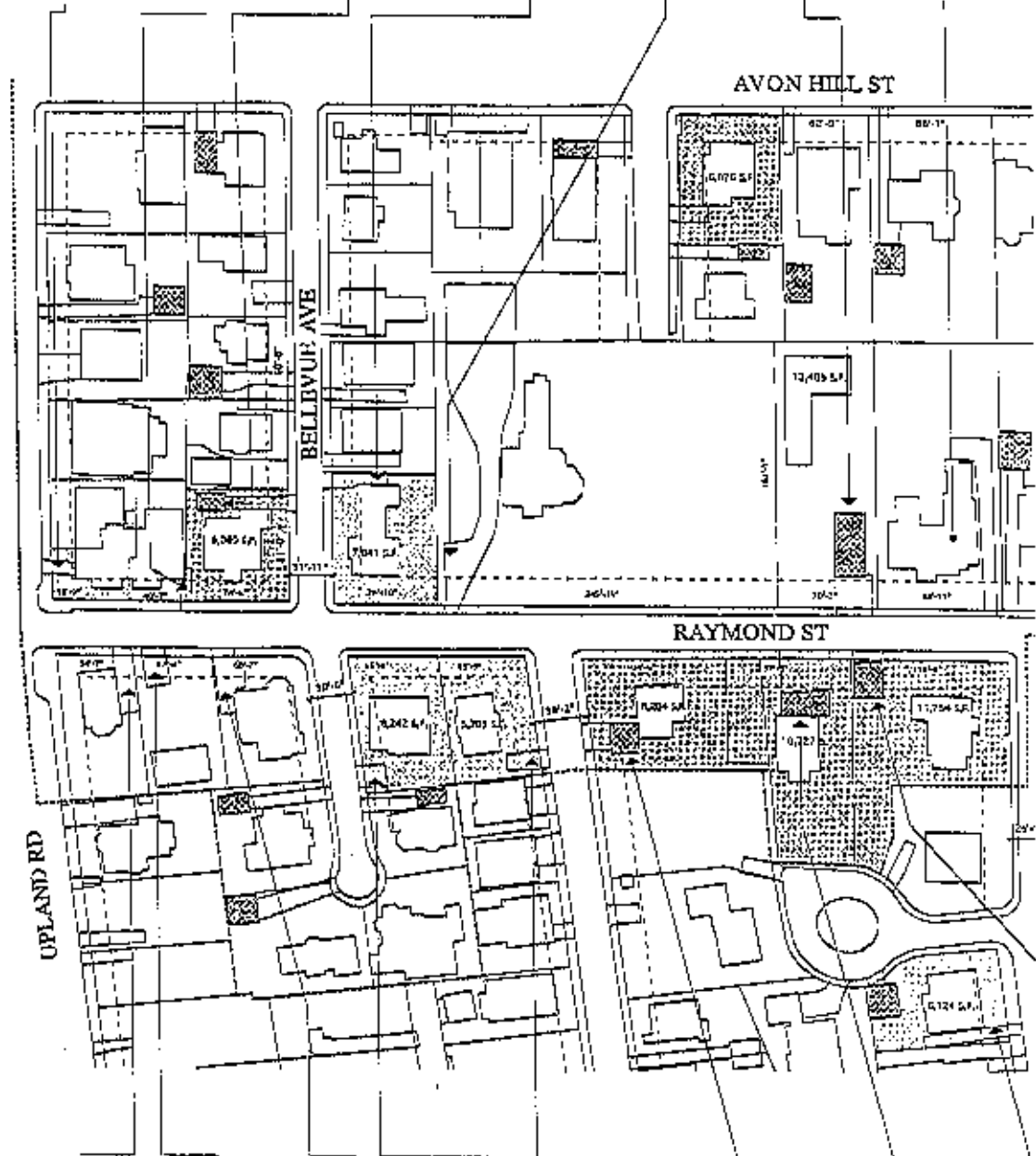
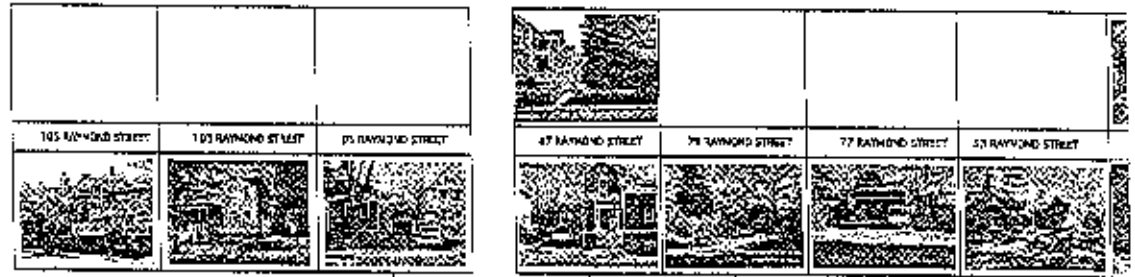
Yes	No				
<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>	Prereq 1	Construction Activity Pollution Prevention	Required	
<input type="checkbox"/>	<input type="checkbox"/>	Credit 1	LEED Certified Green Buildings		3
<input type="checkbox"/>	<input type="checkbox"/>	Credit 2	Energy Efficiency in Buildings		3
<input type="checkbox"/>	<input type="checkbox"/>	Credit 3	Reduced Water Use		3
<input type="checkbox"/>	<input type="checkbox"/>	Credit 4	Building Reuse and Adaptive Reuse		2
<input type="checkbox"/>	<input type="checkbox"/>	Credit 5	Reuse of Historic Buildings		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 6	Minimize Site Disturbance through Site Design		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 7	Minimize Site Disturbance during Construction		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 8	Contaminant Reduction in Brownfields Remediation		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 9	Stormwater Management		6
<input type="checkbox"/>	<input type="checkbox"/>	Credit 10	Heat Island Reduction		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 11	Solar Orientation		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 12	On-Site Energy Generation		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 13	On-Site Renewable Energy Sources		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 14	District Heating & Cooling		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 15	Infrastructure Energy Efficiency		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 16	Wastewater Management		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 17	Recycled Content for Infrastructure		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 18	Construction Waste Management		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 19	Comprehensive Waste Management		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 20	Light Pollution Reduction		1
<input type="checkbox"/>	<input type="checkbox"/>				

Yes	No				
<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>	Credit 1.1	Innovation in Design: Provide Specific Title		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 1.2	Innovation in Design: Provide Specific Title		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 1.3	Innovation in Design: Provide Specific Title		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 1.4	Innovation in Design: Provide Specific Title		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 1.5	Innovation in Design: Provide Specific Title		1
<input type="checkbox"/>	<input type="checkbox"/>	Credit 2	LEED Accredited Professional		1
<input type="checkbox"/>	<input type="checkbox"/>				

**Project Totals (pre-certification estimates):** \_\_\_\_\_ **LEED Points**

Certified: 40-49 points, Silver: 50-59 points, Gold: 60-79 points, Platinum: 80-108 points





① HOUSES WITH GARAGE OR ON-GRADE PARKING