



City of Cambridge

Calendar #7

~~City Manager Agenda #9~~

IN CITY COUNCIL

~~April 6, 2009~~

December 14, 2009

ORDERED: That the City Council Order of June 15, 1998 establishing the Avon Hill Neighborhood Conservation District be and hereby is amended as follows.

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:

1. 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 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.

In City Council December 14, 2009.

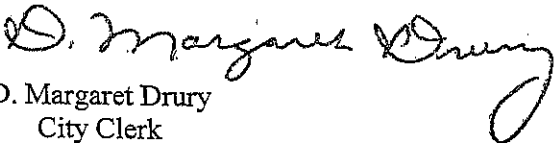
Adopted by a yea and nay vote:-

Yeas 8; Nays 0; Absent 1.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-


D. Margaret Drury
City Clerk

AVON HILL NEIGHBORHOOD CONSERVATION DISTRICT, 2010

