

City of Cambridge

The Ordinance Committee held a public hearing on May 13, 1998, beginning at 5:40 p.m. in the Sullivan Chamber for the purpose of considering a proposed amendment to the zoning map of the City of Cambridge in the area of northern Massachusetts Avenue.

Present at the hearing were Councillor Henrietta Davis, Chair of the Committee, Mayor Francis H. Duehay, Councillor Sheila T. Russell and City Clerk D. Margaret Drury. Also present were Lester Barber, Director of Land use and Planning for the Community Development Department and Nancy Glowa, First Assistant City Solicitor.

Councillor Davis convened the hearing and explained the purpose. She requested that Mr. Barber explain the proposed amendment. Mr. Barber stated that it would change a business C-1 district to a business A-2 district. The effect would be to reduce the allowable development. There would not be substantial change in the uses allowed.

She asked if this is the same petition that was previously before the City Council. Attorney Glowa stated that it is. The City Council has considered this proposal both subsequent to the court order of *Danehy vs. the City of Cambridge* and originally in the Sheketoff petition.

Councillor Russell asked about the court proceedings. Attorney Glowa stated that the case is still pending. A motion for judgment has been filed and scheduled for hearing. Councillor Russell stated her concern that as to the *Danehy* property this is a pretty drastic change from the previous zoning of the site.

Attorney Glowa stated that the subject of this petition is the Marino parcel that was inadvertently left out of the rezoning of Trolley Square. The petition primarily affects the Marino property, which currently has a more liberal zoning designation than the rest of the Trolley Square area.

In response to a question from Councillor Russell, Attorney Glowa stated that the attorney for the two main property owners who would be affected by this amendment and the pending litigation has indicated that neither thinks there is a real possibility of settlement.

Councillor Davis then invited public testimony in support of the petition. There was none.

Councillor Davis then invited public testimony in opposition.

Attorney David Connolly, State Street, stated that he represents Ristourante Marino. This is piecemeal zoning. It is not comprehensive. There has been no change in circumstances since the last time the matter was before the City Council. There are no studies to support it.

Mr. Connolly stated that he does not represent Mr. Danehy as to the pending litigation. There was nothing offered by the City that could form the basis for settlement. As to Mr. Danehy's property, there was some mention of a BA zoning that would restore some of the development rights.

Councillor Russell moved that this matter remain in committee until the Community Development Department meets with Mr. Danehy to discuss some compromise settlement.

Mayor Duehay stated that the city has been told by the court that it is must correct the zoning mistake. It would be a good idea to find a solution that can get sufficient votes to correct the mistake.

The motion passed without objection.

The meeting was adjourned at 5:55 p.m.

For the Committee

Henrietta Davis DMD
Councillor Henrietta Davis
Chair

Committee Report #2

S-435

Communication was received from
D. Margaret Drury, City Clerk,
transmitting a report from Councillor
Davis for a meeting held on May 13,
1998 for the purpose of considering
a proposed amendment to the zoning
map of the City of Cambridge in
the area of Northern Mass. Ave.

In City Council June 8, 1998

Report Accepted
PLACED ON FILE