



## CAMBRIDGE HISTORICAL COMMISSION

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November 10, 2022

To: Members of the Historical Commission

From: Charles Sullivan  
Sarah Burks

Re: Enhanced Meeting Procedures

Recently the Historical Commission has experienced some meetings of extreme duration. This memo examines means of achieving humane meeting lengths through scheduling adjustments and enhanced discipline by the presenters, the staff, and the commission.

### Background

For its first fifteen years the Commission met at 4:00 and usually adjourned by 6:00 ("in time for cocktails"). Adoption of the preservation grants program in 1976, expansion of the historic districts in 1976, 1982 (Fort Washington), 1986, and 1998, and adoption of the demolition delay and NCD ordinances in 1979 and 1983 led to a substantial increase in caseloads. About 1980 the Commission changed its meeting time to 6:00. Meetings have always been held on Thursdays, in part to avoid conflicts with the City Council (Mondays) and the Planning Board (Tuesdays). Meetings can go until midnight and occasionally much longer; the 2:00 AM adjournment on October 3 has been matched perhaps three or four times in the last decade.

Historical Commission meetings have always been relatively informal. Commissioners and members of the public have been allowed to discuss matters that are not actually under the commission's jurisdiction, and until recently to do so at length. While this has given the Commission a reputation of being open and welcoming to public discourse, it comes at a price of lengthy and sometimes undisciplined proceedings.

The length of meetings is determined by statutory requirements as well as the Commission's case load, which is highly dependent on the economy. Construction activity in Cambridge never quite stops, but it does vary considerably. As agendas lengthened during boom times (as we have experienced since the recovery from the recession of 2007-09), commissioners repeatedly favored meeting for as long as required to clear the agenda and declined to schedule additional meetings.

The length of meetings is also determined by the requirements of MGL Ch. 40C and Ch. 2.78 that cases involving historic district properties, designated landmarks, and demolition permit

applications must be heard within 45 days.<sup>1</sup> If a case is not heard within the time limit the permit is deemed constructively granted.

In the last year the Commission met 13 times (monthly except two meetings in November 2021). The average length of meetings was 4.7 hours, and the median was 5.0 hours:

| Date     | Hours | Date    | Hours |
|----------|-------|---------|-------|
| 11/4/21  | 5.0   | 5/5/22  | 3.0   |
| 11/10/21 | 2.5   | 6/2/22  | 2.5   |
| 12/2/21  | 4.5   | 7/7/22  | 4.0   |
| 1/6/22   | 4.5   | 8/4/22  | 6.0   |
| 2/3/22   | 5.5   | 9/8/22  | 6.0   |
| 3/3/22   | 5.0   | 10/6/22 | 8.0   |
| 4/2/22   | 5.0   |         |       |

### Meeting Practices of Other Boards

The *Board of Zoning Appeals* hears requests for variances, special permits, comprehensive permits, and appeals pursuant to the Cambridge Zoning Ordinance. The BZA also hears appeals of zoning determinations made by the Inspectional Services Department. The Board meets twice a month from 6:30 until 11:30 and hears as many as a dozen cases during a meeting. Cases must be heard within 65 days after application (MGL Ch. 40A, Sec. 15).

“The *Cambridge Planning Board* reviews plans and proposals under the Special Permit provisions of the Cambridge Zoning Ordinance and Chapter 40A of the Massachusetts General Laws, proposes or reviews zoning amendments, makes recommendations to the City Council about proposed revisions to the Zoning Ordinance, and engages in general planning efforts to improve the physical environment of the City” (CDD website).

The Planning Board meets three or four times a month beginning at 6:30 and aims to adjourn at 9:00 or 9:30. CDD staff work extensively to shape applications and generally schedules no more than two cases per hearing; applicants are advised that presentations should be limited to 20-30 minutes. Planning Board cases do not have the 45-day statutory window required under M.G.L. Ch. 40C.

### Recommendations

Shorter meetings can be accomplished by several means.

#### *Scheduling*

We recommend reserving both the first and second Thursdays each month for Commission meetings. The number of times it would be necessary to actually hold a second meeting would depend on the length of the agenda and the expected adjournment time.

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<sup>1</sup> MGL Ch. 40C, Sec. 11 allows up to 60 days. The 45 day requirement was included in the ordinance that established the Commission in 1963.

This table projects the number of extra monthly meeting needed with varying adjournment times, based on the experience of the last twelve months.

| Projected Adjournment | Additional meetings required (13 total) |
|-----------------------|---|
| 10:00 PM              | 9                                       |
| 10:30 PM              | 7                                       |
| 11:00 PM              | 3                                       |
| 12:00 PM              | 1                                       |

### *Meeting Procedures*

These projections could be improved by some relatively modest changes in the organization and conduct of the meetings:

- **Consent Agenda.** The consent agenda is an effective tool for reducing the length of a meeting. Commissioners should not call for removing a case from the consent agenda unless their concern involves a matter under actual CHC jurisdiction, and the public interest would clearly be served by hearing the case. Cases could be voted on all together as one motion rather than individually as at present.
- **Presentations.** We recommend establishing expectations for the length of presentations. Ten minutes should be adequate for review of simple projects like signs, storefronts, paint colors, paving, roofing material changes, or the like involving designated properties. Twenty minutes could be allowed for major alterations and new construction involving designated properties and demolition of significant structures. Presenters should be strongly encouraged conclude in less than 30 minutes.
- **Questions of Fact.** We recommend that the chair elicit all questions of fact from commissioners before asking the petitioners to respond. This practice, which is followed by the Planning Board, will reduce the sometimes extended dialogues that occur between members and applicants, and allow applicants to organize their responses in a comprehensive manner. Commissioners could be allowed a round of follow-up questions before the public is allowed questions. Again, all public questions should be asked before the applicant is allowed to respond.
- **Comments.** All comments should be addressed to the Chair and should be limited to matters actually pertaining to the jurisdiction of the Commission. Commissioners as well as members of the public should observe the three-minute rule. Applicants may be allowed to respond if so invited by the Chair, but in no case should the applicant be allowed to engage in an impromptu dialogue with a commissioner or a member of the public. The public comment period should never be reopened once it has closed, nor should applicants be allowed to continue to speak after this point.
- **Deliberations.** Commissioners should be mindful of the elapsed time during deliberations. The chair may, but need not, allow additional questions of the applicant during deliberations.

### *Additional suggestions:*

- Staff to clarify expectations for all applicants
- The Chair to be provided with a brief script that refers to meeting procedures posted on a web page.

- Staff updates to take place at the beginning of each meeting.
- Staff to take roll calls for attendance and votes, following Planning Board practice.
- Staff to clearly state jurisdiction for different types of cases.
- Staff to display a countdown clock for comments.
- Written comments to be summarized or at least noted following public comments.
- The chair may reduce the three-minute public comment rule to two minutes or less, following City Council practice.

Finally, we recommend that these or similar recommendations be formally adopted as the Commission's Rules and Procedures, similar to those of the BZA.

### Conclusion

Please give these recommendations your careful consideration. We will make room on the December 8 agenda for a discussion. In the meantime, we strongly recommend that you observe at least part of a Planning Board or BZA hearing to see how a related body deals with these issues. The Planning Board schedule can be found under "Upcoming Events" at <https://www.cambridgema.gov/Departments/communitydevelopment>. The BZA calendar is at <https://www.cambridgema.gov/Departments/inspectionalservices>.