

TRANSMITTAL OF THE
**ADDENDUM REPORT OF THE AVON HILL NEIGHBORHOOD CONSERVATION
DISTRICT BOUNDARY STUDY COMMITTEE**

BY THE CAMBRIDGE HISTORICAL COMMISSION

William B. King, Chair
Bruce Irving, Vice Chair
Shary Page Berg
M. Wyllis Bibbins
Robert G. Crocker
Chandra Harrington
Frank Shirley
Jo. M. Solet

MARCH 5, 2009

Executive Summary

In response to petitions from 18 property owners in the district, the Avon Hill Neighborhood Conservation District Study Committee was appointed and met thirteen times between November 2005 and July 2006. The Committee's Original Report and recommendations, were adopted by the CHC on November 2, 2006 and were forwarded to the City Council. At the request of the City Council a second survey of neighborhood residents was completed in February/March of 2007, the results of which indicated strong agreement with the Original Study's findings and recommendations, strong support for the overall goals of the District, and little support for reducing the size of the District.

On July 30, 2007, the City Council ordered that the Committee be reconvened to consider and make a report on the following:

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

The Committee was reconvened and met eight times between September 2007 and October 2008. The subsequent Addendum Report of the Committee was reviewed by the Cambridge Historical Commission at a public hearing on March 5, 2009. The recommendations of the Committee made in the Addendum Report were approved and endorsed by the Commission with the exception of recommendations #12 and #17.

Recommendation #12 was one of the recommendations made to City Manager in the Original Report of November 2006 and has been carried out to large extent with the appointment of new members to the district commission between August 2006 and May 2007. Six of the eight current appointees had not previously served on the district commission.

Recommendation #17 relates to a proposed amendment to the enabling ordinance, Chapter 2.78, Article III of the City Code, which would make it possible in the future to appoint a citywide neighborhood conservation district (NCD) commission that would administer the smaller NCDs together in one body. Since this recommendation was originally the Marsh and Half Crown NCDs have been merged together and are operating well as a combined district. Also, the Lower Common NCD designation study has been terminated. The Historical Commission voted that amending the ordinance as recommended is not necessary at this time.

The Commission voted unanimously to support the other twenty recommendations contained in the Addendum Report with the opinion that this approach toward administration and regulation in the district will best preserve the intent of the NCD, enhance the accountability of the district commission, and clarify and streamline the regulatory process for the property owners.

The full report of the Avon Hill Boundary Study Committee is herewith transmitted, and the recommendations supported by the Historical Commission and the proposed amendments to the Council Order establishing the district and the proposed amendments to the enabling ordinance, Chapter 2.78, Article III of the City Code are attached to this cover document.

Recommendations, as forwarded by the Historical Commission

Recommendation 1: The Committee recommends that Raymond Street (and including the three Gray Gardens East properties) should remain in the District and that the problems that the Raymond Street area petitioners and others have encountered are better dealt with through the recommended jurisdiction and governance changes outlined in the 11/3/06 Original Report and updated in this Addendum Report.

Recommendation 2: Clarify the general purpose and approach of the District by adopting the amended language in the preamble, purpose, principles, and standards sections of the District Order.

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

Recommendation 4: For properties located outside the Avon Hill National Register District, require binding review of aluminum or vinyl siding and aluminum, aluminum-clad, vinyl, or vinyl-clad windows (other than aluminum storm windows) where they currently do not exist.

Recommendation 5: For properties located outside the Avon Hill National Register District, require binding review for alterations that affect the building envelope, including alteration, addition or removal of bays, covered porches, and decks over 2.5 feet above grade.

Recommendation 6: Eliminate non-binding determinations by the Commission, for properties outside the Avon Hill National Register District, and replace them with non-binding administrative reviews by CHC Staff.

Recommendation 7: Change the guideline and binding review trigger, for properties outside the Avon Hill National Register District, 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 Exterior Architectural Features such as siding, trim, and windows, clarifying that these features should generally be compatible in their design and materials 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 enabling Ordinance, Ch. 2.78.160A of the City Code, to allow up to two additional Cambridge residents living outside the District to serve on the District Commission (one as a member, one as an alternate), with preference given to those who have served on other neighborhood conservation district commissions.

Recommendation 10: Encourage residents of the District to nominate potential candidates for membership.

Recommendation 11: Enforce the provision of the Ordinance that District 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 District Commission of members and alternates who have not previously served.~~

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

Recommendation 14: The District Commission should continue to use the hearing procedures recently established.

Recommendation 15: The CHC should increase training of District Commission members and should consider establishing a Code of Conduct for commissioners.

Recommendation 16: The CHC should consider increasing its public education efforts.

~~**Recommendation 17:** The CHC should consider recommending that the City Council amend the Ordinance so as to enable the future consolidation of the city's smaller neighborhood conservation districts under a citywide neighborhood conservation district commission.~~

Recommendation 18: Clarify that binding review is required for most exterior alterations to properties located in the Avon Hill National Register District, unless the alterations are not visible from a public way or are specifically exempted in section IV.C. of the amended District Order.

Recommendation 19: With respect to properties not located in the Avon Hill National Register District,

- A. Require binding review for alterations that affect the roof height or shape of the principal Structure on the lot. Dormers will be reviewed subject to a new design guideline in the amended District Order that encourages conformance with the Design Guidelines for Roof Dormers (1996) prepared for the Board of Zoning Appeal and compatibility with the style, materials, and fenestration of the Structure.
- B: Require binding review for alterations to the footprint or volume of the façade with the principal entrance to the Structure or, for Structures containing more than one dwelling unit, the facade or facades with the principal entrance or entrances to the dwelling units.
- C: Reduce the square footage thresholds for binding review of additions from (A2 zone) 750 sq ft to 500 sq ft and (B or C-1 zones) from 500 sq ft to 300 sq ft.
- D: Eliminate binding review for construction of accessory buildings no higher than 15 feet, no larger than 500 square feet (A-2)/300 square feet (B or C-1), at least as distant from the main Structure as required by zoning, and not located between the façade containing the principal entrance and the street.

Recommendation 20: Eliminate the definition of “Open Vista” from the amended District Order. The term has been reconsidered and it the Committee has determined that it is unnecessary to define the term in the District Order and that the concept would be difficult to quantify.

Recommendation 21: Amend the District Order to provide a “sunset” review, requiring a report to the City Council on the status of the District by the fourth and eighth anniversaries, and enabling the City Council to amend or rescind the District at that time.

Recommendation 22: Amend the enabling Ordinance, 2.78.180, with regard to neighborhood conservation district study committee procedures and City Council procedures for amendment and rescission of NCDs, to allow the City Council to amend a district, following the recommendations of a neighborhood conservation district commission and CHC made in a district assessment report at the end of a “sunset” review period, or to rescind a district without requiring the appointment of a new study committee.

Proposed Amendments to the Council Order Establishing the Avon Hill Neighborhood Conservation District

[\(See separate link online for the red-lined version of the order\)](#)

Proposed Amended Council Order Establishing the Avon Hill Neighborhood Conservation District

I. Preamble and Purpose

The Avon Hill neighborhood is characterized mainly by 19th and early 20th century residences of significant architectural quality sited in a cohesive pedestrian-oriented neighborhood of pleasant streetscapes with abundant mature trees and plantings, and open vistas through lots to surrounding properties. The Avon Hill neighborhood contains National Register-listed properties of city-wide significance. The neighborhood developed incrementally and in different eras, and it is marked by the diversity of its architectural design and development patterns 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 that 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 preserve, conserve and protect the beauty and heritage of the District's architecture and landscape, visible from a public way. The Avon Hill Neighborhood Conservation District Commission (the "Commission") should seek to preserve and enhance the appearance and character of the District and encourage design compatible therewith; preserve its architecturally and historically significant Structures; and mitigate adverse impacts of new development on adjacent properties and areas. The Commission should also seek to offer a public 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 the public welfare by making the District a more attractive and desirable place in which to live.

II. Definitions

"Altered", as used in this order, includes the words rebuilt, reconstructed, restored, removed and demolished.

"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.

"Green Space" means the portion of the premises which is not covered by Structures, including buildings, accessory buildings, such as garages, and Structures, such as covered porches and decks over 2.5' above grade, whether or not that portion constitutes usable open space as it is defined in the zoning ordinance then in effect. For the purposes of this order, "Green Space" includes walks, driveways, and sidewalks.

"Staff," means the person performing the functions of the Executive Director of the Cambridge Historical Commission or such other city employee to whom said Executive Director shall have delegated administrative authority with respect to the District.

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

"Total Lot Coverage" means the combined total square footage of the footprints of all Structures standing on the premises, including buildings, accessory buildings, such as garages, and Structures, such as covered porches and decks over 2.5' above grade, whether or not those Structures constitute floor area as it is defined in the zoning ordinance then in effect.

III. Membership

Pursuant to Paragraphs A and B of Section 2.78.160 of Article III of Chapter 2.78 of the City Code, the Commission shall consist of five members and three alternates appointed by the City Manager and shall have qualifications as defined in said paragraphs A and B, with the additional recommendation that, to the extent practicable, one member or alternate of the Commission shall have expertise in architecture or architectural history and one member or alternate of the Commission shall have expertise in landscape architecture.

IV. Authority

The authority of the Commission, including of the Staff with respect to the non-binding review described in the following Paragraph B, shall extend to the review of all construction, demolition, or alteration of Exterior Architectural Features, other than paint color, within the District.

Determinations of the Commission

A. Binding Determinations

The determinations of the Commission shall be binding regarding alterations of Exterior Architectural Features of properties in the Avon Hill National Register District.

The determinations of the Commission shall also be binding for changes within the District but outside the Avon Hill National Register District 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, unless said accessory building does not exceed 15 feet in height, does not exceed 500 square feet in the A-2 zone or more than 300 square feet in the B or C-1 zones, is at least as distant from the main Structure as is required by applicable zoning regulations, and is not located between the street and the façade containing the principal entrance;
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 500 square feet in the A-2 zone or more than 300 square feet in the B or C-1 zones;
5. 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 or C-1 zones;
6. to construct an addition on the façade of a Structure containing the principal entrance;

7. to demolish an existing Structure not originally used to garage automobiles that has a footprint that exceeds 150 square feet;
8. to install vinyl or aluminum siding, where it does not already exist, or to install vinyl, vinyl-clad, aluminum, or aluminum-clad windows (other than storm windows), where they do not already exist;
9. to alter, add or remove protruding bays, covered porches, or decks over 2.5 feet above grade;
10. to alter, above the existing eave line, the height or shape of the roof of the principal Structure on the lot. Dormers will be reviewed with consideration to the guideline in Section V, C.7.d of this District Order that encourages conformance with the Design Guidelines for Roof Dormers (1996) prepared for the Board of Zoning Appeal and compatibility with the style, materials, and fenestration of the Structure.
11. to alter the footprint or volume of the façade with the principal entrance to the Structure or, for Structures containing more than one dwelling unit, the facade or facades with the principal entrance or entrances to the dwelling units.

Any binding determination may contain conditions as the Commission finds to be necessary to fulfill the terms of Section VI of this order. Such conditions may impose dimensional and setback requirements in addition to those required by applicable provision of the zoning ordinance. In imposing binding conditions on the issuance of a certificate, or in denying a certificate, a concurring vote of at least three of the members or alternates of the Commission shall be required. All determinations that impose conditions on an applicant shall be in written form stating the findings of fact and the standards upon which the conditions were found to be necessary.

B. Non-binding Determinations

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

- a. The property owner, or the owner's authorized representative, shall submit a completed application to the Staff. The same application requirements and supporting documents that presently exist for the Commission non-binding reviews shall apply to Staff non-binding reviews.
2. The Staff shall contact the owner within 5 working days of the receipt of a completed application to schedule a meeting with the owner or the owner's authorized representative, if the Staff considers it necessary in order to conform to the purposes of this order.
3. The meeting between the Staff and the owner or the owner's authorized representative shall occur within 14 working days of the receipt of a completed application. If the owner, or the owner's authorized representative, does not attend the meeting, the Staff may opt to defer issuance of a certificate and schedule a public hearing before the Commission.

4. The owner, or the owner's authorized representative, may also request a non-binding review by the Commission instead of or in addition to review by the Staff.
5. A non-binding certificate of appropriateness, hardship, or nonapplicability or a non-binding certificate of denial shall be issued by the Staff within 7 working days of the date of the meeting with the owner or the owner's authorized representative, unless further information is requested by the Staff, in which case the certificate shall be issued within 7 working days of the submittal of the requested further information.

If aggrieved by the Staff determination, the owner may appeal the non-binding determination at a public hearing of the Commission.

The Staff may issue a certificate of nonapplicability without any meeting with the applicant if the Staff determines that the subject matter of the application does not involve any Exterior Architectural Feature or falls within the exceptions contained in the following Paragraph C.

C. Exemptions

The authority of the Commission shall not extend to the following categories of Structures or Exterior Architectural Features. Such Structures or Exterior Architectural Features may be constructed or altered without review by the Commission.

1. The alteration of Exterior Architectural Features on the premises of a property in the District in a manner that does not increase or diminish the existing building envelope and that does not require the removal, enclosure, or addition of any cornice, fascia, soffit, bay, porch, hood, cornerboard, window sash, window or door casing, or any other decorative element, including historic shingled siding, wood or copper gutters and downspouts, or copper, slate or wood shingle roofing, and that does not alter the shape of a roof.² For properties not listed in the Avon Hill National Register District, the construction of terraces, walks, driveways, sidewalks, and similar Structures that do not involve a change in grade level and that are not to be used for parking between the principal front wall plane of a building, or principal front and side wall planes of a building that occupies a corner property, and the street.
3. For properties not listed in the Avon Hill National Register District, the construction of walls and fences less than four feet high as measured from the sidewalk or existing immediately adjacent grade and located between the principal front wall plane of a building, or the principal front and side walls of a building that occupies a corner property, and the street. Walls and fences less than six feet high elsewhere on a property shall not be subject to review.
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. Storm doors and storm windows, screens, and window air conditioners.

V. Statement of Principles, Standards, and Guidelines for Review

The Commission, including the Staff with respect to the matters described in Paragraph B of the preceding section IV, shall apply certain principles, standards, and guidelines for review in addition to the factors set forth in Section 2.78.220 of the City Code in considering applications for certificates of appropriateness, non-applicability, or hardship.

A. Principles of Review:

The Commission shall:

1. encourage property owners to invest in their properties and seek to guide change so that it is compatible with the visual character of the neighborhood.
2. recognize the capacity of certain properties in the District for additional development under applicable provision of the zoning code and affirm its consideration of proposed additions and alterations to such properties consistent with the terms of this order.
3. recognize that the District and the greater neighborhood developed incrementally and in different eras and shall review applications with regard to the architecture and period of the building and the development pattern of its surroundings.
4. seek to achieve consensus determinations based on the available historical record, recommendations from members, alternates and Staff, and comments from applicants and abutters and consistent with the terms of this order.
5. affirm its and the Staff's role as a technical advisor to applicants on issues of conservation and preservation.

B. General Conservation Standards:

All applications shall be considered in terms of the visible impact from the public way of the proposed new construction or alteration, relocation or demolition of an existing building on the District as a whole, and in addition with regard to the potential adverse effects of the proposed construction, alteration, relocation, or demolition on the surrounding properties and on the immediate streetscape. General conservation standards shall be to:

1. Balance the interests of homeowners desiring to make changes in their property with the District's interest in conserving the historic development patterns of the District, including its Green Space, open vistas and generous setbacks;
2. Enhance the pedestrian's visual enjoyment of the District's buildings, landscapes, and Structures;
3. Encourage the preservation of the visual form of the District's buildings, landscapes, and Structures;
4. Maintain the diversity of the District's architectural styles.
5. Protect Structures in the Avon Hill National Register District;

C. Conservation Guidelines for the District:

The following guidelines establish the conservation principles to be encouraged within any given application.

1. Infill Construction and Additions:

In the A-2 zone, infill construction (including accessory buildings) and additions should not cause Total Lot Coverage to exceed 35%; in the B and C-1 zones, infill construction and additions should not cause Total Lot Coverage to exceed 45%. 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.

2. Parking:

Where parking between the principal front wall plane of a building and the street is proposed, curb cuts and the square footage of paved area devoted to parking should be minimized. Paving in permeable materials is encouraged. Low fencing, low walls, and plant materials to screen parking areas are encouraged.

3. Fences:

Fences should be low and transparent to conserve vistas into and through properties and to enable the pedestrian's visual access to the character of the District. The desire for enclosing private spaces should be balanced against the historically-open character of vistas in the District. Fences needed for privacy should enclose the minimum area necessary to achieve their intent and should leave a portion of the premises open to view from the public way. Where safe and appropriate, privacy fences should be set back behind a planting bed to avoid creating a vertical plane directly on the public way.

4. Materials:

The materials of Exterior Architectural Features such as siding, trim and windows should be compatible with the style of the Structure. Vinyl fences, vinyl siding, and vinyl windows should not be used.

5. Construction of a New Building, including Accessory Buildings: Review of the design of a proposed new building, accessory building, or relocated building shall be made with regard to the compatibility of the building with its surroundings, and the following elements of the project shall be among those considered:

- a) site layout;
- b) volume and dimensions of the building;
- c) the scale of the building in relation to its surroundings;
- d) provisions for open space and landscaping;
- e) provisions for parking.

6. Demolition or Relocation of an Existing Building:

The Commission shall apply the provisions of Article III of Chapter 2.78 of the City Code with regard to the proposed demolition of an existing building, and in addition shall consider the following factors:

- a) the architectural and historical significance of the building to be demolished, recognizing listing of the building on the National Register of Historic Places or a written determination of eligibility for listing on the National Register of Historic Places from the National Park Service;
- b) the physical condition of the building;
- c) a claim of substantial hardship, financial or otherwise; and
- d) the design of the proposed replacement building, if any.

7. Alterations to Existing Buildings:

Review of proposed alterations to an existing building, and of all features not exempted from review under Section IV.C. above, shall be made with regard to the following factors:

- a. the architectural and historical significance of the building to be altered;
- b. the extent to which the integrity of the original design has been retained or previously diminished; and
- c. the potential adverse effect of the proposed alteration on the existing building, surrounding properties, and the District as a whole.
- d. extent of conformity of new or altered dormers to the Design Guidelines for Roof Dormers (1996) prepared for the Board of Zoning Appeal and compatibility of new dormers with the style, materials, and fenestration of the building.

VI. Coordination with Other Agencies and Boards

The Commission, Board of Zoning Appeals, Inspectional Services Department, and other City boards, agencies, and officials are directed to coordinate all review, hearing, permitting and other procedures relative to physical changes within the District to the extent practicable, consistent with their respective responsibilities.

VII. Procedure

In addition to the provisions of Sections 2.78.220 and 2.78.230 of the City Code, the Commission shall observe the following procedural requirements:

A. When taking action under the binding provisions of Section IV of this order and Sections 2.78.190, 2.78.200, 2.78.210, and 2.78.220 of the City Code, the Commission shall make its determinations within forty-five days after the filing of a complete application for a certificate of appropriateness, non-applicability, or hardship, or such further time as the applicant may allow.

B. In addition to any appeal allowed pursuant to Section 2.78.240 of the City Code, the Commission may agree to the appointment of an arbitrator acceptable to both the Commission and the applicant who would make recommendations to both parties where disagreement between the Commission and the applicant persists.

C. Three members or alternates shall constitute a quorum of the Commission.

VIII. Appeals

Pursuant to Section 2.78.240 of the City Code, any applicant aggrieved by a determination of the Commission or ten registered voters of the City opposing a determination of the Commission may appeal to the Cambridge Historical Commission within twenty (20) days after the filing of such determination with the City Clerk.

IX. Ordinary Maintenance

Pursuant to Section 2.78.200 of the City Code, nothing in this order shall be construed to prevent the ordinary maintenance, repair, or replacement of any exterior architectural feature of the District that does not involve a change in design or materials or the outward appearance thereof.

X. Reports to City Council

The Commission and the Cambridge Historical Commission shall submit a report, not later than the fourth and eighth anniversaries of the date of this amended order, to the City Manager, Planning Board and City Council summarizing the activities of the Commission during the preceding period. In preparing the report, the commissions shall hold a joint public hearing to solicit the views of residents and property owners within the District with respect to the desirability and effectiveness of the District and to formulate a recommendation to the City Council, based upon their respective findings following such public hearing as to whether this or a further-amended order should continue in effect, continue in effect with amendments, or be rescinded; a summary of the testimony at such hearing shall accompany the report to the City Council. To the extent then permissible under Section 2.78.180 of the City Code, the City Council may then further amend this order with respect to the powers, responsibilities and/or procedures of the Commission in a manner consistent with the recommendations in such report, or may rescind this order, without the necessity of the appointment of a new study committee or *de novo* study process.

In the event that the City Council then rescinds this or an amended order, except as the rescinding order otherwise directs, the District shall cease to exist and the Commission shall cease to be in effect, but all valid certificates, orders and determinations of any City board, commission, agency or official issued prior to such cessation shall continue in effect.

Proposed Amendments to Chapter 2.78, Article III of the Code of the City of Cambridge

2.78.160.A, Replace the third sentence with the following two sentences:

“One member and/or one alternate of a neighborhood conservation district commission, in addition to the mandated member of the Cambridge Historical Commission, may be a Cambridge resident who lives outside the district. The remaining alternates shall be neighborhood property owners.”

2.78.180, insert new paragraph J:

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

ADDENDUM TO THE 11/3/2006 FINAL REPORT
AVON HILL NEIGHBORHOOD CONSERVATION DISTRICT BOUNDARY STUDY

by the

Avon Hill Neighborhood Conservation District
Boundary Study Committee

Arthur Bardige, Co-chair
Theresa Hamacher, Co-chair
Robert Crocker
Bruce Irving
William King
Heli Meltsner
Jacqueline Olds

OCTOBER 30, 2008

Summary

This report (the "Addendum Report") serves as an addendum to the report issued on November 3, 2006 by the Avon Hill Neighborhood Conservation District Boundary Study Committee (the "Committee") following a Cambridge City Council request for further consideration by the Committee. The November 3, 2006 report (the "Original Report") is available on the Cambridge Historical Commission (the "CHC") website, http://www.cambridgema.gov/historic/avonhill_study.html.

The Committee conducted its original study ("Original Study") in a series of meetings between November 2005 and July 2006. Its Original Report and recommendations, were adopted by the CHC on November 2, 2006 and were forwarded to the City Council. The City Council subsequently ordered that a new survey of neighborhood residents be completed. On February 22, 2007, the staff of the CHC mailed the second survey, the results of which indicated strong agreement with the Original Study's findings and recommendations, strong support for the overall goals of the District, and little support for reducing the size of the District. With one exception, the opinions of the original Raymond Street area petitioners regarding amending the District boundaries were unchanged.

On July 30, 2007, the City Council ordered that the Committee be reconvened to consider and make a report on the following:

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

The Committee was reconvened and met eight times between September 2007 and October 2008. The timeline and meetings are summarized in Appendix A of this Addendum Report. The correspondence forwarded to the Committee focused on three issues: amending the boundaries of the District, changing the binding and non-binding review criteria, and specifics of the language in the draft amended District Order.

The Committee has determined, based on both surveys and public testimony, that the overall goals of the District are supported by the neighborhood at large, and that diminishing the District's boundaries would weaken its ability to perform its mission, leave significant historic resources unprotected, and set a bad precedent for other districts in the city.

The Committee proposes revisions to the District Order (see Appendices F and G) including the addition of a "sunset" review provision. The Committee determined that the definition of "Open vista" could be deleted from the District Order, as it is a difficult concept to define or quantify and is not needed in the definitions section to further the goals or clarify the intent of the District. The proposed revisions to the binding and non-binding review criteria were made with the goal of clarifying the language of the District Order, maintaining a regulatory balance, and streamlining the regulatory process. The Committee focused the review criteria on the conservation of characteristics important to the neighborhood and eliminated triggers that were unrelated to the District's purpose, such as whether a project would require zoning relief.

Many of the changes in governance that were recommended in the November 2006 Original Report have already been carried out and have improved the communication and tone at the public hearings and have helped make the District Commission more effective and receptive to neighborhood feedback.

The Committee proposes two revisions to Chapter 2.78, Article III of the City Code, the neighborhood conservation district enabling ordinance (the "Ordinance), to enlarge the pool of applicants for membership on the District Commission and to enable the City Council to make future amendments or rescissions to the District Order(see Appendix H).

Recommendations

At a public hearing on March 5, 2009, held jointly with the CHC, the Committee voted to make the following revised recommendations for the District. (A comparison to the recommendations made in the Original Report is made on pages 3-10 of this Addendum Report).

Recommendation 1: The Committee recommends that Raymond Street (and including the three Gray Gardens East properties) should remain in the District and that the problems that the Raymond Street area petitioners and others have encountered are better dealt with through the recommended jurisdiction and governance changes outlined in the 11/3/06 Original Report and updated in this Addendum Report.

Recommendation 2: Clarify the general purpose and approach of the District by adopting the amended language in the preamble, purpose, principles, and standards sections of the District Order.

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

Recommendation 4: For properties located outside the Avon Hill National Register District, require binding review of aluminum or vinyl siding and aluminum, aluminum-clad, vinyl, or vinyl-clad windows (other than aluminum storm windows) where they currently do not exist.

Recommendation 5: For properties located outside the Avon Hill National Register District, require binding review for alterations that affect the building envelope, including alteration, addition or removal of bays, covered porches, and decks over 2.5 feet above grade.

Recommendation 6: Eliminate non-binding determinations by the Commission, for properties outside the Avon Hill National Register District, and replace them with non-binding administrative reviews by CHC Staff.

Recommendation 7: Change the guideline and binding review trigger, for properties outside the Avon Hill National Register District, 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 Exterior Architectural Features such as siding, trim, and windows, clarifying that these features should generally be compatible in their design and materials 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 enabling Ordinance, Ch. 2.78.160A of the City Code, to allow up to two additional Cambridge residents living outside the District to serve on the District Commission (one as a member, one as an alternate), with preference given to those who have served on other neighborhood conservation district commissions.

Recommendation 10: Encourage residents of the District to nominate potential candidates for membership.

Recommendation 11: Enforce the provision of the Ordinance that District 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 District Commission of members and alternates who have not previously served.

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

Recommendation 14: The District Commission should continue to use the hearing procedures recently established.

Recommendation 15: The CHC should increase training of District Commission members and should consider establishing a Code of Conduct for commissioners.

Recommendation 16: The CHC should consider increasing its public education efforts.

Recommendation 17: The CHC should consider recommending that the City Council amend the Ordinance so as to enable the future consolidation of the city's smaller neighborhood conservation districts under a citywide neighborhood conservation district commission.

Recommendation 18: Clarify that binding review is required for most exterior alterations to properties located in the Avon Hill National Register District, unless the alterations are not visible from a public way or are specifically exempted in section IV.C. of the amended District Order.

Recommendation 19: With respect to properties not located in the Avon Hill National Register District,

- B. Require binding review for alterations that affect the roof height or shape of the principal Structure on the lot. Dormers will be reviewed subject to a new design guideline in the amended District Order that encourages conformance with the Design Guidelines for Roof Dormers (1996) prepared for the Board of Zoning Appeal and compatibility with the style, materials, and fenestration of the Structure.
- B: Require binding review for alterations to the footprint or volume of the façade with the principal entrance to the Structure or, for Structures containing more than one dwelling unit, the facade or facades with the principal entrance or entrances to the dwelling units.
- C: Reduce the square footage thresholds for binding review of additions from (A2 zone) 750 sq ft to 500 sq ft and (B or C-1 zones) from 500 sq ft to 300 sq ft.
- D: Eliminate binding review for construction of accessory buildings no higher than 15 feet, no larger than 500 square feet (A-2)/300 square feet (B or C-1), at least as distant from the main Structure as required by zoning, and not located between the façade containing the principal entrance and the street.

Recommendation 20: Eliminate the definition of "Open Vista" from the amended District Order. The term has been reconsidered and it the Committee has determined that it is unnecessary to define the term in the District Order and that the concept would be difficult to quantify.

Recommendation 21: Amend the District Order to provide a "sunset" review, requiring a report to the City Council on the status of the District by the fourth and eighth anniversaries, and enabling the City Council to amend or rescind the District at that time.

Recommendation 22: Amend the enabling Ordinance, 2.78.180, with regard to neighborhood conservation district study committee procedures and City Council procedures for amendment and rescission of NCDs, to allow the City Council to amend a district, following the recommendations of a neighborhood conservation district commission and CHC made in a district assessment report at the end of a “sunset” review period, or to rescind a district without requiring the appointment of a new study committee.

Addendum Report to the 11/3/2006 Original Report of the Avon Hill Boundary Study

Table of Contents:

Summary	i
Recommendations	ii
I. Update of the Activities of the Committee	1
II. Revised Current Recommendations of the Committee	3
Appendices	
A. Updated Timeline of Committee Activities to Date	11
B. Mission Survey II form	18
C. Memo from Charles Sullivan to Robert Healy Summarizing Survey II Results, March 28, 2007	22
D. Communications Received Since January 2007	28
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 Boundary Study Committee, December 5, 2007	
11. Plan by Mills Whitaker Architects LLC titled "Raymond Street Site Study: Existing Conditions," dated 5 April 2005.	
E. Study of Effect of Proposed Jurisdiction Changes on District Cases, Jan. 2005-Jun. 2006 (Updated per 10/30/08 Addendum Report)	79
F. Red-Lined Copy of Proposed Draft Amendments to the District Order	85
G. Clean Copy of Proposed Draft Amendments to the District Order	98
H. Proposed Amendments to Chapter 2.78, Article III of the Code of City of Cambridge	107

I. Update of the Activities of the Committee

The Avon Hill Neighborhood Conservation District Boundary Study originated with petitions from 18 property owners on Raymond Street seeking to have the boundaries of the District redrawn to exclude their properties. The CHC accepted the petitions at a hearing on August 4, 2005 and, consistent with the relevant Ordinance provision relating to neighborhood conservation districts, requested the City Manager to appoint the Committee consisting of three members of the CHC and four representatives of the District. The CHC charged the Committee with examining not only the petitioners' request for a boundary adjustment but also the issues that gave rise to the petition, including matters of jurisdiction, governance, and department of the District Commission. The Committee, appointed by the City Manager on November 9, 2005, met thirteen times between November 21, 2005 and mid-July, 2006 to take public testimony and formulate recommendations. Following that Original Study, the Committee issued a preliminary study report and recommendations, which was adopted and forwarded to the City Council with a positive recommendation by the CHC. The Original Report, dated November 3, 2006 was transmitted to the City Council by the City Manager.

The Ordinance Committee reviewed the matter and took public testimony at a public meeting on December 13, 2006. The City Council ordered the City Manager to ask the Law Department to determine whether the City Council could modify the recommendations of the Committee and the staff of the CHC to conduct a new survey of neighborhood residents. At the January 22, 2007 meeting of the City Council, the Law Department responded that the City Council could make changes to the recommended actions of the study report, within narrowly defined limits.

In February 2007, the staff of the CHC mailed a new survey to neighborhood property owners along with a summary of the findings and recommendations of the Committee. The survey received 85 responses from a field of 295 property owners. 69.4% agreed that "diminishing the boundaries of the ... NCD would weaken its ability to perform its mission," and 71.8% opposed reducing the size of the District. The proposed changes in jurisdiction received positive votes, ranging from 57.7% for eliminating zoning-related and non-binding determinations while strengthening reviews of destructive alterations, to 82.4% for changes in governance and membership, to 88.2% in favor of strengthening oversight by the CHC. With one exception, the opinions of the original petitioners regarding reducing the size of the district were unchanged. See Appendices B and C to this Addendum Report for a copy of the survey and a detailed description of the survey and responses.

The second survey's results were presented to the Ordinance Committee, which on May 8, 2007 held a public hearing, took public testimony, then forwarded the matter to the full City Council without recommendation. On July 30, 2007, the City Council ordered that the Committee be reconvened to consider and make a further report on the following:

- the possibility of a sunset provision in the district order,
- the removal of the three Gray Gardens East properties from the District,
- the definition, clarification, and objective measurement of "open vista,"
- issues raised in letters forwarded to the Executive Director of the CHC by the Chairs of the Ordinance Committee,
- further consideration and explication of the pros and cons of binding review vs. nonbinding review, and

- any information about other issues raised in the committee reports that the Boundary Study Committee or the CHC believes could benefit the City Council's consideration.

The Committee reconvened on September 25, 2007 to address the matters identified by the City Council. The Committee established a schedule of topics to be covered at each meeting, and proceeded to meet eight times between September 2007 and October 2008. The timeline and meeting summaries from the Original Report have been updated to include the latest meetings of the Committee. See Appendix A for a timeline and summary of the discussion at each meeting.

II. Revised Current Recommendations of the Committee

Original 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.

Current Recommendation 1: The Committee recommends that the petitioned Raymond Street properties (and including the three Gray Gardens East properties) should remain in the District and that the problems that the petitioners and others have encountered are better dealt with through the recommended jurisdiction and governance changes outlined in the Original Report and updated in this Addendum Report. (*Updated*)

Explanation: During the second phase of the study (following the July 30, 2007 City Council order that the Committee reconvene and provide further clarification and give further consideration to several matters), the Committee took extensive public testimony and reviewed the written correspondence regarding potential boundary changes, with special emphasis given to the three houses that were developed as part of the Gray Gardens East subdivision (1 Gray Gardens East, 60 Raymond Street, and 72 Raymond Street). The primary concern of the Gray Gardens East property owners who testified before the Committee was expressed as the loss of an historical association with the Gray Gardens East subdivision and development and misidentification with the Avon Hill neighborhood, not a strong objection to the specifics of the regulatory requirements of the Neighborhood Conservation District (NCD). There being no Gray Gardens NCD at the present time nor is one being considered within the foreseeable future, the Committee determined that it would be detrimental to the three properties to be entirely unprotected, would reduce the protection to neighboring properties and would set a poor precedent for the District to begin removing properties on the edges of the District.

Raymond Street played an important role in the history of the District and continues to play an important role today; it includes houses of historical and architectural significance. The Committee determined it would be arbitrary and have detrimental affect to the District to drop individual properties or to create a different type of review criteria for the perimeter streets.

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

Current Recommendation 2: Clarify the general purpose and approach of the District by adopting the amended language in the preamble, purpose, definitions, principles of review, and standards sections of the District Order. (*Expanded*)

Explanation: The Committee, in reviewing the correspondence it had received and taking public testimony, was made aware that the amendments to the District Order that were proposed in the Original Report had been misinterpreted and needed clarification. The Committee reviewed the language of the proposed order in its entirety and made word substitutions, deletions, or additions where necessity for accuracy and increased clarity.

Though understood by way of the enabling Ordinance, it was specified in the purpose and by the addition of a definition of "Exterior Architectural Features" that the review authority of the District Commission extended only to what was "visible from a public way."

There was extensive discussion of the characteristics of the District at large and the finer points of smaller areas that developed at different times. The Committee determined that the

phrase "little automobile traffic" was subjective and not an accurate description of multiple streets in the District and that the presence or absence of traffic in general did not change the significance of buildings or streets in the District. The Committee decided to eliminate that phrase from the preamble of the District Order. Objections to this decision were expressed from some Raymond Street property owners who stated that the petitioners' argument for withdrawal from the District would be weakened if that phrase was removed from the preamble.

The Committee added new language to the preamble and principles of review to acknowledge the fact that the District and greater neighborhood developed incrementally and in different eras and that the district commission should review applications with regard to the architecture and period of the building and the development pattern of its surroundings.

In the Original Report, the Committee had recommended adding to the definitions section the term "Open Vista," but some members of the public had objected to the imprecision of the definition and questioned if it was necessary when there were already definitions of "Green Space" and "Total Lot Coverage." Though the intent of the term "Open Vista" was to express the perception of porosity of views through blocks as experienced from the public way, the Committee agreed that it was difficult to define or measure and eliminated the definition. The word "open" was added to precede "vista" in the preamble, where the characteristics of the neighborhood are described. The phrase "open vista" already existed in the General Conservation Standards section of the District Order and the Committee decided to keep it there.

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

Current Recommendation 3: Eliminate a provision of the District Order requiring review by the District Commission when a special permit or zoning variance is required. *(No substantive change; edits for style only)*

Explanation: The provisions of the existing District Order that trigger a binding review when a proposed change will require a variance or special permit under the zoning ordinance are administratively difficult, since it is not always clear which proposals will require a special permit or variance until the applicant applies for a building permit. Also, the nature of the zoning trigger is not directly related to the objectives of the District. Finally, these provisions were incorporated into the District Order when the zoning ordinance was more permissive. Under the current, more restrictive zoning ordinance, these provisions have triggered more reviews than originally intended. This reduction in binding reviews and the elimination of hearings for non-binding reviews are anticipated to balance the other new triggers for binding review, resulting in very little net change in the amount of binding regulation in the District. See Appendix E for a comparison study.

Original 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.

Current Recommendation 4: For properties located outside the Avon Hill National Register District, require binding review of aluminum or vinyl siding and aluminum, aluminum-clad, vinyl, or vinyl-clad windows (other than aluminum storm windows) where they currently do not exist. *(Reworded for clarification as to review of aluminum-clad windows)*

Explanation: The Committee agreed that installation of aluminum or vinyl siding and aluminum, aluminum-clad, vinyl, or vinyl-clad windows where they currently do not exist has the potential for high adverse visual impact, and should be subject to binding review. The re-

placement of historic windows is a non-reversible alteration and therefore should require the binding review of the District Commission. The superior marketing efforts of window replacement manufacturers has long put the historic preservation community at a great disadvantage in educating the public about the facts of energy efficiency, return on investment, and visual impacts of window replacement on historic buildings.

Original 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.

Current Recommendation 5: For properties located outside the Avon Hill National Register District, require binding review for alterations that affect the building envelope, including alteration, addition or removal of bays, covered porches, and decks over 2.5 feet above grade. (*Reworded; recommendation re: dormers and roof changes moved to new recommendation #19A*)

Explanation: Alterations on the scale of adding or removing bays and covered porches are irreversible for all practical purposes, and should not be permitted without review to ensure that the proposed changes are appropriate for the building and the District. While adding, altering or removing a raised deck is a more reversible alteration, it is primarily a modern architectural feature and can greatly alter the character of a building, when in a location visible from the public way. Many decks are positioned at the rear of a building and are not visible from a public way, in which case, no hearing would be required.

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

Current Recommendation 6: Eliminate non-binding determinations by the Commission, for properties outside the Avon Hill National Register District, and replace them with non-binding administrative reviews by CHC Staff. (*Reworded for clarification*)

Explanation: The Committee agreed that non-binding determinations should be eliminated and replaced with administrative reviews by the staff (though the homeowner may request a non-binding review before the Commission). The staff's role in these cases would be advisory only. Non-binding determinations play an important role in educating homeowners about preservation issues, but the formality of the hearing process has sometimes added to tensions between homeowners and the Commission. Administrative review would allow the staff to inform homeowners about relevant issues in a more informal process. While this is a unanimous recommendation, some members of the Committee, as well as some members of the public, expressed concern that this may eliminate an opportunity for public input on proposed alterations.

Original 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.

Current Recommendation 7: Change the guideline and binding review trigger, for properties outside the Avon Hill National Register District, regarding Total Lot Coverage from 30% to 35% in the A-2 zone and 40% to 45% in the B and C-1 zones. (*Reworded for clarification*)

Explanation: This change reflects the current zoning guidelines of maximum FAR of 0.50. Assuming a two-story building and a maximum FAR, the building alone would cover 25% of the lot. The proposed changes would allow 10% of the lot to be used for accessory buildings in the A-2 zone and 15% in the B and C-1 zones (where lots are generally smaller). The re-

laxation of this binding trigger is meant to balance with the tightening of the binding trigger for additions described in Current Recommendation 19C.

Original 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.

Current Recommendation 8: Add a conservation guideline for Exterior Architectural Features such as siding, trim, and windows, clarifying that these features should generally be compatible in their design and materials with the architectural style of the building. Specifically state that vinyl fencing, vinyl siding, and vinyl windows should not be used. (*Clarification*)

Explanation: This change clarifies the Commission's approach in these areas. Also, language on vinyl siding and vinyl windows seems appropriate given proposed binding reviews on these items. No substantive changes were made in this recommendation between the last report and this addendum.

Original 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.

Current Recommendation 9: Amend the enabling Ordinance, Ch. 2.78.160A of the City Code, to allow up to two additional Cambridge residents living outside the District to serve on the District Commission (one as a member, one as an alternate), with preference given to those who have served on other neighborhood conservation district commissions. (*Clarification of process*)

Explanation: Like the other small neighborhood conservation districts in Cambridge, it can be difficult to recruit sufficient members and alternates with the qualifications specified in the enabling Ordinance. This change would allow the District Commission to draw from a larger pool of applicants.

The Ordinance currently requires that of the five District Commission members:

- At least three must be residents of the District (of which at least 2 must be homeowners)
- At least one must be a property owner in the District (who may or may not be a resident)
- One must serve on the CHC,

And of the three alternates:

- All three must be property owners in the District.

In addition, the District Order recommends that one member/alternate have expertise in architecture or architectural history and that one member/alternate have expertise in landscape architecture. This is a departure from the City Ordinance, which requires that at least two members or alternates have "professional qualifications related to real estate or architecture or historic preservation".

The proposed amendment to Ch. 2.78.160.A of the City Code would replace the third sentence of the paragraph with the following two sentences, "One member and/or one alternate of a neighborhood conservation district commission, in addition to the mandated member of

the Cambridge Historical Commission, may be a Cambridge resident who lives outside the district. The remaining alternates shall be neighborhood property owners.”

Original Recommendation 10: Encourage residents of the District to nominate potential candidates for membership.

Current Recommendation 10: Encourage residents of the District to nominate potential candidates for membership. (*No change*)

Explanation: The City should encourage residents of the District to nominate potential candidates for membership. All advertisements for applicants should encourage these nominations. This would be a simple way to help assure that District Commission members are representative of and supported by the community.

Original 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.

Current Recommendation 11: Enforce the provision of the Ordinance that District Commission members are limited to two consecutive terms of service. Allow former members to be considered for reappointment after one year of retirement. (*No substantive change*)

Explanation: This approach is consistent with best governance practices. The enabling Ordinance calls for a term limit of a maximum of two 3-year terms, but those limits apply separately to service as member and service as alternate. If term limits are enforced, alternates can be considered likely candidates for appointment as members. Institutional memory will be preserved, and turnover will be enhanced. This approach should be adopted as a policy and as standard administrative practice.

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

Current Recommendation 12: Recommend to the City Manager that he appoint a new District Commission of members and alternates who have not previously served. (*No change*).

Explanation: Since the time that this recommendation was first made by the Committee in the Original Report, the City Manager has appointed a new District Commission with 6 of the 8 of members and alternates not having previously served. The new appointments were made between August 2006 and May 2007.

Original 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.

Current Recommendation 13: Assign the CHC clear responsibility for the oversight of neighborhood conservation districts. The CHC should hold periodic joint meetings with the Avon Hill District Commission to review the operations of the District and report its findings to the City Manager and the City Council. (*No substantive change; edits for style only*)

Explanation: The CHC should be responsible for the ongoing oversight of neighborhood conservation districts. As part of this responsibility, the CHC would hold a periodic joint meeting with the Avon Hill District Commission to review the operations of the District over the preceding period and prepare a report for the City Manager and the City Council summarizing its principal findings. The joint meeting should be publicly advertised and the owners

and residents given the opportunity to comment. This change would create a clear line of authority and accountability and a regular forum for community feedback.

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

Current Recommendation 14: The District Commission should continue to use the hearing procedures recently established. (*No change*).

Explanation: The previous chair of the District Commission established the practice of reading a statement at the beginning of each meeting that explains the jurisdiction of the District Commission and sets forth the procedures governing the order and conduct of the meeting. This procedure creates greater transparency for homeowners seeking approval of a project. This recommendation has already been put into practice by the new Chair and Vice Chair of the District Commission.

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

Current Recommendation 15: The CHC should increase training of District Commission members and should consider establishing a Code of Conduct for commissioners. (*No substantive change*)

Explanation: Commissioner training was provided at the time that the new District Commission members were appointed by the City Manager, and this training will be continued on a regular basis. In addition to this administrative implementation, the Code of Conduct could specify that:

- District Commission determinations should always be based on the guidelines of the District Order and the written determination should specify under which guideline the determination was decided.
- District Commission members are exercising a quasi-judicial authority. They should use discretion when discussing cases and issues that may be presented to the District Commission and should refrain from expressing personal opinions on these cases and issues, both inside and outside meetings.
- District Commission members are encouraged to participate in community events that provide a forum for educating the public about preservation issues.
- When neighbors are in conflict, District Commission members should try to help the community find points of agreement during meetings.

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

Current Recommendation 16: The CHC should consider increasing its public education efforts. (*No substantive change*)

Explanation: To this end, the CHC should consider producing a regular newsletter for homeowners in neighborhood conservation districts, sponsoring education activities for the District (possibly walks or lectures), posting meeting minutes on its web site to further increase transparency.

Original 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.

Current Recommendation 17: The CHC should consider recommending that the City Council amend the Ordinance so as to enable the future consolidation of the city's smaller neighborhood conservation districts under a citywide neighborhood conservation district commission. (*Updated and reworded*)

Note: Since the Original Report was published, the Lower Common Neighborhood Conservation District Study has been terminated and the Marsh and Half Crown districts have been consolidated.

Current Recommendation 18: Clarify that binding review is required for most exterior alterations to properties located in the Avon Hill National Register District, unless the alterations are not visible from a public way or are specifically exempted in section IV.C. of the amended District Order. (*New*)

Explanation: For clarity and emphasis, the binding review criteria were re-ordered and the National Register trigger separated to indicate that the other criteria apply to areas outside the Avon Hill National Register District and that most exterior alterations to properties inside the Avon Hill National Register District will require binding review.

Current Recommendation 19: With respect to properties not located in the Avon Hill National Register District,

- A. Require binding review for alterations that affect the roof height or shape of the principal Structure on the lot. Dormers will be reviewed subject to a new design guideline in the revised District Order that encourages conformance with the Design Guidelines for Roof Dormers (1996) prepared for the Board of Zoning Appeal and compatibility with the style, materials, and fenestration of the Structure. (*New*)

Explanation: Changes to the roof of the principal Structure on the lot can result in dramatic alterations to the design and style of a Structure, affecting the integrity and significance of the resource. Examples seen in recent years include the increase in ridge and eave height, change in the pitch of the roof planes, change in the shape of the roof form, etc. These changes are usually irreversible in nature and should require binding review of the District Commission. This recommendation was formerly included as part of Recommendation 5, but was separated out for clarification that it was not referring to the addition or alteration of any roof shape on a property, but to the primary roof of the principal structure. If dormers are designed to conform to the 1996 document, "Design Guidelines for Roof Dormers" then the staff would be able to review the dormers administratively.

- B: Require binding review for alterations to the footprint or volume of the façade with the principal entrance to the Structure or, for Structures containing more than one dwelling unit, the facade or facades with the principal entrance or entrances to the dwelling units. (*New*)

Explanation: Alterations to the footprint or volume of the primary façade of a Structure could potentially impact the style and integrity of a Structure and could be difficult to reverse, therefore they are worthy of binding review by the District Commission.

- C: Reduce the square footage thresholds for binding review of additions from 750 sq. ft. to 500 sq. ft. (in A2 zone) and from 500 sq. ft. to 300 sq. ft. (in B or C-1 zones). (*New*)

Explanation: Though considered during its Original Study, the Committee did not then recommend changing the square footage triggers for binding review of additions. When reconsidering the criteria for binding and non-binding reviews in the second phase of the study, the Committee determined that a 750 or 500 square foot addition was quite large in the context of the neighborhood and that it would be beneficial to the District to have binding review of

additions over 500 (A2) or 300 (B or C-1) square feet. The Committee believes this increase in jurisdiction of the District Commission will be balanced by the removal of the zoning trigger for binding review, increase in allowable Total Lot Coverage, elimination of binding review of certain accessory buildings (see below), and elimination of hearings for non-binding reviews.

D: Eliminate binding review for construction of accessory buildings no higher than 15 feet, no larger than 500 square feet (in A-2 zone) or 300 square feet (in B or C-1 zones), at least as distant from the main Structure as required by zoning, and not located between the façade containing the principal entrance and the street.

Explanation: Under the current regulations, additions to the existing building of less than 500 square feet (in A2 zone) or 300 square feet (in B or C-1 zones) do not trigger a binding review. The reasoning behind this recommendation is that a similar guideline should exist that would allow for the non-binding review of construction of accessory buildings of the same size as additions to existing buildings.

Recommendation 20: Eliminate the definition of “Open Vista” from the amended District Order. The term has been reconsidered and the Committee has determined that it is unnecessary to define the term in the District Order and that the concept would be difficult to quantify. *(New)*

Explanation: The City Council requested that the Committee clarify the definition and objective measurement of the term "Open Vista" in the District Order. The Committee determined that the definition could be deleted from the District Order, as it was a difficult concept to define or quantify and was not needed in the definition section to further the goals or clarify the intent of the District.

Recommendation 21: Amend the District Order to provide a “sunset” review, requiring a report to the City Council on the status of the District by the fourth and eighth anniversaries, and enabling the City Council to amend or rescind the District at that time. *(New)*

Explanation: The District would come up for review by the City Council on the fourth and eighth anniversaries of the City Council amendment of the current District Order. If no changes result in either of those sunset reviews, then the District will remain in effect and the sunset review requirement will be terminated.

Current Recommendation 22: Amend the enabling Ordinance, 2.78.180, with regard to neighborhood conservation district study committee procedures and City Council procedures for amendment and rescission of neighborhood conservation districts, to allow the City Council to amend a district, following the recommendations of a neighborhood conservation district commission and the CHC made in a district assessment report at the end of a “sunset” review period, or to rescind a district without requiring the appointment of a new study committee. *(New)*

Explanation: The City Council requested that the Committee consider adding a sunset review to the District Order, which is recommended below. As part of this sunset review procedure, the District Commission in consultation with the CHC would prepare a report and recommendations. This amendment to the enabling Ordinance would allow the City Council to adopt changes recommended in the report or to rescind the District entirely, without requiring the appointment of a new neighborhood conservation district study committee by the City Manager as is currently required by the Ordinance.

Appendix A: Updated Timeline of Committee Activities to Date

(Activity since last report shown in bold italics, starting at November 3, 2006)

- May 23, 2005 CHC staff receives 18 separate petitions from property owners on Raymond and Linnaean streets, Gray Gardens East, and West Bellevue Avenue seeking removal of their properties from the District. The Election Commission validates one petition.
- June 30, 2005 Hearing scheduled before the CHC under Ch. 2.78.180 of the City Code, governing designation, amendment or rescission of neighborhood conservation districts; postponed at the request of the petitioner.
- August 4, 2005 CHC receives 18 validated petitions at a public hearing; votes to accept them and request the City Manager to appoint a study committee consisting of three members of the District Commission and four representatives of the petitioners and the neighborhood. The CHC charges the study committee with examining not only the petitioners' request but also the issues that may have given rise to it, including matters of jurisdiction, governance, and deportment.
- August 10-Oct. 3 CHC staff writes to neighborhood property owners, interviews candidates for appointment to the study committee, and makes recommendations to the City Manager.
- November 9, 2005 City Manager appoints the following as members of the Committee:
Arthur Bardige, 98 Raymond Street
Robert Crocker, 120 Avon Hill Street (CHC member)
Theresa Hamacher, 95 Raymond Street
Bruce Irving, 32C Cushing Street (CHC member)
William King, 25 Hurlbut Street (CHC member)
Heli Meltsner, 74 Avon Hill Street (AHNCD member)
Jacqueline Olds, 30 Hillside Avenue
- November 21, 2005 First meeting of the Committee. CHC staff member Sally Zimmerman provides copies of the original Avon Hill NCD Study Report of 1998, a log of Avon Hill cases, the petitions, and correspondence. Staff reviews the charge to the committee: to determine the validity of the Raymond Street boundary; whether the governance, authority or deportment of the District Commission had contributed to the submission of the petitions; and how to interact with the Lower Common NCD study, which was then underway in an adjoining neighborhood. Art Bardige and Theresa Hamacher elected co-chairs.
- November 28, 2005 Committee receives a tutorial from staff on the theory and practice of neighborhood conservation districts and the history of the District.
- December 7, 2005 Committee reviews draft survey of property owners and hears report on binding/non-binding review cases in the District.

- December 8, 2005 Mission survey and comment sheet mailed to all District property owners (about 300).
- January 11, 2006 Committee reviewed preliminary results of the survey. The initial respondents most highly valued the district's architecture and green spaces, followed by its pedestrian orientation; its significant National Register properties, its diversity of design, and the evolution of buildings through alterations. They found the possibility of subdivision and new construction most troubling, followed by large additions, small additions, and lesser alterations. One-third had applied for a certificate; a majority said that the standards were not clear or consistently applied, and a large minority said that the commission had not conducted fair or civil hearings. Majorities said that the commission had preserved the neighborhood's character, accommodated change, and provided a positive forum for neighborhood dialogue (see Report narrative for an analysis of the final results).
- January 19, 2006 Committee discusses mission survey results and comments. Public comment supported preserving green space, more civility and impartiality in commission proceedings.
- February 8, 2006 Committee receives public comments, including a call for election of commissioners, for commissioners to act less arbitrarily, to follow guidelines, and avoid personal comments; for commissioners to state factual basis of recommendations. The chairs of the Mid Cambridge and Marsh NCD Commissions speak on the successes and challenges of their districts. Ms. Zimmerman provides a history of Raymond Street in the context of the Avon Hill neighborhood, and recommends that while there "was no inherent historical basis for the removal of the entire street from the Avon Hill Neighborhood Conservation District," the three properties associated with the early 20th century development of Gray Gardens East – 1 Gray Gardens East and 60 and 72 Raymond Street – could be excluded. Ms. Hamacher distributes an outline of the final report with topics for discussion.
- February 15, 2006 Committee receives public comments objecting to exclusion of the Gray Gardens houses. The Committee VOTES to accept Ms. Zimmerman's Raymond Street report (as corrected) without endorsing its recommendations. The Committee reviews binding/non-binding jurisdiction, relationship to zoning, demeanor issues. Ms. Zimmerman submits her parting thoughts: "a) the Mission Survey has reaffirmed the core principles on which the NCD was established and that needs to be recomunicated to the District; b) more discussion needs to take place on the Committee and with the Commission regarding the Green Space principle and how that has been implemented; c) meeting/commission issues can be dealt with in two regulatory recommendations: #1 to recommend a wholesale reappointment of the Commission by the City Manager following the conclusion of the study and #2 to establish a set of meeting protocols that emphasize balance and courtesy in decision making and d) the only substantive changes I recommend are

the removal of the 3 Gray Gardens East houses and consideration of eliminating the review triggered by variances or special permits ...”

March 8, 2006

Charles Sullivan, Executive Director of the CHC, becomes staff advisor to the Committee. The Committee meets with members of the District Commission to discuss their work to date. Howard Medwed, chair of the District Commission, mentions recent reforms in procedure. Committee members mention disrespectful treatment of applicants, too much weight given to neighbors’ views, excessive focus on architectural details. Medwed opposes excluding Raymond Street; better to preserve scale and integrity of district, if not expand it. Non-binding experience mixed; favors eliminating it, keeping zoning trigger for District Commission review. Other District Commission members observe that proceedings sometimes lack formality. The Committee also discussed the updated results of the neighborhood survey (see Report narrative).

March 29, 2006

Committee reviews the recommendations in Ms. Hamacher’s outline report:

1. Boundaries: A straw poll on amending the boundaries found three in favor of the status quo; one in favor of excluding three houses on Gray Gardens East; and one undecided.
2. Jurisdiction, governance, and department
 - a. All in favor of recommendation #1 regarding general purpose and approach.
 - b. General support on favor binding review of vinyl windows and siding.
 - c. Members split on eliminating non-binding reviews; discussed substituting staff review.
3. Membership. All agree with adding members from outside the district, encouraging nominations, and term limits; some disagree with appointing an entirely new commission.
4. Conduct. All agree with measures on hearing procedures, training, and education, and in general with CHC involvement with NCD commissions.
5. Appeals. Mr. King agrees to work on this topic.

Committee also reviews the proposed amendments to the District Order:

- Add language about preserving green vistas.
- Eliminate zoning trigger.
- Disagreement about items subject to review and non-binding review vs. administrative approvals; how to handle alterations?
- Establish term limits for members.

Committee receives written requests from the owners of 1 Gray Gardens East and 60 and 72 Raymond Street to be excluded from the district, a memo from Eric Wodlinger, Esq., representing John and Judy Bagalay, and a report from Craig Whitaker, an architect also representing the Bagalays (see appendices).

- April 26, 2006 Committee receives public comments from Craig Whitaker regarding the nature of houses and garages on Raymond Street: as a main thoroughfare it receives more traffic than most streets; makes case for garages on the street; opposes eliminating non-binding reviews; favors making all non-National Register reviews non-binding. John Bagalay asks for specific responses to the CHC charge to the Committee. Nelson Gore supports Ms. Zimmerman's recommendation to eliminate the three houses on Gray Gardens East, and supports non-binding review. Margo Walsh favors leaving the District intact. Judy Bagalay proposes making all non-National Register reviews non-binding for five years.
- Committee still has no consensus about eliminating the three Gray Gardens East houses. Members discuss protecting visual form vs. original fabric. Two propose strict triggers for reviewing alterations to facades; others disagree. The staff proposes a hierarchy of character-giving features important to protect and language for administrative non-binding reviews. One member favors optional non-binding reviews by staff, with appeal to District Commission.
- May 31, 2006 Committee again reviews boundary issues; Mr. Sullivan observes that arguments could be made for both positions; the staff is neutral. Most members wish to keep the District intact; Ms. Hamacher dissents. Mr. Sullivan reviews initial, incomplete draft report. Mr. King observes that some changes to the membership will require amendments to the enabling Ordinance, and recommends proceeding with the changes that can be accomplished at once. Ms. Hamacher observes that the staff proposal for binding review triggers will dramatically increase the District Commission's jurisdiction; proposes transferring this responsibility to the staff. Mr. Sullivan agrees if staff can bring cases to the District Commission for backup.
- July 12, 2006 Committee reviews a further version of the draft report and suggests additional changes.
- July 26, 2006 Committee agrees to maintain the existing boundaries of the District, including the three houses on Gray Gardens East, to maintain jurisdiction over all publicly visible facades, to drop the proposed jurisdiction over character-giving elements, and to substitute staff advisory reviews for non-binding reviews by the District Commission. The Committee VOTED unanimously to approve the report on this basis and to schedule a public meeting in September.
- September 28, 2006 Committee holds a public meeting at St. Peter's Church and after taking public testimony VOTED unanimously to forward the report with minor amendments to the CHC for a public hearing.
- November 2, 2006 The CHC holds a public hearing to review the recommendations of the Committee. The CHC voted unanimously to adopt the procedural recommendations set forth in the report, to endorse the recommendations of the

Committee, and to forward the Committee's Original Report to the City Council.

- November 3, 2006* *The Original Report of the Committee was issued and forwarded to the City Manager for distribution to the City Council.*
- December 13, 2006* *The Ordinance Committee held a public meeting to hear the recommendations of the Committee and to take public comment. The Ordinance Committee proposed two orders: that the City Solicitor report back about the City Council's ability to amend the map of a neighborhood conservation district and that the CHC staff update and re-poll the property owners in the district about the proposed recommendations. See Appendices B and C.*
- January 22, 2007* *The City Council adopted the Ordinance Committee's recommended orders.*
- February 22, 2007* *The CHC staff mailed a new opinion survey to all property owners in the district with a summary of the Committee's report and recommendations. Owners were polled as to their agreement or disagreement with the recommendations and whether or not they supported the goals and reduction in the size of the district. See Appendix B.*
- March 28, 2007* *The results of the new survey were transmitted the City Manager for distribution to the City Council. See Appendix C.*
- May 8, 2007* *The Ordinance Committee held a public hearing to continue discussion of the recommendations of the Committee and CHC and to take public comment. Mr. Sullivan reported on the second survey's results. The City Solicitor reported that the City Council could adopt changes different from the recommendations of the study report, within narrowly defined limits, but changes to the District boundaries, if proposed by the council, would have to go back to the Committee. The Ordinance Committee referred the matter back to the City Council without recommendation. See Appendix D.*
- no date* *A reaffirmation petition from the original petitioners was received to renew the request to the City Council to remove the Raymond Street and West Bellevue Avenue properties from the District. See Appendix D.*
- July 30, 2007* *The City Council ordered that the Ordinance Committee reports be referred back to the CHC and Committee for further consideration and requested that they consider adding a sunset provision and that the Committee discuss several other ideas specified in the order. See Appendix D.*
- September 25, 2007* *The Committee reconvened and held a public meeting to organize the topics for discussion and a meeting schedule. The Committee reviewed Or-*

dinance Committee reports, correspondence received from the public, and City Council orders.

- October 11, 2007* *The Committee held a public meeting, took public comment, and reviewed the points raised in Craig Whitaker's letter of July 16, 2007 including criteria for binding reviews, traffic, preamble of the district order, and discussion of the term "open vista." Committee suggested changes to the district order language to emphasize that jurisdiction is limited to what's visible from a public way, additions and omissions from the Definitions section, revisions and clarifications to the binding review triggers and exemptions.*
- October 30, 2007* *The Committee held a public meeting and discussed the District's boundaries and a sunset clause. The Committee heard and considered arguments for and against removing the three Gray Gardens East houses from the District as well as a proposal for non-binding review on perimeter streets. The Committee discussed possible amendment of the enabling Ordinance in order to allow the City Council to be able to amend the District Order in the future based on sunset review recommendations without a full study committee appointment and study procedures.*
- November 13, 2007* *The Committee held a public meeting, took public comment, and discussed the review criteria for binding, non-binding (advisory) reviews and exemptions from review. Particular focus was given to roof changes and additions. The idea of having non-binding review for perimeter streets was revisited, leading to a discussion of areas of different periods of development, especially those during the automotive age. It was decided to strengthen the language in the order guiding the commission to review proposals in the context of their period of development.*
- December 5, 2007* *The Committee heard public comment for and against the removal of Raymond Street and/or the three Gray Gardens East houses from the District. Mr. Whitaker introduced the concept of a checklist for reviewing applications, such as was used for LEED certification. The staff presented the proposed amendments of the District Order, based on discussions at the meetings to date. The Committee discussed a sunset clause for the District Order.*
- January 15, 2008* *The Committee held a public meeting, took public comment, and reviewed the proposed amendments to the District Order, as discussed to date and drafted by staff. They discussed possible phrasing for the binding trigger regarding changes to the shape of a roof (Section IV. A. 8.) The Committee reiterated its intent to improve procedural matters and clarify the order, not to expand the jurisdiction of the District Commission. They had tried to achieve a balance wherever changes were made to keep the same level of regulation.*

- February 13, 2008* *The Committee held a public meeting, took public comment, and discussed the district order and the triggers for binding review, principles of review, sunset review at the 4th and 8th anniversaries, and proposed changes to the enabling Ordinance regarding the procedural requirements for future amendments to the District Order.*
- October 28, 2008* *The staff issued a Draft Preliminary Addendum Report to the 11/3/2007 Original Report.*
- October 30, 2008* *The Committee held a public meeting to discuss the Draft Preliminary Addendum Report, finalize Draft Recommendations to the City Council, and schedule a community meeting. The Committee approved the content of the Draft Preliminary Addendum Report, as amended per the substantive discussions at the October 30 meeting and delegated the staff and William King to make the corrections to the document and edit it for style. The Committee voted that the revised report is to be distributed to the Committee and any member of the public that requests a copy. If no one requests another Committee meeting to discuss the corrections and edits within ten days of distributing the report, it shall be deemed accepted by the Committee and posted to the website. The Committee voted that the community meeting would be an advertised joint public hearing of the Committee and the Historical Commission.*

Appendix B: Mission Survey II Form



CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, 2nd Fl., Cambridge, Massachusetts 02139

Telephone: 617 349 4683 Fax: 617 349 3116 TTY: 617 349 6112

E-mail: histcomm@cambridgema.gov URL: <http://www.cambridgema.gov/Historic>

William B. King, *Chair*, Bruce A. Irving, *Vice Chair*, Charles M. Sullivan, *Executive Director*
Jacob D. Albert, M. Wyllis Bibbins, Robert G. Crocker, Frank Shirley, Jo M. Solet, *Members*
Shary Page Berg, Chandra Harrington, *Alternates*

February 22, 2007

To: Avon Hill Neighborhood Conservation District Property Owners
From: Charles Sullivan, Executive Director
Re: Opinion Survey

The City Council has requested the Cambridge Historical Commission to survey property owners in the Avon Hill Neighborhood Conservation District regarding the recent findings and recommendations of the Avon Hill NCD Boundary Study Committee.

The Boundary Study Committee originated with petitions filed by 18 property owners on Raymond Street (including five with addresses on West Bellevue, Gray Gardens East and Linnaean streets) seeking to be excluded from the District. The City Manager appointed the Study Committee in November 2005, and after meeting more than a dozen times the group presented its final report to the Historical Commission in November 2006. The full report is available at www.cambridgema.gov/historic/avonhill_study.html.

The Study Committee determined that the overall goals of the Avon Hill Neighborhood Conservation District Commission are supported by the neighborhood at large, and that diminishing its boundaries would weaken its ability to perform its mission. The Committee developed recommendations that it believes will make the Commission's review process clearer, fairer, and less stressful for property owners, while maintaining approximately the same regulatory burden. Recommended changes in membership and governance should make the Commission more effective and accountable to the neighborhood. The Historical Commission should take greater responsibility for monitoring the operations of the Avon Hill NCD Commission, and the City Manager should seek new candidates for appointment.

A brief history of the District and the specific recommendation of the Study Committee, all of which have been endorsed by the Cambridge Historical Commission, are attached.

Please return the survey on the back of this page to the Cambridge Historical Commission no later than March 5. If you have any questions about the information provided here, please call us at 617 349-4683.

Also, we are still soliciting neighborhood property owners to be considered for appointment as a member or alternate of the Commission. Please contact City Manager Robert Healy, 795 Massachusetts Avenue, Cambridge 02139, or by email at rhealy@cambridgema.gov before March 5.

**Opinion Survey Regarding the Findings and Recommendations of the Avon Hill
Neighborhood Conservation District Boundary Study Committee
and the Cambridge Historical Commission**

The Avon Hill Neighborhood Conservation District Boundary Study Committee made a number of findings and recommendation that are summarized as follows:

Findings and Recommendations of the Study Committee	Agree/Disagree
1. The overall goals of the Avon Hill NCD Commission are supported by the neighborhood at large.	<input type="checkbox"/> Agree <input type="checkbox"/> Disagree
2. Diminishing the boundaries of the Avon Hill NCD would weaken its ability to perform its mission.	<input type="checkbox"/> Agree <input type="checkbox"/> Disagree
3. The jurisdiction and operations of the Avon Hill NCD Commission should be reformed by:	
a. Changes in jurisdiction described in Recommendations 2-8, including eliminating zoning-related reviews and non-binding determinations while strengthening reviews of destructive alterations.	<input type="checkbox"/> Agree <input type="checkbox"/> Disagree
b. Changes in governance and appointment of new members to make the Commission more effective and accountable (Recommendations 10-12).	<input type="checkbox"/> Agree <input type="checkbox"/> Disagree
c. More effective monitoring of the operations of the Avon Hill NCD Commission by the Cambridge Historical Commission (Recommendations 13-16).	<input type="checkbox"/> Agree <input type="checkbox"/> Disagree

Now, we'd like to know your personal feelings about the Neighborhood Conservation District and the Raymond Street property owners' petition:

Do you support the goals of the Avon Hill Neighborhood Conservation District?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Do you support reducing the size of the district by allowing some or all of the Raymond Street petitioners to leave?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are you among the 18 property owners who asked to be excluded from the NCD?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Comments, suggestions, or recommendations?

Please mark your responses and return this survey to the Cambridge Historical Commission, 831 Massachusetts Avenue, Cambridge, Mass. 02139, by Monday, March 5.

The Avon Hill Neighborhood Conservation District
and the Avon Hill NCD Boundary Study Committee

The Avon Hill Neighborhood Conservation District (NCD) was established by unanimous vote of the City Council in 1998 “to preserve, conserve and protect the beauty and heritage of the District’s architecture and landscape, to improve the quality of its environment, to establish a process for accommodating changes . . . , to ensure that additions and alterations . . . are compatible with the character of the District, to offer a forum for neighborhood dialogue . . . , 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 the public welfare by making the District a more attractive and desirable place in which to live.” Avon Hill is now one of seven historic districts and conservation districts that protect about 3,000 buildings in Cambridge.

The Avon Hill NCD was initiated in 1997 by a petition of 52 neighborhood property owners who were concerned about several recent instances of new infill buildings on the area’s large lots and out-of-scale additions that were frequently visible from adjoining public ways. The boundaries of the study area reflected the existing single-family residential zoning districts, and so excluded most multifamily buildings along Massachusetts Avenue and Linnaean Street. The Study Committee found that there was “legitimate capacity for additional development on many properties in the study area and that the evolution of the area’s historic buildings as owners update their homes is not a process that should be halted; rather [there should be] a process for neighborhood dialogue and consensus decision-making that will ensure that the changes which do occur happen in a manner that supports and augments Avon Hill’s architectural and historical character.”

As adopted by the City Council, the goals of the Avon Hill NCD can be summarized as:

- Conserve the historic development patterns of the neighborhood, including its green space, open vistas, generous setbacks, and predominately low-density lot coverage;
- Enhance the pedestrian’s visual enjoyment of the neighborhood;
- Protect structures on the National Register of Historic Places;
- Encourage preservation of the neighborhood’s buildings, landscapes, and structures;
- Maintain the diversity of the neighborhood’s architectural styles.

The review authority of the district was structured as a two-tiered system of binding and non-binding (advisory) reviews based on the nature of the project and the significance of the structure. There are binding reviews over major additions, new construction, and demolition that would affect publicly visible exterior architectural features of structures. The Commission convenes a public hearing to review owners’ proposals, abutters’ comments are solicited, and the owners are obligated to follow the Commission’s determination. When the reviews are non-binding, the process is the same, but the owner is not obliged to comply. Many inconsequential activities are exempt from review.

In eight years the Commission has received almost 250 applications, about a third of which have required a public hearing before the Commission. Some determinations have been controversial. When 18 petitioners addressed the Cambridge Historical Commission in 2005, asking to be excluded from the district, they questioned the cost-benefit advantages of the neighborhood conservation district in the context of strict zoning rules, claimed that the Commission made decisions on aesthetic rather than objective grounds, stated that there was no practical recourse from Commission decisions, and complained about inappropriate behavior on the part of Commission members. The Avon Hill NCD Boundary Study Committee formulated the following recommendations after deliberating in public sessions for nearly a year.

Recommendations of the Avon Hill NCD Study Committee, endorsed by the Cambridge Historical Commission

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.

Recommendations to the City Council – Amend the Avon Hill Order to effect the following Recommendations 2-8 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.

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 to the City Council – Amend the NCD Ordinance (Ch. 2.78, 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.

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.

Appendix C: Memo from Charles Sullivan to Robert Healy Summarizing Survey II Results, March 28, 2007



CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, 2nd Fl., Cambridge, Massachusetts 02139
Telephone: 617 349 4683 Fax: 617 349 3116 TTY: 617 349 6112
E-mail: histcomm@cambridgema.gov URL: <http://www.cambridgema.gov/Historic>

William B. King, *Chair*, Bruce A. Irving, *Vice Chair*, Charles M. Sullivan, *Executive Director*
Jacob D. Albert, M. Wyllis Bibbins, Robert G. Crocker, Frank Shirley, Jo M. Solet, *Members*
Shary Page Berg, Chandra Harrington, *Alternates*

March 28, 2007

To: Robert Healy, City Manager
From: Charles Sullivan, Executive Director
Re: City Council request for New Avon Hill NCD Survey

On January 22, 2007, the City Council considered the recommendations of the Avon Hill Neighborhood Conservation District Boundary Study Committee and adopted a motion "that the City Manager be and hereby is requested to confer with the Executive Director of the Historical Commission on how to plan to update and poll residents could be implemented."

The Cambridge Historical Commission staff sent a survey to all 295 property owners in the district on February 22, 2007 and received 85 responses. This strong response rate of 28.8% exceeded the 19% return to the Study Committee's initial survey completed in January 2006.

The responses clearly supported the recommendations of the Study Committee with regard to maintaining the present boundaries and altering the Commission's jurisdiction and membership.

- A very strong majority of respondents – 81.2% - supported the goals of the district.
- A more than two-thirds majority of 69.4% agreed that “diminishing the boundaries of the Avon Hill NCD would weaken its ability to perform its mission,” and 71.8% opposed “reducing the size of the district by allowing some or all of the petitioners to leave.”
- The proposed changes in jurisdiction received positive votes, ranging from 57.7% for eliminating zoning-related determinations and non-binding determinations while strengthening reviews of destructive alterations, to 82.4% for changes in governance and membership, to 88.2% in favor of strengthening CHC oversight of the Avon Hill NCD Commission.

A copy of the survey form annotated to show the responses and a summary of the comments, suggestions and recommendations is attached.

Attachments

Results of an Opinion Survey Regarding the Findings and Recommendations of the Avon Hill Neighborhood Conservation District Boundary Study Committee and the Cambridge Historical Commission

On February 22, 2007, the following survey was mailed to 295 Avon Hill NCD property owners on the most recent assessors list, edited by CHC staff to include known address corrections and recent sales. The survey form was accompanied by the text of the Study Committee's findings and recommendations, and asked for any individual comments, suggestions and recommendations that a respondent might have. As of March 22, 85 surveys (28.8%) had been returned, including six surveys from the 18 petitioners for removal.

The Avon Hill Neighborhood Conservation District Boundary Study Committee made a number of findings and recommendations that are summarized as follows:

Findings and Recommendations of the Study Committee	Agree/Disagree
1. The overall goals of the Avon Hill NCD Commission are supported by the neighborhood at large.	81.2% Agree 9.4% Disagree 9.4% DK/NR/Other
3. Diminishing the boundaries of the Avon Hill NCD would weaken its ability to perform its mission.	69.4% Agree 16.5% Disagree 14.1% DK/NR/Other
3. The jurisdiction and operations of the Avon Hill NCD Commission should be reformed by:	
a. Changes in jurisdiction described in Recommendations 2-8, including eliminating zoning-related reviews and non-binding determinations while strengthening reviews of destructive alterations.	57.7% Agree 29.4% Disagree 13.0% DK/NR/Other
b. Changes in governance and appointment of new members to make the Commission more effective and accountable (Recommendations 10-12).	82.4% Agree 5.9% Disagree 11.8% DK/NR/Other
c. More effective monitoring of the operations of the Avon Hill NCD Commission by the Cambridge Historical Commission (Recommendations 13-16).	88.2% Agree 2.4% Disagree 9.4% DK/NR/Other

Now, we'd like to know your personal feelings about the Neighborhood Conservation District and the Raymond Street property owners' petition:

Do you support the goals of the Avon Hill Neighborhood Conservation District?	83.5% Yes 12.9% No 3.5% DK/NR/Other
Do you support reducing the size of the district by allowing some or all of the Raymond Street petitioners to leave?	22.4% Yes 71.8% No 5.9% DK/NR/Other
Are you among the 18 property owners who asked to be excluded from the NCD?	7.1% Yes 92.9% No

DK/NR/Other: don't know, no response, gave a response other than yes or no.

Recommendations of the Avon Hill NCD Study Committee, endorsed by the Cambridge Historical Commission

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.

Recommendations to the City Council – Amend the Avon Hill Order to effect the following Recommendations 2-8 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.

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 to the City Council – Amend the NCD Ordinance (Ch. 2.78, 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.

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.

Comments, Suggestions, and Recommendations:

Supportive

“Thanks to the Study Committee for providing a considered solution to this problem – and thanks to everyone for the attention that has been given to improving the functioning of the Avon Hill District.”

“Good survey!”

“Well done!”

“CHC did an outstanding job as to getting these issues resolved. Many thanks!”

“It would be very unfair to the rest of us to exclude Raymond Street.”

“I went before the commission/ncd and found them quite helpful.”

“We are relieved that Avon Hill NCD has rejected diminishing its boundaries. The increase in Cambridge Historical Commission involvement in training commission members and monitoring and reviewing AHNCD hearings are excellent suggestions. Very good survey!”

“I agree with the findings in general. I experienced (as an abutter) the extremely arbitrary rulings of the Avon Hill NCD Commission in its early years when aesthetics, rather than procedural or historical criteria were used. I think these problems have been substantially reduced but particularly agree with 3c [more effective monitoring] to avoid any continuation of what has been somewhat arbitrary (i.e., not statutory) findings and rulings of the NCDC.”

“Thank you. Your efforts are appreciated!”

“There are/have been remarks about the survey – and the limited usefulness of such a simple instrument which does not capture many complexities. But I think you’ve been masterful at all this – I have nothing but respect and admiration for all of you who are trying to preserve and simplify procedures meant to be in everyone’s best interest. Thank you for all your hard work!”

“I appreciate the time and effort given by the present commission members and hope that #12 is not taken as a rebuke. I support #10, but not 11 and 12.”

“It certainly sounds as if the Study Committee handled the problem quite well. Hopefully the apparent angst has subsided...”

“I agree completely keeping the Commission to monitor the Avon Hill neighborhood to avoid diminishing its boundaries.”

“I support the CHC. But I would have thought that the most important thing in ensuring historical integrity is to keep the neighborhood safe from fire hazards by shutting down illegal rentals, many of which are not supplied with safe cooking facilities and are in any case unsanctioned.”

Negative

“I have not attended public Avon Hill meetings but I have heard some very disturbing things from neighbors ... Most concerning is the tendency of the AHNCD to impose what seems to be arbitrary aesthetic “rules” ... I’ve also been disappointed by what I’ve heard to be weak oversight by the Cambridge Historical Commission.”

“Commissioners should have limited terms so that they do not become entrenched and domineering and overly influential.”

“I don’t believe 2-8 go far enough in reforming Commission. Far fewer things should be subject to review. Commission is utterly arbitrary in my experience.”

“Actual historic district that was delineated by Federal National Register is only area that can be binding review. Everything else should be non-binding ... The extraordinary increase in scope for binding review will increase potential abuse.”

“This started out as a way to avoid ‘backyard wall (sic)’ after rent control was abandoned ... instead I think it became the ‘architecture police’. It needs to go back to a way of having our neighborhood not be too dense, keep its architectural character, and be completely unbiased.”

“You are all ridiculous, self-important, irrelevant and do not even come close to addressing the real needs of this community. Go away and find some meaningful public service.”

“Tall, dense thick non-historical plantings crowd my house. The AHNCD is of no help.”

“Disagreeable experiences at hearings.”

“[A specified Avon Hill NCD commissioner] must be prevented from criminal trespass onto other’s property under the guise of gathering information for the Avon Hill NCD [and] is a neighborhood menace. The Avon Hill NCD must be responsible for legal violations of its members/alternates and if it refuses to do so, it should be abolished.”

“I think the Avon Hill NCD should be abolished. It favors wealthy and well-connected property owners who are the only ones able to navigate its labyrinthine procedures and policies.”

“This overlay district is overkill, and adds needless bureaucracy. Some of the AHNCD decisions are capricious. Too often it has been a snobby ‘taste police’. The Cambridge Historical Commission should govern only major projects and act as an educational and technical resource. ... It is hard enough trying to navigate the Cambridge zoning and building permit process as it exists!”

“Just because a building is old doesn’t mean it is perfect. I urge the Commission to be imaginative and flexible in assessing proposed changes.”

“Unfortunately over the years some AHNCD commissioners have acted as dictators and not as volunteer appointed advisors which only discouraged many homeowners from making improvements to their properties for fear of the complex, stressful, and, sometimes, they believe, unfair review process ... It’s time this commission became historical and not hysterical!”

“All AHNCD should be nonbinding.”

“I have lived in the district since inception and believe it has had a negative effect in that it creates a forum for neighbors to be pitted against one another. I believe the ill will created is not good, and the end result in terms of project review is not worth it! Ours is an expensive neighborhood in which good taste prevails. The only design controls should address issues of massing and density!”

Neutral

“Of course one feels that everyone else’s alterations should be monitored, but not one’s own, because of one’s own impeccable good taste!”

“It would be a shame if we lose Raymond Street only because of parking and garage and fence issues ... I would want to have off-street parking no matter what!”

“The Raymond Street issue has been divisive and I’m all for allowing them out so the NCD can move on – to do otherwise will allow a festering malaise. I am concerned they will never be happy and continue to take the focus off important issues.”

“I believe that given all that is facing our city, our nation, the globe in the 21st century in terms of environmental challenges and global warming that the Avon Hill NCD and Cambridge Historical need to be accommodating to changes that address energy efficiency, healthy materials, sustainable development including solar, non-toxic materials, etc.”

“While I support the NCD, I’m thankful my very visible changes were made before all decisions are made binding. The neighborhood has been overwhelmingly supportive of my changes, which would not be allowed now.”

“The AHNCD has not been as forceful as it should in restricting infill and over scale additions (per the original concerns that led to its establishment).”

“The City Council should pay attention to the issues and not play politics. The councilors need to be further educated on the issues.”

“I am appalled at the constant disappearance of garden/yard space in our neighborhood.”

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.

[See separate link to view communications.](#)

Appendix E: Study of Effect of Proposed Jurisdiction Changes on District Cases, Jan. 2005-Jun. 2006 (Updated per 10/30/08 Addendum Report)

Effect of Proposed Amendments of District Order to Binding and Non-binding Triggers:

The staff conducted a study of all 46 applications that were made between January 2005 and June 2006 to compare the jurisdiction of the District Commission under its present criteria for binding and non-binding reviews and the proposed new criteria for binding review. The study was updated in February 2008 to reflect the revisions to the binding and non-binding triggers.

A spreadsheet comparing the effects of the proposed new criteria on the District Commission's jurisdiction for each case is follows as Appendix E. Under the existing criteria, 63% received a Certificate of Nonapplicability from the staff with no District Commission hearing; 17% received a Certificate of Appropriateness after a binding review by the District Commission; and 13% received a Certificate of Appropriateness after a non-binding review.¹ Of the 11 applications for binding Certificates of Appropriateness, 4 were triggered by an application for a zoning variance and 6 were changes to National Register properties.

The effect of applying the new criteria (eliminating the zoning trigger for binding review and eliminating non-binding reviews, while adding reviews of aluminum and vinyl siding and windows and alterations that affect the building envelope and amending the square footage threshold for binding review of additions) to the 2005-2006 caseload would be an increase of 5 new binding cases, 1 new non-binding review by staff and 40 cases with no increase in regulation. The 2 other non-binding cases would not require a hearing with the District Commission but would be reviewed administratively by the staff. All 4 of the cases that resulted from the zoning trigger would have still have come before the District Commission because they involved additions or changes to the building envelope such as bays, porches, and roof changes.

¹ Two applicants for Certificates of Appropriateness received Certificates of Hardship because a quorum was not present at the District Commission hearing.

Study of Effect of Proposed Jurisdiction Changes on Avon Hill NCD Cases, Jan. '05 through Jun. '06 (updated per 10/30/08 Addendum Report)

Case #	Property Address	Owner	Description	Certificate Issued under Existing Rules	A: If Rules per Committee's 11/03/06 Original Report	*Change A	B: If New Rules per 10/30/08 draft revised order	**Change B
AH-174	101 Washington Ave	C. Von Wentzel	install flat solar panel (less than 1/3 of roof plane)	C-NA; not visible	C-NA if not visible	0	National Register (NR) property. C-NA if not visible	0
AH-175	33 Agassiz St	33 Agassiz Realty Trust	new side entry, chimney, deck, drive	COA-Binding (NR)	Binding (NR)	0	Binding (NR)	0
AH-176	11 Bellevue Ave	Kathy Jenkins	dormers	COA-Non Binding	Binding because change to the shape of the roof of the principal Structure on the lot.	1	Binding because change to the shape of the roof of the principal Structure on the lot.	1
AH-177	32 Arlington St	Josh Posner	renovate carriage house	COA-Binding (NR)	Binding (NR)	0	Binding (NR)	0
AH-178	103 Avon Hill St	Jack Silversin and Mary Jane Kornacki	new roof with addition of 607 square feet, side deck, dormers	Application for binding COA withdrawn because of an objection to their variance	Binding because adding more than 500 square feet in B zone.	0	Binding because adding more than 300 sq ft in B zone and because of dormers	0
AH-179	15 Raymond St	John & Judy Bagalay	on grade parking pad	COA-Non Binding	Staff Non binding review	0	Staff Non binding review	0

AH-180	160 Upland Rd	Lisa Campoli	fences, front porch renovation/restoration	COA-Non Binding	Binding because changes to front porch	1	Binding because changes to front porch	1
AH-181	47 Raymond St	Dagbjartson	garage; raise roof of bay	COA-Non Binding	Binding because altering a bay.	1	Binding because altering a bay	1
AH-182	160 Upland Rd	Campoli/Clancy	reroof	C-NA	C-NA	0	C-NA	0
AH-183	45 Bellevue Ave	Elizabeth Bartle	replace sliding doors	C-NA	C-NA	0	C-NA	0
AH-184	35 Raymond/31 Bates	Mark Golberg	bay addition	COA-Binding because variance	Binding because adding a bay.	0	Binding because adding a bay	0
AH-185	25 Washington Ave	Maryann Serra	renovate bathroom	C-NA	C-NA	0	C-NA	0
AH-186	25 Washington Ave	Maryann Serra	roof shingles, one vent	C-NA	C-NA	0	C-NA	0
AH-187	103 Avon Hill St	Jack Silversin and Mary Jane Kornacki	replace window sash with wood 8/8	C-NA Staff sign off, presumably because they were matching existing	Staff Non binding review	1	Staff Non binding review	1
AH-188	92 Washington Ave	Dennis on behalf of Dahl	rehab carport	Applied for Binding (NR) COA; received COH (no quorum)	Binding (NR)	0	Binding (NR)	0
AH-189	62 Upland Rd	Frank Scibilia	reroof	C-NA	C-NA	0	C-NA	0
AH-190	10 Humboldt St	Jessica Stern	skylights; replace 1 window	Applied for Binding (NR) COA; received COH (no quorum)	Binding (NR)	0	Binding (NR)	0
AH-191	62 Upland Rd	Frank Scibilia	interior renovations	C-NA	C-NA	0	C-NA	0

AH-192	106 Raymond St	Raffael Cavallo	interior renovations of bath, rear vent	C-NA	C-NA	0	C-NA	0
AH-193	34-36 Mt Vernon St	Bette Noble Trust	egress, windows, balcony	COA-Binding because variance	Binding because change to roof shape for carved out balcony	0	Binding because change to roof shape for carved out balcony	0
AH-194	79 Raymond St	Ibrahimi/Griffith	windows, not visible	C-NA b/c not visible	C-NA if not visible	0	C-NA if not visible	0
AH-195	40 Mt Vernon St	Rob & Gera-lynn Gray	rebuild porch and steps to incorporate new storage area	C-NA presumably because not visible	C-NA if not visible	0	C-NA if not visible	0
AH-196	1 Gray Gardens East	Sabine Iatridou	interior renovations and in kind door (1) and window (1) replacement	C-NA presumably because not visible	C-NA if not visible	0	C-NA if not visible	0
AH-197	79 Raymond St	Ebrahimi & Griffith	replace windows	C-NA presumably because not visible	C-NA if not visible	0	C-NA if not visible	0
AH-198	30 Arlington St	Alan Fein & Ellen Kolton	replace gutters	COA-Binding (NR)	Binding (NR)	0	Binding (NR)	0
AH-199	103 Avon Hill St	Kornacki & Silversin	2 basement windows, not visible	C-NA	C-NA if not visible	0	C-NA if not visible	0
AH-200	79 Raymond St	Ebrahimi & Griffith	interior renovations, 2 exterior doors	C-NA presumably because not visible	C-NA if not visible	0	C-NA if not visible	0
AH-201 (see case 181)	47 Raymond St	Dagbjartson	amend plan, bay addition (filed as an amendment to case 181)	(see case 181)	(see case 181)		(see case 181)	
AH-202	25 Arlington St	Robert Barber	roofing, gutter repair	C-NA	C-NA	0	C-NA	0

AH-203	68 Avon Hill St	William Graham	repair retaining wall, drywell, repave driveway	C-NA	C-NA	0	C-NA	0
AH-204	63 Mt. Vernon St, #3	Patty Jacoson	replace sash with clad (presumably with vinyl though application does not specify) sash	C-NA, why?	Binding b/c vinyl (presumably) clad	2	Binding b/c vinyl or aluminum clad; C-NA if not visible	2; 0
AH-205	65 Raymond St	Mark Goldberg	interior demolition and renovations	C-NA	C-NA	0	C-NA	0
AH-206	10 Avon Pl	Jessica Miller	side ell addition	COA-Binding because variance	Binding because altering a bay.	0	Binding because altering a bay	0
AH-207	79 Raymond St	Farah Ibrahimmi	renovation of apartment in garage, not visible	C-NA	C-NA	0	C-NA	0
AH-208	25 Arlington St	Bonnie Neilan	interior renovations: remodel bathroom	C-NA	C-NA	0	C-NA	0
AH-209	11 Bellevue Ave	Kathy Jenkins	change window on 3rd fl rear	C-NA, presumably b/c not visible	C-NA if not visible	0	C-NA if not visible	0
AH-210	114 Washington Ave	Susan Cory	addition, roof, railings	COA-Binding (NR)	Binding (NR)	0	Binding (NR)	0
AH-211	31-35 Mt Vernon St	31-35 Mt Vernon Condo Trust LLC	replace roof shingles	C-NA	C-NA	0	C-NA	0
AH-212	92 Washington Ave	Ophelia Dahl & Liz Frantzis	replace roof shingles with slate; construct new porch	COA-Binding (NR)	Binding (NR)	0	Binding (NR)	0
AH-213	37 Lancaster St	Patricia M Field	replace asphalt roof shingles on carriage house	C-NA	C-NA	0	C-NA	0
AH-214	176 Upland Rd	Wendy Everett	alter side porch, steps, door, window; window and rear door not visible	COA-Non Binding; C-NA for not visible items	Binding because porch alterations; C-NA	1	Binding because porch alterations; C-NA for items not visible	1

AH-215	9 Washington Ave	Washington Condo Trust	replace portion of flat roofing materials	C-NA	C-NA	0	C-NA	0
AH-216	12 Upland Rd	Paul & Joyce Barringer	replace 5 vinyl windows with same	C-NA	C-NA b/c preexisting vinyl	0	C-NA because preexisting vinyl	0
AH-217	18 Lancaster St	Becky Fulweiler	patch and repair roof and skylights	C-NA	C-NA	0	C-NA	0
AH-218	62 Upland Rd	Frank Scibilia	replace window with French doors; interior renovations	COA-Non Binding; C-NA	Staff Non binding review; C-NA	0	Staff Non-binding review; C-NA	0
AH-219	79 Raymond St	Scylla Properties, LLC	install fence per exemption guideline	C-NA	C-NA	0	C-NA	0
AH-220	33 Washington Ave #6	Ann Cushman	bathroom renovation, window not visible	C-NA	C-NA	0	C-NA	0

(NR) is an abbreviation indicating that the property is listed in the Avon Hill National Register District.

* This "Change A" column notes when an increase or decrease in jurisdiction occurs under the new rules for binding review as proposed in the 11/03/06 Original Report. 2 means a two-level increase (for ex, from a CNA under old rules to a binding review under new rules); 1 means a one-level increase; 0 means no change; -1 means decrease in jurisdiction by one level; -2 means decrease in jurisdiction by two levels.

* *This "Change B" column notes when an increase or decrease in jurisdiction occurs under the new rules for binding review as proposed in the 10/30/08 draft revised order for committee discussion. 2 means a two-level increase (for ex, from a CNA under old rules to a binding review under new rules); 1 means a one-level increase; 0 means no change; -1 means decrease in jurisdiction by one level; -2 means decrease in jurisdiction by two levels.

| **Appendix F. Red-Lined Copy of Proposed Amendments to the District Order**

[See this link for red-lined version of report.](#)

Appendix G. Clean Copy of Proposed Amendments to the District Order

10/30/08

I. Preamble and Purpose

The Avon Hill neighborhood is characterized mainly by 19th and early 20th century residences of significant architectural quality sited in a cohesive pedestrian-oriented neighborhood of pleasant streetscapes with abundant mature trees and plantings, and open vistas through lots to surrounding properties. The Avon Hill neighborhood contains National Register-listed properties of city-wide significance. The neighborhood developed incrementally and in different eras, and it is marked by the diversity of its architectural design and development patterns 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 that 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 preserve, conserve and protect the beauty and heritage of the District's architecture and landscape, visible from a public way. The Avon Hill Neighborhood Conservation District Commission (the "Commission") should seek to preserve and enhance the appearance and character of the District and encourage design compatible therewith; preserve its architecturally and historically significant Structures; and mitigate adverse impacts of new development on adjacent properties and areas. The Commission should also seek to offer a public 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 the public welfare by making the District a more attractive and desirable place in which to live.

II. Definitions

"Altered", as used in this order, includes the words rebuilt, reconstructed, restored, removed and demolished.

"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.

"Green Space" means the portion of the premises which is not covered by Structures, including buildings, accessory buildings, such as garages, and Structures, such as covered porches and decks over 2.5' above grade, whether or not that portion constitutes usable open space as it is defined in the zoning ordinance then in effect. For the purposes of this order, "Green Space" includes walks, driveways, and sidewalks.

"Staff," means the person performing the functions of the Executive Director of the Cambridge Historical Commission or such other city employee to whom said Executive Director shall have delegated administrative authority with respect to the District.

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

"Total Lot Coverage" means the combined total square footage of the footprints of all Structures standing on the premises, including buildings, accessory buildings, such as garages, and Structures, such as covered porches and decks over 2.5' above grade, whether or not those Structures constitute floor area as it is defined in the zoning ordinance then in effect.

III. Membership

Pursuant to Paragraphs A and B of Section 2.78.160 of Article III of Chapter 2.78 of the City Code, the Commission shall consist of five members and three alternates appointed by the City Manager and shall have qualifications as defined in said paragraphs A and B, with the additional recommendation that, to the extent practicable, one member or alternate of the Commission shall have expertise in architecture or architectural history and one member or alternate of the Commission shall have expertise in landscape architecture.

IV. Authority

The authority of the Commission, including of the Staff with respect to the non-binding review described in the following Paragraph B, shall extend to the review of all construction, demolition, or alteration of Exterior Architectural Features, other than paint color, within the District.

Determinations of the Commission

A. Binding Determinations

The determinations of the Commission shall be binding regarding alterations of Exterior Architectural Features of properties in the Avon Hill National Register District.

The determinations of the Commission shall also be binding for changes within the District but outside the Avon Hill National Register District with regard to applications:

8. to construct a new building, as defined in the zoning ordinance then in effect;
9. to construct an accessory building, as defined in the zoning ordinance then in effect, unless said accessory building does not exceed 15 feet in height, does not exceed 500 square feet in the A-2 zone or more than 300 square feet in the B or C-1 zones, is at least as distant from the main Structure as is required by applicable zoning regulations, and is not located between the street and the façade containing the principal entrance;
10. to construct a parking lot as a principal use;

11. to construct an addition to an existing Structure that would increase its gross floor area by more than 500 square feet in the A-2 zone or more than 300 square feet in the B or C-1 zones;
12. 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 or C-1 zones;
13. to construct an addition on the façade of a Structure containing the principal entrance;
14. to demolish an existing Structure not originally used to garage automobiles that has a footprint that exceeds 150 square feet;
8. to install vinyl or aluminum siding, where it does not already exist, or to install vinyl, vinyl-clad, aluminum, or aluminum-clad windows (other than storm windows), where they do not already exist;
9. to alter, add or remove protruding bays, covered porches, or decks over 2.5 feet above grade;
10. to alter, above the existing eave line, the height or shape of the roof of the principal Structure on the lot. Dormers will be reviewed with consideration to the guideline in Section V, C.7.d of this District Order that encourages conformance with the Design Guidelines for Roof Dormers (1996) prepared for the Board of Zoning Appeal and compatibility with the style, materials, and fenestration of the Structure.
11. to alter the footprint or volume of the façade with the principal entrance to the Structure or, for Structures containing more than one dwelling unit, the facade or facades with the principal entrance or entrances to the dwelling units.

Any binding determination may contain conditions as the Commission finds to be necessary to fulfill the terms of Section VI of this order. Such conditions may impose dimensional and setback requirements in addition to those required by applicable provision of the zoning ordinance. In imposing binding conditions on the issuance of a certificate, or in denying a certificate, a concurring vote of at least three of the members or alternates of the Commission shall be required. All determinations that impose conditions on an applicant shall be in written form stating the findings of fact and the standards upon which the conditions were found to be necessary.

B. Non-binding Determinations

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

- b. The property owner, or the owner's authorized representative, shall submit a completed application to the Staff. The same application requirements

and supporting documents that presently exist for the Commission non-binding reviews shall apply to Staff non-binding reviews.

6. The Staff shall contact the owner within 5 working days of the receipt of a completed application to schedule a meeting with the owner or the owner's authorized representative, if the Staff considers it necessary in order to conform to the purposes of this order.
7. The meeting between the Staff and the owner or the owner's authorized representative shall occur within 14 working days of the receipt of a completed application. If the owner, or the owner's authorized representative, does not attend the meeting, the Staff may opt to defer issuance of a certificate and schedule a public hearing before the Commission.
8. The owner, or the owner's authorized representative, may also request a non-binding review by the Commission instead of or in addition to review by the Staff.
9. A non-binding certificate of appropriateness, hardship, or nonapplicability or a non-binding certificate of denial shall be issued by the Staff within 7 working days of the date of the meeting with the owner or the owner's authorized representative, unless further information is requested by the Staff, in which case the certificate shall be issued within 7 working days of the submittal of the requested further information.

If aggrieved by the Staff determination, the owner may appeal the non-binding determination at a public hearing of the Commission.

The Staff may issue a certificate of nonapplicability without any meeting with the applicant if the Staff determines that the subject matter of the application does not involve any Exterior Architectural Feature or falls within the exceptions contained in the following Paragraph C.

C. Exemptions

The authority of the Commission shall not extend to the following categories of Structures or Exterior Architectural Features. Such Structures or Exterior Architectural Features may be constructed or altered without review by the Commission.

1. The alteration of Exterior Architectural Features on the premises of a property in the District in a manner that does not increase or diminish the existing building envelope and that does not require the removal, enclosure, or addition of any cornice, fascia, soffit, bay, porch, hood, cornerboard, window sash, window or door casing, or any other decorative element, including historic shingled siding, wood or copper gutters and downspouts, or copper, slate or wood shingle roofing, and that does not alter the shape of a roof.² For properties not listed in the Avon Hill National Register District, the construction of terraces, walks, driveways, sidewalks, and similar Structures that do not involve a change in grade level and that are not to be used for parking between the principal front wall plane of a building, or principal front and side wall planes of a building that occupies a corner property, and the street.

3. For properties not listed in the Avon Hill National Register District, the construction of walls and fences less than four feet high as measured from the sidewalk or existing immediately adjacent grade and located between the principal front wall plane of a building, or the principal front and side walls of a building that occupies a corner property, and the street. Walls and fences less than six feet high elsewhere on a property shall not be subject to review.
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. Storm doors and storm windows, screens, and window air conditioners.

V. Statement of Principles, Standards, and Guidelines for Review

The Commission, including the Staff with respect to the matters described in Paragraph B of the preceding section IV, shall apply certain principles, standards, and guidelines for review in addition to the factors set forth in Section 2.78.220 of the City Code in considering applications for certificates of appropriateness, non-applicability, or hardship.

A. Principles of Review:

The Commission shall:

1. encourage property owners to invest in their properties and seek to guide change so that it is compatible with the visual character of the neighborhood.
2. recognize the capacity of certain properties in the District for additional development under applicable provision of the zoning code and affirm its consideration of proposed additions and alterations to such properties consistent with the terms of this order.
3. recognize that the District and the greater neighborhood developed incrementally and in different eras and shall review applications with regard to the architecture and period of the building and the development pattern of its surroundings.
4. seek to achieve consensus determinations based on the available historical record, recommendations from members, alternates and Staff, and comments from applicants and abutters and consistent with the terms of this order.
5. affirm its and the Staff's role as a technical advisor to applicants on issues of conservation and preservation.

B. General Conservation Standards:

All applications shall be considered in terms of the visible impact from the public way of the proposed new construction or alteration, relocation or demolition of an existing building on the District as a whole, and in addition with regard to the potential adverse effects of the pro-

posed construction, alteration, relocation, or demolition on the surrounding properties and on the immediate streetscape. General conservation standards shall be to:

1. Balance the interests of homeowners desiring to make changes in their property with the District's interest in conserving the historic development patterns of the District, including its Green Space, open vistas and generous setbacks;
2. Enhance the pedestrian's visual enjoyment of the District's buildings, landscapes, and Structures;
3. Encourage the preservation of the visual form of the District's buildings, landscapes, and Structures;
4. Maintain the diversity of the District's architectural styles.
5. Protect Structures in the Avon Hill National Register District;

C. Conservation Guidelines for the District:

The following guidelines establish the conservation principles to be encouraged within any given application.

1. Infill Construction and Additions:

In the A-2 zone, infill construction (including accessory buildings) and additions should not cause Total Lot Coverage to exceed 35%; in the B and C-1 zones, infill construction and additions should not cause Total Lot Coverage to exceed 45%. 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.

2. Parking:

Where parking between the principal front wall plane of a building and the street is proposed, curb cuts and the square footage of paved area devoted to parking should be minimized. Paving in permeable materials is encouraged. Low fencing, low walls, and plant materials to screen parking areas are encouraged.

3. Fences:

Fences should be low and transparent to conserve vistas into and through properties and to enable the pedestrian's visual access to the character of the District. The desire for enclosing private spaces should be balanced against the historically-open character of vistas in the District. Fences needed for privacy should enclose the minimum area necessary to achieve their intent and should leave a portion of the premises open to view from the public way. Where safe and appropriate, privacy fences should be set back behind a planting bed to avoid creating a vertical plane directly on the public way.

4. Materials:

The materials of Exterior Architectural Features such as siding, trim and windows should be compatible with the style of the Structure. Vinyl fences, vinyl siding, and vinyl windows should not be used.

5. Construction of a New Building, including Accessory Buildings: Review of the design of a proposed new building, accessory building, or relocated building shall be made with regard to the compatibility of the building with its surroundings, and the following elements of the project shall be among those considered:

- e) site layout;
- f) volume and dimensions of the building;
- g) the scale of the building in relation to its surroundings;
- h) provisions for open space and landscaping;
- i) provisions for parking.

7. Demolition or Relocation of an Existing Building:

The Commission shall apply the provisions of Article III of Chapter 2.78 of the City Code with regard to the proposed demolition of an existing building, and in addition shall consider the following factors:

- a) the architectural and historical significance of the building to be demolished, recognizing listing of the building on the National Register of Historic Places or a written determination of eligibility for listing on the National Register of Historic Places from the National Park Service;
- b) the physical condition of the building;
- c) a claim of substantial hardship, financial or otherwise; and
- d) the design of the proposed replacement building, if any.

7. Alterations to Existing Buildings:

Review of proposed alterations to an existing building, and of all features not exempted from review under Section IV.C. above, shall be made with regard to the following factors:

- a. the architectural and historical significance of the building to be altered;
- b. the extent to which the integrity of the original design has been retained or previously diminished; and
- c. the potential adverse effect of the proposed alteration on the existing building, surrounding properties, and the District as a whole.
- d. extent of conformity of new or altered dormers to the Design Guidelines for Roof Dormers (1996) prepared for the Board of Zoning Appeal and compatibility of new dormers with the style, materials, and fenestration of the building.

VI. Coordination with Other Agencies and Boards

The Commission, Board of Zoning Appeals, Inspectional Services Department, and other City boards, agencies, and officials are directed to coordinate all review, hearing, permitting and other procedures relative to physical changes within the District to the extent practicable, consistent with their respective responsibilities.

VII. Procedure

In addition to the provisions of Sections 2.78.220 and 2.78.230 of the City Code, the Commission shall observe the following procedural requirements:

A. When taking action under the binding provisions of Section IV of this order and Sections 2.78.190, 2.78.200, 2.78.210, and 2.78.220 of the City Code, the Commission shall make its determinations within forty-five days after the filing of a complete application for a certificate of appropriateness, non-applicability, or hardship, or such further time as the applicant may allow.

B. In addition to any appeal allowed pursuant to Section 2.78.240 of the City Code, the Commission may agree to the appointment of an arbitrator acceptable to both the Commission and the applicant who would make recommendations to both parties where disagreement between the Commission and the applicant persists.

C. Three members or alternates shall constitute a quorum of the Commission.

VIII. Appeals

Pursuant to Section 2.78.240 of the City Code, any applicant aggrieved by a determination of the Commission or ten registered voters of the City opposing a determination of the Commission may appeal to the Cambridge Historical Commission within twenty (20) days after the filing of such determination with the City Clerk.

IX. Ordinary Maintenance

Pursuant to Section 2.78.200 of the City Code, nothing in this order shall be construed to prevent the ordinary maintenance, repair, or replacement of any exterior architectural feature of the District that does not involve a change in design or materials or the outward appearance thereof.

X. Reports to City Council

The Commission and the Cambridge Historical Commission shall submit a report, not later than the fourth and eighth anniversaries of the date of this amended order, to the City Manager, Planning Board and City Council summarizing the activities of the Commission during the preceding period. In preparing the report, the commissions shall hold a joint public hearing to solicit the views of residents and property owners within the District with respect to the desirability and effectiveness of the District and to formulate a recommendation to the City Council, based upon their respective findings following such public hearing as to

whether this or a further-amended order should continue in effect, continue in effect with amendments, or be rescinded; a summary of the testimony at such hearing shall accompany the report to the City Council. To the extent then permissible under Section 2.78.180 of the City Code, the City Council may then further amend this order with respect to the powers, responsibilities and/or procedures of the Commission in a manner consistent with the recommendations in such report, or may rescind this order, without the necessity of the appointment of a new study committee or *de novo* study process.

In the event that the City Council then rescinds this or an amended order, except as the rescinding order otherwise directs, the District shall cease to exist and the Commission shall cease to be in effect, but all valid certificates, orders and determinations of any City board, commission, agency or official issued prior to such cessation shall continue in effect.

Appendix H. Proposed Amendments to Chapter 2.78, Article III of the Code of City of Cambridge

2.78.160.A, Replace the third sentence with the following two sentences:

“One member and/or one alternate of a neighborhood conservation district commission, in addition to the mandated member of the Cambridge Historical Commission, may be a Cambridge resident who lives outside the district. The remaining alternates shall be neighborhood property owners.”

2.78.180, insert new paragraph J:

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