

# City of Cambridge

## REVISED SCHEDULE ON THE PETITION OF PETER H. DESMOND.

Petition filed with the City Clerk	February 22, 1978
(All hearings to be completed by April 28, 1978.)	
In City Council	February 27, 1978
Referred to Planning Board for Report	March 3, 1978
Hearings before the Planning Board	April 4, 1978
(THIS HEARING was postponed to joint hearing with Council to April 26, 1978 at 8 PM.)	
(City Council must act within 90 days of the Planning Board's hearing which would be July 3, 1978.)	
City Council Hearing Published:	
Chronicle (original notice)	April 6, 1978
Herald (amended notice)	April 12, 1978
Herald (amended notice)	April 19, 1978
Chronicle (amended notice)	April 20, 1978
Hearing before the City Council	April 26, 1978 at 8:00 P. M.
Reported to the City Council	May 1, 1978
Passed to a second reading	May 1, 1978
Publish	May 4, 1978
Ready for Ordination	May 15, 1978
Publish	May 18, 1978



# CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 876-6800

RECEIVED  
OFFICE OF CITY CLERK  
JUN 30 4 35 PM '78  
LAW DEPARTMENT  
CAMBRIDGE, MASS.  
RUSSELL B. HIGLEY

RUSSELL B. HIGLEY  
CITY SOLICITOR

EDWARD A. CUNNINGHAM  
ANDREW T. TRODDEN  
LEGAL COUNSEL

CHARLES A. WATSON  
LEGISLATIVE AGENT

June 30, 1978

To The Honorable City Council  
City Hall  
Cambridge, Massachusetts

Dear Councillors:

I am in receipt of a request for an opinion concerning the final date on which the City Council may act to vote on the Mellen Street Rezoning Petition of Mr. Peter Desmond.

It is my understanding that on April 4 the Planning Board met without the City Council to consider Mr. Desmond's petition. At that meeting a quorum of the Planning Board was present, and all "interested persons" as they are defined by General Laws, Chapter 40A, Section 5 were either in attendance or were notified of said meeting. Apparently, notice of the hearing was not posted in City Hall for the requisite period of fourteen days, although proper notice was made in a newspaper of general circulation in accordance with the provisions of Section 5 of Chapter 40A.

Assuming these facts to be true, it is my opinion that the failure to post the fourteen day notice in City Hall would not render the meeting of April 4 invalid. Section 5 of Chapter 40A clearly states that "No defect in the form of any notice under this chapter shall invalidate any zoning by-laws or ordinances unless such defect is found to be misleading."

It is my opinion that the meeting held on April 4, 1978 did not unfairly prejudice any interested party and was, therefore, valid.

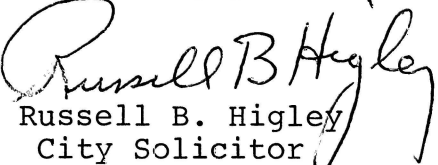
To The Honorable City Council -2-

June 30, 1978

Applying this interpretation, it is my opinion that the Council has until July 3, 1978 to act on the Mellen Street Rezoning Petition.

If you have further questions concerning this matter, please let me know.

Very truly yours,

  
Russell B. Higley  
City Solicitor

RBH:jl

*Cargill & Masterman*

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JUN 30 2 30 PM '78  
CAMBRIDGE, MASS.

*No. 225 Franklin Street  
Boston 02110*

*Thomas E. Cargill, Jr.  
Edward J. Masterman  
Charles E. Colson  
Andrew C. Culbert  
Joseph H. Burke, Jr.  
Neal C. Tully  
Henry P. Choi*

June 29, 1978

Paul E. Healy, City Clerk  
City of Cambridge  
City Hall  
Cambridge, Massachusetts 02139

Re: Protest of Zoning Petition of Peter Desmond, et al.

Dear Mr. Healy:

On behalf of Lesley College this letter will serve as written protest, pursuant to the provisions of Chapter 40A, Section 5 of the General Laws, against the Petition of Peter Desmond, et al., seeking to amend the City's Zoning Ordinance and Map.

Lesley College, as an institution of higher education, has existed since 1909 within the two block area sought to be down-zoned by the subject petition. Lesley has always been a responsible member of the Cambridge community and a good neighbor to the residents which comprise the Wendell-Mellen-Everett Street rectangle. Lesley's core campus exists primarily within the two block neighborhood and comprises 45% of the existing property to be effected by the petition.

The future development plans of Lesley College are limited solely to the area sought to be down-zoned. Approval of the Desmond Petition and resulting changes in zoning will significantly jeopardize Lesley's commitment to limited growth and development within the given area and will necessitate Lesley's expansion into the neighborhood communities beyond.

Lesley is well aware of the concerns within the community to preserve and foster those physical and enviromental qualities which maintain the integrity of the neighborhood as an attractive place to live and work. Lesley champions such goals and is pledged to working together with responsible members of the

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JUN 30 2 30 PM '70  
CAMBRIDGE, MASS

community, but the sweeping attack upon the existing zoning by the Desmond Petition is not a panacea to the problems which the neighborhood envisions.

Lesley is committed to responsible growth within the existing limitations of the present zoning ordinance. Future developments, and indeed, existing funding of buildings within the campus, would be jeopardized by the non-conforming status resulting from approval of the down-zoning petition. Moreover, to down-zone the entire two block area, 71% of which is owned by Lesley and Harvard and 15% of which is owned by residential owners, violates the primary intent and purpose of the zoning ordinance and would amount to a confiscation of Lesley's property.

Lesley College  
by its attorney



Andrew C. Culbert



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

June 27, 1978

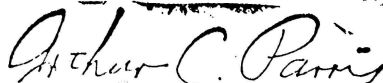
To the Honorable, the City Council

Subject: Mellen Street Rezoning

Dear Councillors:

Since the original petition for rezoning the Mellen Street area last year, this Board has advocated a compromise between the existing Residence C-3 designation and the petitioners' request for Residence C-1. During the last several weeks, the Community Development Department has kept us informed of the negotiations between Lesley College and residents of the Agassiz neighborhood. We feel that the compromise rezoning proposal will permit a reasonable amount of institutional development while protecting the neighborhood from incompatible development. We recommend that the petition be APPROVED AS AMENDED.

For the Planning Board,

  
Arthur C. Parris,  
Chairman

ACP: drb

Cambridge,..... February 18 ,..... 1978

To the Honorable, the City Council of the  
City of Cambridge:

The undersigned respectfully pray  
that the map accompanying the text of the Zoning Ordinance of the City of Cambridge  
be amended as follows:

1. By striking out the designation C-3 and substituting in place thereof the designation Residence C-1 insofar as it relates to the following described areas of land:

Premises of the following parcels as designated on Assessors' Plat #156. Even numbers 8 through 24 Wendell Street, odd numbers 7 through 23 Mellen Street, odd number 1653 Massachusetts Avenue and which includes all or parts of lots numbered 26, 29, 30, 31, 32, 47, 48, 49, 50, 51, 52, 53, 55, 60, 61, 82 and 86 as shown on Assessors' Plat #156.

Premises of the following parcels as designated on Assessors' Plat #157. Even numbers 8 through 20 Mellen Street and which includes all or parts of lots numbered 3, 4, 5, 6, 7, 49 and 50 as shown on Assessoirs' Plat #157.

Beginning at a point said point being the intersection of a line 100 feet from and parallel to the southeastern sideline of Massachusetts Avenue and a line 100 feet from and parallel to the southwestern sideline of Mellen Street;

Thence proceeding in a generally northeasterly direction along a line 100 feet from and parallel to the southeastern sideline of Massachusetts Avenue for a distance of approximately 125 feet to its point of intersection with the centerline of Wendell Street;

Thence turning and proceeding in a generally southeasterly direction along the centerline of Wendell Street for a distance of approximately 418 feet to its point of intersection with the extension of the southeastern boundary line of lot numbered 32 on Assessors' Plat #156;

Thence turning and proceeding in a generally southwesterly direction along the southeastern boundary line and its extension of lot numbered 32 on Assessors' Plat #156 for a distance of approximately 155 feet to its point of intersection with the northeastern boundary line of lot numbered 46 on Assessors' Plat #156;

Thence turning and proceeding in a generally northwesterly direction along the northeastern boundary line of lot numbered 46 on Assessors' Plat #156 for a distance of approximately 23 feet to its point of intersection with the southeastern boundary line of lot numbered 47 on said plat;

Thence turning and proceeding in a generally southwesterly direction along the southeastern boundary line of lot numbered 47 on Assessors' Plat #156 for a distance of approximately 167 feet to its point of intersection with the centerline of Mellen Street;

Thence turning and proceeding in a generally northwesterly direction along the centerline of Mellen Street for a distance of approximately 24 feet to its point of intersection with the extension of the southeastern boundary line of lot numbered 7 on Assessors' Plat #157;

Thence turning and proceeding in a generally southwesterly direction along the southeastern boundary line of lot numbered 7 and its extension on Assessors' Plat #157 for a distance of approximately 140 feet to its point of intersection with the northeastern boundary line of lot numbered 20 on Assessors' Plat #157;

Thence turning and proceeding in a generally northwesterly direction along the southwestern boundary lines of lots numbered 7, 6, 5, 4, 3 and 50 on Assessors' Plat #157 for a distance of approximately 315 feet to its point of intersection with the southeastern boundaryline of lot numbered 39 on said plat;

Thence turning and proceeding in a generally northeasterly direction along the southeastern boundary lines of lots numbered 39 and 1 and its extension on Assessors' Plat #157 and the southeastern boundary lines of lots numbered 56 and 57 on Assessors' Plat #156 for a distance of approximately 344 feet to the point of intersection with a line 100 feet distant from and parallel to the southwestern sideline of Wendell Street;

Thence turning and proceeding in a generally northwesterly direction along a line 100 feet distant from and parallel to the southwestern sideline of Wendell Street for a distance of approximately 60 feet to its point of intersection with a line 100 feet from and parallel to the southeastern sideline of Massachusetts Avenue, the point of origin.

2. By striking out the designation C-3 and substituting in place thereof the designation Residence C-2A insofar as it relates to the following described areas of land:

Premises of the following parcels as numbers 1645 and 1637 Massachusetts Avenue, even numbers 28 through 34 Wendell Street and odd numbers 61 through 69 Oxford Street and which includes all or parts of lots numbered 33, 36, 37, 38, 39, 40, 41, 45, 46, 56, 57, 80, 83, 90, 91 and 92 as shown on Assessors' Plat #156.

Premises of the following parcels as designated on the Assessors' Plat #157. Even number 24 Mellen Street, odd numbers 1607 through 1615, 1619 and 1627 Massachusetts Avenue, odd numbers 3 through 7, 11, 15, 19, 23 through 33 and 37 Everett Street and odd numbers 45 through 51 and even number 58 Oxford Street and which includes all or parts of lots numbered 1, 8, 19, 20, 23, 26, 39, 51, 52, 53, 54, 61, 62, 64 and 68 as shown on Assessors' Plat #157.

Beginning at a point said point being the intersection of the centerline of Massachusetts Avenue and the projection of the centerline of Everett Street;

Thence running northeasterly along the centerline of Massachusetts Avenue for a distance of approximately 523 feet to a point said point being the intersection with a line 100 feet from and parallel to the southwestern sideline of Wendell Street;

Thence turning and proceeding in a generally southeasterly direction along a line 100 feet from and parallel to the southwestern side of Wendell Street for a distance of approximately 153 feet to its intersection with the northwestern boundary line of lot numbered 86 on Assessors' Plat #156;

Thence turning and proceeding in a generally southwesterly direction along the northwestern boundary lines of lots numbered 86 and 55 and their extensions on Assessors' Plat #156 and the northwestern boundary lines of lots numbered 49 and 50 on Assessors' Plat #157, for a distance of approximately 344 feet to its point of intersection with the northwestern boundary line of lot #23 on Assessors' Plat #157;

Thence turning and proceeding in a generally southeasterly direction along the northeastern boundaries of lots numbered 23, 51, and 20 on Assessors' Plat #157 for a distance of approximately 315 feet to their point of intersection with the northwestern boundary line of lot numbered 8 on said plat;

Thence turning and proceeding in a generally northeasterly direction along the northwestern boundary line of lot numbered 8 and its extension on Assessors' Plat #157 for a distance of approximately 142 feet to its point of intersection with the centerline of Mellen Street;

Thence turning and proceeding in a generally southeasterly direction along the centerline of Mellen Street for a distance of approximately 24 feet to its point of intersection with the extension of the northwestern boundary of lot numbered 46 on Assessors' Plat #156;

Thence turning and proceeding in a generally northeasterly direction along the northwestern boundary line of lot numbered 46 and its extension on Assessors' Plat #156 for a distance of approximately 167 feet to its point of intersection with the southwestern boundary line of lot numbered 32 on Assessors' Plat #156;

Thence turning and proceeding in a generally southeasterly direction along the southwestern boundary line of lot numbered 32 on Assessors' Plat #156 for a distance of approximately 24 feet to its point of intersection with the northwestern boundary line of lot numbered 33 on said plat;

Thence turning and proceeding in a generally northeasterly direction along the northwestern boundary line and its extension of lot numbered 33 on Assessors' Plat #156 for a distance of approximately 155 feet to its point of intersection with the centerline of Wendell Street;

Thence turning and proceeding in a generally southeasterly direction along the centerline of Wendell Street and its projection for a distance of approximately 360 feet to its point of intersection with the centerline of Oxford Street;

Thence turning and proceeding in a generally southwesterly direction along the centerline of Oxford Street for a distance of approximately 645 feet to its point of intersection with the centerline of Everett Street and its extension;

Thence turning and proceeding in a generally northwesterly direction along the centerline of Everett Street and its extension for a distance of approximately 926 feet to its point of intersection with the centerline of Massachusetts Avenue, the point of origin.

AMEND THE TEXT OF THE ORDINANCE AS FOLLOWS:

1. In Section 3.10, Division of the City Into Zoning Districts, amend the first sentence of subsection 3.11 by changing "sixteen classes of districts" to "seventeen classes of disttticts," by renumbering items 6 through 16 in the list of districts as 7 through 17 respectively, and by inserting the following in the list:

"6. Residence C-2A....Multi-Family Dwellings"

2. Amend Section 4.22 "Offices in Residences" so that it reads as follows:

In Residence C-2A and C-3 districts offices for physicians and dentists may be located on the first or second floor of a residential building where such office space does not exceed ten percent of the gross floor areas of the building.

3. In Section 4.30, Table of Use Regulations, change the column heading "Res. C-1, 2, 3" so that it reads "Res. C-1, 2, 2A, 3".

4. In Sec. 4.30, Table of Use Regulations, change the footnotes to subsections 4.31e(2) (Hotel or Motel) and 4.31f(2) (Lodging House) so that each one reads as follows:

"\* C-2, C-2A and C-3 only; no in C-1 and O-1."

5. In Section 5.30, District Dimension Regulations amendTable 5-1 by adding the following new row and footnote:

Table 5-1. TABLE OF DIMENSIONAL REQUIREMENTS - RESIDENTIAL DISTRICTS

District	(1)	(2)	(3)	(4)	(5)			(6)	(7)
	Max. Ratio of Floor Area to Lot Area	Minimum Lot Size in Sq. Ft.	Min. Lot Area for Each D.U. in Sq. Ft.	Minimum Lot Width in Feet	Minimum Yard in Feet			Maximum Height in Feet	Min. Ratio of Usable Op. Sp. to Lot Area
					Front	Side	Rear		
Res. C-2A	2.5	5,000	300	50	$\frac{H+L}{5}^{(b)}$	$\frac{H+L}{6}$	$\frac{H+L}{5}^{(c)}$	60 <sup>(d)</sup>	10

(d) 60 feet shall be the limit until this Ordinance is amended to establish a design review process applicable to the Residence C-2A district. Following such an amendment the maximum height shall be 35 feet unless a special permit is granted by the Planning Board for additional building height up to but not exceeding 60 feet in total height.

6. In Section 5.30, District Dimensional Regulations, amend subsection 5.31(3c) by changing the first clause so that it reads as follows:

(c) In a Residence C-1, C-2, C-2A or C-3 district if a building is hereafter erected on a lot adjacent to a building having a blank wall directly on the side lot line, the new building may be so designed and erected that it will be flush with that portion of the blank wall of the former building which extends along the lot line.

7. In Section 6.30, Table of Parking Requirements, add "Residence C-2A" to the heading for the third row so that it reads as follows:

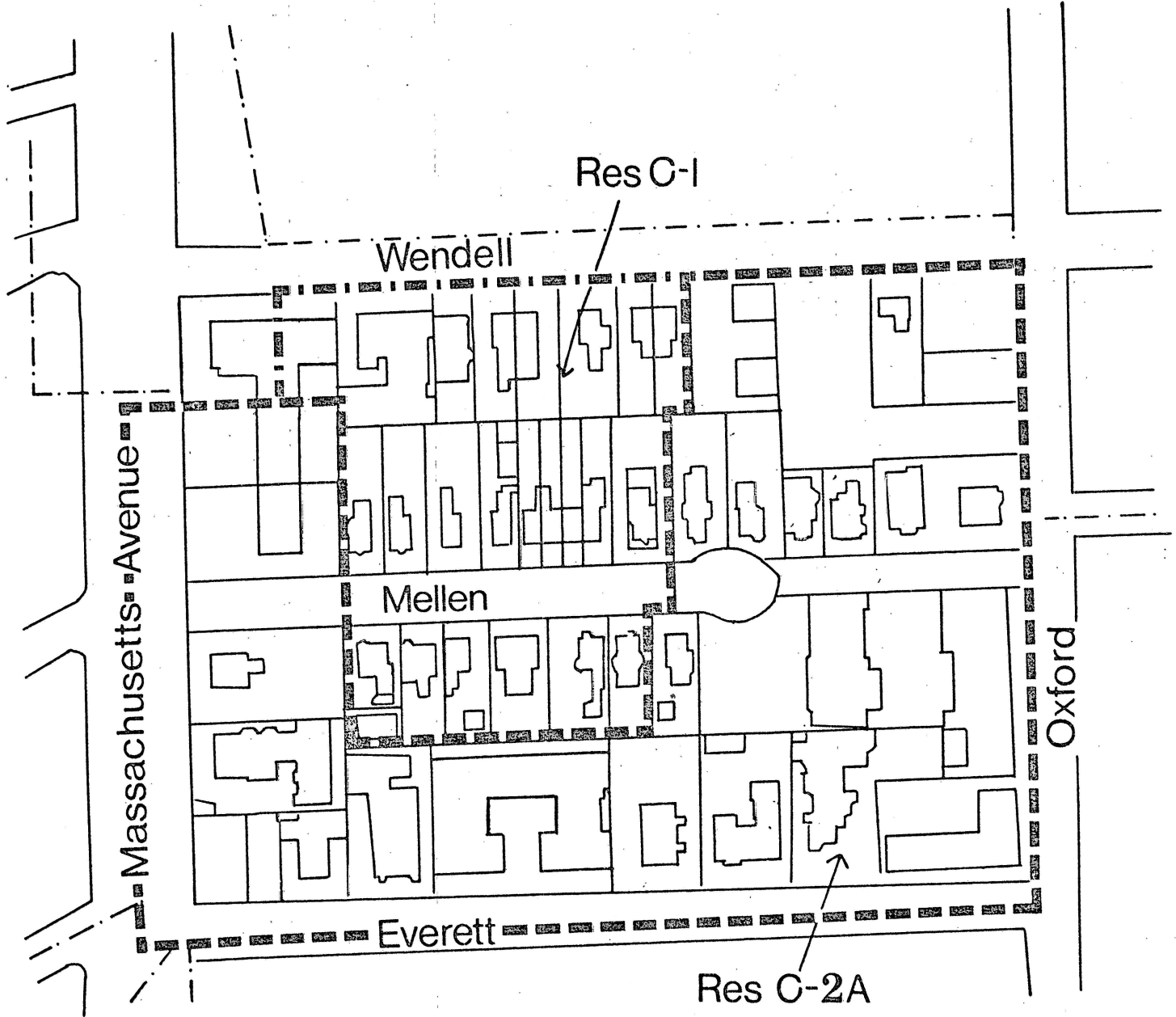
Zoning District	Residence	Public Assembly	Institution	Retail & Office		Factory & Warehouse
	Minimum number spaces per group of dwelling units	Number seats requiring 1 space		Ground Floor	Other Level	
Res. C-2A						
Res. C-3						
Office -3	1.0 per 1.0	15	1,800 s.f.	900 s.f.	1,800 s.f.	2,000 s.f.
Ind. B						
Bus. C						

8. In Section 6.50, Location and Layout of Parking Facilities amend subsection 6.51(1) so that it reads as follows:

"1. In the case of new construction of a multi-family apartment building in a Residence C-2A, Residence C-3 or Office 3 district, the required parking facilities may be provided on lots not more than two hundred feet away from the building to be served."

9. In Section 11.10, Townhouse Development, amend subsection 11.12 so that it reads as follows:

11.12 Area of Applicability. Townhouse developments which meet the development standards set forth in Section 11.13 shall be allowed in Residence B, C-1, C-2, C-2A, C-3 and Business A, A-1, B, and C districts. The development standards established herein are applicable only to townhouse developments and do not change in any way the development standards for other uses in the Residence B, C-1, C-2, C-2A, C-3 and Business A, A-1, B, and C districts."



Mellen Street Rezoning/  
Res C-3 to Res C-1 & Res C-2A

Final Publication No. 1952. First Publication in the Cambridge Chronicle on June 15, 1978



# City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-eight

## AN ORDINANCE

NOT  
Published

In amendment to an ordinance entitled "The Zoning Ordinances of the City of Cambridge"

*Be it ordained by the City Council of the City of Cambridge as follows:*

The Zone Map accompanying ordinance passed to be ordained September 26, 1977 entitled: "The Zoning Ordinance of the City of Cambridge" is hereby amended by striking out the designation Residence C-3 and substituting in place thereof the designation Residence C-1 insofar as it relates to the following described areas of land:

Premises of the following parcels as designated on Assessors' Plat #156. Odd numbers 7 through 37 Mellen Street, even numbers 8 through 34 Wendell Street, odd numbers 61 through 69 Oxford Street, odd numbers 1637 and 1645 Massachusetts Avenue and which includes all or parts of lots numbered 26, 86, 60, 61, 29, 30, 31, 32, 33, 83, 36, 37, 38, 39, 40, 57, 56, 55, 82, 53, 52, 51, 50, 49, 48, 47, 46, 45, 87, 80, 82, 90, 41, 91, 92 as shown on Assessors' Plat #156;

Premises of the following parcels as designated on Assessors' Plat #157. Odd numbers 3 through 37 Everett Street, odd numbers 1607 through 1627 Massachusetts Avenue, odd numbers 45 through 53 Oxford Street and even numbers 6 through 24 Mellen Street and which includes all or parts of lots numbered 1, 39, 26, 52, 53, 54, 49, 50, 23, 3, 4, 5, 6, 7, 8, 23, 51, 20, 68, 19, 61, 64, 65, 66, 67, 62, 63 as shown on Assessors' Plat #157; and which is bounded and described as follows:

Beginning at a point said point being the intersection of a line 100 feet distant from and parallel to the southeastern streetline of Massachusetts Avenue and the centerline of Wendell Street;

Thence running southwesterly along a line 100 feet distant from and parallel to the southeastern streetline of Massachusetts Avenue 125 feet more or less to a point said point being the intersection of a line 100 feet distant from and parallel to the southeastern streetline of Massachusetts Avenue and a line 100 feet distant from and parallel to the southwestern streetline of Wendell Street;

# City of Cambridge

Thence running northwesterly along a line 100 feet distant from and parallel to the southwestern streetline of Wendell Street and its extension 150 feet more or less to a point said point being the intersection of a line 100 feet distant from and parallel to the southwestern streetline of Wendell Street and its extension and the centerline of Massachusetts Avenue;

Thence running southwesterly along the centerline of Massachusetts Avenue 515 feet more or less to a point said point being the intersection of the centerline of Massachusetts Avenue and the centerline of Everett Street and its extension;

Thence running southeasterly along the centerline of Everett Street and its extension 925 feet more or less to a point said point being the intersection of the centerline of Everett Street and its extension and the centerline of Oxford Street;

Thence running northeasterly along the centerline of Oxford Street 660 feet more or less to a point said point being the intersection of the centerline of Oxford Street and the centerline of Wendell Street and its extension;

Thence running northwesterly along the centerline of Wendell Street and its extension 775 feet more or less to the point of origin and which comprises an area of 591,750 square feet more or less.

In City Council

Passed to be ordained by a yea and nay vote:

Yeas ; Nays ; Absent .

James L. Sullivan, City Manager

ATTEST: Paul E. Healy, City Clerk

June Pub. # 1952. First Pub. in the Camb Chronicle  
on June 15, 1978



# City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-Eight

## AN ORDINANCE

In amendment to an ordinance entitled "The Zoning Ordinances of the City of Cambridge."

*Be it ordained by the City Council of the City of Cambridge as follows:*

The Zone Map accompanying ordinance passed to be ordained September 26, 1977 entitled: "The Zoning Ordinance of the City of Cambridge" is hereby amended by striking out the designation Residence C-3 and substituting in place thereof the designation Residence C-1 insofar as it relates to the following described areas of land:-

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Beginning at a point said point being the intersection of a line 100 feet distant from and parallel to the southeastern streetline of Massachusetts Avenue and the centerline of Wendell Street;

Thence running southwesterly along a line 100 feet distant from and parallel to the southeastern streetline of Massachusetts Avenue 125 feet more or less to a point said point being the intersection of a line 100 feet distant from and parallel to the southeastern streetline of Massachusetts Avenue and a line 100 feet distant from and parallel to the southwestern streetline of Wendell Street;

# City of Cambridge

Thence running northwesterly along a line 100 feet distant from and parallel to the southwestern streetline of Wendell Street and its extension 150 feet more or less to a point said point being the intersection of a line 100 feet distant from and parallel to the southwestern streetline of Wendell Street and its extension and the centerline of Massachusetts Avenue;

Thence running southwesterly along the centerline of Massachusetts Avenue 515 feet more or less to a point said point being the intersection of the centerline of Massachusetts Avenue and the centerline of Everett Street and its extension;

Thence running southeasterly along the centerline of Everett Street and its extension 925 feet more or less to a point said point being the intersection of the centerline of Everett Street and its extension and the centerline of Oxford Street;

Thence running northeasterly along the centerline of Oxford Street 660 feet more or less to a point said point being the intersection of the centerline of Oxford Street and the centerline of Wendell Street and its extension;

Thence running northwesterly along the centerline of Wendell Street and its extension 775 feet more or less to the point of origin and which comprises an area of 591,750 square feet more or less.

In City Council June 12, 1978

Passed to a second reading at the city council meeting of June 12, 1978 and on or after June 26, 1978 the question may be on passing to be ordained.

ATTEST:- Paul E. Healy, City Clerk.

*In city Council*

*Passed to be ordained by a yeas & nays vote - yeas —, nays —, absent —*

*James L. Sullivan, City Manager*

~~P.E.H.~~ *Attest: P.E.H. City Clerk*



# City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-Eight

## AN ORDINANCE

In amendment to an ordinance entitled "The Zoning Ordinances of the City of Cambridge."

*Be it ordained by the City Council of the City of Cambridge as follows:*

The Zone Map accompanying ordinance passed to be ordained September 26, 1977 entitled: "The Zoning Ordinance of the City of Cambridge" is hereby amended by striking out the designation Residence C-3 and substituting in place thereof the designation Residence C-1 insofar as it relates to the following described areas of land:-

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Premises of the following parcels as designated on Assessors' Plat #157. Odd numbers 3 through 37 Everett Street, odd numbers 1607 through 1627 Massachusetts Avenue, odd numbers 45 through 53 Oxford Street and even numbers 6 through 24 Mellen Street and which includes all or parts of lots numbered 1, 39, 26, 52, 53, 54, 49, 50, 23, 3, 4, 5, 6, 7, 8, 23, 51, 20, 68, 19, 61, 64, 65, 66, 67, 62, 63 as shown on Assessors' Plat #157; and which is bounded and described as follows:-

Beginning at a point said point being the intersection of a line 100 feet distant from and parallel to the southeastern streetline of Massachusetts Avenue and the centerline of Wendell Street;

Thence running southwesterly along a line 100 feet distant from and parallel to the southeastern streetline of Massachusetts Avenue 125 feet more or less to a point said point being the intersection of a line 100 feet distant from and parallel to the southeastern streetline of Massachusetts Avenue and a line 100 feet distant from and parallel to the southwestern streetline of Wendell Street;

# City of Cambridge

Thence running northwesterly along a line 100 feet distant from and parallel to the southwestern streetline of Wendell Street and its extension 150 feet more or less to a point said point being the intersection of a line 100 feet distant from and parallel to the southwestern streetline of Wendell Street and its extension and the centerline of Massachusetts Avenue;

Thence running southwesterly along the centerline of Massachusetts Avenue 515 feet more or less to a point said point being the intersection of the centerline of Massachusetts Avenue and the centerline of Everett Street and its extension;

Thence running southeasterly along the centerline of Everett Street and its extension 925 feet more or less to a point said point being the intersection of the centerline of Everett Street and its extension and the centerline of Oxford Street;

Thence running northeasterly along the centerline of Oxford Street 660 feet more or less to a point said point being the intersection of the centerline of Oxford Street and the centerline of Wendell Street and its extension;

Thence running northwesterly along the centerline of Wendell Street and its extension 775 feet more or less to the point of origin and which comprises an area of 591,750 square feet more or less.

In City Council June 12, 1978

Passed to a second reading at the city council meeting of June 12, 1978  
and on or after June 26, 1978 the question may be on  
passing to be ordained.

ATTEST:- Paul E. Healy, City Clerk.

# City of Cambridge

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In City Council May 1, 1978

The Ordinance

Committee

to which was referred the petition of Peter Desmond, et al to amend the Zoning Map of the City of Cambridge in the area bounded by Massachusetts Avenue, Everett Street Oxford Street and Wendell Street from Residence C-3 to Residence C-1.

After a joint hearing with the Planning Board held on April 26, 1978 the committee reports:-

That the petition be referred to the City Council without recommendation at its meeting of May 1, 1978

The Ordinance committee indicated their concern for the stability of the Agassiz neighborhood and suggested that a mechanism be created which would allow both parties to the controversy to sit down and engage in a dialogue to arrive at a mutually satisfactory solution.

The committee members indicated that the College has displayed a lack of flexibility in their relationship with the community.

The committee felt the college should consider the needs of the community and the possibility of a compromise which would please all concerned, keeping in mind that the main issue involved is the ability of the neighborhood to control their own destiny.

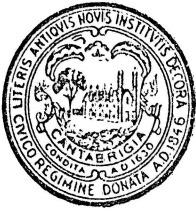
A suggestion was made that the college and the community present a written agreement to the council prior to Monday which would be a step towards a solution to the problem and provide a step by step approach to settle their differences, that negotiations with the neighborhood should precede the planning by the college for any new building.

The committee indicated that Lesley could come back to the Council with an agreement to work with the community as outlined above.

For the Committee,

---

Councillor Frisoli, Chairman



CITY OF CAMBRIDGE  
COMMUNITY DEVELOPMENT DEPARTMENT  
City Hall Annex - Inman & Broadway - Cambridge, Mass. 02139

(617) 876-6800  
EXTENSION 344

June 9, 1978

To The Honorable, The City Council:

SUBJECT: MELLEEN STREET ZONING PROPOSAL

The Community Development Department recommends that the Desmond rezoning petition as shown on the attached map. Part of the petition area along Wendell Street and Mellen Street would be rezoned from Residence C-3 to Residence C-1, as called for in the original petition. The remainder of the petition area would be rezoned from Residence C-3 to Residence C-2A.

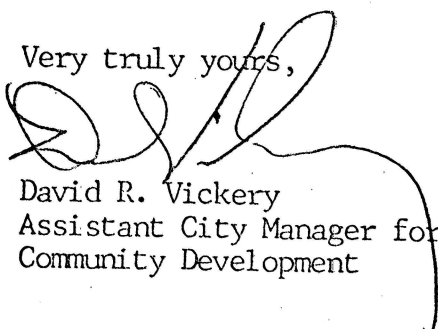
Residence C-2A would be a new zoning district classification in the Ordinance. It would have the same regulations as a Residence C-2 district with the following exceptions.

1. Maximum floor area ratio (FAR) would be 2.5.
2. Maximum allowable height would be 60 feet.
3. Any development proposal containing buildings over 35 feet would require a special permit triggering a design review process by the Planning Board in which city agencies and neighborhood residents would examine and comment on proposals.

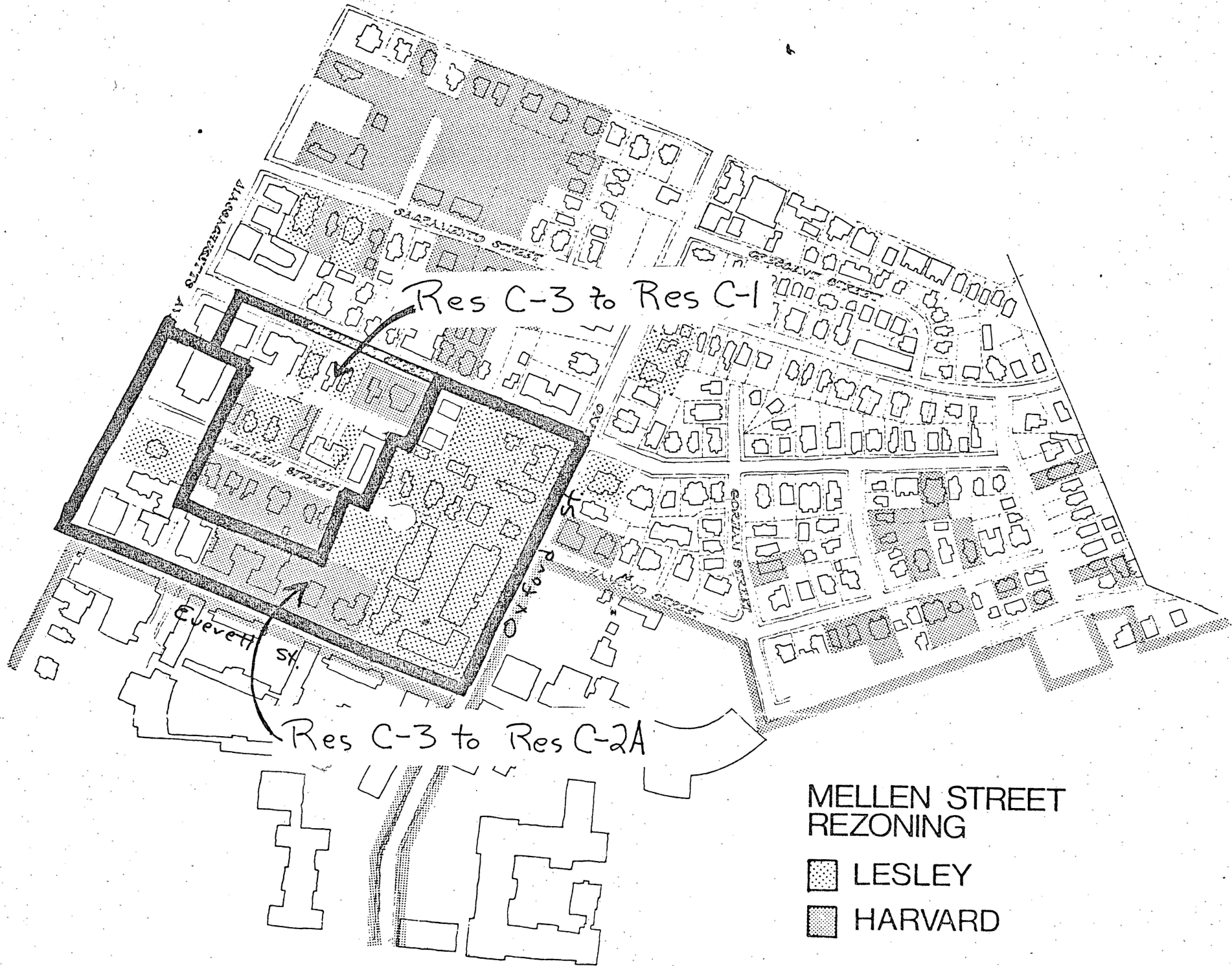
The details of the design review process have not yet been formulated. It is our understanding that the neighborhood and Lesley College negotiating teams will continue to meet over the next six months to work out this process. An amendment to legally incorporate the design review process into the Ordinance would be submitted to Council at the end of that period.

This rezoning solution has evolved out of several weeks of negotiations between the residents and Lesley. It provides the neighborhood greater protection from large scale incompatible development while continuing to allow the institution to meet anticipated building needs. While this is a compromise, which may not completely satisfy either party, it is a reasonable solution in the best interests of the City. We strongly encourage the Council to adopt the amended petition.

Very truly yours,

  
David R. Vickery  
Assistant City Manager for  
Community Development

DRV: jp  
Enclosure



Res C-3 to Res C-1

Res C-3 to Res C-2A

MELLEN STREET  
REZONING

LESLEY

HARVARD

RESIDENCE C-2A DISTRICT REGULATIONS

Use Regulations (Article 4.000)

Same as Residence C-2 as shown in Table of Use Regulations

Dimensional Regulations

**Table 5-1. TABLE OF DIMENSIONAL REQUIREMENTS – RESIDENTIAL DISTRICTS**

District	(1)	(2)	(3)	(4)	(5)			(6)	(7)
	Max. Ratio of Floor Area to Lot Area	Minimum Lot Size in Sq. Ft.	Min. Lot Area for Each D.U. in Sq. Ft.	Minimum Lot Width in Feet	Minimum Yard in Feet			Maximum Height in Feet	Min. Ratio of Usable Op. Sp. to Lot Area
					Front	Side	Rear		
Res. C-2A	2.5	5,000	600	50	$\frac{H+L}{4}$ <sup>(a)</sup>	$\frac{H+L}{5}$	$\frac{H+L}{4}$ <sup>(c)</sup>	60 <sup>(d)</sup>	15

2. Footnotes

- (a) Measured from the center line of the street, but in no case may a building be nearer the street line than ten feet.
- (b) Measured from the center line of the street, but in no case may a building be nearer the street line than five feet.
- (c) In no case may a building be nearer the rear lot line than twenty feet.
- (d) 60 feet shall be the limit until this Ordinance is amended to establish a design review process applicable to the Residence C-2A district. Following such an amendment the maximum height shall be 35 feet unless a special permit is granted by the Planning Board for additional building height up to but not exceeding 60 feet in total height.

Parking Regulations

**6.30 TABLE OF PARKING REQUIREMENTS**

Off-street parking facilities shall be provided as follows:

Class of Allowed Use

Zoning District	Residence (a) Minimum number spaces per group of dwelling units	Public	Institution (c)	Retail & Office		Factory & Warehouse
		Assembly (b) Number seats requiring 1 space		Ground Floor	Other Level	
Res. C-2A	1.0 per 1.0	8	1,000 s.f.	500 s.f.	1,000 s.f.	1,600 s.f.

Other Regulations

All other regulations in the Ordinance for the Residence C-2 district would apply to the Residence C-2A district.



RECEIVED BY  
OFFICE OF CITY CLERK  
MAY 1 5 05 PM '78  
CAMBRIDGE, MASS.

CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

May 1, 1978

To the Honorable, the City Council

Dear Councillors:

SUBJECT: Planning Board Recommendations on the Desmond and Riseman Zoning Petitions

As you are aware, the Riseman city-wide institutional development moratorium petition and, to a lesser degree, the Desmond rezoning petition for the Mellen Street area involve issues with serious long-term consequences for institutions and the neighboring residential communities in the city. To that extent the Planning Board wishes to be absolutely certain that it has fully understood and discussed all of these issues prior to making a recommendation.

The property rights of institutions and the rights of residents to a quality living environment appear to be in conflict and compromise is difficult. Due to the inability of the institutions and neighborhoods to reach mutually acceptable resolutions of these differences, the Planning Board and the Community Development Department staff are currently in contact with Harvard University, Lesley College, and various neighborhood representatives attempting to establish ongoing dialogues between the parties involved in each case. The activity is consistent with the April 24th Council Order calling for work toward a comprehensive containment policy for Harvard University.

While these discussions are still at a preliminary stage, substantive results appear to be forthcoming. The Planning Board is not now in a position to make definitive recommendations on those two petitions and respectfully requests that additional time be given before further action is taken on them.

The state zoning statute has mandated a fixed time schedule to insure timely municipal action on zoning petitions. However, it may be necessary to use the time allotted by the law to permit the fullest possible consideration of complex issues such as those included in these petitions: the proliferation of institutional land uses and

May 1, 1978

the need for stable residential environments. Final City Council action is not required on the Riseman petition before July 4th and on the Desmond petition until July 25th. We hope that at least some of this legally allotted time may be used to seek solutions that will be in the interests of both parties in each case.

Respectfully submitted,

For the Cambridge Planning Board



Arthur C. Parris  
Chairman

ACP:jp



CITY OF CAMBRIDGE, MASSACHUSETTS  
**PLANNING BOARD**

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

May 1, 1978

To the Honorable, the City Council

Dear Councillors:

SUBJECT: Fitzgerald/Prospect Street Rezoning Petition

The Planning Board held its public hearing on a petition by James Fitzgerald to rezone an area along Prospect Street from Residence C-1 to Office 1 on April 18th. The Board has not met to discuss this petition and cannot make a recommendation at this time. A recommendation will be forthcoming after our next meeting.

Respectfully submitted,

For the Cambridge Planning Board

Arthur C. Parris  
Chairman

ACP:jp



CITY OF CAMBRIDGE  
COMMUNITY DEVELOPMENT DEPARTMENT

City Hall Annex Inman & Broadway EXTENSION 344

To Russell Higley, City Solicitor

From Donald R. Balcom, Zoning Consultant

Date April 27, 1978

Subject Public Hearings on Zoning Petitions

I understand that the question of whether or not the Planning Board and the City Council may hold joint public hearings on zoning amendment petitions has been raised again. Enclosed you will find correspondence between your department and our department and between the City Clerk and the Department of Community Affairs on this issue. These documents indicate that joint hearings are a possibility. To my knowledge, nothing has happened since they were written that would change that assertion. Not only do joint hearings seem possible under Chapter 40A, some people have argued that they are mandatory, though I do not share that view. I hope that this information will answer any questions that may remain on the zoning law's procedural requirements.

encl.

CC. David Vickery ✓  
Paul Healy ✓

Vickery - Calcom



# CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

LAW DEPARTMENT

RUSSELL B. HIGLEY

(617) 876-6800  
COMMUNITY DEVELOPMENT  
RECEIVED

JAN 10 1978

FISCAL OFFICE

RUSSELL B. HIGLEY  
CITY SOLICITOR

EDWARD A. CUNNINGHAM  
ANDREW T. TRODDEN  
LEGAL COUNSEL

CHARLES A. WATSON  
LEGISLATIVE AGENT

January 9, 1978

Mr. David Vickery  
Assistant City Manager for  
Community Development  
City Hall Annex  
57 Inman Street  
Cambridge, Massachusetts

Dear Mr. Vickery:

I am in receipt of your request for an opinion regarding the Mandatory Zoning Amendment Procedures set forth in your correspondence of December 6, 1977.

I concur with you that certain provisions of section 5 of Chapter 40A (The New Zoning Enabling Act) are ambiguous. The procedures included in your December 6 correspondence, however, appear to apply the most logical interpretation of these statutory provisions. I therefore approve of these procedures as you have set them forth in your December 6 correspondence.

You have also requested an opinion concerning the legal consequence of a failure to hold public hearings within the time limits set forth in section 5 of Chapter 40A.

It is my opinion that failure to follow these time limitations would subject any ordinance subsequently adopted to a claim of invalidity; said claim could be raised within 120 days after adoption of said ordinance, pursuant to the provisions of section 5.

Very truly yours,

*Russell B. Higley* (RS)  
Russell B. Higley  
City Solicitor

RBH:jl



CITY OF CAMBRIDGE  
COMMUNITY DEVELOPMENT DEPARTMENT  
City Hall Annex - Inman & Broadway - Cambridge, Mass. 02139

(617) 876-6800  
EXTENSION 344

MANDATORY ZONING AMENDMENT PROCEDURES

Cambridge City Council  
December 6, 1977

One of the purposes of the comprehensive revision of the State's zoning laws (Chapter 808 of the Acts of 1975) was to speed up the various legislative and administrative procedures involved with zoning. Now that the City Council has formally adopted Chapter 808 and the revised Zoning Ordinance, it is important that all parties involved with zoning be aware of what the new State law requires. This memorandum summarizes the procedural requirements for acting on petitions to amend the Zoning Ordinance. It emphasizes Chapter 808 time limitations on City Council action. The requirements discussed below are set forth in Section 5 of Chapter 40A of the General Laws of the Commonwealth.

1. PETITION FILED WITH CITY COUNCIL

As before, a zoning amendment is initiated by filing the proposed change with the City Council. Petitions may be filed by the City Council itself, by the Planning Board, by the Board of Zoning Appeals, by the Metropolitan Area Planning Council, by ten registered voters, and by any individual who owns land which would be affected by the petition.

2. PETITION SUBMITTED TO PLANNING BOARD WITHIN 14 DAYS OF RECEIPT

Within fourteen days of its receipt, the petition must be submitted by the City Council to the Planning Board for review. In Cambridge, petitions to the Council are submitted at the City Clerk's office. Therefore, the date of receipt by the Council is considered to be the date the petition is reviewed and time-stamped at the Clerk's office.

3. PUBLIC HEARING(S) HELD WITHIN 65 DAYS OF SUBMITTAL TO PLANNING BOARD

The State law requires a public hearing on a zoning petition by the Planning Board and by the City Council or a committee of the Council. The statutory language regarding public hearings on petitions is somewhat ambiguous, however the following interpretations have been widely agreed upon:

- a) Separate hearings by each body or joint hearings may be held.
- b) If separate hearings are held, the statutory notice requirements of the second paragraph of Section 5, Chapter 40A, G. L., must be complied with for each hearing.
- c) Both hearings must be held within sixty-five days after the petition is submitted to the Planning Board by the City Council. Note, this means that in some instances it may be necessary for the City Council Committee on Ordinances to advertise for its public hearing on a zoning petition before the Planning Board's report is received or even before the Planning Board hearing is held.

4. 21 DAY WAITING PERIOD FOR PLANNING BOARD REPORT

A City Council vote on the adoption of a proposed zoning amendment cannot be held until a report on the petition has been submitted by the Planning Board or until twenty-one days have elapsed from the date of the Planning Board public hearing.

5. CITY COUNCIL ADOPTION WITHIN 90 DAYS OF PLANNING BOARD PUBLIC HEARING

Section 5 of Chapter 40A requires that the City Council vote on the adoption of a proposed ordinance amendment within ninety days of the public hearing. If the Council fails to vote on a petition within ninety days, no further action on the petition may be taken until a new public hearing is held, subject to the usual notice and report requirements.

Again, the statutory language is ambiguous. It is not clear which public hearing the ninety days is counted from or how a time lapse of more than ninety days without Council action affects Building Department issuance of building permits which could have been withheld pending outcome of the petition. The following interpretations have been made:

- a) The 90 day time limit on Council action is counted from the date of the Planning Board's public hearing.
- b) A 90 day lapse without action renders the petition inactive and requires that the amendment process begin again. Therefore, after such a lapse the Building Department should grant permits as usual until and unless the petition is readvertised.

These interpretations have been codified in Section 1.52 of the new Ordinance.



MICHAEL S. DUKAKIS  
GOVERNOR

WILLIAM G. FLYNN  
SECRETARY

# *The Commonwealth of Massachusetts*

## *Department of Community Affairs*

*One Ashburton Place  
Boston, Mass. 02108*

March 6, 1978

Mr. Paul E. Healy, City Clerk  
Office of the City Clerk  
City Hall  
Cambridge, Massachusetts 02139

Dear Mr. Healy:

I am writing in regard to your letter, dated February 15, 1978, concerning a series of questions relative to certain procedural requirements of the new Zoning Act. Chapter 808 of the Acts of 1975 represents a classic example of the General Court's uncanny ability to unknowingly crucify procedural aspects of General Law. However, I will do my best to decipher Section 5 of the new Zoning Act and present the Department's views relative to the hearing and procedural requirements for proposed zoning changes.

Before specifically addressing each question on your list, I would like to make the following observation and comment concerning the public hearing requirement for proposed zoning changes. The old Chapter 40A, Section 6 required a public hearing by the planning board and the city council (or designated committee of the council). Section 6 was so constructed as to leave no question relative to the authority of the planning board and city council to conduct separate public hearings. Section 6 did not contain language which expressly authorized a joint hearing however, in *Woods v. Newton*, 351 Mass. 98, the court upheld a hearing held jointly by the planning board and city council. It is my feeling that the intent of the General Court was to reiterate the fact that a city may conduct a joint hearing as decided in the *Wood* case. However, in their eagerness to express such a procedural option, the General Court managed to cloud the issue as to the authority of a planning board and city council to hold separate public hearings. The new Zoning Act, Section 5 does not expressly mandate a joint public hearing. Further, nothing in the statutory scheme is disserved by separate hearings, nothing in the statute bans such procedure and public convenience and advantage may be served. Let us now consider your questions.

1. How many hearings are mandated by Chapter 808?

A. If a city or town has a Planning Board are two hearings required?

In a town, only one hearing is required. In a city, the planning board and city council (or designated committee) are required to hold a public hearing which may be held jointly. There exists no language within Section 5 which mandates two separate hearings.

An Equal Opportunity Employer

B. If a city or town has no Planning Board?

In a town, one hearing is required to be held by the selectmen. In a city, one hearing is required to be held by the city council.

C. If the Planning Board holds a hearing is a second hearing required by the Council or a Council Committee?

Yes.

D. Is there any provision for a joint hearing of the Planning Board and the Council or Council Committee?

Section 5 does not expressly authorize or mandate a joint public hearing. However, considering the Wood's case and the statutory language of Section 5, we think that a joint hearing would be consistent with the provisions of the Zoning Act.

2. Time schedule - The Planning Board receives a petition under Chapter 808 within 14 days after it is filed and holds their hearing with 65 days after the Council receives it and must report to the City Council within 21 days a total of 86 days has elapsed before the Council can act on the petition.

A. If the timetable outlined above is met by the Planning Board is it necessary for the Council to advertise and hold a second hearing with 14 days notice?

Yes. It is also necessary that such public hearing by the Council be held within 65 days following the date the proposal is submitted to the planning board.

B. It is the function of the Council to only receive the Planning Board report and then vote to accept, reject or amend same?

The purpose of the planning board hearing is to enable the planning board to be informed of the proposal and of citizen's views thereon and to report recommendations to the Council if it wishes to do so. The Council can act in the absence of any report after the 21 day time period. The Zoning Act contemplates that the Council will act in light of a report from the planning board, if any such report is submitted, as well as its knowledge of citizens' views and other pertinent information obtained at the public hearing held by the Council or its committee.

C. Are there in reality two time schedules under Chapter 808?

1) the 65 day requirement and 21 day report of the Planning Board;

and

2) the required action by the City Council within 90 days of the Planning Board hearing.

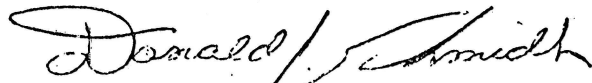
Yes.

D. Relative to action by the City Council, does their 90 day period begin with the date of the Planning Board hearing?

Yes.

No matter how many differing interpretations you may receive regarding this matter, we would strongly suggest that you follow the advice of your City Solicitor. If you have any questions please do not hesitate to contact me at any time.

Very truly yours,



Donald J. Schmidt  
Office of Local Assistance

DJS/kd

LESLEY COLLEGE  
OFFICE OF THE PRESIDENT

In appreciation to the Cambridge City Council for their release of the public easement of the eastern end of Mellen Street and their closing of this portion of the street, and in recognition of the fact that Lesley College is a vital part of the Cambridge Community, Lesley College hereby advises the Council of its establishment of full tuition scholarships to an amount totaling \$75,000.

These scholarships will be made available to qualified residents of the City of Cambridge who apply for admission in either the Undergraduate or Graduate Degree Programs at Lesley College. These will be awarded on the basis of financial need, leadership potential, and the willingness to teach in the elementary schools of Cambridge.

Applications for these scholarships will be made by the candidates to the Admissions Office of Lesley College. All applications will be reviewed by the General Scholarship Committee, and scholarships will be awarded on the basis of the criteria described above.

*Don A. Orton*

Don A. Orton, President  
Lesley College  
June 8, 1967

6/26/67

Copy of my letter of March 23, 1978 -PRK

Dear Dr. Orton,

I have on my desk your letter of February 13, in which you invite us to meet again with you for concrete discussions. I'd like to take you up on this offer, sometime in the next few weeks. Our purpose, I should point out, will be to suggest specific alterations of your Phase II and III building plans, so that they will respect the interests of the neighborhood as well as fulfill Lesley's needs. Our group feels, along with the Cambridge Planning Board, that these two goals need not be mutually exclusive. And now is the time to consider them both, before your architects are paid to make final working drawings.

So that we may discuss these matters intelligently, I would like to request a hard copy of your building plans in advance. What we need is nothing as elaborate as actual blueprints, but rather, the following:

1. some sectional drawings of the Phase II and III buildings, as envisaged by your architects, and
2. a page or two of estimated numerical information regarding your needs in terms of total classroom area, dormitory capacity, storage space, etc, in the form one would present it to an architect for incorporation in his plans.

I would imagine that this sort of informal information has been made readily available to you, and so I hope that it is not too much of an imposition to ask for a copy. With it, we will be able to make proposals which do no violence to your own plans. If you would be so kind as to send me these materials - would sometime next week be too early? - then we can arrange a meeting at your convenience in the future.

Sincerely,

Paul R Kolodner

*Received 4/26/78 10:40 P.M. by Clerk*

LESLEY COLLEGE  
CAMBRIDGE, MASSACHUSETTS 02138

OFFICE OF THE PRESIDENT

March 31, 1978

Mr. Paul R. Kolodner  
14 Mellen Street  
Cambridge, MA 02138

Dear Mr. Kolodner:

Dr. Orton has shared your letter of March 23 with me. In your letter you note that your group feels "along with the Cambridge Planning Board, that these two goals (Lesley's building plans and neighborhood interests) need not be mutually exclusive."

The view which you expressed in the letter is consistent with the point of view you stated when we met together with Dr. Orton on January 26. At that time you stated, as I recall it, that it was unfortunate that there are not better means of accommodating the neighborhood's and Lesley's interests other than through zoning. You said that Lesley was not a threat to the neighborhood but feared that the neighborhood, under C-3 zoning, could not be guaranteed protection from other interests which might purchase property and erect high-rise buildings. When we parted that evening I left feeling that we might be able to find ways of protecting both the neighborhood and Lesley's interest.

However, you have seen fit to re-submit the petition while at the same time requesting copies of Lesley's building plans so that you can "make proposals which do no violence to the...(college's) plans." I find your position to be inconsistent, at best. How can our interest be mutual when Lesley has openly stated that any change in zoning would seriously jeopardize the College's future? How can we cooperatively examine alternatives while you press for rezoning? You leave the College only the option of vigorously opposing the petition to the exclusion of mutually seeking alternatives.

Mr. Paul R. Kolodner - 2.

March 31, 1978

I personally believe that a vital Lesley is the best insurance against the uncertainties of the future. I believe this for a number of reasons among which I would select the following:

Lesley does not have ambitious plans for expansion

Lesley's plans for the future will not violate the neighborhood by constructing architectural absurdities which would be disruptive to the environment

The College will make improvements in a gradual manner and the changes will add to rather than diminish the living qualities of the area

More importantly, because of the College's size and position, there is the possibility of finding answers to differences which might exist

I urge you to consider other alternatives rather than freezing out options through the rezoning process.

Sincerely,



Robert D. Lewis  
Executive Vice President

cc: Don A. Orton  
John G. Tucker

HARVARD UNIVERSITY

GRAYS HALL 16

VICE PRESIDENT  
FOR GOVERNMENT  
AND COMMUNITY AFFAIRS

CAMBRIDGE, MASSACHUSETTS 02138

March 30, 1978

City Clerk  
City of Cambridge  
Cambridge City Hall  
795 Massachusetts Avenue  
Cambridge, MA 02139

Re: Petition by Peter Desmond et al to rezone land generally bounded by Wendell Street, Everett Street, Oxford Street and Massachusetts Avenue, Cambridge.

Dear Sir:

The undersigned, owner of more than 20% of land proposed to be included in the change to the Zoning Ordinance of the City of Cambridge as contemplated by the captioned petition, hereby protests against such change pursuant to S.L. c. 40A Section 7 and G.L. c. 40A Section 5 as added by Chapter 808 of the Acts of 1975, for the reasons that the proposed change would constitute spot zoning and a taking of property without compensation and that such change would impermissibly restrict the use of land for proper educational purposes in violation of the so-called Dover Amendment, as contained in S.L. c. 40A Section 2 and G.L. c. 40A Section 3 as added by said Chapter 808.

Sincerely,

PRESIDENT AND FELLOWS OF HARVARD COLLEGE

By: \_\_\_\_\_

RECEIVED BY  
OFFICE OF CITY CLERK  
APR 5 3 14 PM '78  
CAMBRIDGE, MASS.

and Delivered:  
RETURN RECEIPT REQUESTED.

RECEIVED BY  
OFFICE OF CITY CLERK

To City Clerk Paul E. Healy  
City Hall  
Cambridge, Massachusetts  
APR 25 10 14 AM '78  
CAMBRIDGE, MASS.

PROTEST OF LESLEY COLLEGE

Lesley College, of 29 Everett Street, Cambridge, Massachusetts, being the present owner of more than forty-four percent of the area being sought to be changed from Residence Zone C-3 to Residence Zone C-1, as described in the pending Petition of Peter H. Desmond, et al, dated February 18, 1978, hereby files with you as the City Clerk of the City of Cambridge this written protest to the aforesaid Petition, pursuant to the provisions of the General Laws of the Commonwealth of Massachusetts, Chapter 40A, Section 5, as amended by 1975 Acts Chapter 808, Section 3.

Lesley College assigns as reasons in support of its protest the following items:

1. Lesley College has gradually developed in this locus from its very beginning in 1909; it cannot easily move away from it.

2. The College has improved the amenities of the neighborhood in the locus by its conservative use of its limited area within all of the applicable zoning restrictions without the need of Variances in the past.

3. The current limitations have not been abused but rather used for the very purposes for which they were designed.

4. This locus is the center and heartland of Lesley's campus, as much as Harvard's Yard is the very core of Harvard College. Neither institution should be ham-strung.

5. The limitations of Residence Zone C-3 apply to the whole collegiate area established from the Charles River to and including this locus. They should remain constant for long term planning.

6. There is no other appropriate area for Lesley College to develop than in this locus. "Over Zoning" this locus would only force expansion elsewhere at tremendous expense for relatively few beneficiaries.

7. The City Council had given its unanimous approval to Lesley's Phase I Expansion in June of 1966 by terminating the public easement in the Easterly one-third of Mellen Street based in part on the promise of Lesley College to provide scholarships for worthy Cambridge girls in the amount of \$76,000.00. Lesley College has honored this commitment almost five times over, to wit: \$325,000.00 to date, and still continues to do so.

8. Lesley College has built Phase I of its new campus on the old public easement in Mellen Street where the new buildings, which were completed in 1973, have an F.A.R. of 2.99 and an over-all F.A.R. of 2.4, when combined with the buildings expected to be built.

9. "Down Zoning" the locus to Residence Zone C-1, or to anything more restrictive than the limitations of Residence Zone C-3 with an F.A.R. of 3.0 would prevent Lesley College from completing its campus with compatible and complimentary buildings to those already constructed.

10. Changing the present zone to a more limited zone would bar Lesley College to such a degree in the reasonable use of the property it already owns as to make such changes confiscatory, unreasonable and beyond the legal scope of the law and provisions set forth in said General Laws Chapter 40A, as amended.

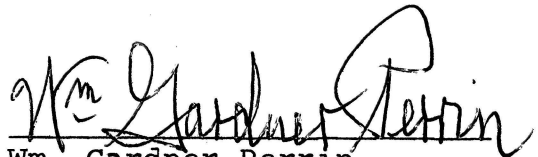
11. In the event of a change of the zoning restrictions to a more limited extent in the locus, there would be almost no legal basis for any future variance to be obtained or qualified under the new provisions of that same statute for new construction - (see General Laws Chapter 40 §10.

12. Lesley College maintains that the joint public hearing of the Petition herein before the Planning Board with the Committee on Ordinances of the Cambridge City Council deprives Lesley College of its rights under the due process required by the terms and provisions of General Laws Chapter 40A Section 5, in that there is no opportunity for all concerned parties to hear and prepare proper responses to the recommendations of the Planning Board which are called for by the aforesaid statute to be given by the Planning Board to the City Council.

Respectfully submitted:

Lesley College

By its attorney:



Wm. Gardner Perrin  
100 Federal Street  
Boston, Massachusetts 02110

AMENDED PUBLIC NOTICE  
RELATIVE TO ZONING.

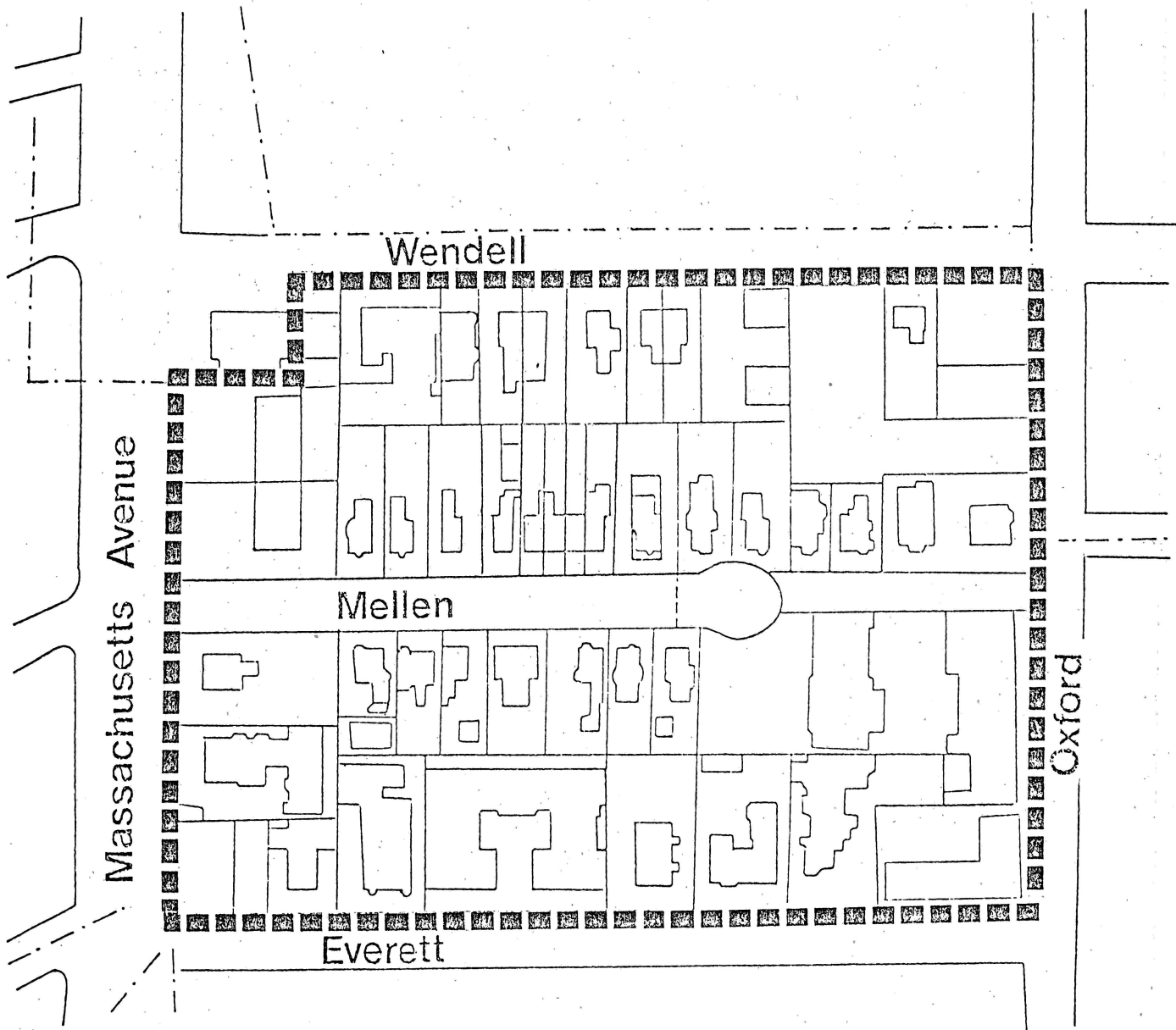
C. C. 1069

# City of Cambridge

MASSACHUSETTS

Office of the City Clerk.

Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition, and amendments thereto, that a joint public hearing between the Planning Board and the Committee on Ordinances will be held on **April 26, 1978** at **8:00 P. M.** in the City Council Chamber, City Hall, Cambridge, Massachusetts on a petition by Peter Desmond, et al, to amend the Zoning Map of the City of Cambridge from Residence C-3 to Residence C-1 as it affects areas shown on the attached map:-



MELLEN ST. REZONING / RES C-3 to RES C-1

# City of Cambridge

A legally correct description of this petition is on file at the office of the City Clerk.

All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor Frisoli,  
Chairman, Committee on Ordinances.

4/19/78 6 P.M.

Planning Board Hearing Required

COUNT  
rested in the  
Jennen late of  
aid County,

Edward T. Martin,  
Esquire, First Judge of said Court,  
this fifteenth day of February 1978.  
Paul J. Cavanaugh  
Register

this  
February, 1978. Paul J. Cavanaugh  
Register  
(C)Mar9,16,23

Cambridge, Mass.  
the forenoon on the  
day of March 1978, the  
this citation.

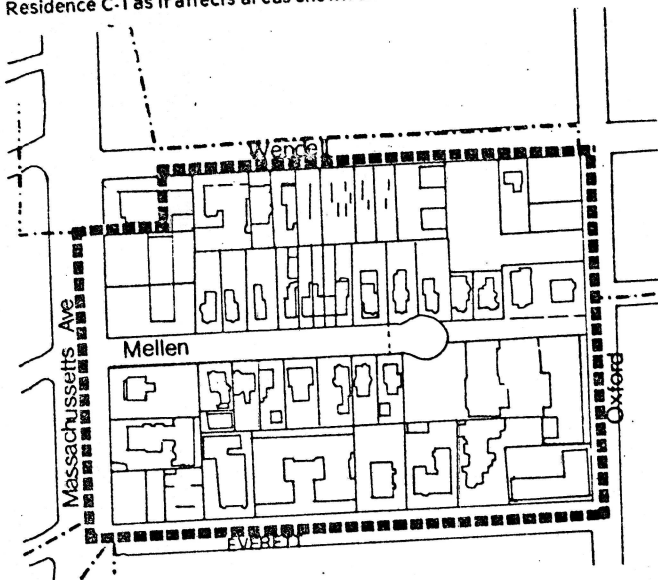
Witness, Edward T.  
Esquire, First Judge of s.  
this twenty-second day of  
1978.  
Paul J. C

(C)Mar2,9,16

**NOTICE OF PUBLIC HEARING**

The Planning Board of the City of Cambridge will hold a public hearing on Tuesday, April 4, 1978 at 7:30 p.m. in the City Council Chamber, City Hall, Cambridge, Mass. on a petition by Peter Desmond et al to amend the Zoning Map of the City of Cambridge from Residence C-3 to Residence C-1 as it affects areas shown on the attached map.

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**MELLEN ST REZONING/ RES C-3 to RES C-1**

A legally correct description of this petition is on file at the office of the City Clerk. Questions concerning this petition may be addressed to Richard Horgan at 876-6800 ext. 345.  
(C)Mar9,16

Edward T. Martin,  
Esquire, First Judge of said Court,  
this day of February,  
1978.  
Paul J. Cavanaugh  
Register

(C)Mar2,9,16

**COMMONWEALTH  
MASSACHUSETTS**

Middlesex, ss. Pro  
To all persons interest  
estate of Joseph A. Hur  
Cambridge in said  
deceased.

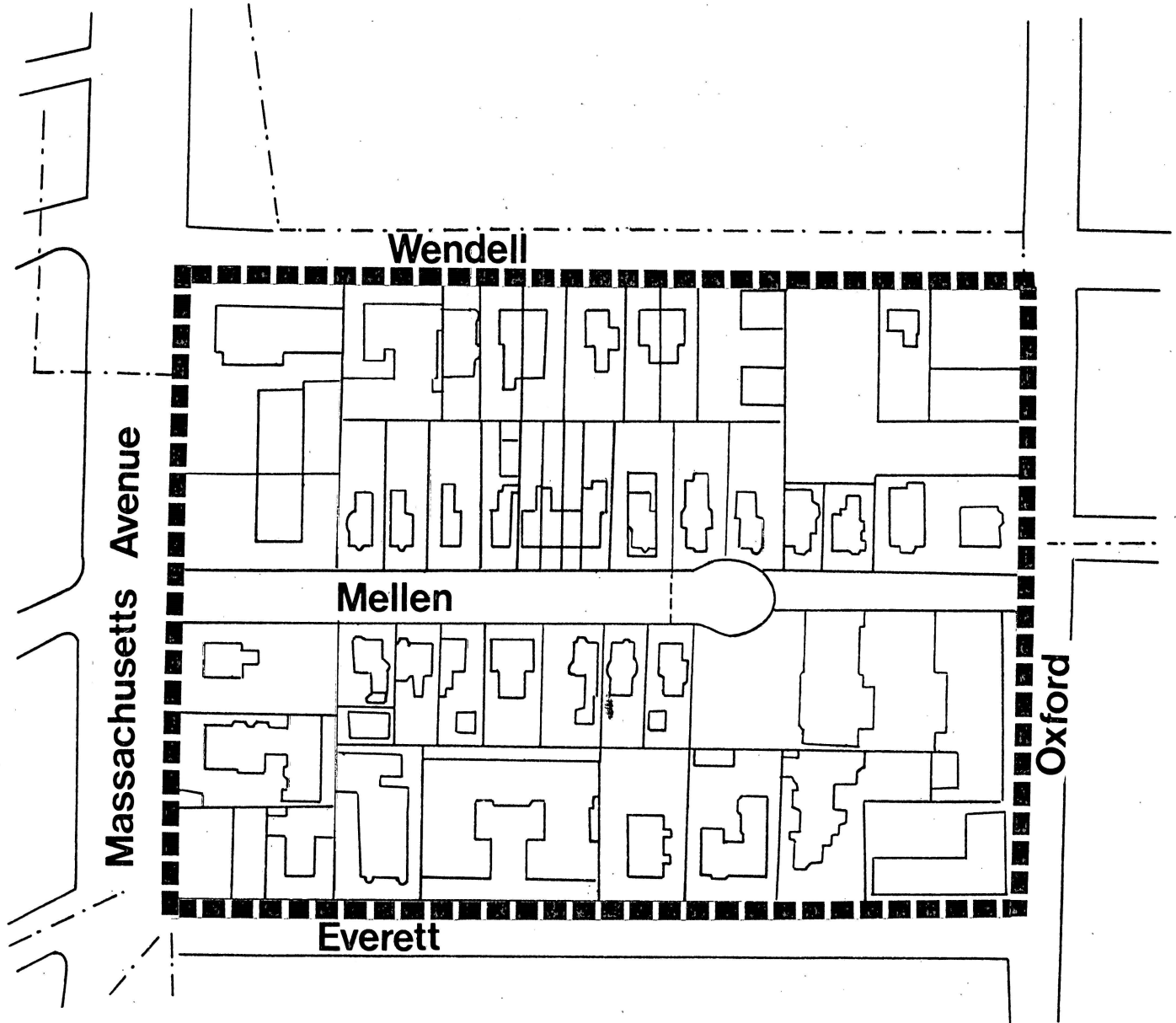
A petition has been pr  
said Court for probate o  
instrument purporting t  
will of said deceased  
Jeremiah Hurley and  
Cremens of Cambridg  
County of Middlesex r  
they be appointed exec  
without giving a surc  
bond.

If you desire to objec  
or your attorney sh  
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Cambridge before ten  
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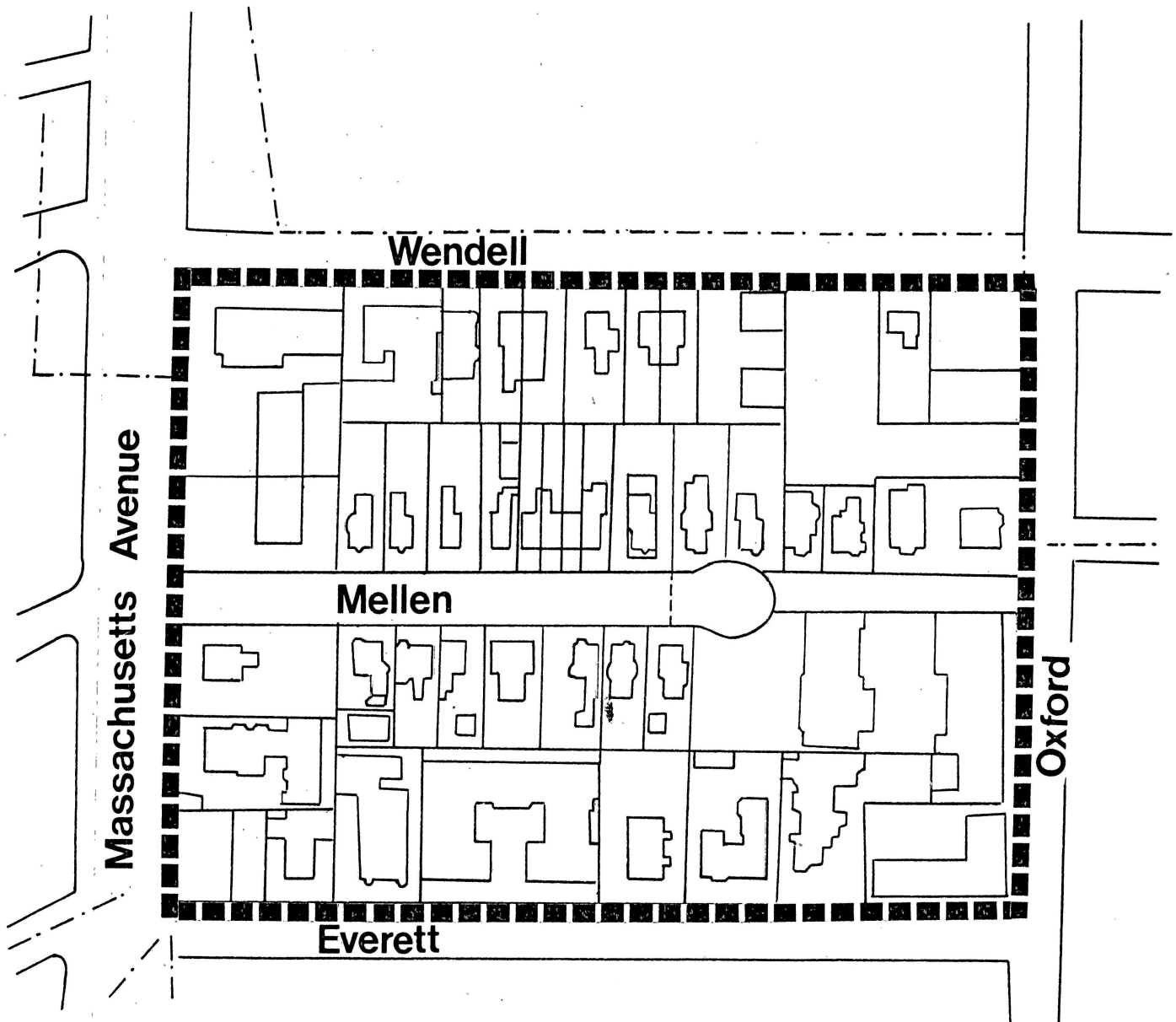
Witness, Edward  
Esquire, First Judge  
this twenty-fourth da  
1978.

Paul

(C)Mar9,16,23



**MELLEN ST. REZONING / RES C-3 to RES C-1**



**MELLEN ST. REZONING / RES C-3 to RES C-1**

To City Clerk Paul E. Healy  
City Hall  
Cambridge, Massachusetts

PROTEST OF LESLEY COLLEGE

Lesley College, of 29 Everett Street, Cambridge, Massachusetts, being the present owner of more than forty-four percent of the area being sought to be changed from Residence Zone C-3 to Residence Zone C-1, as described in the pending Petition of Peter H. Desmond, et al, dated February 18, 1978, hereby files with you as the City Clerk of the City of Cambridge this written protest to the aforesaid Petition, pursuant to the provisions of the General Laws of the Commonwealth of Massachusetts, Chapter 40A, Section 5, as amended by 1975 Acts Chapter 808, Section 3.

Lesley College assigns as reasons in support of its protest the following items:

1. Lesley College has gradually developed in this locus from its very beginning in 1909; it cannot easily move away from it.
2. The College has improved the amenities of the neighborhood in the locus by its conservative use of its limited area within all of the applicable zoning restrictions without the need of Variances in the past.
3. The current limitations have not been abused but rather used for the very purposes for which they were designed.
4. This locus is the center and heartland of Lesley's campus, as much as Harvard's Yard is the very core of Harvard College. Neither institution should be ham-strung.

5. The limitations of Residence Zone C-3 apply to the whole collegiate area established from the Charles River to and including this locus. They should remain constant for long term planning.

6. There is no other appropriate area for Lesley College to develop than in this locus. "Over Zoning" this locus would only force expansion elsewhere at tremendous expense for relatively few beneficiaries.

7. The City Council had given its unanimous approval to Lesley's Phase I Expansion in June of 1966 by terminating the public easement in the Easterly one-third of Mellen Street based in part on the promise of Lesley College to provide scholarships for worthy Cambridge girls in the amount of \$76,000.00. Lesley College has honored this commitment almost five times over, to wit: \$325,000.00 to date, and still continues to do so.

8. Lesley College has built Phase I of its new campus on the old public easement in Mellen Street where the new buildings, which were completed in 1973, have an F.A.R. of 2.99 and an over-all F.A.R. of 2.4, when combined with the buildings expected to be built.

9. "Down Zoning" the locus to Residence Zone C-1, or to anything more restrictive than the limitations of Residence Zone C-3 with an F.A.R. of 3.0 would prevent Lesley College from completing its campus with compatible and complimentary buildings to those already constructed.

10. Changing the present zone to a more limited zone would bar Lesley College to such a degree in the reasonable use of the property it already owns as to make such changes confiscatory, unreasonable and beyond the legal scope of the law and provisions set forth in said General Laws Chapter 40A, as amended.

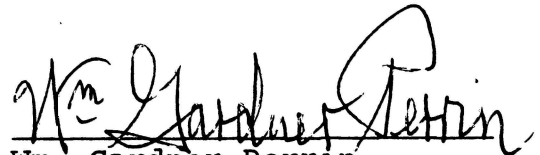
11. In the event of a change of the zoning restrictions to a more limited extent in the locus, there would be almost no legal basis for any future variance to be obtained or qualified under the new provisions of that same statute for new construction - (see General Laws Chapter 40 §10.

12. Lesley College maintains that the joint public hearing of the Petition herein before the Planning Board with the Committee on Ordinances of the Cambridge City Council deprives Lesley College of its rights under the due process required by the terms and provisions of General Laws Chapter 40A Section 5, in that there is no opportunity for all concerned parties to hear and prepare proper responses to the recommendations of the Planning Board which are called for by the aforesaid statute to be given by the Planning Board to the City Council.

Respectfully submitted:

Lesley College

By its attorney:



Wm. Gardner Perrin  
100 Federal Street  
Boston, Massachusetts 02110

HARVARD UNIVERSITY

GRAYS HALL 16

VICE PRESIDENT  
FOR GOVERNMENT  
AND COMMUNITY AFFAIRS

CAMBRIDGE, MASSACHUSETTS 02138

March 30, 1978

City Clerk  
City of Cambridge  
Cambridge City Hall  
795 Massachusetts Avenue  
Cambridge, MA 02139

Re: Petition by Peter Desmond et al to rezone land generally bounded by Wendell Street, Everett Street, Oxford Street and Massachusetts Avenue, Cambridge.

Dear Sir:

The undersigned, owner of more than 20% of land proposed to be included in the change to the Zoning Ordinance of the City of Cambridge as contemplated by the captioned petition, hereby protests against such change pursuant to G.L. c. 40A Section 7 and G.L. c. 40A Section 5 as added by Chapter 808 of the Acts of 1975, for the reasons that the proposed change would constitute spot zoning and a taking of property without compensation and that such change would impermissibly restrict the use of land for proper educational purposes in violation of the so-called Dover Amendment, as contained in G.L. c. 40A Section 2 and G.L. c. 40A Section 3 as added by said Chapter 808.

Sincerely,

PRESIDENT AND FELLOWS OF HARVARD COLLEGE

By: 

RECEIVED BY  
OFFICE OF CITY CLERK  
APR 5 3 14 PM '78  
CAMBRIDGE, MASS.

Hand Delivered:  
RETURN RECEIPT REQUESTED.

Comm. from President and Fellows of Harvard  
College re: petition of Peter Desmond et al  
to rezone land generally bounded by Wendell  
St., Everett St., Oxford St. and Mass. Ave.

*4/10/78 File with  
Papers and enter  
into Record of  
Hearing*

In City Council,  
April 10, 1978

*4/10/78  
Referred to the  
Planning Board  
File*

*Hearing and Report  
copy sent 4-12-78*

For Paul E. Healy,  
City Clerk

LAW OFFICES RECEIVED BY  
TAYLOR, GANSON & PERRIN OFFICE OF CITY CLERK  
TWENTY-FOURTH FLOOR  
100 FEDERAL STREET  
BOSTON 02114 CAMBRIDGE, MASS.  
APR 12 9 23 AM '78

VARNUM TAYLOR  
CHARLES MACKAY GANSON  
WM. GARDNER PERRIN

TELEPHONE  
AREA CODE 617  
482-4070

April 10, 1978

Mr. Richard Horgan  
Community Planning Division  
Cambridge Planning Board  
City Hall Annex  
57 Inman Street  
Cambridge, Massachusetts 02139

Re: Petition of Peter H. Desmond et al, February 18, 1978  
Rezoning of Everett-Mellen-Wendell Street Area From  
Residence C-3 to Residence C-1

Dear Mr. Horgan:

Enclosed herewith are the following items in eight counter-  
parts:

1. Objection of Lesley College to the above-entitled Petition for failure to post timely notice of Public Hearing of April 4, 1978;
2. Memorandum on Behalf of Lesley College to the Cambridge Planning Board in Opposition to the above Petition, with Lesley Exhibit A.

Would you please see that they are duly filed with the Planning Board in accordance with the extension of time granted to me at the hearing.

Respectfully yours,

  
Wm. Gardner Perrin

WGP/mlb  
encls.

CC: Dr. Don A. Orton  
Mr. John G. Tucker  
Mr. Robert D. Lewis  
Mr. Eliot I. Snider

RECEIVED BY  
OFFICE OF CITY CLERK  
APR 12 9 23 AM '78

OBJECTION ON BEHALF OF LESLEY COLLEGE  
TO THE PETITION DATED FEBRUARY 2, 1978,  
OF PETER H. DESMOND, ET AL, FOR REZON-  
ING OF EVERETT-MELLEN-WENDELL STREETS

The requirements specified in General Laws Chapter 40A, as amended by Acts of 1975, Chapter 808, for Procedure for Adoption or Change in Zoning Ordinances or By-Laws are set forth in General Laws Chapter 40A, Section 5.

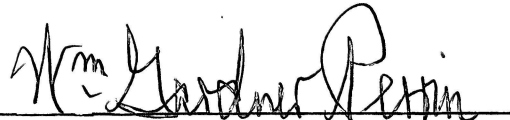
That portion of the statute in regard to the publication of notices for the public hearings by the Planning Board or City Council is in the second Paragraph of Section 5 and says, in part:

"Notice of the time and place of such public hearings of the subject matter, sufficient for identification, and of the place where texts and maps thereof may be inspected shall be published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing and by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of said hearing".

In the present instance there was a failure by the Planning Board to cause the required notice of its public hearing on the subject petition of Peter H. Desmond, et al, to be held on Tuesday, April 4, 1978, in the Cambridge City Council Chamber at 7:30 P.M. to be posted in the City Hall for the fourteen day period before the day of the hearing. The notice that was posted on the customary Bulletin Board beside the door of the City Clerk's office in the Cambridge City Hall bore the receipt stamp of the City Clerk's Office, dated March 31, 1978, 11:42 A.M., which is less than five days prior to the date set for said hearing on April 4, 1978.

Such a failure to post the required notice within the minimum period is not a matter of form or material that could be waived by any interested party or by the Planning Board itself. It is a jurisdictional bar that prevents any legal action being taken on the subject petition by the Planning Board or the City Council in the circumstances here prevailing.

Respectfully Submitted:

A handwritten signature in cursive script, reading "Wm. Gardner Perrin", written over a horizontal line.

Wm. Gardner Perrin  
Attorney for Lesley College  
29 Everett Street  
Cambridge, Massachusetts

RECEIVED BY  
OFFICE OF CITY CLERK  
MEMORANDUM ON BEHALF OF LESLEY COLLEGE  
TO CAMBRIDGE PLANNING BOARD  
IN OPPOSITION TO PETITION OF PETER H.  
DESMOND, ET AL FOR REZONING EVERETT-  
MELLEN-WENDELL STREET AREA, DATED FEBRUARY 18, 1978

Lesley College specifically reserves the right to file and act upon its objection to the procedural and jurisdictional error in the Board's failure to post the notice in the time and manner required by General Laws Chapter 40A §5, for adoption or change in Zoning Ordinances or By-Laws.

In the interest of conserving the time and filing space of the Board, Lesley College herein adopts and incorporates each of its points and arguments referred to in its previous Memorandum submitted to this Board at the last hearing on this identical Petition on January 17, 1978 --- excepting only that portion therein referring to the inadequacy of the legal qualification of the ten petitioners.

In substance, Lesley College desires that due notice and weight be given to the basic facts that it has existed in the locus as an educational institution for young ladies since 1909; that it has gradually developed and had grown by 1930 to include the whole corner of Everett and Oxford Streets; and that its character and development were obviously the basis for the original zoning designation in Residence Zone C-3. That particular zone was also applied to the bulk of all Harvard University holdings at the time, running from this locus all the way to the Charles River, excepting only a small commercial intervening strip of land southerly off Harvard Yard.

Neither institution can depart from its base at will no matter how much their neighbors might desire to have them go away.

Lesley College, unlike Harvard University, has its core and substantially all of its undergraduate campus in the locus of the two block area under consideration. It has built a portion of the modern campus it aspires to provide its students by staying within the limits of Residence C-3 restrictions, replacing eleven superannuated former dwellings in so doing. Nothing that it has erected in any way could be fairly described as "high rise" nor threatening to the neighborhood amenities; but the over-all effect of opening the congested area with a landscaped campus has contributed to the serenity and gentility of the surroundings. There is no aura of commercial operations nor what the Petitioners euphemistically call "Realties" which are in fact apartment/tenements, a number of which are as high or higher than the new buildings at Lesley. Those that already exist in the locus would become non-conforming and would not disappear. Nor would those "Realties" on the Northerly side of Wendell Street be hidden, one of which lowers almost over the street line from its four and a half story height.

Lesley College is not able to rely on endowment funds. It therefore must depend on tuition and fees to finance the capital funds for its building programs. To do that, it in turn must make adequate and efficient use of each facility. Experience with the new buildings in Phase I have proven that any greater restriction than it already has from Residence C-1 minima could not be tolerated with any reasonable expectation of successful funding. In that regard, reference should be made to the computations set forth in the Exhibit submitted to the Board at the "Public Hearing" on April 4, 1978, and hereto attached marked Lesley "Exhibit A".

As indicated above, Lesley College can and will survive and grow under such legal and reasonable restraints as the present Zoning Ordinance provide. In the face of greater restraints being applied, it will be forced to expand beyond the designed area of the locus and/or to fight the greater restrictions in every legal forum or

arena open to it to prove that the same are not reasonable or proper under the law thereto presently applicable. In fact it would show that by the statement of the Petitioners' own spokesman, the requested "down zoning" was being sought, not as a fundamental purpose of zoning, i.e. "to protect the health, safety and general welfare of (their) present and future inhabitants", but rather to make Lesley College come on bended knee on a Variance Petition for each and every modernization so that the local neighbors could have an "in-put" on every plan. Such confrontations would amount to arguments about taste over which no arbiter could satisfy the required majority of the Board of Appeals nor could any institution have any reasonable hope of selling bonds to fund such ephemeral plans.

Unreasonable increased restrictions, reaching beyond the statutory purposes of the Zoning law, would be confiscatory in nature as far as Lesley College property is concerned and counter-productive to the welfare of the general public for which Lesley College exists as a public charity. It too is an inhabitant of Cambridge with more than fifty of its undergraduate students commuting residents out of 766 pupils, who, with the faculty and visitors, contribute more than six and a half million dollars a year to the economic well being of the City. This is in addition to the \$325,000.00 scholarship commitment which Lesley has made so far to Cambridge girls' tuition. You will recall that Lesley College gave this in token consideration for the City Council's release of the public easement in the Easterly third of Mellen Street in 1966. The City Council's action was by unanimous vote which in effect approved of Lesley College's proposal for the new campus. In reasonable reliance on such approval, Lesley has obligated itself to a bond issue of \$6,500,000.00 for Phase I. The intervention of new regulations after the construction of this part of the new campus would be an impairment of the contractual relationship thus created and illustrates the need for the firm and constant standard for zoning ordinances on which long term reliances can be safely made.

For all the foregoing reasons, Lesley College respectfully requests that the Petition herein for any change in the Zoning Ordinance affecting this two block locus be discharged without the recommendation of this Board.

LESLEY COLLEGE

By Wm. Gardner Perrin

Wm. Gardner Perrin  
its attorney  
100 Federal Street  
Boston, Massachusetts

Tel: 482-4070

Ownership of Area

RECEIVED BY  
OFFICE OF CITY CLERK

APR 12 9 23 AM '78

Institution:				
Lesley	202,004 sq. ft.	44.8%	22 buildings	
Harvard	116,445 sq. ft.	25.8%	13 buildings	
Subtotal	318,449 sq. ft.	70.6%	35 buildings	
Apartments	65,224 sq. ft.	14.4%	6 buildings	
Commercial	51,250 sq. ft.	11.4%	2 buildings	
Residential	16,459 sq. ft.	3.6%	6 buildings	
Subtotal	132,933 sq. ft.	29.4%	14 buildings	
TOTALS	451,382 sq. ft.	100.0%	49 buildings	

Area, Lesley Main Campus

Land	177,457 square feet
Buildings	209,370 gross square feet

Maximum Gross Square Feet of Buildings Permitted

C-1	.75	133,092
C-2	1.75	310,549
C-3	3.0	532,371

Maximum Additional Building Permitted

C-1	(76,278)	Gross Square Feet
C-2	101,179	Gross Square Feet
C-3	323,001	Gross Square Feet

Lesley Building Master Plan

White Hall	31,990
Phase I	90,700
Add'l Buildings	
Master Plan	395,000
Total	427,690

Maximum Square Feet Necessary for Master Plan of 427,690

	<u>Allowable</u>		<u>Ratio</u>
C-1	133,092	(294,598)	
C-2	310,549	(117,141)	
C-3	532,371	104,681	2.4

LAW OFFICES  
TAYLOR, GANSON, & PERRIN BY  
OFFICE OF CITY CLERK  
TWENTY-FOURTH FLOOR  
100 FEDERAL STREET  
BOSTON 02110  
APR 12 9 22 AM '78  
CAMBRIDGE, MASS.

VARNUM TAYLOR  
CHARLES MACKAY GANSON  
WM. GARDNER PERRIN

TELEPHONE  
AREA CODE 617  
482-4070

April 10, 1978

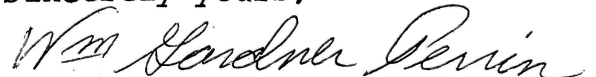
Mr. Paul E. Healy  
City Clerk  
City of Cambridge  
City Hall  
Cambridge, Massachusetts 02138

Re: Petition of Peter H. Desmond, et al, February 18, 1978  
Rezoning of Everett-Mellen-Wendell Street Area From  
Residence C-3 to Residence C-1

Dear Mr. Healy:

I thought you would like to have the enclosed for your records.

Sincerely yours,



Wm. Gardner Perrin

WGP/mlb

encls. Objection of Lesley College for failure to post notice of hearing of April 4, 1978;

Memorandum on Behalf of Lesley College to the Cambridge Planning Board in Opposition to Petition with Lesley Exhibit A.

Comm. from Wm. Gardner Perrin regarding the  
petition of Peter H. Desmond, et al, of  
Feb. 18, 1978 to rezone the Everett, Mellen and  
Wendell St. area.

In City Council,  
April 24, 1978

4/24/78

Referred to the  
Planning Board 2678  
For filing with  
Perisnon

E. Crane requested the  
City Solicitor to be  
present at Hearing

HARVARD UNIVERSITY

GRAYS HALL 16

VICE PRESIDENT  
FOR GOVERNMENT  
AND COMMUNITY AFFAIRS

CAMBRIDGE, MASSACHUSETTS 02138

March 30, 1978

City Clerk  
City of Cambridge  
Cambridge City Hall  
795 Massachusetts Avenue  
Cambridge, MA 02139

Re: Petition by Peter Desmond et al to rezone land generally bounded by Wendell Street, Everett Street, Oxford Street and Massachusetts Avenue, Cambridge.

Dear Sir:

The undersigned, owner of more than 20% of land proposed to be included in the change to the Zoning Ordinance of the City of Cambridge as contemplated by the captioned petition, hereby protests against such change pursuant to G.L. c. 40A Section 7 and G.L. c. 40A Section 5 as added by Chapter 808 of the Acts of 1975, for the reasons that the proposed change would constitute spot zoning and a taking of property without compensation and that such change would impermissibly restrict the use of land for proper educational purposes in violation of the so-called Dover Amendment, as contained in G.L. c. 40A Section 2 and G.L. c. 40A Section 3 as added by said Chapter 808.

Sincerely,

PRESIDENT AND FELLOWS OF HARVARD COLLEGE

By: 

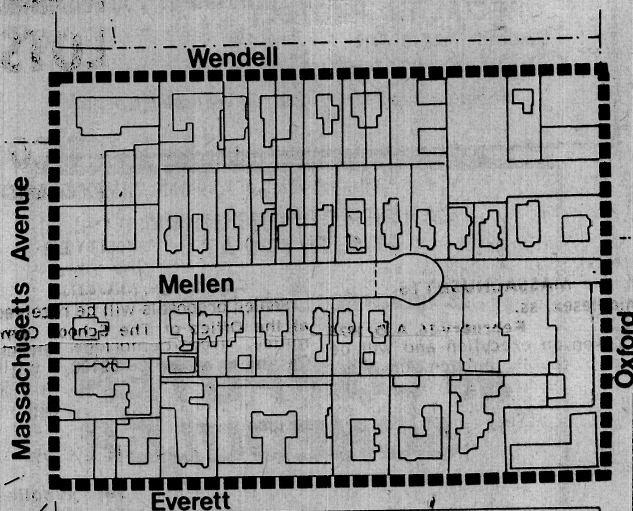
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OFFICE OF CITY CLERK  
APR 5 3 14 PM '78  
CAMBRIDGE, MASS.

Hand Delivered:  
RETURN RECEIPT REQUESTED.

PUBLICATIONS

**PUBLIC NOTICE  
RELATIVE TO ZONING.  
CITY OF CAMBRIDGE  
MASSACHUSETTS  
Office of the City Clerk.**

Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition, and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on April 19, 1978 at 6:00 P.M. in the City Council Chamber, City Hall, Cambridge, Massachusetts on a petition by **Peter Desmond, et al**, to amend the Zoning Map of the City of Cambridge from Residence C-3 to Residence C-1 as it affects areas shown on the attached map:-



**MELLEN ST. REZONING / RES C-3 to RES C-1**

A legally correct description of this petition is on file at the office of the City Clerk.

All persons interested in this matter may appear at this time and be heard.

For the Committee,  
Councillor Frisoli,  
Chairman, Committee on Ordinances.

(C) Apr 6, 13

PUBLISHED IN: Chronicle

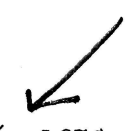
EDITION: April 6th and April 13th, 1978

DATE: \_\_\_\_\_

# City of Cambridge

## REVISED SCHEDULE ON THE PETITION OF PETER H. DESMOND.

Petition filed with the City Clerk	February 22, 1978
(All hearings to be completed by April 28, 1978.)	
In City Council	February 27, 1978
Referred to Planning Board for Report	March 3, 1978
Hearings before the Planning Board	April 4, 1978
(THIS HEARING was postponed to joint hearing with Council to April 26, 1978 at 8 PM.)	
(City Council must act within 90 days of the Planning Board's hearing which would be July 3, 1978.)	
City Council Hearing Published:	
Chronicle (original notice)	April 6, 1978
Herald (amended notice)	April 12, 1978
Herald (amended notice)	April 19, 1978
Chronicle (amended notice)	April 20, 1978
Hearing before the City Council	April 26, 1978 at 8:00 P. M.
Reported to the City Council	May 1, 1978
Passed to a second reading	<del>May 1, 1978</del>
Publish	<del>May 4, 1978</del>
Ready for Ordination	<del>May 15, 1978</del>
Publish	<del>May 18, 1978</del>



Tabled

Planning Board hearing 4/26/78

4 days April  
 31 May  
 30 June  
 65  
 25  
 90 July

Completion date July 25, 1978

Desmond

RECEIVED BY  
OFFICE OF CITY CLERK

Feb 18, 1978

Cambridge,  
FEB 22 2 11 PM '78

~~June 24, 1977~~

To the Honorable, the City Council of the  
City of Cambridge:

CAMBRIDGE, MASS.

The undersigned respectfully pray  
that the map accompanying the text of the Zoning Ordinance of the City of  
Cambridge be amended as follows:

By striking out the designation Residence C-3 and substituting in place thereof  
the designation Residence C-1 insofar as it relates to the following described  
areas of land:

Premises of the following parcels as designated on Assessors Plat #156. Odd  
numbers 7 through 37 Mellen Street, even numbers 8 through 34 Wendell Street,  
odd numbers 61 through 69 Oxford Street, odd numbers 1637 and 1645 Massa-  
chusetts Avenue and which includes all or parts of lots numbered 26, 86, 60,  
61, 29, 30, 31, 32, 33, 83, 36, 37, 38, 39, 40, 57, 56, 55, 82, 53, 52, 51,  
50, 49, 48, 47, 46, 45, 87, 80, 82, 90, 41, 91, 92 as shown on Assessors'  
Plat #156;

Premises of the following parcels as designated on Assessors' Plat #157. Odd  
numbers 3 through 37 Everett Street, odd numbers 1607 through 1627 Massa-  
chusetts Avenue, odd numbers 45 through 53 Oxford Street and even numbers  
6 through 24 Mellen Street and which includes all or parts of lots numbered  
1, 39, 26, 52, 53, 54, 49, 50, 23, 3, 4, 5, 6, 7, 8, 23, 51, 20, 68, 19,  
61, 64, 65, 66, 67, 62, 63 as shown on Assessors' Plat #157; and which is  
bounded and described as follows:

Beginning at a point said point being the intersection of a line 100 feet distant  
from and parallel to the southeastern streetline of Massachusetts Avenue and  
the centerline of Wendell Street;

Thence running southwesterly along a line 100 feet distant from and parallel to  
the southeastern streetline of Massachusetts Avenue 125 feet more or less to a  
point said point being the intersection of a line 100 feet distant from and paral-  
lel to the southeastern streetline of Massachusetts Avenue and a line 100 feet  
distant from and parallel to the southwestern streetline of Wendell Street;

Thence running northwesterly along a line 100 feet distant from and parallel to  
the southwestern streetline of Wendell Street and its extension 150 feet more or  
less to a point said point being the intersection of a line 100 feet distant from  
and parallel to the southwestern streetline of Wendell Street and its extension  
and the centerline of Massachusetts Avenue;

Feb 18, 1978

Thence running southwesterly along the centerline of Massachusetts Avenue 515 feet more or less to a point said point being the intersection of the centerline of Massachusetts Avenue and the centerline of Everett Street and its extension;

Thence running southeasterly along the centerline of Everett Street and its extension 925 feet more or less to a point said point being the intersection of the centerline of Everett Street and its extension and the centerline of Oxford Street;

Thence running northeasterly along the centerline of Oxford Street 660 feet more or less to a point said point being the intersection of the centerline of Oxford Street and the centerline of Wendell Street and its extension;

Thence running northwesterly along the centerline of Wendell Street and its extension 775 feet more or less to the point of origin and which comprises an area of 591,750 square feet more or less.

✓ Paul Bright (16 Mellen apt #3)

✓ Peter H. Desmond (10 Mellen)

✓ John Joyce Ward 7 Prec I.  
11 Everett St. Camb Mass 02138  
Cristina Joyce Ward 7-1  
11 Everett St. Camb 02138.

Paul R. Kolodnes (14 Mellen St)

✓ Susan Kashira (16 Mellen St.)

✓ Laurence Rothman (16 Mellen St)

✓ Jo Tullin (12 Mellen St)

✓ Martha Reinsten (7 EVERETT ST)

✓ John C. Karsten (7 EVERETT ST)

✓ John D. Preskill (15 EVERETT ST)

✓ Roberta J. Preskill (15 EVERETT ST)

✓ Barry Zevin (28 Wendell)

Zevin

OWNER OF  
PROPERTY  
BY  
ZEVIN  
2/11/78

notify 4/11/78 dl.

- 7-1 - Mellen Street -
- 7-1 Everett Street
- 7-1 Wendell Street

11 Reg. Veron. Shuman  
by City Clerk 2/28/78  
P.H.

0-53

Petition of Peter H. Desmond et al to amend  
the Zoning Ordinance by striking out the  
designation Res. C-3 and substituting in place  
thereof the designation Res. C-1 in the area  
bounded by Mellen St., Wendell St., Oxford  
St., Mass. Avenue and Everett St.

In City Council,

Feb. 27, 1978

*2/27/78*

*Planning Board  
FOR  
Hearing and  
Report*

*Copy to Planning Board 3/2/78  
K*