

City of Cambridge

The Ordinance Committee held a public hearing on August 1, 1996, beginning at 5:45 p.m. in the Sullivan Chamber for the purpose of considering a petition filed by Maureen Quinlan, Russell Bromfield, et. al., to amend the Zoning Ordinances of the City of Cambridge to add a new Section 4.29 creating a 400 foot buffer zone in the IC District.

Present at the hearing were Councillor Francis H. Duehay, Chair of the Committee, Vice Mayor Kathleen L. Born, Councillor Kenneth E. Reeves, Councillor Anthony D. Galluccio, Mayor Sheila T. Russell, Councillor Michael A. Sullivan, Councillor Katherine Triantafillou and City Clerk D. Margaret Drury. Also present were Robert Bersani, Commissioner of Inspectional Services; Donald Drisdell, Deputy City Solicitor, and Lester Barber, Assistant to the Planning Board, Community Development Department.

Councillor Duehay convened the hearing and explained the purpose and the procedures of the hearing. He then invited a presentation by the petitioner.

Peter Cignetti, 5 Theriault Court, stated that he is speaking as a "pinch hitter" for Russell Bromfield. This is essentially a refile of the petition filed two months ago that had technical problems in that it did not address the base game. He noted that the proposed zoning amendment will not prevent new commercial building on the Grace site. It will result in a limitation of vehicular traffic from Whittemore Avenue, and will safeguard valuable open space.

Mr. Cignetti said that this is a site that is difficult to understand from City Hall. A number of City Councillors and other interested persons have toured the site. He stated that this is a unique parcel of land with a number of converging environmental issues, including flood plain issues and site contamination issues. Mr. Cignetti noted that there have been many neighborhood meetings.

Councillor Duehay asked if the City Council had any questions. There were none. Councillor Duehay then opened the meeting to speakers in support of the petition.

Alice Wolf, 48 Huron Avenue, former Mayor of Cambridge, urged support for the petition. She said that in a city like Cambridge with residents on every street in the City, a very dense city, there are noise and traffic and environmental issues that affect every residence. In such a city, buffer zones are an important and necessary protection. She stated that she hopes the City Council will support this petition or something similar.

Victor Plosinski, 104 Clifton Street, spoke in support of the petition. He stated that he speaks on behalf of people who are making a commitment and investment in the community. To keep a stable neighborhood, the issues presented by this site need to be addressed. The neighbors want assurances that the residential character will remain and that Harvey and Whittemore Streets will not be used for access to the site.

Committee Report #1

A report for a meeting held on August 1, 1996 for the purpose of considering a petition filed by Maureen Quinlan, Russell Bromfield, et. al., to amend the Zoning Ordinances of the City of Cambridge to add a new Section 4.29 creating a 400 foot buffer zone in the IC District.

In City Council September 30, 1996

Referred to the City Manager

Report Accepted.

Passed to A Second
Reading.

Ralph Yoder, 364 Rindge Avenue, spoke in support of the petition and emphasized the importance of preserving the open space and protecting the 100 year flood plain.

Joanne Madden, 67 Clifton Street, spoke in support of the petition and stated that development so close to the neighborhood is a threat to the neighborhood.

David Boris, 126 Harvard Street, spoke in support of the petition. He addressed the issue of the flood plain. He said that development will mean that there is less area for the water to drain. He also described the method of the proposed pressure-injected footings and stated that it will change the subsurface and consequently the water flow. While this kind of foundation will minimize the amount of excavation, it will not eliminate excavation. He questioned what will happen with the excavated dirt. When he worked on the Dunkin Donuts site, in two of twenty-four pressure injections, obstructions were hit. Eight floors down there was a river of petrochemical waste.

Susan Maguire, 125 Jackson Street, stated that it has been a valuable experience to become involved with her local government. The neighborhood around the site is a beautiful neighborhood. She reiterated the thoughts of another speaker at an earlier meeting that this site is our rainforest. How can we ask Brazil to stop cutting its rainforest, when we are destroying our own.

Eugene Taylor, 98 Clifton Street, spoke in favor of the buffer zone but said it doesn't go far enough. He raised three questions. The first is whether there have already been agreements that will go forward regardless of objection. This is an unverified, uncorroborated rumor, but it is what people feel. The second question is whether all developments on the site can be completely stopped. The third question is whether W. R. Grace would make the land toxic free and donate the land to the City to develop as a park to space. This arises out of his concern that W. R. Grace is involved and cannot be trusted.

Joe Joseph, 28 Magoun Street, thanked the Council for supporting the technical assistance grant which the neighborhood is seeking. He said that this should be part of the Community Development Department's (CCD) work. He thanked the City Council for taking Peter Cignetti's walking tour. Mr. Joseph said that the developer is proposing five office buildings, with a total of 2,000 spaces of parking, including underground parking. This is very serious. MBTA construction has already changed the water flow. He has seen no post-construction hydrogeology studies. These should be done. The whole idea of Planned Unit Development (PUD) zoning was sold to the neighbors as a benefit. Documents at the U.S. Environmental Protection Agency (EPA) raise very serious issues with the developer's report. This report should have been obtained by CDD and made available to the Site Advisory Committee. This is a larger buffer zone than elsewhere in the City, but the site is unique. Mr. Joseph submitted the EPA report. Councillor Duehay requested that the City Clerk distribute it to the City Council and refer to the Environment Committee.

Craig Kelley, St. Gerard Terrace, stated that he is a lawyer and objects very strongly to the argument that this zoning would be an uncompensated taking in violation of the constitution. The proposed buffer zone is only a burden like the burdens that other property owners have to bear. It is not a complete taking and it is perfectly fair.

Kim Webb, 64 Clifton Street, spoke in favor of the buffer zone. She said that her most important reason is her child. Traffic on Clifton Street is already bad; more development will increase the danger to children.

Martha Cleveland, 118 Clifton Street, wife of one of the petitioners, said that she agrees with all that has been said, particularly regarding the danger to children.

Councillor Duehay asked for a show of hands of those in favor of the petition. Twenty-two persons raised their hands.

Councillor Duehay requested that the blue flyer distributed by the neighborhood be included as part of the record.

Councillor Duehay read into the record a phone message from Mary Russell supporting the petition.

Councillor Duehay then invited testimony from those opposed to the petition.

Joseph Haley, Goodwin, Proctor & Hoar, stated that he is here as an attorney representing W.R. Grace. He said that David Vickery was unable to attend the hearing due to other obligations. The property which is the subject of the petition contains about 300,000 sq. ft. of buildings, in a number of different sites. The petition would prohibit use of the Whittemore Avenue access to the site, which is the main access to the present site.

Attorney Haley added that this site has been the subject of intense review by the state. Drainage has been reviewed and approved. The proposed development has been reviewed by the Community Development Department and the Planning Board and received a special permit for the development. These state and city permits are still outstanding and valid. Any building that is proposed will have to go through Conservation Commission review because of the flood plain.

The rezoning petition, which takes the front part of the property and turns it into open space, is completely contrary to the master plan and planning principles for this area. He noted Section 13.10 of the zoning ordinance.

Mr. Haley noted that, in addition, a rezoning may be ineffectual to change outstanding permits which are still valid. Thirdly, most residents of the City would view this petition as being anti-business. The proposal is singling out a particular owner and parcel. It would not apply to any other owner or property.

Finally, he stated that this proposal would constitute an unconstitutional taking. The City would be saying that the only use of the building is open space or municipal uses.

Councillor Triantafillou asked Attorney Haley about the status of clean-up of Jerry's Pit, which David Vickery has committed to begin immediately. Mr. Haley said that unfortunately, David Vickery could not be here and that he is not prepared to discuss environmental issues.

Councillor Duehay requested a show of hands from those in opposition to the petition, and three persons raised their hands.

Councillor Duehay invited Lester Barber and Donald Drisdell to come forward. Mayor Russell moved that the memo from Lester Barber be made part of the record of the meeting, and the motion carried.

Councillor Sullivan asked what is the largest setback presently existing in the zoning ordinances between industry/commercial districts and residential districts anywhere in the City. Mr. Barber said that the widest transition is 130 feet, between high and low density residence zones. Otherwise, setback transitions tend to be fairly small. This would be an extraordinary transition. Aside from the Kirkland Planned Overlay District, this would be quite different from other transitions.

Councillor Triantafillou asked if there are any other places quite like this site. Mr. Barber said that Alewife has the largest concentration of flood plains. Councillor Triantafillou observed that it is not like University Park and asked if it was like North Point. Mr. Barber said that there are no wetlands at North Point.

Vice Mayor Born observed that the area behind the former Sancta Maria Hospital in Cambridge Highlands has some similar characteristics. Normandy Terrace has a buffer formed by MDC land. It provides a buffer between the neighborhood and the industrial zone. Mr. Barber said that there are height transitions at Alewife in the quadrangle and in the Cambridge Highlands neighborhood. They limit size of buildings rather than use.

Vice Mayor Born asked whether the existing buildings could be rebuilt if they were destroyed by fire. Mr. Barber said that there could be some restrictions depending on the extent of the damage.

Councillor Reeves asked Mr. Barber whether similar zoning exists in the Commonwealth. Mr. Barber said that he has not comprehensively reviewed regulations for the rest of the state. Suburban and rural areas have large flood plains and wetlands areas that are protected. The zone exists elsewhere in the City but it is applied to public property.

Councillor Reeves asked Mr. Drisdell if there were any cautions he would advise. Mr. Drisdell said that a legal opinion regarding spot zoning and compensable taking has been requested for the Planning Board. The Planning Board hearing will take place on August 13. Attorney Drisdell said that the question would be whether the proposal constitutes of reverse spot zoning. He recommends that the Ordinance Committee either hold this matter in committee until there is a legal report to the Planning Board or that the Ordinance Committee report or refer the matter to the full City Council without recommendation pending receipt of the legal opinion.

Councillor Duehay said he would prefer to refer the petition, than to hold it in committee.

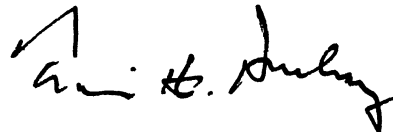
Councillor Sullivan asked about Mr. Kelley's statement about "not a complete taking." What is the law about a less than complete taking? Don Drisdell said partial takings can be compensable.

In response to a question from Vice Mayor Born, Mr. Drisdell said that despite recent changes in the takings law, courts have not, to date, recognized zoning as a taking.

Mayor Russell moved to refer the petition to the full City Council without a recommendation, and the motion was adopted on an affirmative voice vote.

On motion of Vice Mayor Born, the meeting adjourned at 7:05 p.m.

For the Committee,

A handwritten signature in black ink, appearing to read "Francis H. Duehay". The signature is written in a cursive style with a large initial "F".

Councillor Francis H. Duehay

ORDINANCE NO. 1180

LEGAL NOTICE

ORDINANCE NO. 1180

FINAL PUBLICATION NO. 2721.

**FIRST PUBLICATION IN THE
CHRONICLE ON OCTOBER 3, 1996.**

**CITY OF CAMBRIDGE
IN THE YEAR ONE THOUSAND,
NINE HUNDRED NINETY-SIX**

AN ORDINANCE

**In Amendment to the Zoning Ordinances
of the City of Cambridge.**

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

That the Zoning Ordinances of the City of
Cambridge is hereby amended as fol-
lows:

A. In Article 4.000, Use Regulations, add
to Special Classification Rules a new
Section 4.29 as follows:

**"4.29 Special Use Limitations in Industry
C Districts.**

For any lot or portion of a lot in an Indus-
try C District that is located within 400
feet of any Residence A or B Zoning Dis-
trict, only those uses permitted in the
Open Space District as set forth in the
Section 4.30, Table of Use Regulations,
shall be allowed. Expressly prohibited are
the accessory uses of parking, loading,
and vehicular access serving any use
prohibited from Open Space Districts."
This section shall expire six months after
the date of enactment.

B. In Section 4.30, Table of Use Regula-
tions, add a new superscript number 54
to the heading "Ind C" in column fourteen.
Additionally, in Section 4.40, Footnotes to
the Table of Use Regulations, add a new
footnote 54 to read as follows:

**"54. Subject to the provisions of Section
4.29"**

C. In Section 5.34, Industrial Districts, Ta-
ble 5-4, add a new footnote (e) in the first
column at the seventh line "IC" Addition-
ally, in Section 5.34, add a new footnote
(e) to read as follows:

**"(e) Notwithstanding the dimensional re-
quirements set forth in this Section 5.34
for Industry C districts, no structure con-
structed on a lot or portion of a lot in an
Industry C district that is located within
400 feet of any Residence A or B Zoning
District shall exceed the dimensional limi-
tations for the Open Space District as set
forth in Section 5.35." This footnote shall
expire six months after the date of enact-
ment.**

D. In Section 13.10, Planned Unit Devel-
opment in IC Districts, add a new Section
13.19 to read as follows:

**"13.19 Open Space Buffer Requirements
in the PUD-IC District.**

Notwithstanding any use provision or di-
mensional requirement as set forth else-
where in this Section 13.10, for any de-
velopment parcel or portion of a develop-
ment parcel located within 400 feet of any
Residence B or Residence A Zoning Dis-
trict, only those uses permitted in the
Open Space District as set forth in Table
4.30 shall be permitted, and any structure
constructed shall be subject to the dimen-
sional requirements of the Open Space
District as set forth in Section 5.35. Ac-
cessory parking, loading, and vehicular
access facilities for any use not otherwise
permitted in the Open Space District are
expressly prohibited from this buffer
strip." This section shall expire six
months after the date of enactment.

In City Council October 28, 1996.
Passed to be ordained as amended by
a yeas and nays vote: Yeas 7; Nays 2; Ab-
sent 0.

Robert W. Healy, City Manager

**ATTEST:- D. Margaret Drury, City
Clerk**

Cambridge Chronicle, 10/31/96.

onstruct four (4) new townhouses. Sec. 5.31 (Table Of Dimensional Townhouses).

BE IN THE OFFICE OF THE CITY ENGINEERING DIVISION WHEN FILING THE PETITION YOU MAY FILED BUT POSTED IN THE NOTICE HALL.

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LEGAL NOTICE

FIRST PUBLICATION NO. 2720

CITY OF CAMBRIDGE

IN THE YEAR ONE THOUSAND,

NINE HUNDRED NINETY-SIX

AN ORDINANCE

IN AMENDMENT TO THE

"ZONING ORDINANCES OF THE CITY

OF CAMBRIDGE."

BE IT ORDAINED BY THE CITY COUNCIL

OF THE CITY OF CAMBRIDGE AS

FOLLOWS:

THAT THE ZONING ORDINANCES OF

THE CITY OF CAMBRIDGE

IS HEREBY AMENDED AS FOLLOWS:

A. In Article 4.000, Use Regulations, add to Special Classification Rules a new Section 4.29 as follows:

"4.29 Special Use Limitations in Industry C Districts.

For any lot or portion of a lot in an Industry C District that is located within 400 feet of any Residence A or B Zoning District, only those uses permitted in the Open Space District as set forth in the Section 4.30, Table of Use Regulations, shall be allowed. Expressly prohibited are the accessory uses of parking, loading, and vehicular access serving any use prohibited from Open Space Districts."

B. In Section 4.30, Table of Use Regulations, add a new superscript number 54 to the heading "Ind C" in column fourteen. Additionally, in Section 4.40, Footnotes to the Table of Use Regulations, add a new footnote 54 to read as follows:

"54-Subject to the provisions of Section 4.29"

C. In Section 5.34, Industrial Districts, Table 5-4, add a new footnote (e) in the first column at the seventh line "IC", Additionally, in Section 5.34, add a new footnote (e) to read as follows:

"(e). Notwithstanding the dimensional requirements set forth in this Section 5.34 for Industry C districts, no structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District shall exceed the dimensional limitations for the Open Space District as set forth in Section 5.35."

D. In Section 13.10, Planned Unit Development in IC Districts, add a new Section 13.19 to read as follows:

"13.19 Open Space Buffer Requirements in the PUD-IC District.

Notwithstanding any use provision or dimensional requirements as set forth elsewhere in this Section 13.10, for any development parcel or portion of a development parcel located within 400 feet of any Residence B or Residence A Zoning District, only those uses permitted in the Open Space District as set forth in Table 4.30 shall be permitted, and any structure constructed shall be subject to the dimensional requirements of the Open Space District as set forth in Section 5.35. Accessory parking, loading, and vehicular access facilities for any use not otherwise permitted in the Open Space District are expressly prohibited from this buffer strip."

Passed to a second reading at the City Council meeting held on September 30, 1996 and on or after October 14, 1996 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury, City Clerk.

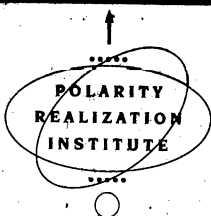
Cambridge Chronicle, 10/03/96.

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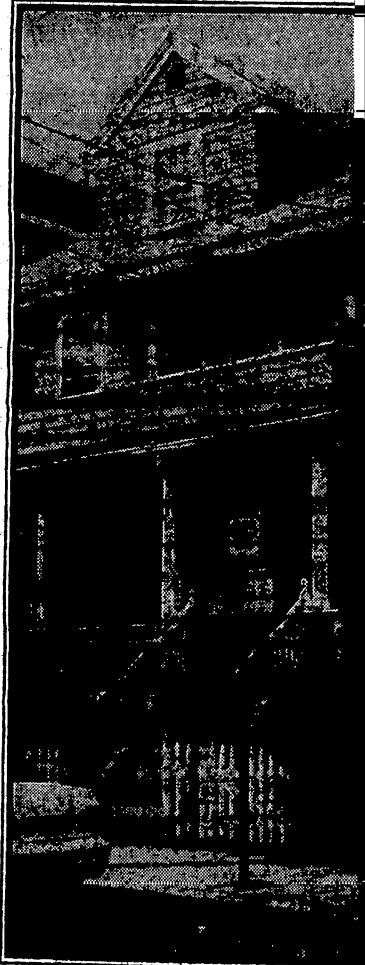
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City of Cambridge

In the Year One Thousand, Nine Hundred NINETY-SIX

AN ORDINANCE

In Amendment to the "Zoning Ordinances of the City of Cambridge."

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

That the Zoning Ordinances of the City of Cambridge is hereby amended as follows:

- A. In Article 4.000, Use Regulations, add to Special Classification Rules a new Section 4.29 as follows:

"4.29 Special Use Limitations in Industry C Districts:

For any lot or portion of a lot in an Industry C District that is located within 400 feet of any Residence A or B Zoning District, only those uses permitted in the Open Space District as set forth in the Section 4.30, Table of Use Regulations, shall be allowed. Expressly prohibited are the accessory uses of parking, loading, and vehicular access serving any use prohibited from Open Space Districts."

- B. In Section 4.30, Table of Use Regulations, add a new superscript number 54 to the heading "Ind C" in column fourteen. Additionally, in Section 4.40, Footnotes to the Table of Use Regulations, add a new footnote 54 to read as follows:

"54. Subject to the provisions of Section 4.29"

- C. In Section 5.34, Industrial Districts, Table 5-4, add a new footnote (e) in the first column at the seventh line "IC". Additionally, in Section 5.34, add a new footnote (e) to read as follows:

"(e) Notwithstanding the dimensional requirements set forth in this Section 5.34 for Industry C districts, no structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District shall exceed the dimensional limitations for the Open Space District as set forth in Section 5.35."

- D. In Section 13.10, Planned Unit Development in IC Districts, add a new Section 13.19 to read as follows:

"13.19 Open Space Buffer Requirements in the PUD-IC District.

Notwithstanding any use provision or dimensional requirement as set forth elsewhere in this Section 13.10, for any development parcel or portion of a development parcel located within 400 feet of any Residence B or Residence A Zoning District, only those uses permitted in the Open Space District as set forth in Table 4.30 shall be permitted, and any structure constructed shall be subject to the dimensional requirements of the Open Space District as set forth in Section 5.35. Accessory parking, loading, and vehicular access facilities for any use not otherwise permitted in the Open Space District are expressly prohibited from this buffer strip."

Passed to a second reading at the City Council meeting held on September 30, 1996 and on or after October 14, 1996 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury, City Clerk



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

FAX (617) 349-4307

D. MARGARET DRURY
CITY CLERK

July 9, 1996

To: Christian Bordick

From: Marybeth Cosgrove

Please advertise this PUBLIC NOTICE RELATIVE TO ZONING in the Chronicle for July 11, 1996 and July 18, 1996.

Please call to confirm - 349-4260.

Thanks.

Number of pages, including this cover sheet 3

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 Thursday, August 1, 1996 at 5:30 P. M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a Zoning Petition by Maureen Quinlan, Russell Bromfield, et al, as set forth in full below.

- A. In Article 4.000, Use Regulations, add to Special Classification Rules a new Section 4.29 as follows:

"4.29 Special Use Limitations in Industry C Districts.

For any lot or portion of a lot in an Industry C District that is located within 400 feet of any Residence A or B Zoning District, only those uses permitted in the Open Space District as set forth in the Section 4.30, Table of Use Regulations, shall be allowed. Expressly prohibited are the accessory uses of parking, loading, and vehicular access serving any use prohibited from Open Space Districts."

- B. In Section 4.30, Table of Use Regulations, add a new superscript number 54 to the heading "Ind C" in column fourteen. Additionally, in Section 4.40, Footnotes to the Table of Use Regulations, add a new footnote 54 to read as follows:

"54. Subject to the provisions of Section 4.29"

- C. In Section 5.34, Industrial Districts, Table 5-4, add a new footnote (e) in the first column at the seventh line "IC". Additionally, in Section 5.34, add a new footnote (e) to read as follows:

"(e) Notwithstanding the dimensional requirements set forth in this Section 5.34 for Industry C districts, no structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District shall exceed the dimensional limitations for the Open Space District as set forth in Section 5.35."

- D. In Section 13.10, Planned Unit Development in IC Districts, add a new Section 13.19 to read as follows:

"13.19 Open Space Buffer Requirements in the PUD-IC District.

Notwithstanding any use provision or dimensional requirement as set forth elsewhere in this Section 13.10, for any development parcel or portion of a development parcel located within 400 feet of any Residence B or Residence A Zoning District, only those uses permitted in the Open Space District as set forth in Table 4.30 shall be permitted, and any structure constructed shall be subject to the dimensional requirements of the Open Space District as set forth in Section 5.35. Accessory parking, loading, and vehicular access facilities for any use not otherwise permitted in the Open Space District are expressly prohibited from this buffer strip."

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

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

For the Committee,

Councillor, Francis H. Duehay,
Chairman.



City of Cambridge

In the Year One Thousand, Nine Hundred NINETY-SIX

AN ORDINANCE

In Amendment to the "Zoning Ordinances of the City of Cambridge."

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

That the Zoning Ordinances of the City of Cambridge is hereby amended as follows:

- A. In Article 4.000, Use Regulations, add to Special Classification Rules a new Section 4.29 as follows:
- "4.29 Special Use Limitations in Industry C Districts.**
- For any lot or portion of a lot in an Industry C District that is located within 400 feet of any Residence A or B Zoning District, only those uses permitted in the Open Space District as set forth in the Section 4.30, Table of Use Regulations, shall be allowed. Expressly prohibited are the accessory uses of parking, loading, and vehicular access serving any use prohibited from Open Space Districts." **This section shall expire six months after the date of enactment.**
- B. In Section 4.30, Table of Use Regulations, add a new superscript number 54 to the heading "Ind C" in column fourteen. Additionally, in Section 4.40, Footnotes to the Table of Use Regulations, add a new footnote 54 to read as follows:
- "54. Subject to the provisions of Section 4.29"**
- C. In Section 5.34, Industrial Districts, Table 5-4, add a new footnote (e) in the first column at the seventh line "IC". Additionally, in Section 5.34, add a new footnote (e) to read as follows:
- "(e) Notwithstanding the dimensional requirements set forth in this Section 5.34 for Industry C districts, no structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District shall exceed the dimensional limitations for the Open Space District as set forth in Section 5.35." This footnote shall expire six months after the date of enactment.**

- D. In Section 13.10, Planned Unit Development in IC Districts, add a new Section 13.19 to read as follows:

"13.19 Open Space Buffer Requirements in the PUD-IC District

Notwithstanding any use provision or dimensional requirement as set forth elsewhere in this Section 13.10, for any development parcel or portion of a development parcel located within 400 feet of any Residence B or Residence A Zoning District, only those uses permitted in the Open Space District as set forth in Table 4.30 shall be permitted, and any structure constructed shall be subject to the dimensional requirements of the Open Space District as set forth in Section 5.35. Accessory parking, loading, and vehicular access facilities for any use not otherwise permitted in the Open Space District are expressly prohibited from this buffer strip." This section shall expire six months after the date of enactment.

In City Council October 28, 1996.

Passed to be ordained as amended by a ye and nay vote: Yeas 7; Nays 2; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- D. Margaret Drury, City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred NINETY-SIX

AN ORDINANCE

In Amendment to the "Zoning Ordinances of the City of Cambridge."

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

That the Zoning Ordinances of the City of Cambridge is hereby amended as follows:

A. In Article 4.000, Use Regulations, add to Special Classification Rules a new Section 4.29 as follows:

"4.29 Special Use Limitations in Industry C Districts.

For any lot or portion of a lot in an Industry C District that is located within 400 feet of any Residence A or B Zoning District, only those uses permitted in the Open Space District as set forth in the Section 4.30, Table of Use Regulations, shall be allowed. Expressly prohibited are the accessory uses of parking, loading, and vehicular access serving any use prohibited from Open Space Districts." This section shall expire six months after the date of enactment.

B. In Section 4.30, Table of Use Regulations, add a new superscript number 54 to the heading "Ind C" in column fourteen. Additionally, in Section 4.40, Footnotes to the Table of Use Regulations, add a new footnote 54 to read as follows:

"54. Subject to the provisions of Section 4.29"

C. In Section 5.34, Industrial Districts, Table 5-4, add a new footnote (e) in the first column at the seventh line "IC". Additionally, in Section 5.34, add a new footnote (e) to read as follows:

"(e) Notwithstanding the dimensional requirements set forth in this Section 5.34 for Industry C districts, no structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District shall exceed the dimensional limitations for the Open Space District as set forth in Section 5.35." This footnote shall expire six months after the date of enactment.

- D. In Section 13.10, Planned Unit Development in IC Districts, add a new Section 13.19 to read as follows:

"13.19 Open Space Buffer Requirements in the PUD-IC District

Notwithstanding any use provision or dimensional requirement as set forth elsewhere in this Section 13.10, for any development parcel or portion of a development parcel located within 400 feet of any Residence B or Residence A Zoning District, only those uses permitted in the Open Space District as set forth in Table 4.30 shall be permitted, and any structure constructed shall be subject to the dimensional requirements of the Open Space District as set forth in Section 5.35. Accessory parking, loading, and vehicular access facilities for any use not otherwise permitted in the Open Space District are expressly prohibited from this buffer strip." This section shall expire six months after the date of enactment.

In City Council October 28, 1996.

Passed to be ordained as amended by a yeas and nays vote: Yeas 7; Nays 2; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- D. Margaret Drury, City Clerk

Unfinished Business #14 Amended

City of Cambridge

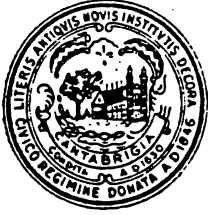
MASSACHUSETTS

In City Council 10/28, 1996

MAS Proposed Amendment

YEA	NAY	ABSENT	PRESENT	
✓				V.M. Kathleen L. Born
✓				Ms. Henrietta Davis
✓				Mr. Francis H. Duehay
✓				Mr. Anthony Galluccio
✓				Mr. Kenneth E. Reeves
✓				Mr. Michael A. Sullivan
	✓			Mr. Timothy J. Toomey, Jr.
	✓			Ms. Katherine Triantafillou
✓				Mayor Sheila T. Russell

7 2



City of Cambridge

In the Year One Thousand, Nine Hundred NINETY-SIX

AN ORDINANCE

In Amendment to the "Zoning Ordinances of the City of Cambridge."

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

That the Zoning Ordinances of the City of Cambridge is hereby amended as follows:

- A. In Article 4.000, Use Regulations, add to Special Classification Rules a new Section 4.29 as follows:
- "4.29 Special Use Limitations in Industry C Districts.**
- For any lot or portion of a lot in an Industry C District that is located within 400 feet of any Residence A or B Zoning District, only those uses permitted in the Open Space District as set forth in the Section 4.30, Table of Use Regulations, shall be allowed. Expressly prohibited are the accessory uses of parking, loading, and vehicular access serving any use prohibited from Open Space Districts."
- B. In Section 4.30, Table of Use Regulations, add a new superscript number 54 to the heading "Ind C" in column fourteen. Additionally, in Section 4.40, Footnotes to the Table of Use Regulations, add a new footnote 54 to read as follows:
- "54. Subject to the provisions of Section 4.29"**
- C. In Section 5.34, Industrial Districts, Table 5-4, add a new footnote (e) in the first column at the seventh line "IC". Additionally, in Section 5.34, add a new footnote (e) to read as follows:
- "(e) Notwithstanding the dimensional requirements set forth in this Section 5.34 for Industry C districts, no structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District shall exceed the dimensional limitations for the Open Space District as set forth in Section 5.35."**

- D. In Section 13.10, Planned Unit Development in IC Districts, add a new Section 13.19 to read as follows:

"13.19 Open Space Buffer Requirements in the PUD-IC District

Notwithstanding any use provision or dimensional requirement as set forth elsewhere in this Section 13.10, for any development parcel or portion of a development parcel located within 400 feet of any Residence B or Residence A Zoning District, only those uses permitted in the Open Space District as set forth in Table 4.30 shall be permitted, and any structure constructed shall be subject to the dimensional requirements of the Open Space District as set forth in Section 5.35. Accessory parking, loading, and vehicular access facilities for any use not otherwise permitted in the Open Space District are expressly prohibited from this buffer strip."

Passed to a second reading at the City Council meeting held on September 30, 1996 and on or after October 14, 1996 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury, City Clerk

In CC Oct 28

Pass to be ordained

as amended by a glax
may note.

Y-7 - N-2 0 - Absent

RWH, City Manager
Attest DMD

AUGUST 1 HEARING
LEGAL NOTICE
CITY OF CAMBRIDGE
MASSACHUSETTS
OFFICE OF THE CITY CLERK
RELATIVE TO ZONING

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 Thursday, August 1, 1996 at 5:30 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a Zoning Petition by Maureen Quinlan, Russell Bromfield, et al, as set forth in full below.

A. In Article 4.000, Use Regulations, add to Special Classification Rules a new Section 4.29 as follows:

"4.29 Special Use Limitations in Industry C Districts.

For any lot or portion of a lot in an Industry C District that is located within 400 feet of any Residence A or B Zoning District, only those uses permitted in the Open Space District as set forth in the Section 4.30, Table of Use Regulations, shall be allowed. Expressly prohibited are the accessory uses of parking, loading, and vehicular access serving any use prohibited from Open Space Districts."

B. In Section 4.30, Table Use of Regulations, add a new superscript number 54 to the heading "Ind C" in column fourteen. Additionally, in Section 4.40, Footnotes to the Table of Use Regulations, add a new footnote 54 to read as follows:

"54. Subject to the provisions of Section 4.29"

C. In Section 5.34, Industrial Districts, Table 5-4, add a new footnote (e) in the first column at the seventh line "IC". Additionally, in Section 5.34, add a new footnote (e) to read as follows:

"(e) Notwithstanding the dimensional requirements set forth in this Section 5.34 for Industry C districts, no structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District shall exceed the dimensional limitations of the Open Space District as set forth in Section 5.35."

D. In Section 13.10, Planned Unit Development in IC Districts, add a new Section 13.19 to read as follows:

"13.19 Open Space Buffer Requirements in the PUD-IC District.

Notwithstanding any use provision or dimensional requirement as set forth elsewhere in this Section 13.10, for any development parcel or portion of a development parcel located within 400 feet of any Residence B or Residence A Zoning District, only those uses permitted in the Open Space District as set forth in Table 4.30 shall be permitted, and any structure constructed shall be subject to the dimensional requirements of the Open Space District as set forth in Section 5.35. Accessory parking, loading, and vehicular access facilities for any use not otherwise permitted in the Open Space District are expressly prohibited from this buffer strip."

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

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

For the Committee,

Councillor, Francis H. Duehay,
Chairman.

Cambridge Chronicle, 7/11, 7/18/96.

naird Street, who wrote city councilors opposing the development, said neighbors are upset because the rest of Green Street is all zoned for residential, but that a small amount of land was left commercial mainly to accommodate the Barsamian's building.

The proposed down-zoning would affect an area 100 feet towards Mass. Ave. from Green Street. The result, Klipfel said, could be that he builds two buildings, a taller one on Mass. Ave. and a shorter one in the residential zone, where the allowed density would be one-third of that in the business district.

CITY NOTES

scholarships are awarded on a sliding fee to families whose 5- to 12-year-old children are enrolled in licensed Cambridge school-age child care programs and who meet income guidelines.

The CTF is managed by the Child Care Resource Center, Inc., a Cambridge non-profit agency that has been helping families access quality child care for over 25 years.

Funding comes from the city of Cambridge and from corporate and private donations.

All money raised through fundraising efforts goes directly to scholarships. The programs provide children with a safe place to play, help with homework and adult supervision.

If anyone wants to make a donation, contact the tuition assistance program coordinator at the Child Care Resource Center at 547-1063.

Health commissioners sought for hospital

City Manager Bob Healy needs Cambridge residents to serve on the Cambridge Public Health Commission Board, which will provide oversight to the Cambridge Hospital, Somerville Hospital and Neville Manor Nursing Home.

The Commission also oversees the city's public health programs. Board members attend monthly meetings and participate on various subcommittees.

Attention will be given to identifying people who reflect the economic, racial, cultural, age and geographic diversity of the city.

Anyone interested should send a letter of interest and/or resume by July 25 to Robert W. Healy, city manager, 795 Mass. Ave., Cambridge, MA 02139.

Forum spotlights sibling rivalry

The "Parents Forum" on Wednesday, July 24, 7-8:30 pm, features a free discussion on sibling rivalry with Howard Wolfe, a licensed adolescent and family therapist in private practice in Arlington.

Quinlan - Bronfield

notice posted first floor
Board July 11, 1996
mc

notice sent to abutters and
petitioners July 18, 1996
mc

Agency letter sent
July 26, 1996 mc



CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

SUSAN B. SCHLESINGER,
*Assistant City Manager for
Community Development*

August 1, 1996

To: Cambridge City Council
Cambridge Planning Board

From: Lester Barber, Community Development Department

RE: Existing Transition Provisions in the Cambridge Zoning Ordinance

The Quinlan/Bromfield rezoning petition proposes to require a buffer between development in the Industry C zoning district, and the IC-Planned Unit Development district that is coterminous with it, and the adjacent residential neighborhood. That buffer would consist of the imposition of the use and dimensional requirements of the Open Space zoning district on that portion of the IC district and its PUD that lies within 400 feet of a residential zoning district line. With an FAR of 0.25, height of 35 feet, and a very limited range of permitted uses (municipal buildings, parks, religious structures, public meeting halls, and commercial recreation facilities, among others) this transition area would be very restrictive. The IC and PUD districts currently permit a wide range of office, R&D, and industrial uses with permitted building heights between 45 and 85 feet and building densities between 1.0 and 2.0 FAR.

There is no comparable transition requirement currently in the Ordinance; nor is there a uniform approach in the Ordinance to providing buffers between districts of varying intensity or use. Rather, as the following examples illustrate, there are a variety of approaches taken in the Ordinance and on the Zoning Map to ease the transition between differently developed areas, all generally more modest in scope than the proposed Quinlan/Bromfield buffer would be.

Height Transitions

This is a fairly common technique employed in the Ordinance.

1. **Office 2 District:** a 35 foot height limit is imposed (reduced from the 85 feet allowed in the district) for any development within **125 feet** of a residential district line.
2. **Industry B-2 District:** a 35 foot height limit is imposed (reduced from the 85 feet allowed in the district) for any development within **100 feet** of a residential structure or residential district line.

3. **Business C District:** a 35 foot height limit is imposed (reduced from the 55 feet allowed in the district) within **50 feet** of a residential district line.

4. **Business B-1/Business B-2 Districts:** special sky exposure planes limit the height of buildings (reduced from the 90 feet allowed) as they approach Massachusetts Avenue, Green Street, or a residential zone line. The same technique is also used in the Harvard, Central and Parkway Overlay Districts and Special District 1 in East Cambridge to limit the height of buildings facing public streets or abutting residential districts. In the **BB-1 district** buildings are limited to 40 feet in height within **45 feet** of Green Street.

Yard (Setback) Transitions

The zoning ordinance has a general provision, Section 5.50, that mandates limited transitions between residential and non residential districts. Elsewhere in the Ordinance, special setback transitions may be required. In a number of these special yard provisions, the character of the setback is specifically detailed, e.g. requiring landscaping or other treatment to provide an extra degree of protection. Generally in the Ordinance, a building may be required to be setback from a lot line a specific distance, but the use and character of that resulting yard is only minimally regulated.

1. **Section 5.50:** this general section requires that a building in a non residential zoning district have the front yard setback required in the adjacent residential zone for a distance of **50 feet** from the residential district line. A minimum side yard of 10 feet is required where a building in a non residential district abuts a lot, some or all of which is located in a residential district. It is frequently the case that non residential zones have no front or side yard requirements, or requirements that may be less than those established in an adjacent residential district.

2. **Business B-1/Business B-2 Districts:** a **20 foot** side and rear yard is required where a lot abuts a residential district (no yard is otherwise imposed except as may be required in the general Section 5.50). That yard must be landscaped in a prescribed way and may not contain any structure located either above or below ground.

3. **Parkway Overlay District:** A **25 foot**, landscaped front yard is required (where 0 to 10 feet might typically be required) along all parkways in Alewife.

4. **Special District 1** (a retail/industrial district in East Cambridge): A **20 foot**, landscaped yard is required from any Residence C-1 zoning district line.

5. **Residence C-2A District:** The front and side yard requirements of the adjacent residential district are required for a building located within **125 feet** of the zoning district line.

Use Transitions

This technique is not employed frequently in the Ordinance within a zoning district although it is not uncommon to rezoning an area to a specific district designation that by virtue of its

dimensional and use characteristics will provide a transition from an area of one character to an area with a different character (see below).

1. **The Business B-1 District:** That portion of a lot fronting on Green Street, for a depth of **45 feet**, is limited to residential and open space uses although the district itself permits a wide range of retail and office uses.

Zoning District Employed as a Transition

This is not an uncommon technique employed on the Zoning Map to ease the transition between neighborhoods of differing character. The following illustrate where the technique has been employed intentionally or inadvertently while serving some other objective.

1. A Residence C-1 district fronts on **Mt. Auburn Street** along the full length of the Mt. Auburn Hospital campus. The remainder of the campus is zoned Residence C-3.

2. The Residence C-2 district along **Story Street** provides a use and density transition between the dense commercial Harvard Square and the Residence B neighborhood beyond.

3. A Residence C-1 zone along **Sumner Street** provides a dimensional transition between the Residence B neighborhood on the other side of the street and the Residence C-3 campus of Harvard University behind.

Other Techniques

The Kirkland Place Overlay District acts in a more comprehensive way to provide a transition between a very low density residential neighborhood and the core campus of Harvard University. It more closely parallels the Quinlan/Bromfield approach than other transition features found in the Ordinance.

1. **Kirkland Place Overlay District:** For a distance of **130 feet**, the Overlay district imposes the dimensional requirements of the Residence A-2 district (35' height, 0.5 FAR for any construction above grade, etc.) on a Residence C-3 district (no height limit, 3.0 FAR). However, all uses permitted in the Residence C-3 district, including institutional uses, continue to be permitted in the Overlay District.

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 Thursday, August 1, 1996 at 5:30 P. M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a Zoning Petition by Maureen Quinlan, Russell Bromfield, et al, as set forth in full below.

- A. In Article 4.000, Use Regulations, add to Special Classification Rules a new Section 4.29 as follows:

"4.29 Special Use Limitations in Industry C Districts.

For any lot or portion of a lot in an Industry C District that is located within 400 feet of any Residence A or B Zoning District, only those uses permitted in the Open Space District as set forth in the Section 4.30, Table of Use Regulations, shall be allowed. Expressly prohibited are the accessory uses of parking, loading, and vehicular access serving any use prohibited from Open Space Districts."

- B. In Section 4.30, Table of Use Regulations, add a new superscript number 54 to the heading "Ind C" in column fourteen. Additionally, in Section 4.40, Footnotes to the Table of Use Regulations, add a new footnote 54 to read as follows:

"54. Subject to the provisions of Section 4.29"

- C. In Section 5.34, Industrial Districts, Table 5-4, add a new footnote (e) in the first column at the seventh line "IC". Additionally, in Section 5.34, add a new footnote (e) to read as follows:

"(e) Notwithstanding the dimensional requirements set forth in this Section 5.34 for Industry C districts, no structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District shall exceed the dimensional limitations for the Open Space District as set forth in Section 5.35."

- D. In Section 13.10, Planned Unit Development in IC Districts, add a new Section 13.19 to read as follows:

"13.19 Open Space Buffer Requirements in the PUD-IC District

Notwithstanding any use provision or dimensional requirement as set forth elsewhere in this Section 13.10, for any development parcel or portion of a development parcel located within 400 feet of any Residence B or Residence A Zoning District, only those uses permitted in the Open Space District as set forth in Table 4.30 shall be permitted, and any structure constructed shall be subject to the dimensional requirements of the Open Space District as set forth in Section 5.35. Accessory parking, loading, and vehicular access facilities for any use not otherwise permitted in the Open Space District are expressly prohibited from this buffer strip."

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

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

For the Committee,

Councillor, Francis H. Duchay,
Chairman.



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260

FAX (617) 349-4307

tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

July 18, 1996

TO: ROBERT W. HEALY, CITY MANAGER
FROM: ^{DMD} D. MARGARET DRURY
CITY CLERK
SUBJECT: ORDINANCE COMMITTEE HEARING ON THE QUINLAN BROMFIELD
ZONING PETITION

Councillor Duehay has scheduled a hearing before the Committee on Ordinances for Thursday, August 1, 1996 at 5:30 P.M. in the Sullivan Chamber, on the petition filed by Maureen Quinlan and Russell Bromfield, et al.

Your kind attention in this matter will be greatly appreciated.

cc: Russell Higley, Law Department
Susan Schlesinger, Community Development

Ordinance Committee Thurs Aug 1 5:30

Wed + 1 Friday, Frank to check w/ neighborhood

Sullivan Chamber

purpose: Public hearing on a petition submitted
by Maureen Quinlan, Russell Bumpfield, et. al.,
to amend the zoning ordinances of the City of
Cambridge

*** ACTIVITY REPORT ***

TRANSMISSION OK

TX/RX NO.	4122	
CONNECTION TEL		84337929
CONNECTION ID		
START TIME	07/09 08:42	
USAGE TIME	01'02	
PAGES	3	
RESULT	OK	

City of Cambridge

MASSACHUSETTS

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Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

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

For the Committee,

Councillor, Francis H. Duehay,
Chairman.

PUBLIC NOTICE
RELATIVE TO ZONING

City of Cambridge

MASSACHUSETTS

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- A. In Article 4.000, Use Regulations, add to Special Classification Rules a new Section 4.29 as follows:
- "4.29 Special Use Limitations in Industry C Districts.**
- For any lot or portion of a lot in an Industry C District that is located within 400 feet of any Residence A or B Zoning District, only those uses permitted in the Open Space District as set forth in the Section 4.30, Table of Use Regulations, shall be allowed. Expressly prohibited are the accessory uses of parking, loading, and vehicular access serving any use prohibited from Open Space Districts."
- B. In Section 4.30, Table of Use Regulations, add a new superscript number 54 to the heading "Ind C" in column fourteen. Additionally, in Section 4.40, Footnotes to the Table of Use Regulations, add a new footnote 54 to read as follows:
- "54. Subject to the provisions of Section 4.29"**
- C. In Section 5.34, Industrial Districts, Table 5-4, add a new footnote (e) in the first column at the seventh line "IC". Additionally, in Section 5.34, add a new footnote (e) to read as follows:
- "(e) Notwithstanding the dimensional requirements set forth in this Section 5.34 for Industry C districts, no structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District shall exceed the dimensional limitations for the Open Space District as set forth in Section 5.35."**

- D. In Section 13.10, Planned Unit Development in IC Districts, add a new Section 13.19 to read as follows:

"13.19 Open Space Buffer Requirements in the PUD-IC District

Notwithstanding any use provision or dimensional requirement as set forth elsewhere in this Section 13.10, for any development parcel or portion of a development parcel located within 400 feet of any Residence B or Residence A Zoning District, only those uses permitted in the Open Space District as set forth in Table 4.30 shall be permitted, and any structure constructed shall be subject to the dimensional requirements of the Open Space District as set forth in Section 5.35. Accessory parking, loading, and vehicular access facilities for any use not otherwise permitted in the Open Space District are expressly prohibited from this buffer strip."

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

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

For the Committee,

Councillor, Francis H. Duehay,
Chairman.

PUBLIC NOTICE
RELATIVE TO ZONING

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- A. In Article 4.000, Use Regulations, add to Special Classification Rules a new Section 4.29 as follows:

"4.29 Special Use Limitations in Industry C Districts.

For any lot or portion of a lot in an Industry C District that is located within 400 feet of any Residence A or B Zoning District, only those uses permitted in the Open Space District as set forth in the Section 4.30, Table of Use Regulations, shall be allowed. Expressly prohibited are the accessory uses of parking, loading, and vehicular access serving any use prohibited from Open Space Districts."

- B. In Section 4.30, Table of Use Regulations, add a new superscript number 54 to the heading "Ind C" in column fourteen. Additionally, in Section 4.40, Footnotes to the Table of Use Regulations, add a new footnote 54 to read as follows:

"54. Subject to the provisions of Section 4.29"

- C. In Section 5.34, Industrial Districts, Table 5-4, add a new footnote (e) in the first column at the seventh line "IC". Additionally, in Section 5.34, add a new footnote (e) to read as follows:

"(e) Notwithstanding the dimensional requirements set forth in this Section 5.34 for Industry C districts, no structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District shall exceed the dimensional limitations for the Open Space District as set forth in Section 5.35."

- D. In Section 13.10, Planned Unit Development in IC Districts, add a new Section 13.19 to read as follows:

"13.19 Open Space Buffer Requirements in the PUD-IC District

Notwithstanding any use provision or dimensional requirement as set forth elsewhere in this Section 13.10, for any development parcel or portion of a development parcel located within 400 feet of any Residence B or Residence A Zoning District, only those uses permitted in the Open Space District as set forth in Table 4.30 shall be permitted, and any structure constructed shall be subject to the dimensional requirements of the Open Space District as set forth in Section 5.35. Accessory parking, loading, and vehicular access facilities for any use not otherwise permitted in the Open Space District are expressly prohibited from this buffer strip."

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

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

For the Committee,

Councillor, Francis H. Duehay,
Chairman.

PUBLIC NOTICE
RELATIVE TO ZONING

City of Cambridge

MASSACHUSETTS

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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 Thursday, August 1, 1996 at 5:30 P. M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a Zoning Petition by Maureen Quinlan, Russell Bromfield, et al, as set forth in full below.

- A. In Article 4.000, Use Regulations, add to Special Classification Rules a new Section 4.29 as follows:

"4.29 Special Use Limitations in Industry C Districts.

For any lot or portion of a lot in an Industry C District that is located within 400 feet of any Residence A or B Zoning District, only those uses permitted in the Open Space District as set forth in the Section 4.30, Table of Use Regulations, shall be allowed. Expressly prohibited are the accessory uses of parking, loading, and vehicular access serving any use prohibited from Open Space Districts."

- B. In Section 4.30, Table of Use Regulations, add a new superscript number 54 to the heading "Ind C" in column fourteen. Additionally, in Section 4.40, Footnotes to the Table of Use Regulations, add a new footnote 54 to read as follows:

"54. Subject to the provisions of Section 4.29"

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"(e) Notwithstanding the dimensional requirements set forth in this Section 5.34 for Industry C districts, no structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District shall exceed the dimensional limitations for the Open Space District as set forth in Section 5.35."

- D. In Section 13.10, Planned Unit Development in IC Districts, add a new Section 13.19 to read as follows:

"13.19 Open Space Buffer Requirements in the PUD-IC District.

Notwithstanding any use provision or dimensional requirement as set forth elsewhere in this Section 13.10, for any development parcel or portion of a development parcel located within 400 feet of any Residence B or Residence A Zoning District, only those uses permitted in the Open Space District as set forth in Table 4.30 shall be permitted, and any structure constructed shall be subject to the dimensional requirements of the Open Space District as set forth in Section 5.35. Accessory parking, loading, and vehicular access facilities for any use not otherwise permitted in the Open Space District are expressly prohibited from this buffer strip."

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

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

For the Committee,

Councillor, Francis H. Duehay,
Chairman.

PUBLIC NOTICE
RELATIVE TO ZONING.

City of Cambridge

August 1

MASSACHUSETTS

Office of the City Clerk

Maureen Quinlan, Russell
Bromfield, as set forth
in full below. [and as
shown on the accompanying
map]

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 Thursday, ~~June 27~~, 1996 at 5:30 P. M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a Zoning Petition by ~~Robert Lohnes, H, et al~~ to ~~rezone an area of Green Street~~ from Business B-1 to Residence C-1 as shown on the accompanying map. The rezoning would restrict development to a Floor Area Ratio of .75 and a height limit of 35 feet. It would increase the required lot width to 50 feet and the minimum lot size to 5,000 square feet, and would prohibit business and office uses in the rezoned area.

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

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

For the Committee,

Councillor, Francis H. Duehay,
Chairman.



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260

FAX (617) 349-4307

tty/TDD (617) 492-0235

AUG 9 1996

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

July 17, 1996

To Whom It May Concern:

Enclosed you will find a copy of a hearing scheduled before the Committee on Ordinances for Thursday, August 1, 1996 at 5:30 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition filed by Maureen Quinlan, Russell Bromfield, et al, to amend the Zoning Ordinances of the City of Cambridge. The petition states that the reason for the petition is to protect residential neighborhoods in North Cambridge. A copy of the proposed amendment is attached.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury
D. Margaret Drury
City Clerk

DMD/mec

PUBLIC NOTICE

RELATIVE TO ZONING

City of Cambridge

MASSACHUSETTS

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- B. In Section 4.30, Table of Use Regulations, add a new superscript number 54 to the heading "Ind C" in column fourteen. Additionally, in Section 4.40, Footnotes to the Table of Use Regulations, add a new footnote 54 to read as follows:

"54. Subject to the provisions of Section 4.29"

- C. In Section 5.34, Industrial Districts, Table 5-4, add a new footnote (e) in the first column at the seventh line "IC". Additionally, in Section 5.34, add a new footnote (e) to read as follows:

"(e) Notwithstanding the dimensional requirements set forth in this Section 5.34 for Industry C districts, no structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District shall exceed the dimensional limitations for the Open Space District as set forth in Section 5.35."

- D. In Section 13.10, Planned Unit Development in IC Districts, add a new Section 13.19 to read as follows:

"13.19 Open Space Buffer Requirements in the PUD-IC District

Notwithstanding any use provision or dimensional requirement as set forth elsewhere in this Section 13.10, for any development parcel or portion of a development parcel located within 400-feet of any Residence B or Residence A Zoning District, only those uses permitted in the Open Space District as set forth in Table 4.30 shall be permitted, and any structure constructed shall be subject to the dimensional requirements of the Open Space District as set forth in Section 5.35. Accessory parking, loading, and vehicular access facilities for any use not otherwise permitted in the Open Space District are expressly prohibited from this buffer strip."

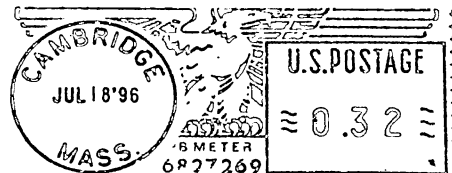
Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

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

For the Committee,

Councillor, Francis H. Duehay,
Chairman.

OFFICE OF THE CITY CLERK
City Hall • Cambridge, Mass. 02139



no name

Willie Williams
119 Pacific Street
Cambridge, MA 02139

119

119

RETURN TO SENDER

08/06/96

BARCODE IS FOR RETURN ADDRESS
REASON FOR RETURN:
ATTEMPTED - NOT KNOWN
00000-0000

~~02139/119~~



**IC-PUD-IC
Amendment
Petition**

We the undersigned respectfully petition the honorable, the City Council of the City of Cambridge, to help protect the residential neighborhoods of North Cambridge from inappropriate commercial development by adopting amendments to the Zoning Ordinance in conformance with the petition attached hereto.

Signature PRINTED NAME ADDRESS PHONE

- ✓ Margaret Quinn Margaret Quinn 53 Madison Ave. 547-2281
- ✓ Russell Romo RUSSELL ROMO 118 CLIFTON 876-8927
- ✓ Victor Plosinski VICTOR PLOSINSKI 101 CLIFTON ST. 876-0824
- ✓ Babara Owen Babara Owen 57 Madison Ave 354-3939
- ✓ Marsha Hunter Marsha Hunter 2 Theriault Ct. 491-6314
- ✓ Peter V. Cignetti III PETER V. CIGNETTI III 5 THERIAULT CT. 491-6314
- ✓ Florence Stanley FLORENCE STANLEY 112 JACKSON ST 547-5191
- ✓ Marion C. Haderman Marion C. Haderman 110 Jackson St 547-5191
- ✓ Rachelle Rancho Rachelle Rancho 116 Jackson St Cambridge 547-5191
- ✓ Grace Gull GRACE GULL 1 North Cambridge St 547-5191
- ✓ Neal Michaels NEAL MICHAELS 106 JACKSON ST 547-0316
- ✓ Cheryl M Webb Cheryl M Webb 64 Clifton St 491-6004
- ✓ Martha E Cleveland Martha E Cleveland 118 Clifton St. 876-8927
- ✓ Jennifer J. Webb Jennifer J. Webb 64 Clifton St. 491-3370
- ✓ Dolores Webb Dolores Webb 64 Clifton St 491-5353
- ✓ Kim Webb Kim Webb 64 Clifton St 491-3370
- ✓ Chris Twombly Chris Twombly 60 Clifton St 876-0405
- ✓ Gary Twombly Gary Twombly 60 Clifton 876-0405
- ✓ Wtl. Nadeau Wtl. NADEAU 62 Clifton St 876-0619
- ✓ Florence Gibbons Florence Gibbons 56 Maguire St 864-4009
- ✓ Margaret K. Dahl Margaret K. Dahl 37 Maguire St Cambridge, Me. 868-5727
- ✓ Neera K. Dahl Neera K Dahl 131 Whittemore Ave 576-7612
- ✓ Thomas A Dahl Thomas A Dahl 131 whittemore Ave 576-7612

I, the above signed, am a registered voter in the City of Cambridge.

V - Registered Voter

RECEIVED BY
OFFICE OF CITY CLERK

96 JUN -5 AM 9:54

WARRINGTON MA.

00

IC-PUD-IC Amendment Petition

5/13/96 • Page 1 of 2

Text of Proposed IC-PUD-IC Zoning Amendment

Comment

WHEREAS the neighborhood of North Cambridge could be impacted negatively by inappropriate over-development in the Alewife area; and

This briefly lays out the rationale for amending IC and PUD-IC rules.

WHEREAS the zoning protections offered by zoning districts Industry C, and also the overlying PUD-IC, do not adequately protect nearby streets and homes from undue impact; and

WHEREAS current development proposals for the PUD-IC development abutting Alewife Brook Parkway are not consistent with the best interests of the adjoining neighborhood; and

WHEREAS it is the intent of this Petition and the proposed Zoning Ordinance amendment attached to protect low density residential areas adjacent to Industry C and/or PUD-IC Districts from certain development projects (both as-of-right and by special permit) by establishing a protective Open Space buffer strip between said residential areas and said projects;

NOW THEREFORE, we the Undersigned respectfully petition the Honorable, the City Council of the City of Cambridge, to amend the Cambridge Zoning Ordinance as follows:

The main point of this petition is to create a 400 ft wide "Open Space" buffer strip between the neighborhood and new construction within the IC district or the PUD-IC development parcel. Within this buffer strip, most buildings and uses, including parking, are prohibited. To accomplish this, several parts of the zoning ordinance must be amended as below...

- A.** In Article 4.000, Use Regulations, add to Special Classification Rules a new Section 4.29 as follows:

"4.29 Special Use Limitations in Industry C Districts.

For any lot or portion of a lot in an Industry C District that is located within 400 feet of any Residence A or B Zoning District, only those uses permitted in the Open Space District as set forth in the Section 4.30, Table of Use Regulations, shall be allowed. Expressly prohibited are the accessory uses of parking, loading, and vehicular access serving any use prohibited from Open Space Districts."

As stated, any part of any lot or parcel within 400 ft of Res A or B zoning is limited to used as allowed in Open Space districts. In other words, all residential, commercial and industrial structures and uses are prohibited within this 400 ft wide buffer strip. The last sentence helps ensure that the open space buffer strip is not used for cars, trucks, or driveways related to adjacent development.

IC-PUD-IC Amendment Petition

5/13/96 • Page 2 of 2

- B. In Section 4.30, Table of Use Regulations, add a new superscript number 54 to the heading "Ind C" in column fourteen. Additionally, in Section 4.40, Footnotes to the Table of Use Regulations, add a new footnote 54 to read as follows:

"54. Subject to the provisions of Section 4.29"

- C. In Section 5.34, Industrial Districts, Table 5-4, add a new footnote (e) in the first column at the seventh line "IC". Additionally, in Section 5.34, add a new footnote (e) to read as follows:

"(e) Notwithstanding the dimensional requirements set forth in this Section 5.34 for Industry C districts, no structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District shall exceed the dimensional limitations for the Open Space District as set forth in Section 5.35."

- D. In Section 13.10, Planned Unit Development in IC Districts, add a new Section 13.19 to read as follows:

"13.19 Open Space Buffer Requirements in the PUD-IC District.

Notwithstanding any use provision or dimensional requirement as set forth elsewhere in this Section 13.10, for any development parcel or portion of a development parcel located within 400 feet of any Residence B or Residence A Zoning District, only those uses permitted in the Open Space District as set forth in Table 4.30 shall be permitted, and any structure constructed shall be subject to the dimensional requirements of the Open Space District as set forth in Section 5.35. Accessory parking, loading, and vehicular access facilities for any use not otherwise permitted in the Open Space District are expressly prohibited from this buffer strip."

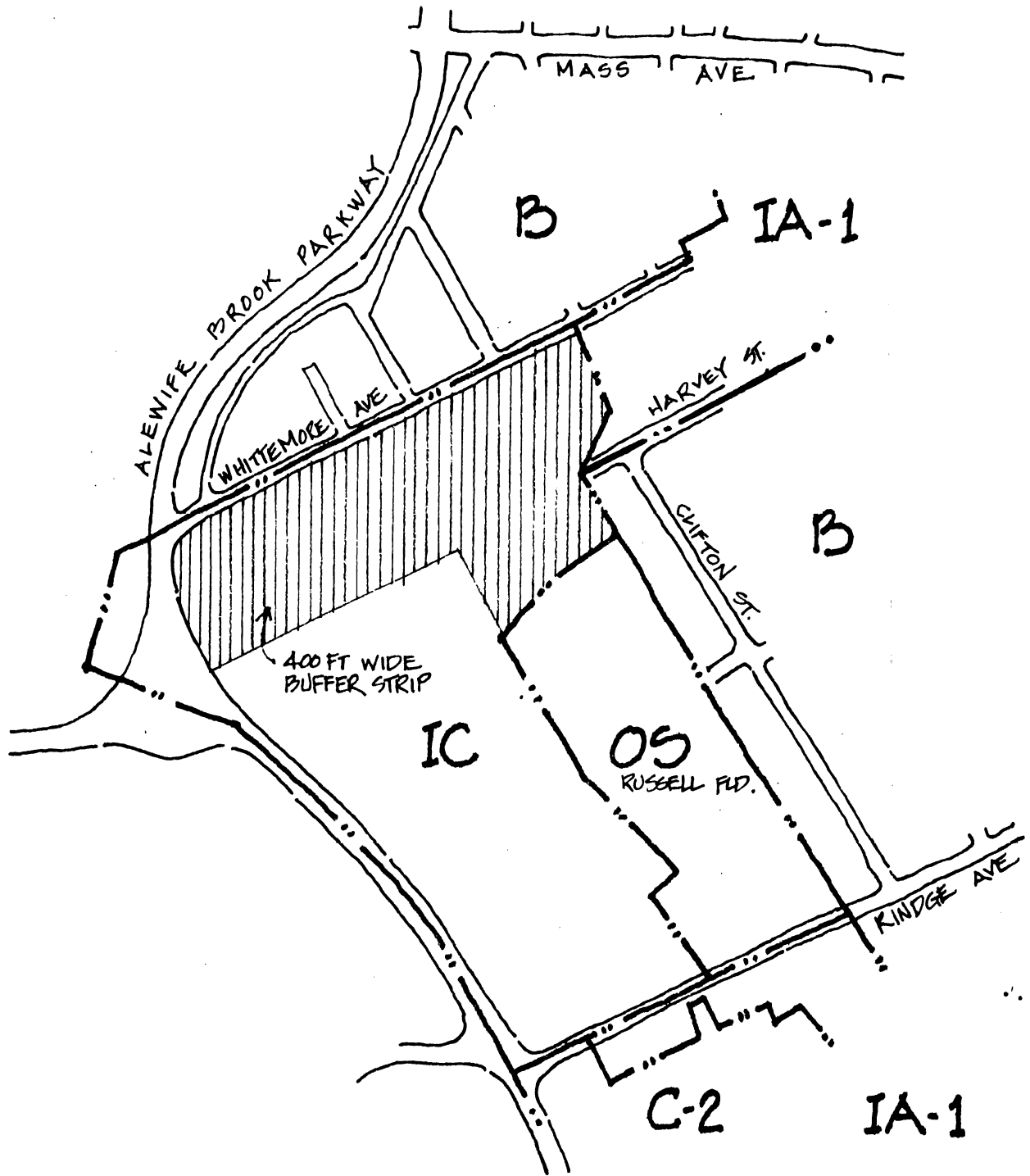
This cross-references from the Table back to the new buffer strip Section 4.29 described in A above.

This cross-reference ensures that the few structures and uses which are allowed in an Open Space District — e.g., a municipal library — are built to comply with dimensional restrictions applicable in the Open Space District.

This requirement ensures that the 400 ft buffer strip established for the IC zone as above also applies to PUD-IC development parcels. This provision is not necessary, and may be deleted from the Ordinance, if the currently pending Bromfield petition is properly adopted.


PROPOSED OPEN SPACE PROTECTION BUFFER


May 1996



Key

- B residential district
- C2 residential district
- IC industrial district
- IA-1 industrial district
- OS open space district

 buffer area (open space rules)

 zoning district boundary

In the area marked "IC", the developer can choose to build to the standards of either Industrial C zoning, or "PUD-IC" zoning (where "PUD" means a "Planned Unit Development" reviewed by the Planning Board). Neither IC nor PUD-IC rules do a good job of protecting the neighborhood from tall buildings, power equipment and towers, loading docks, storage and trash containers, and other commercial or industrial elements which could get pushed close to the lot boundary and people's houses.

No current development proposal threatens to place nuisance use or construction against the neighborhood, but the zoning rules should be changed to guarantee that no future proposals take advantage of weakness in the law. The 400 ft wide buffer strip proposed by this petition is about the same width as Russell Field. Within the buffer, the only uses and construction allowed would be limited to those allowed in Open Space districts. Furthermore, the buffer strip could not be used for parking, loading, access or driveways servicing commercial properties located to the front of the lot.

Consent Communication #6

Petition was received from Maureen
Quinlan, Russell Bromfield, et al
transmitting an amendment to the
Zoning Ordinances of the City of
Cambridge to protect the residential
neighborhoods of North Cambridge
from inappropriate commercial development.

In City Council June 10, 1996

Referred to Planning Board
and Ordinance Committee
for hearing and report.

4/12 sent to Planning Board and
C. Suckey

4/25 sent copy to Legal Comm. Sec,
mc



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260

FAX (617) 349-4307

tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

July 18, 1996

TO: ROBERT W. HEALY, CITY MANAGER
FROM: ^{DMD} D. MARGARET DRURY
CITY CLERK
SUBJECT: ORDINANCE COMMITTEE HEARING ON THE QUINLAN BROMFIELD
ZONING PETITION

Councillor Duehay has scheduled a hearing before the Committee on Ordinances for Thursday, August 1, 1996 at 5:30 P.M. in the Sullivan Chamber, on the petition filed by Maureen Quinlan and Russell Bromfield, et al.

Your kind attention in this matter will be greatly appreciated.

cc: Russell Higley, Law Department
Susan Schlesinger, Community Development



*Mailed to abutters
& petitioners
mc*

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

July 17, 1996

To Whom It May Concern:

Enclosed you will find a copy of a hearing scheduled before the Committee on Ordinances for Thursday, August 1, 1996 at 5:30 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition filed by Maureen Quinlan, Russell Bromfield, et al, to amend the Zoning Ordinances of the City of Cambridge. The petition states that the reason for the petition is to protect residential neighborhoods in North Cambridge. A copy of the proposed amendment is attached.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury
D. Margaret Drury
City Clerk

DMD/mec

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 Thursday, August 1, 1996 at 5:30 P. M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a Zoning Petition by Maureen Quinlan, Russell Bromfield, et al, as set forth in full below.

- A. In Article 4.000, Use Regulations, add to Special Classification Rules a new Section 4.29 as follows:

"4.29 Special Use Limitations in Industry C Districts.

For any lot or portion of a lot in an Industry C District that is located within 400 feet of any Residence A or B Zoning District, only those uses permitted in the Open Space District as set forth in the Section 4.30, Table of Use Regulations, shall be allowed. Expressly prohibited are the accessory uses of parking, loading, and vehicular access serving any use prohibited from Open Space Districts."

- B. In Section 4.30, Table of Use Regulations, add a new superscript number 54 to the heading "Ind C" in column fourteen. Additionally, in Section 4.40, Footnotes to the Table of Use Regulations, add a new footnote 54 to read as follows:

"54. Subject to the provisions of Section 4.29"

- C. In Section 5.34, Industrial Districts, Table 5-4, add a new footnote (e) in the first column at the seventh line "IC". Additionally, in Section 5.34, add a new footnote (e) to read as follows:

"(e) Notwithstanding the dimensional requirements set forth in this Section 5.34 for Industry C districts, no structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District shall exceed the dimensional limitations for the Open Space District as set forth in Section 5.35."

- D. In Section 13.10, Planned Unit Development in IC Districts, add a new Section 13.19 to read as follows:

"13.19 Open Space Buffer Requirements in the PUD-IC District

Notwithstanding any use provision or dimensional requirement as set forth elsewhere in this Section 13.10, for any development parcel or portion of a development parcel located within 400 feet of any Residence B or Residence A Zoning District, only those uses permitted in the Open Space District as set forth in Table 4.30 shall be permitted, and any structure constructed shall be subject to the dimensional requirements of the Open Space District as set forth in Section 5.35. Accessory parking, loading, and vehicular access facilities for any use not otherwise permitted in the Open Space District are expressly prohibited from this buffer strip."

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

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

For the Committee,

Councillor, Francis H. Duehay,
Chairman.

Message for

Sandra / Margaret?

5:15

8/11

Time

Date

WHEN YOU WERE OUT

M

Mary Russell

Of

18 Kimball St. Comb.

Area Code

Telephone No.

547-6533

- | | |
|--|---|
| <input checked="" type="checkbox"/> Telephoned | <input type="checkbox"/> Called to see you |
| <input type="checkbox"/> Wants you to phone | <input type="checkbox"/> Will call back |
| <input type="checkbox"/> Will phone later | <input type="checkbox"/> Returned your call |
| <input type="checkbox"/> Wants to see you | |

Message:

Reading herself
in favor of the zoning
petition affecting Russell
Field area - to designate a certain
area open space + a buffer
zone between residential area
commercial respects. (North Comb.)



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CITY CLERK

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Your kind attention in this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury
D. Margaret Drury
City Clerk

DMD/mec



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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

July 18, 1996

TO: THE HONORABLE, THE CITY COUNCIL

FROM: ^{DMD}
D. MARGARET DRURY
CITY CLERK

SUBJECT: ORDINANCE COMMITTEE HEARING ON THE QUINLAN BROMFIELD
ZONING PETITION

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Your kind attention in this matter will be greatly appreciated.



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July 18, 1996

TO: THE HONORABLE, THE CITY COUNCIL

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Your kind attention in this matter will be greatly appreciated.

ORDINANCE COMMITTEE HEARING

SPEAKERS IN FAVOR OF PETITON

<u>NAME</u>	<u>ADDRESS</u>
Albee Wolf	48 Huron Ave
PETER CIGNETTI PLOSINSKI	S THERIAULT CT.
Clitor Plosinski	104 CLIFTON ST.
Ralph Jordan	364 Pindge
Jeanne Madden	67 Clifton St.
David Borrus	126 Harvey St.
Susan Maguire	125 Jackson St.
Angie Say/n	98 Clytra St.

ORDINANCE COMMITTEE HEARING

SPEAKERS IN FAVOR OF PETITON

<u>NAME</u>	<u>ADDRESS</u>
Phyllis Stewart	851
Joseph Joseph	28 MAGOUN ST.
CRAIG KOCLOP	6 ST GERARD TERRACE



City of Cambridge

In the Year One Thousand, Nine Hundred NINETY-SIX

AN ORDINANCE

In Amendment to the "Zoning Ordinances of the City of Cambridge."

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

That the Zoning Ordinances of the City of Cambridge is hereby amended as follows:

- A. In Article 4.000, Use Regulations, add to Special Classification Rules a new Section 4.29 as follows:
- "4.29 Special Use Limitations in Industry C Districts.**
- For any lot or portion of a lot in an Industry C District that is located within 400 feet of any Residence A or B Zoning District, only those uses permitted in the Open Space District as set forth in the Section 4.30, Table of Use Regulations, shall be allowed. Expressly prohibited are the accessory uses of parking, loading, and vehicular access serving any use prohibited from Open Space Districts."
- B. In Section 4.30, Table of Use Regulations, add a new superscript number 54 to the heading "Ind C" in column fourteen. Additionally, in Section 4.40, Footnotes to the Table of Use Regulations, add a new footnote 54 to read as follows:
- "54. Subject to the provisions of Section 4.29"**
- C. In Section 5.34, Industrial Districts, Table 5-4, add a new footnote (e) in the first column at the seventh line "IC". Additionally, in Section 5.34, add a new footnote (e) to read as follows:
- "(e) Notwithstanding the dimensional requirements set forth in this Section 5.34 for Industry C districts, no structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District shall exceed the dimensional limitations for the Open Space District as set forth in Section 5.35."**

- D. In Section 13.10, Planned Unit Development in IC Districts, add a new Section 13.19 to read as follows:

"13.19 Open Space Buffer Requirements in the PUD-IC District

Notwithstanding any use provision or dimensional requirement as set forth elsewhere in this Section 13.10, for any development parcel or portion of a development parcel located within 400 feet of any Residence B or Residence A Zoning District, only those uses permitted in the Open Space District as set forth in Table 4.30 shall be permitted, and any structure constructed shall be subject to the dimensional requirements of the Open Space District as set forth in Section 5.35. Accessory parking, loading, and vehicular access facilities for any use not otherwise permitted in the Open Space District are expressly prohibited from this buffer strip."

Passed to a second reading at the City Council meeting held on September 30, 1996 and on or after October 14, 1996 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury, City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred NINETY-SIX

AN ORDINANCE

In Amendment to the "Zoning Ordinances of the City of Cambridge."

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

That the Zoning Ordinances of the City of Cambridge is hereby amended as follows:

- A. In Article 4.000, Use Regulations, add to Special Classification Rules a new Section 4.29 as follows:
- "4.29 Special Use Limitations in Industry C Districts.**
- For any lot or portion of a lot in an Industry C District that is located within 400 feet of any Residence A or B Zoning District, only those uses permitted in the Open Space District as set forth in the Section 4.30, Table of Use Regulations, shall be allowed. Expressly prohibited are the accessory uses of parking, loading, and vehicular access serving any use prohibited from Open Space Districts."
- B. In Section 4.30, Table of Use Regulations, add a new superscript number 54 to the heading "Ind C" in column fourteen. Additionally, in Section 4.40, Footnotes to the Table of Use Regulations, add a new footnote 54 to read as follows:
- "54. Subject to the provisions of Section 4.29"**
- C. In Section 5.34, Industrial Districts, Table 5-4, add a new footnote (e) in the first column at the seventh line "IC". Additionally, in Section 5.34, add a new footnote (e) to read as follows:
- "(e) Notwithstanding the dimensional requirements set forth in this Section 5.34 for Industry C districts, no structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District shall exceed the dimensional limitations for the Open Space District as set forth in Section 5.35."**



City of Cambridge

In the Year One Thousand, Nine Hundred NINETY-SIX

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- "4.29 Special Use Limitations in Industry C Districts.**
- For any lot or portion of a lot in an Industry C District that is located within 400 feet of any Residence A or B Zoning District, only those uses permitted in the Open Space District as set forth in the Section 4.30, Table of Use Regulations, shall be allowed. Expressly prohibited are the accessory uses of parking, loading, and vehicular access serving any use prohibited from Open Space Districts."
- B. In Section 4.30, Table of Use Regulations, add a new superscript number 54 to the heading "Ind C" in column fourteen. Additionally, in Section 4.40, Footnotes to the Table of Use Regulations, add a new footnote 54 to read as follows:
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- "(e) Notwithstanding the dimensional requirements set forth in this Section 5.34 for Industry C districts, no structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District shall exceed the dimensional limitations for the Open Space District as set forth in Section 5.35."**

- D. In Section 13.10, Planned Unit Development in IC Districts, add a new Section 13.19 to read as follows:

"13.19 Open Space Buffer Requirements in the PUD-IC District

Notwithstanding any use provision or dimensional requirement as set forth elsewhere in this Section 13.10, for any development parcel or portion of a development parcel located within 400 feet of any Residence B or Residence A Zoning District, only those uses permitted in the Open Space District as set forth in Table 4.30 shall be permitted, and any structure constructed shall be subject to the dimensional requirements of the Open Space District as set forth in Section 5.35. Accessory parking, loading, and vehicular access facilities for any use not otherwise permitted in the Open Space District are expressly prohibited from this buffer strip."



City of Cambridge

In the Year One Thousand, Nine Hundred NINETY-SIX

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B. In Section 4.30, Table of Use Regulations, add a new superscript number 54 to the heading "Ind C" in column fourteen. Additionally, in Section 4.40, Footnotes to the Table of Use Regulations, add a new footnote 54 to read as follows:

"54. Subject to the provisions of Section 4.29"

C. In Section 5.34, Industrial Districts, Table 5-4, add a new footnote (e) in the first column at the seventh line "IC". Additionally, in Section 5.34, add a new footnote (e) to read as follows:

"(e) Notwithstanding the dimensional requirements set forth in this Section 5.34 for Industry C districts, no structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District shall exceed the dimensional limitations for the Open Space District as set forth in Section 5.35." This footnote shall expire six months after the date of enactment.

- D. In Section 13.10, Planned Unit Development in IC Districts, add a new Section 13.19 to read as follows:

"13.19 Open Space Buffer Requirements in the PUD-IC District

Notwithstanding any use provision or dimensional requirement as set forth elsewhere in this Section 13.10, for any development parcel or portion of a development parcel located within 400 feet of any Residence B or Residence A Zoning District, only those uses permitted in the Open Space District as set forth in Table 4.30 shall be permitted, and any structure constructed shall be subject to the dimensional requirements of the Open Space District as set forth in Section 5.35. Accessory parking, loading, and vehicular access facilities for any use not otherwise permitted in the Open Space District are expressly prohibited from this buffer strip." This section shall expire six months after the date of enactment.

In City Council October 28, 1996.

Passed to be ordained as amended by a yeas and nays vote: Yeas 7; Nays 2; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- D. Margaret Drury, City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred NINETY-SIX

AN ORDINANCE

In Amendment to the "Zoning Ordinances of the City of Cambridge."

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

That the Zoning Ordinances of the City of Cambridge is hereby amended as follows:

- A. In Article 4.000, Use Regulations, add to Special Classification Rules a new Section 4.29 as follows:
- "4.29 Special Use Limitations in Industry C Districts.**
- For any lot or portion of a lot in an Industry C District that is located within 400 feet of any Residence A or B Zoning District, only those uses permitted in the Open Space District as set forth in the Section 4.30, Table of Use Regulations, shall be allowed. Expressly prohibited are the accessory uses of parking, loading, and vehicular access serving any use prohibited from Open Space Districts." **This section shall expire six months after the date of enactment.**
- B. In Section 4.30, Table of Use Regulations, add a new superscript number 54 to the heading "Ind C" in column fourteen. Additionally, in Section 4.40, Footnotes to the Table of Use Regulations, add a new footnote 54 to read as follows:
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- "(e) Notwithstanding the dimensional requirements set forth in this Section 5.34 for Industry C districts, no structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District shall exceed the dimensional limitations for the Open Space District as set forth in Section 5.35." This footnote shall expire six months after the date of enactment.**

- D. In Section 13.10, Planned Unit Development in IC Districts, add a new Section 13.19 to read as follows:

"13.19 Open Space Buffer Requirements in the PUD-IC District

Notwithstanding any use provision or dimensional requirement as set forth elsewhere in this Section 13.10, for any development parcel or portion of a development parcel located within 400 feet of any Residence B or Residence A Zoning District, only those uses permitted in the Open Space District as set forth in Table 4.30 shall be permitted, and any structure constructed shall be subject to the dimensional requirements of the Open Space District as set forth in Section 5.35. Accessory parking, loading, and vehicular access facilities for any use not otherwise permitted in the Open Space District are expressly prohibited from this buffer strip." This section shall expire six months after the date of enactment.

In City Council October 28, 1996.

Passed to be ordained as amended by a yeas and nays vote: Yeas 7; Nays 2; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- D. Margaret Drury, City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred NINETY-SIX

AN ORDINANCE

In Amendment to the "Zoning Ordinances of the City of Cambridge."

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

That the Zoning Ordinances of the City of Cambridge is hereby amended as follows:

- A. In Article 4.000, Use Regulations, add to Special Classification Rules a new Section 4.29 as follows:
- "4.29 Special Use Limitations in Industry C Districts.**
- For any lot or portion of a lot in an Industry C District that is located within 400 feet of any Residence A or B Zoning District, only those uses permitted in the Open Space District as set forth in the Section 4.30, Table of Use Regulations, shall be allowed. Expressly prohibited are the accessory uses of parking, loading, and vehicular access serving any use prohibited from Open Space Districts." This section shall expire six months after the date of enactment.
- B. In Section 4.30, Table of Use Regulations, add a new superscript number 54 to the heading "Ind C" in column fourteen. Additionally, in Section 4.40, Footnotes to the Table of Use Regulations, add a new footnote 54 to read as follows:
- "54. Subject to the provisions of Section 4.29"**
- C. In Section 5.34, Industrial Districts, Table 5-4, add a new footnote (e) in the first column at the seventh line "IC". Additionally, in Section 5.34, add a new footnote (e) to read as follows:
- "(e) Notwithstanding the dimensional requirements set forth in this Section 5.34 for Industry C districts, no structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District shall exceed the dimensional limitations for the Open Space District as set forth in Section 5.35." This footnote shall expire six months after the date of enactment.**

- D. In Section 13.10, Planned Unit Development in IC Districts, add a new Section 13.19 to read as follows:

"13.19 Open Space Buffer Requirements in the PUD-IC District

Notwithstanding any use provision or dimensional requirement as set forth elsewhere in this Section 13.10, for any development parcel or portion of a development parcel located within 400 feet of any Residence B or Residence A Zoning District, only those uses permitted in the Open Space District as set forth in Table 4.30 shall be permitted, and any structure constructed shall be subject to the dimensional requirements of the Open Space District as set forth in Section 5.35. Accessory parking, loading, and vehicular access facilities for any use not otherwise permitted in the Open Space District are expressly prohibited from this buffer strip." This section shall expire six months after the date of enactment.

**In City Council October 28, 1996.
Passed to be ordained as amended by a yeas and nays vote: Yeas 7; Nays 2; Absent 0.**

Robert W. Healy, City Manager.

ATTEST:- D. Margaret Drury, City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred NINETY-SIX

AN ORDINANCE

In Amendment to the "Zoning Ordinances of the City of Cambridge."

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

That the Zoning Ordinances of the City of Cambridge is hereby amended as follows:

A. In Article 4.000, Use Regulations, add to Special Classification Rules a new Section 4.29 as follows:

"4.29 Special Use Limitations in Industry C Districts.

For any lot or portion of a lot in an Industry C District that is located within 400 feet of any Residence A or B Zoning District, only those uses permitted in the Open Space District as set forth in the Section 4.30, Table of Use Regulations, shall be allowed. Expressly prohibited are the accessory uses of parking, loading, and vehicular access serving any use prohibited from Open Space Districts." This section shall expire six months after the date of enactment.

B. In Section 4.30, Table of Use Regulations, add a new superscript number 54 to the heading "Ind C" in column fourteen. Additionally, in Section 4.40, Footnotes to the Table of Use Regulations, add a new footnote 54 to read as follows:

"54. Subject to the provisions of Section 4.29"

C. In Section 5.34, Industrial Districts, Table 5-4, add a new footnote (e) in the first column at the seventh line "IC". Additionally, in Section 5.34, add a new footnote (e) to read as follows:

"(e) Notwithstanding the dimensional requirements set forth in this Section 5.34 for Industry C districts, no structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District shall exceed the dimensional limitations for the Open Space District as set forth in Section 5.35." This footnote shall expire six months after the date of enactment.

- D. In Section 13.10, Planned Unit Development in IC Districts, add a new Section 13.19 to read as follows:

"13.19 Open Space Buffer Requirements in the PUD-IC District

Notwithstanding any use provision or dimensional requirement as set forth elsewhere in this Section 13.10, for any development parcel or portion of a development parcel located within 400 feet of any Residence B or Residence A Zoning District, only those uses permitted in the Open Space District as set forth in Table 4.30 shall be permitted, and any structure constructed shall be subject to the dimensional requirements of the Open Space District as set forth in Section 5.35. Accessory parking, loading, and vehicular access facilities for any use not otherwise permitted in the Open Space District are expressly prohibited from this buffer strip." This section shall expire six months after the date of enactment.

In City Council October 28, 1996.

Passed to be ordained as amended by a ye and nay vote: Yeas 7; Nays 2; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- D. Margaret Drury, City Clerk

*** ACTIVITY REPORT ***

TRANSMISSION OK

TX/RX NO.	5813
CONNECTION TEL	84337929
CONNECTION ID	CLASS EDITORIAL
START TIME	10/01 08:39
USAGE TIME	01'20
PAGES	3
RESULT	OK



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260

FAX (617) 349-4307

tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

FAX TRANSMITTAL SHEET

DATE: October 1, 1996

TO: Christian Bordick

FAX #: 433-7929

PHONE #: _____

OF PAGES: 3

FROM: Marybeth Cosgrave
349-4260

ADDITIONAL COMMENT:

Please call to confirm
for October 3, 1996 Chronicle



City of Cambridge

In the Year One Thousand, Nine Hundred NINETY-SIX

AN ORDINANCE

In Amendment to the "Zoning Ordinances of the City of Cambridge."

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

That the Zoning Ordinances of the City of Cambridge is hereby amended as follows:

- A. In Article 4.000, Use Regulations, add to Special Classification Rules a new Section 4.29 as follows:
- "4.29 Special Use Limitations in Industry C Districts.
- For any lot or portion of a lot in an Industry C District that is located within 400 feet of any Residence A or B Zoning District, only those uses permitted in the Open Space District as set forth in the Section 4.30, Table of Use Regulations, shall be allowed. Expressly prohibited are the accessory uses of parking, loading, and vehicular access serving any use prohibited from Open Space Districts."
- B. In Section 4.30, Table of Use Regulations, add a new superscript number 54 to the heading "Ind C" in column fourteen. Additionally, in Section 4.40, Footnotes to the Table of Use Regulations, add a new footnote 54 to read as follows:
- "54. Subject to the provisions of Section 4.29"
- C. In Section 5.34, Industrial Districts, Table 5-4, add a new footnote (e) in the first column at the seventh line "IC". Additionally, in Section 5.34, add a new footnote (e) to read as follows:
- "(e) Notwithstanding the dimensional requirements set forth in this Section 5.34 for Industry C districts, no structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District shall exceed the dimensional limitations for the Open Space District as set forth in Section 5.35."

- D. In Section 13.10, Planned Unit Development in IC Districts, add a new Section 13.19 to read as follows:

"13.19 Open Space Buffer Requirements in the PUD-IC District.

Notwithstanding any use provision or dimensional requirement as set forth elsewhere in this Section 13.10, for any development parcel or portion of a development parcel located within 400 feet of any Residence B or Residence A Zoning District, only those uses permitted in the Open Space District as set forth in Table 4.30 shall be permitted, and any structure constructed shall be subject to the dimensional requirements of the Open Space District as set forth in Section 5.35. Accessory parking, loading, and vehicular access facilities for any use not otherwise permitted in the Open Space District are expressly prohibited from this buffer strip."

Passed to a second reading at the City Council meeting held on September 30, 1996 and on or after October 14, 1996 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury, City Clerk



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260

FAX (617) 349-4307

tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

MEMORANDUM

TO: ROBERT W. HEALY, CITY MANAGER
FROM: ^{DMJ}D. MARGARET DRURY, CITY CLERK
DATE: October 1, 1996
RE: REQUESTS FROM CITY COUNCIL AT SEPTEMBER 30, 1996 MEETING

- 1. Communication #12 Councillor Davis requested that the City Manager propose a policy for public easels for announcements of public events.
- 2. Communication #21 Councillor Born requested information about what polices and procedures are used to decide whether to grant A-framed sidewalks signs, and, in particular, what are the considerations relative to people with disabilities who use the sidewalks.
- 3. Committee Report #1 Re: Alewife Zoning Petition
Councillor Duehay requested that the Planning Board forward its report on the petition as soon as possible.

The Ordinance Committee held a public hearing on August 1, 1996, beginning at 5:45 p.m. in the Sullivan Chamber for the purpose of considering a petition filed by Maureen Quinlan, Russell Bromfield, et. al., to amend the Zoning Ordinances of the City of Cambridge to add a new Section 4.29 creating a 400 foot buffer zone in the IC District.

Present at the hearing were Councillor Francis H. Duehay, Chair of the Committee, Vice Mayor Kathleen L. Born, Councillor Kenneth E. Reeves, Councillor Anthony D. Galluccio, Mayor Sheila T. Russell, Councillor Michael A. Sullivan, Councillor Katherine Triantafillou and City Clerk D. Margaret Drury. Also present were Robert Bersani, Commissioner of Inspectional Services; Donald Drisdell, Deputy City Solicitor, and Lester Barber, Assistant to the Planning Board, Community Development Department.

Councillor Duehay convened the hearing and explained the purpose and the procedures of the hearing. He then invited a presentation by the petitioner.

Peter Cignetti, 5 Theriault Court, stated that he is speaking ^{as} ~~is~~ a "pinch hitter" for Russell Bromfield. This is essentially a refiling of the petition filed two months ago that had technical problems in that it did not address the base game. He noted that the proposed zoning amendment will not prevent new commercial building on the Grace site. It will result in a limitation of vehicular traffic from Whittemore Avenue, and will safeguard valuable open space.

Mr. Cignetti said that this is a site that is difficult to understand from City Hall. A number of City Councillors and other interested persons have toured the site. He stated that this is a unique parcel of land with a number of converging environmental issues, including flood plain issues and site contamination issues. Mr. Cignetti noted that there have been many neighborhood meetings.

Councillor Duehay asked if the City Council had any questions. There were none. Councillor Duehay then opened the meeting to speakers in support of the petition.

Alice Wolf, 48 Huron Avenue, former Mayor of Cambridge, urged support for the petition. She said that in a city like Cambridge with residents on every street in the City, a very dense city, there are noise and traffic and environmental issues that affect every residence. In such a city, buffer zones are an important and necessary protection. She stated that she hopes the City Council will support this petition or something similar.

Victor Plosinski, 104 Clifton Street, spoke in support of the petition. He stated that he speaks on behalf of people who are making a commitment and investment in the community. To keep a stable neighborhood, the issues presented by this site need to be addressed. The neighbors want assurances that the residential character will remain and that Harvey and Whittemore Streets will not be used for access to the site.

Ralph Yoder, 364 Rindge Avenue, spoke in support of the petition and emphasized the importance of preserving the open space and protecting the 100 year flood plain.

Joanne Madden, 67 Clifton Street, spoke in support of the petition and stated that development so close to the neighborhood is a threat to the neighborhood.

David Boris, 126 Harvard Street, spoke in support of the petition. He addressed the issue of the flood plain. He said that development will mean that there is less area for the water to drain. He also described the method of the proposed pressure-injected footings and stated that it will change the subsurface and consequently the water flow. While this kind of ~~fund~~ *foundation* will minimize the amount of excavation, it will not eliminate excavation. He questioned what will happen with the excavated dirt. When he worked on the Dunkin Donuts site, *in* two of twenty-four obstructions were hit. Eight floors down there was a river of petrochemical waste.

pressure injecting, Susan Maguire, 125 Jackson Street, stated that it has been a valuable experience to become involved with her local government. The neighborhood around the site is a beautiful neighborhood. She reiterated the thoughts of another speaker at an earlier meeting that this site is our rainforest. How can we ask Brazil to stop cutting its rainforest, when we are destroying our own.

Eugene Taylor, 98 Clifton Street, spoke in favor of the buffer zone but said it doesn't go far enough. He raised three questions. The first is whether there have already been agreements that will go forward regardless of objection. This is an unverified, uncorroborated rumor, but it is what people feel. The second question is whether all developments on the site can be completely stopped. The third question is whether W. R. Grace would make the land toxic free and donate the land to the City to develop as a park to space. This arises out of his concern that W. R. Grace is involved and cannot be trusted.

the Joe Joseph, 28 Magoun Street, thanked the Council for supporting the technical assistance grant which the neighborhood is seeking. He said that this should be part of Community Development Department's (CCD) work. He thanked the City Council for taking Peter Cignetti's walking tour. Mr. Joseph said that the developer is proposing five office buildings, with a total of 2,000 spaces of parking, including underground parking. This is very serious. MBTA construction has already changed the water flow. He has seen no post-construction hydrogeology studies. These should be done. The whole idea of Planned Unit Development (PUD) zoning was sold to the neighbors as a benefit. Documents at the U.S. Environmental Protection Agency (EPA) raise very serious issues with the developer's report. This report should have been obtained by CDD and made available to the Site Advisory Committee. This is a larger buffer zone *than* elsewhere in the City, but the site is unique. Mr. Joseph submitted the EPA report. Councillor Duehay requested that the City Clerk distribute it to the City Council and refer to the Environment Committee.

Craig Kelley, St. Gerard Terrace, stated that he is a lawyer and objects very strongly to the argument that this zoning would be an uncompensated taking in violation of the constitution. The proposed buffer zone is only a burden like the burdens that other property owners have to bear. It is not a complete taking and it is perfectly fair.

Kim Webb, 64 Clifton Street, spoke in favor of the buffer zone. She said that her most important reason is her child. Traffic on Clifton Street is already bad; more development will increase the danger to children.

Martha Cleveland, 118 Clifton Street, wife of one of the petitioners, said that she agrees with all that has been said, particularly regarding the danger to children.

Councillor Duehay asked for a show of hands of those in favor of the petition. Twenty-two persons raised their hands.

Councillor Duehay requested that the blue flyer distributed by the neighborhood be included as part of the record.

Councillor Duehay read into the record a phone message from Mary Russell supporting the petition.

Councillor Duehay then invited testimony from those opposed to the petition.

Joseph Haley, Goodwin, Proctor & Hoar, stated that he is here as an attorney representing W.R. Grace. He said that David Vickery was unable to attend the hearing due to other obligations. The property which is the subject of the petition contains about 300,000 sq. ft. of buildings, in a number of different sites. It would prohibit use of the Whittemore Avenue access to the site, which is the main access to the present site.

Attorney Haley added that this site has been the subject of intense review by the state. Drainage has been reviewed and approved. The proposed development has been reviewed by the Community Development Department and the Planning Board and received a special permit for the development. These state and city permits are still outstanding and valid. Any building that is proposed will have to go through Conservation Commission review because of the flood plain.

The rezoning petition, which takes the front part of the property and turns it into open space, is completely contrary to the master plan and planning principles for this area. He noted Section 13.10 of the zoning ordinance.

Mr. Haley noted that, in addition, a rezoning may be ineffectual to change outstanding

Finally, he stated that this proposal would constitute an unconstitutional taking. The City would be saying that the only use of the building is open space or municipal uses.

Councillor Triantafillou asked Attorney Haley about the status of clean-up of Jerry's Pit, which David Vickery has committed to begin immediately. Mr. Haley said that unfortunately, David Vickery could not be here and that he is not prepared to discuss environmental issues.

Councillor Duehay requested ^a ~~that~~ show of hands from those in opposition to the petition, and three persons raised their hands.

Councillor Duehay invited Lester Barber and Donald Drisdell to come forward. Mayor Russell moved that the memo from Lester Barber be made part of the record of the meeting, and the motion carried.

Councillor Sullivan asked what is the largest setback presently existing in the zoning ordinances between industry/commercial districts and residential districts anywhere in the City. Mr. Barber said that the widest transitions is 130 feet, between high and low density residence zones. Otherwise, setback transitions tend to be fairly small. This would be an extraordinary transition. Aside from the Kirkland Plan ^{POA} ~~Overlay~~ ^{Planned} District, this would be quite different from other transitions.

Councillor Triantafillou asked if there are any other places quite like this site. Mr. Barber said that Alewife has the largest concentration of flood plains. Councillor Triantafillou observed that it is not like University Park and asked if it was like North Point.

Mr. Barber said that there are no wetlands at North Point.

Vice Mayor Born observed that the area behind the former Sancta Maria Hospital in Cambridge Highlands has some similar characteristics. Normandy Terrace has a buffer formed by MDC land. It provides a buffer between the neighborhood and the industrial zone.

Mr. Barber said that there are height transitions at Alewife in the quadrangle and in the Cambridge Highlands neighborhood. They limit size of buildings rather than use.

Vice Mayor Born asked whether the existing buildings could be rebuilt if they were destroyed by fire. Mr. Barber said that there could be some restrictions depending on the extent of the damage.

Mr. Councillor Reeves asked ~~Lester~~ Mr. Barber whether similar zoning exists in the Commonwealth. ~~Lester~~ Mr. Barber said that he has not comprehensively reviewed regulations for the rest of the state. Suburban and rural areas have large flood plains and wetlands areas that are protected. The zone exists elsewhere in the City but it is applied to public property.

Councillor Reeves asked Mr. Drisdell if there were any cautions he would advise. Mr. Drisdell said that a legal opinion regarding spot zoning and compensable taking has been requested for the Planning Board. The Planning Board hearing will take place on August 13. Attorney Drisdell said that the question would be whether the proposal constitutes of reverse spot zoning. He recommends that the Ordinance Committee either hold this matter in committee until there is a legal report to the Planning Board or that the Ordinance Committee report or refer the matter to the full City Council without recommendation pending receipt of the legal opinion.

Councillor Duehay said he would prefer to refer the petition, than to hold it in committee. Councillor Sullivan asked about Mr. Kelley's statement about "not a complete taking." What is the law about a less than complete taking? Don Drisdell said partial takings can be compensable.

In response to a question from Vice Mayor Born, Mr. Drisdell said that despite recent changes in the takings law, courts have not ~~yet~~ recognized zoning as a taking.

Mayor Russell moved to refer the petition to the full City Council without a recommendation, and the motion was adopted on an affirmative voice vote.

On motion of Vice Mayor Born, the meeting adjourned at 7:05 p.m.

For the Committee,

Councillor Francis H. Duehay

The Ordinance Committee held a public hearing on August 1, 1996, beginning at 5:45 p.m. in the Sullivan Chamber for the purpose of considering a petition filed by Maureen Quinlan, Russell Bromfield, et. al., to amend the Zoning Ordinances of the City of Cambridge to add a new Section 4.29 creating a 400 foot buffer zone in the IC District.

Present at the hearing were Councillor Francis H. Duehay, Chair of the Committee, Vice Mayor Kathleen L. Born, Councillor Kenneth E. Reeves, Councillor Anthony D. Galluccio, Mayor Sheila T. Russell, Councillor Michael A. Sullivan, Councillor Katherine Triantafillou and City Clerk D. Margaret Drury. Also present were Robert Bersani, Commissioner of Inspectional Services; Donald Drisdell, Deputy City Solicitor, and Lester Barber, Assistant to the Planning Board, Community Development Department.

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*You skipped
Joanne
Madden
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of David
Bros*

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*Planned
Unit
Develop-
ment
(PUD)*

*U.S.
at the Environmental Protection Agency (EPA)*

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Councillor Duehay requested that the blue flyer distributed by the neighborhood be included. Councillor Duehay read a phone message from Mayor Russell supporting the petition ~~into the record~~. Councillor Duehay then invited testimony from those opposed to the petition.

as part of the record.

Mary

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more to Insert 1

INSERT 2

The rezoning petition which takes the front part of the property and turns it into open space is completely contrary to the master plan and planning principles for this area. He noted Section 13.10 of the zoning ordinance.

1 INSET
2 Mr. Haley noted that, in addition, a rezoning may be ineffectual to change outstanding permits which are still valid. Thirdly, most residents of the City would view this petition as being anti-business. The proposal is singling out a particular owner and parcel. It would not apply to any other owner or property.

Insert 1
Councillor Duehay invited Lester Barber and Donald Drisdell to come forward. Mayor Russell moved that the memo for Lester Barber be made part of the record of the meeting, and the motion carried. *from*

Councillor Sullivan asked what is the largest setback presently existing in the zoning ordinances between industry/commercial districts and residential districts anywhere in the City. Mr. Barber said that the widest transitions is 130 feet, between high and low density residence zones. Otherwise, setback transitions tend to be fairly small. This would be an extraordinary transition. Aside from the Kirkland Plan Overlay District, this would be quite different from other transitions.

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Councillor Reeves asked Lester Barber whether similar zoning exists in the Commonwealth. Lester Barber said that he has not comprehensively reviewed regulations for the rest of the state. Suburban and rural areas have large flood plains and wetlands areas that are protected. The zone exists elsewhere in the City but it is applied to public property.

Councillor Reeves asked Mr. Drisdell if there were any cautions ^{compensable} he would advise. Mr. Drisdell said that a legal opinion regarding spot zoning and ~~comparable~~ taking has been requested for the Planning Board. The Planning Board hearing will take place on August 13. Attorney Drisdell said that ^{the} ~~question~~ would be whether the proposal ~~consists~~ ^{constitutes} of reverse spot zoning. He recommends that the Ordinance Committee either hold this matter in ~~Committee~~ until there is a legal report to the Planning Board or that the Ordinance Committee report or refer the matter to the full City Council without recommendation pending receipt of the legal opinion.

Councillor Duehay said he would prefer to refer the petition, ^{than} then to hold it in committee. Councillor Sullivan asked about Mr. Kelley's statement about "not a complete taking." What is the law about a less than complete taking? Don Drisdell said partial takings can be compensable.

In response to a question from Vice Mayor Born, Mr. Drisdell said that despite recent changes in the takings law, courts have not yet recognized zoning as a taking.

Mayor Russell moved to refer the petition ~~Mayor Russell motioned~~ to the full City Council without a recommendation, and the motion was adopted on an affirmative voice vote.

On motion of Vice Mayor Born, the meeting adjourned at 7:05 p.m.

~~Vice Mayor Born motioned adjournment at 7:05 p.m.~~

For the Committee,

Councillor Francis H. Duehay

despite recent changes
- the taking laws,
courts

said that, Cts have not yet recognized zoning as
a taking.

Mayor Russell moved to refer the petition

M. Kus m to ^{the} full CC w/o a recommendation
and the motion was adopted on an ~~un~~ affirmative
~~by~~ ~~adopted~~ voice vote.

On motion of UM Brun, the meeting adjourned at 7:05
C. Brun m. adj. 7:05 p.m.

F to C

C F D

COMMITTEE MINUTES
COVER SHEET

The Ordinance

Committee

held a public ~~meeting~~/hearing on August 1, 1996, beginning at 5:45 ~~am~~

pm in the Sullivan Chamber/~~Ackermann~~ Room for the purpose of considering ~~the~~ a ~~proposed amend~~ petition filed by Maureen Pichler, Russell Bromfield, et al. to amend the Zoning Ordinances of the City of Cambridge to add a new section 4.29 creating a 400 foot buffer zone in the IC District

Present at the hearing were Councillor Francis H.

Duehay, Chair of the Committee, Vice Mayor Kathleen L. Born, Councillor

~~Henricetta David, Councillor Francis H. Duehay, Councillor Anthony D. Galluccio, Councillor~~

~~Councillor Kenneth E. Reeves,~~

~~Councillor Kenneth E. Reeves, Mayor Sheila T. Russell, Councillor Michael A. Sullivan,~~

~~Councillor Timothy J. Toomey, Jr., Councillor Katherine Triantafillou, and City Clerk D.~~

Margaret Drury. Also present were Robert Beronni, Commissioner of Inspectional Services; Donald Dusdell, Deputy City Solicitor, and Leska Barber, Assistant to the Planning Board, Community Development Department

Councillor Duehay convened the hearing and explained the purpose of

~~the hearing and the procedures of the hearing.~~
He then invited ~~the testimony from~~ ^{the} petitioners ~~to present a presentation by~~ the petitioners ~~and those in support of the petition.~~

Bob Bersani
 Dr. Drosdel
 Les Bank

Peter Cignetti, 5 Thersault ^{Court} Ct, stated that he is

speaking as a ^{punch hitter} "punch hitter" for Russell Bramfield. This is

essentially a refiling of the ^{petition} petit filed ^{two} 2 mos ago

that had technical problems in that it did

not address the base zone. He noted that the

^{proposed} zoning amendment will not prevent new

commercial building ~~to~~ on the Grove site.

It will result in ^a ~~an~~ limitation of vehicular

traffic from Whittemore Avenue, and will

safeguard valuable open space.

Mr. Cignetti said that this is a

site that is difficult to understand from City

1 fact. A ^{number} no. of City Councilors + ^{and other} other interested persons have toured the site

Mr. Cignetti said that

↳ This is a unique parcel of land w/ a no of

environmental
converging environ issues,

with member
There are also serious

traffic issues.

including
flood plain issues and

site contamination issues.

(No P)

Mr. Cig noted that there have been

many:

↳ neighborhood meetings.

C. Durely asked if the ^{City Council} CC had any

questions
queries.

There were no.

C. Durely then opened the mtg to

speakers in support of the pet

Alice Wolf ^{former Mayor of Cambridge} 48 Horn Avenue, urged

support for the petition. She said that in a
city like Cambridge w/ residences on every street in the

City, a very dense city, there are noise and traffic
environmental
and civic issues that affect every residence. In such

and
a city, buffer zones are an important & necessary
protection ^{and} she stated that she ^{petition}
protect. ^{City Council} hopes the CC will support this or

something similar.

Victor Plosinski, 104 Clifton Street, spoke

in support of the petition. ^{He stated that} He speaks on behalf

of people who ^{are} making a commitment + investment

in the community. To keep a stable neighborhood,

the ~~this~~ issues presented ~~from~~ by this site need

to be addressed. The neighbors want assurances

^{residential} that the resid character will remain + that

1 Farley + Whittaker streets ^{will} ~~be~~ ^{be} used for ^{access} ~~access~~
to the site.

Raelyn Yrden, 364 Rudge Avenue, ^(spoke in) support ^{of} the

petition and emphasized the ^{importance} of preserving the

open space and ^{protecting} ^{year} the 100 yr flood plain.

Joanne Madden, 67 Clifton Street, spoke in

support of the petition and stated that development

so close to the neighborhood is a threat to the

neighborhood.

David Bruce, 126 Harvard Street, ~~also~~ spoke

in support of the ^{petition.} He ^{petition.} addressed the issue of

the flood plain. He said that development ^{that} will mean there is less

area for the water to drain. He also described

the method of ^{the proposed} pressure-injected footings and ^{stated that} ~~but~~ it

will change the ^{subsurface} ~~subsurface~~ and consequently the water flow. While this kind of work would minimize

the amount of excavation, it will not eliminate ^{excavation.} It

questioned what will happen ^{with} the excavated dirt.

(when he worked on the

Dunbar Drums site, 2 of 24 obstructions were hit. ^{Eight floors} 8 ft

down
down there was a river of petrochemical waste.

Susan Maguire, 125 Jackson Street, stated

that it has been a valuable experience to become

involved w/ her local govt. The neighborhood

around the site is a beautiful neighborhood.

~~The~~ She reiterated the thoughts of another

speaker at an earlier meeting that this site

is the rarest. ^{can} & how can we ask Bechtel to stop

cutting it rarest, when we are destroying our own.

Eugene Taylor, 98 Clifton Street, spoke to

form of the buffer zone but said it doesn't go

far enough. He raised (3) questions: have there already

been agreements that will go forward regardless of

objectivity. This is an unverified, uncorroborated

rumor, but it is what people feel. The second

question is whether all development on the site

can be completely stopped. The (3rd) question is whether

WR Grace would ^{make the land toxic free land} donate the land to the City to

develop as a park to
~~remain as open space.~~ This causes a lot of

concern that WR Grace is involved and cannot be trusted

Joe Joseph, 28 Magon Street, thanked

the Council for supplying the technical ^{assistance} assistance

grant which the neighborhood is seeking. This ^{should} should

be part of CDD's work. He thanked the C-C for taking Peter Cignetti's walking tour.

Mr. J. said the developer is proposing

⑤ office bldg, w/ a total of 2,000 spaces of

parking, including underground parking. This is very

serious. MBTA construction has already changed the

water ^{flow}. He has seen no ^{post-construction} ~~pre-construction~~

hydrogeology studies. These should be done.

The whole idea of PUD zoning was sold to the

neighbors as a benefit. EPA documents ^{raise} ~~find~~

very ^{the} serious issues w/ ~~the~~ developer's report. This

report should have been obtained by CDD and made available to the Site Advisory Committee. This is

a larger buffer zone than elsewhere, ^{in the city} but the site

is unique. Mr. J. submitted the EPA report to

FD requested that the City Clerk distribute it to the

CC and refer to the Environment Committee

Craig Kelley, ^{Terrace} St. Gerard ~~St~~, stated

that he is a lawyer and objects v. strongly to the

argument that this zoning would be a taking. The

proposed buffer zone is only a burden like the

burdens that other property owners have to bear.

It is not a complete taking + it is perfectly fair

Kim Webb,

64 Clifton Street,

she said that spoke in favor of the buffer zone. Her most

important reason is her child. Traffic on Clifton

Street is already bad; more development will increase

the danger to children.

Martha Cleveland, 118 Clifton Street, wife of

one of the petitioners, said that she ^{agrees} with all

that has been said, particularly regarding the

danger to children.

C. Ducey asked for a show of hands

of those ^{in favor of the petition.} ~~four~~ ^{Twenty-two} persons raised

their hands.

C. Ducey requested that ^{the} blue flyer distributed by ~~the~~ neighborhood be included.

C. Ducey read ^a plum message form supporting the petition into the ~~pet~~ record.
Mary Rossett

C. Durekay then marked testimony from those opposed to the petition

Joseph Daley, Goodwin Pumph + Hran, stated that he is here as an atty ^{representing} ~~rep~~ ^{for} W Grace. ^{It said that} David Vickey ^{was} unable to attend ^{due to} ~~the~~ ^{heavy} ~~due to~~ ^{other} ~~commitments~~ ^{obligations} ~~the~~ ^{subject} The property which is subj of

the ^{petition} ~~pet~~ contains ^{about} 300,000 sq ft of buildings,

^{number of different} in a no. of diff sites. It would prohibit use of

the Whittenne Ave access to the site, which is the main access to the present site

This site has been the subject of

interest ^{by} reviewed ~~by~~ the state. Drainage has been

reviewed + approved. The proposed development

has been reviewed by ^{the Community Development Department and the Planning Board and it} COD + PB + received a

special permit ^{development} Sp Permit for the ~~develop~~. These - state + city

permits are still outstanding + valid. Any bldg ^{that is proposed} has to
go through ^{Conservation Commission review} ~~the~~ Conserv Commis because of the
flood plain.

The re-zoning petit which takes the
front ^{the property} part of prop + turns it into open space is
completely contrary to the master plan + planning
principles for this area. He noted
Sec 13.10 of the zoning Ordinance

Mr. Haley noted that,

~~in~~ ^{addis}, a re-zoning may be
unappropiate ~~to~~ to change outstanding permits ^{which}
are still valid.

Thirdly, most residents of the City
would view this ^{petition} as being anti-business.

The proposal is ^{singling} out a particular owner and
parcel. It would not apply to any other owner or
property

Finally, this proposal would constitute

a taking. The City would effectively be saying ^{that} the

only use of the building is open space or

municipal uses.

David Vickery

KT asked Atty (Italy) about the status of clean-up of ~~the~~ Jerry's Pit, which DV had committed to begin immediately Mr. Italy

said that unfortunately DV would not

be here ^{that} & he is not prepared to discuss

environmental issues.

C. Duchay requested

A 5 min of hears & oppos. Lix - 3 persons

from those

to the petition, and three

their raised these hears.

Lester Barber and Donald Duodell

FD invited LB & DD to come

forward.

Maya Russell

forward

~~BeR~~ BeR moved that the memo for LB be made part of the record of the memo meeting, and the memo forwarded

C. Sullivan asked what is the largest setback

(presently existing in the zoning ordinances) between industrial / commercial and residential districts anywhere

in the city. ^{Mr. Barber} LB said ^{that} the widest transition is

130 feet, between high & low density residence zones.

Otherwise, setback transitions tend to be

fairly small. This would be an extraordinary

transition. Aside from ^{the} Kirkland Plan overlay district,

this would be quite different from other transitions.

~~was~~

KT asked if there are any other

places quite like this site. ^{Mr. Barber} LB said that

Alamp has the largest ^{concentration} concentration of flood

plains.

KT observed that it is not like University Park & asked if it was like North Park. LB ~~said that~~

Mr. Barber said that there are no wetlands at North Point
~~LB said there are a no of parks & wetlands~~

V. KB observed that ^{the} area behind the former
Santa Maria Hospital
~~Santa Maria~~ in Cambridge Highlands has some

similar characteristics. Normandy Terrace has a

buffer formed by MDC land. ^{It} ~~That~~ provides a

buffer betw the neighborhood and the industrial
zone.

Mr. Barber

LB said that the (2) height transitions

are at Alewife in the quadrangle and ⁱⁿ the

^{to} Cambridge Highlands neighborhood. They limit size ^{of buildings} rather

than use.

Vice Mayor Bm

KB asked whether the epishy bldgs ^{could} be

rebuilt if they were destroyed by fire. ^{Mr. Barber} LB said

could
there could be some restrictions depending on the extent
of the damage.

Councilman Reeves

KR asked LB whether similar zoning
exists in the Commonwealth. LB said that he
has not comprehensively reviewed regulations for the
rest of the ~~Commonwealth~~ ^{state}. Suburban + rural areas

have ^{large} flood plains + wetlands areas that are protected.

The zone exists elsewhere in the ^{city} ~~property~~ but it is
applied to public property.

C. Reeves

Mr. Dusdell

KR asked DD if there were

any cautions he would advise. DD said ^{Mr. D} ~~that~~ ^{that} a

~~PB has requested~~ a legal opinion ^{opening regarding} re split zoning and
has been requested for the Planning Board.

Compensable taking. The PB hearing will take place

Aug 17
FD not
meeting

Attorney Dusdehl

on August 13. DD said that question would be whether the

proposal consists of reverse spot zoning. He recommends
the Ordinance Committee that Ord Com either hold ^{this matter} in Committee until ^{there is a} legal report to the Planning Board or that the Ordinance Committee
~~report~~ ^{report} refer w/o ^{recommendation} ~~report~~ pending receipt of
the matter to the full City Council
the legal opinion.

C. Duchay

FD said he would prefer to refer it ^{the petition}

to hold it in ^{committee} committee.

C. Sullivan

Mr. Craig's

Mrs asked abt C. Kelley's statements of ^{about}

"not a complete ^{taking} taking." What is the law abt a ^{about}

less than complete taking.

less than complete DD said partial takings

can be compensable.
can be compensable

In response to a question of from Vice Mayor Bm
In response to of Mr KB, Mr DD



CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

SUSAN B. SCHLESINGER
Assistant City Manager for
Community Development

ELIZABETH EPSTEIN
Deputy Director for
Community Development

October 28, 1996

RE: Modifications to the Language Originally Recommended by the Planning Board as a Substitute for the Quinlan/Bromfield Petition

Additional language, highlighted in bold, is recommended to be added to the language originally forwarded to the City Council, in order to clarify its intent. A summary of the substitute provisions, and of the additional language, follows.

Section 4.29. This provision establishes a special use buffer within the IC district in which only accessory at-grade parking, buildings housing office uses, and buildings housing residential uses are permitted; the buffer applies where the IC district abuts a public park or recreation area. **The added language in the second paragraph makes it clear that certain housing uses, not now permitted in the IC district, are permitted in this use buffer.**

The third paragraph defines a rectangle, illustrated in the attached map, in which uses are further limited to accessory at-grade parking and housing only. **The added language more precisely defines that rectangle and adds a provision that access to non residential uses from Harvey Street is prohibited.**

Section 5.34. This provision adds a new setback requirement along all front, side and rear yards in the IC district and restricts the height to 35 feet within 125 feet of the parks. The setback, 25 feet in width, is required to be green area as defined in the zoning ordinance, with the exception of driveways crossing a front yard to serve uses elsewhere on the lot. **The added language corrects an unintentional consequence of the original language. Intended was a green yard along the Alewife Brook Parkway, Whittemore Avenue, and along the edge of the IC district abutting the parks. The original language, however, would apply these yard requirements to any new lot line created within the district as subdivision of the larger parcel occurred; the new language would assure that the setback is required only at the outside boundaries of the district and not to any future internal lots.**

Section 13.19. This provision applies all of the above to the IC Planned Unit Development as well.

Substitute Language Recommended by the Planning Board, with modifications

Add a new Section 4.29 as follows:

4.29 Special Use Limitations in Industry C Districts

For any lot or portion of a lot in an Industry C District that is located within 400 feet of any Residence A or B Zoning District, the following use limitations shall apply:

For that portion of the lot located within 125 feet of a public park or recreation area (including but not limited to Russell Field and the Linear Park) no use shall be permitted except accessory parking (serving uses located elsewhere on the lot) that is located at grade, or structures containing Office and Laboratory Uses - Section 4.34 that are otherwise permitted in the Industry C District. **In addition, structures containing residential uses, Section 4.31 a, b, d, g shall also be permitted, notwithstanding any use limitations to the contrary in Section 4.30 - Table of Use Regulations.**

However, only at grade accessory parking and residential uses shall be permitted for those portions of a lot or lots located within 125 feet of a public park or recreation area that are also located within the area bounded on the north by a line parallel to and 90 feet distant from the centerline of Harvey Street and its westerly extension, on the south by a line parallel to and 200 feet distant from the centerline of Harvey Street and its extension, **on the east by the Linear Park and /or Russell Field, and on the west by a line 125 feet distant from and parallel to the eastern boundary line. No driveway or other vehicular access providing any vehicular connection to Harvey Street shall be permitted in this described area with the exception of a driveway or driveways serving permitted residential uses.**

Uses within the 125 foot restricted use area shall be further limited by the yard requirements for the Industry C District set forth in Section 5.34, footnote (e).

In Section 4.30 - Table of Use Regulations, add a new superscript number 54 to the heading "Ind C" in Column fourteen.

In Section 4.40 - Footnotes to the Table of Use Regulations add a new footnote 54 to read as follows:

54. Subject to the provisions of Section 4.29

In Section 5.34 - Industrial Districts, Table 5-4, add a new footnote (e) in the first column at the seventh line "IC"

In Section 5.34, add a new footnote (e) to read as follows:

(e) Notwithstanding the dimensional requirements set forth in this Section 5.34 for the Industry C district, any principal use, accessory use or structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District, the following dimensional requirements shall apply:

(1) a minimum front, side and rear yard of 25 feet shall be required for all structures, principal uses and accessory uses (including at grade parking); said yard requirements shall only apply to and be measured from lot lines or portions of lot lines abutting any public street, abutting any lot not entirely within the Industry C District, abutting any public park or recreation area, and from that portion of any other lot line located within 25 feet of the Industry C zoning district line. Yard requirements for lot lines located elsewhere within the Industry C district shall be subject only to the requirements of Table 5-4 and its other footnotes. The yards required in this footnote (e) shall consist entirely of green area as defined in Article 2.000 with the exception of paving access across a front yard for a driveway or driveways meeting the requirements of Section 6.43.3 of this Ordinance and which driveway or driveways cross the yard in the most direct manner possible to provide access to uses located elsewhere on the lot; and

(2) for that portion of a lot or lots located within 125 feet of a public park or recreation area (including but not limited to Russell Field and Linear Park) the maximum permitted height shall be thirty-five (35) feet.

In Section 13.10 - Planned Unit Development in IC Districts, add a new Section 13.19 to read as follows:

13.19 - Special Use and Dimensional Limitations in the PUD-IC District

Notwithstanding any use provision or dimensional requirement set forth elsewhere in this Section 13.10, for any development parcel or portion of a development parcel located within 400 feet of any Residence B or Residence A Zoning District, the requirements of Section 4.29 and Section 5.34, footnote (e) of the Zoning Ordinance shall continue to apply in the PUD-IC district and shall not be waived or modified by any provision of this Section 13.10..

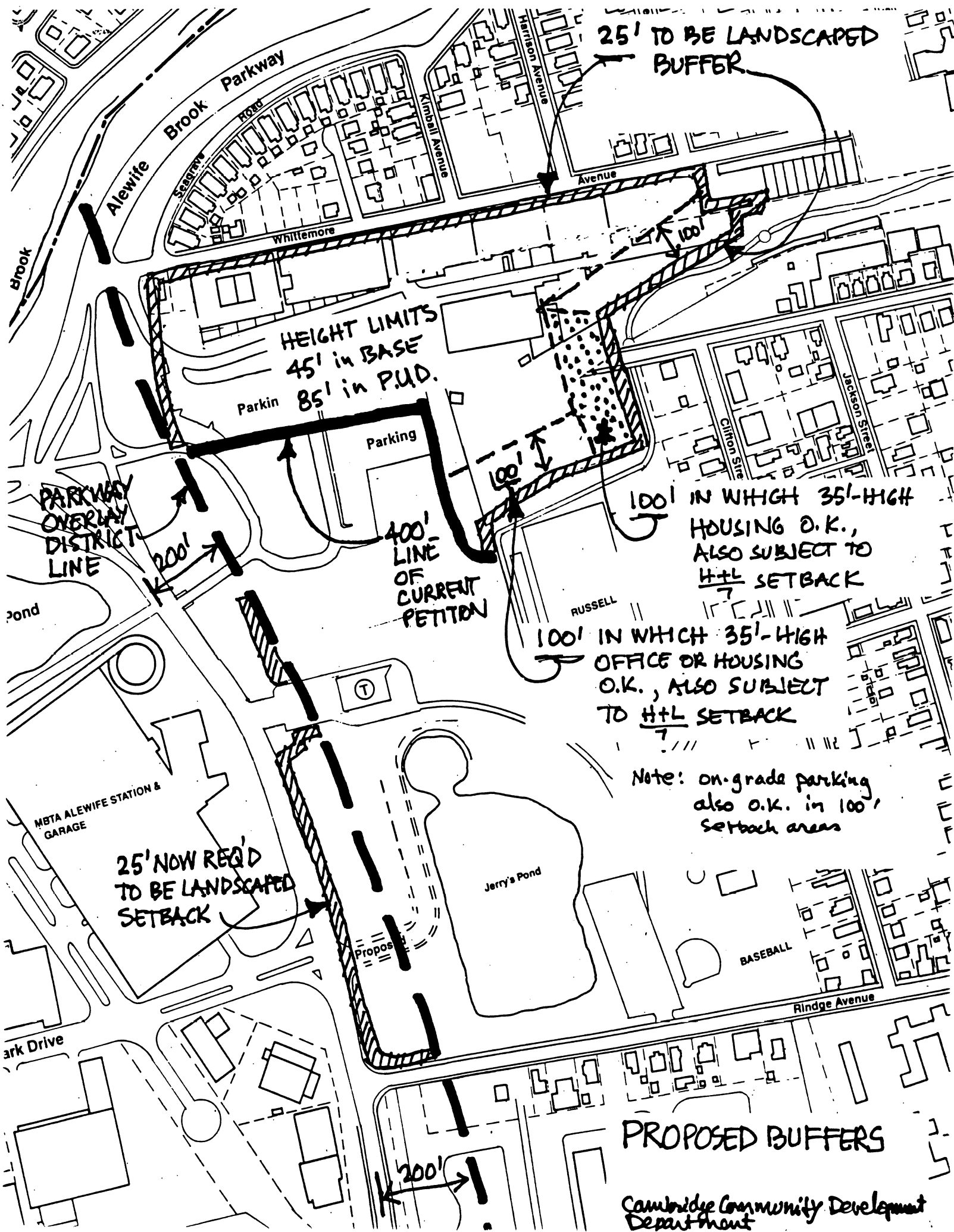
Most Restrictive Use Buffer Area
(for illustration purposes only)

LINEAR PARK

V.R. GRACE CO

HARVEY





25' TO BE LANDSCAPED BUFFER

HEIGHT LIMITS
45' in BASE
85' in P.U.D.

PARKWAY
OVERLAY
DISTRICT
LINE

400' LINE
OF
CURRENT
PETITION

100' IN WHICH 35'-HIGH
HOUSING O.K.,
ALSO SUBJECT TO
H+L SETBACK

100' IN WHICH 35'-HIGH
OFFICE OR HOUSING
O.K., ALSO SUBJECT
TO H+L SETBACK

Note: on-grade parking
also o.k. in 100'
setback areas

25' NOW REQ'D
TO BE LANDSCAPED
SETBACK

PROPOSED BUFFERS

Cambridge Community Development
Department



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

October 10, 1996

To the Honorable the City Council:

RE: Planning Board recommendation on the Quinlan/Bromfield, et al rezoning petition

Recommendation

Due to general planning concerns relating to the entire District, the Planning Board will initiate a study leading to a comprehensive revision of the zoning regulations affecting all of the IC District and the coterminous PUD (Planned Unit Development) District for submission to the City Council as expeditiously as possible.

At this time the Planning Board recommends substitute language for the Quinlan/Bromfield Petition (the recommended substitute language is enclosed). The substitute petition creates a transition zone between public open space and residential neighborhoods, and the industrial/commercial Industry C District and its PUD. That transition is accomplished through limitations on height of buildings and uses that may be located in the transition zone, as well as a landscaped buffer requirement along all property boundaries.

In conclusion the Planning Board does not recommend adoption of the Petition as filed.

Findings

General Considerations. In making its recommendation the Planning Board makes the following general findings.

*Resolution of public health and safety issues surrounding contamination on the Grace site are not appropriately within the purview of the Planning Board.

* Nevertheless, site contamination issues are of serious concern and the City should be diligent in its monitoring of efforts by the responsible agencies [state Department of Environmental Protection (DEP), Massachusetts Bay Transit Authority (MBTA), etc.] to assure that all lingering questions and concerns are answered and that appropriate cleanup actions are fully implemented. To the extent that the City itself has an opportunity to advance knowledge of the area in this regard (as at Russell Field), it should do so.

*The Planning Board's direct and customary responsibility is to determine how the Industry C District and its PUD should be physically developed, consistent with adopted land use policies and objectives. The range of uses allowed, the density of future buildings, and the disposition of those uses and buildings on the site are among the aspects of this district's future that are appropriately the focus of the Board. The physical context within which this area sits, its relationship to surrounding uses, and the infrastructure available to support future development are all directly relevant to making land use recommendations for this district; the physical characteristics of the site, including the presence of flood plains and wetlands, are relevant in shaping such recommendations. However, any Planning Board recommendation with regard to the future of land use within this district is based on the assumption that other agencies, exercising their separate responsibilities, will only permit such activities as are consistent with the public health and safety as it may be affected by any contamination on the site.

*The current petition, and the important issues it raises, such as the need for appropriate transitions between industrial/commercial districts and residential neighborhoods, protection of valuable natural resources, as well as issues of height, density and scale, all suggest to the Board that 15 years after the current development policies for this area of Alewife were adopted, the Board and the City should review those policies (as they are embodied in the current zoning regulations) and consider appropriate modifications affecting the entire IC District and its PUD.

The Petition as Filed. With regard to the petition as it was filed the Board makes the following findings.

* On its merits, as an application of planning principles to this site, and as a zoning regulatory mechanism to address the issues of concern to the petitioners, the petition fails because its regulatory remedy is disproportionate or non-responsive to the problems identified. There is a lack of a sufficiently direct and appropriate relationship between the petition and its planning goals.

*Flood plain and wetlands protection is undertaken by authority granted under state statute through the City's Conservation Commission. Those resources can be fully protected while reasonable amounts of commercial development occur within the Industry C district.

*If the petitioners' assertion that the petition does not diminish the potential for total development on the site is correct, traffic concerns are not addressed by the zoning remedy they propose.

* The transition proposed in the petition is far in excess of any transition now in effect or ever proposed in the Zoning Ordinance or on the Zoning Map. There is nothing in the physical context of this site that suggests such a large and restrictive transition area (400 feet as proposed) is needed to protect the interests of the surrounding neighborhood.

* The important issues of contamination of the site are not advanced to resolution or remediation by prohibiting development within the area affected by the petition. More

thorough remediation or clean-up may in fact be advanced by assuring a useful and profitable use of the property in the future. This is consistent with the federal Environmental Protection Agency (EPA) and DEP Brownfields programs to encourage remediation and safe reuse of contaminated sites.

*The Board has been advised by the Office of the City Solicitor that the petition as filed is seriously flawed with regard to the issues of constitutional taking of private property and of spot zoning. The petition may be determined, upon appeal, to be an illegal exercise of the City's police powers, and the City may be further liable to provide compensation for the taking of property. Based on that advice the Board would recommend against adoption of the petition.

Recommended Substitute Petition. In recommending an alternate scheme for addressing the concerns of the petitioners, the Board makes the following findings with regard to its substitute petition language.

*While the Board cannot support the particular regulatory remedy embodied in the Quinlan/Bromfield Petition, the planning issues raised by the petitioners in support of the rezoning proposal are of deep concern to the Planning Board. Those issues are most appropriately considered within the context of a reexamination of the current planning policies for the entire IC District and its PUD, to which the Planning Board has committed itself.

*The substitute petition would focus changes to the IC District and the PUD in the area affected by the Quinlan/Bromfield proposal; however, it would modify regulations affecting use, height and transition that are customarily dealt with through zoning. The proposal would do the following:

*Provide for a landscaped buffer setback of 25 feet along Whittemore Avenue, at Alewife Brook Parkway, and along the public parks abutting the site. The Industry C District and the PUD immediately abut public parks along much of their boundary, and at Whittemore Avenue are located directly across the street from the residential neighborhood. Residential Clifton Street lies just beyond the Linear Park. This landscaped buffer, similar to that now required along Alewife Brook Parkway and at the business/residential boundary along O'Brien Highway in East Cambridge, would provide a visual and physical buffer between any commercial use that might develop in the IC District or the PUD and these residential and open space resources. Such a buffer is consistent with the need for appropriate transitions between differing uses identified in *Toward a Sustainable Future: Cambridge Growth Policy Document* in both its land use and urban design sections.

*Require that within 125 feet of those public parks (and by extension Clifton Street) only limited uses would be permitted and that the maximum height allowed for any building would be 35 feet, rather than the 45 feet permitted in the IC District or the 85 feet permitted in the PUD. Allowed uses shall include at-grade accessory parking, serving uses located elsewhere on the lot; structures containing Office and Laboratory Uses that are permitted in the Industry C District; and/or structures containing residential uses.

Similar height transitions already occur within the Office 2 and Industry B-2 districts found elsewhere in Alewife (where 85 feet would normally be permitted); in this case the height limitations would provide another protection for both the parks and the neighborhood by requiring structures of only modest scale close to the parks and residential dwellings.

*For that portion of this buffer area closest to the Clifton Street residential neighborhood, only at-grade accessory parking and housing would be permitted. As this undeveloped location is closest to the residential neighborhood only the most compatible uses (housing or landscaped at-grade parking) are appropriate. The disruptions that might be attendant to office or industrial activities would be excluded from this most sensitive area.

These changes are consistent with buffers and transitions required elsewhere in the city and elsewhere in Alewife. They are reasonable and proportionate to the need to adequately protect residential neighborhoods abutting commercial districts without unduly limiting commercial/industrial development on a majority of land within the IC District or the PUD. These transition proposals carry out a policy theme suggested throughout *Toward a Sustainable Cambridge: Cambridge Growth Policy Document*.

*The petition affects only a portion of the IC District and the PUD. There has been a growing sense on the part of the Planning Board that a comprehensive rethinking of the both the IC District and the PUD, and their implied policy objectives, is in order. That conclusion has been reached in part as a result of the recent discussions surrounding the existing PUD Special Permit #64 that encompasses a large part of the IC District, and reinforced by the supporting data submitted by the petitioners and the planning efforts recently undertaken for the rest of the Alewife industrial/commercial area. The Board is committed to that reexamination, with the full participation of the property owner, holders of the current special permit, and the community. The objective will be the expeditious submission of a comprehensive rezoning proposal to the City Council for its consideration.

Respectfully submitted for the Planning Board,


Paul Dietrich, Chairman



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139



4.

TEL 349-4300
FAX 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

October 21, 1996

To The Honorable, The City Council:

Please find attached for your consideration the Planning Board recommendation on the Quinlan/Bromfield, et al petition.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
attachment

Substitute Language Recommended by the Planning Board

Add a new Section 4.29 as follows:

4.29 Special Use Limitations in Industry C Districts

For any lot or portion of a lot in an Industry C District that is located within 400 feet of any Residence A or B Zoning District, the following use limitations shall apply: for that portion of the lot located within 125 feet of a public park or recreation area (including but not limited to Russell Field and the Linear Park) no use shall be permitted except accessory parking, serving uses located elsewhere on the lot, that is located at grade, or structures containing Office and Laboratory Uses - Section 4.34 that are otherwise permitted in the Industry C District, or structures containing residential uses, Section 4.31 a, b, d, g. However, only at grade accessory parking and residential uses shall be permitted for those portions of a lot or lots located within 125 feet of a public park or recreation area that are also located within the area bounded on the north by a line parallel to and 90 feet distant from the centerline of Harvey Street and its westerly extension, and on the south by a line parallel to and 200 feet distant from the centerline of Harvey Street and its extension. Uses within the 125 foot restricted use area shall be further limited by the yard requirements for the Industry C District set forth in Section 5.34, footnote (e).

In Section 4.30 - Table of Use Regulations, add a new superscript number 54 to the heading "Ind C" in Column fourteen.

In Section 4.40 - Footnotes to the Table of Use Regulations add a new footnote 54 to read as follows:

54. Subject to the provisions of Section 4.29

In Section 5.34 - Industrial Districts, Table 5-4, add a new footnote (e) in the first column at the seventh line "IC"

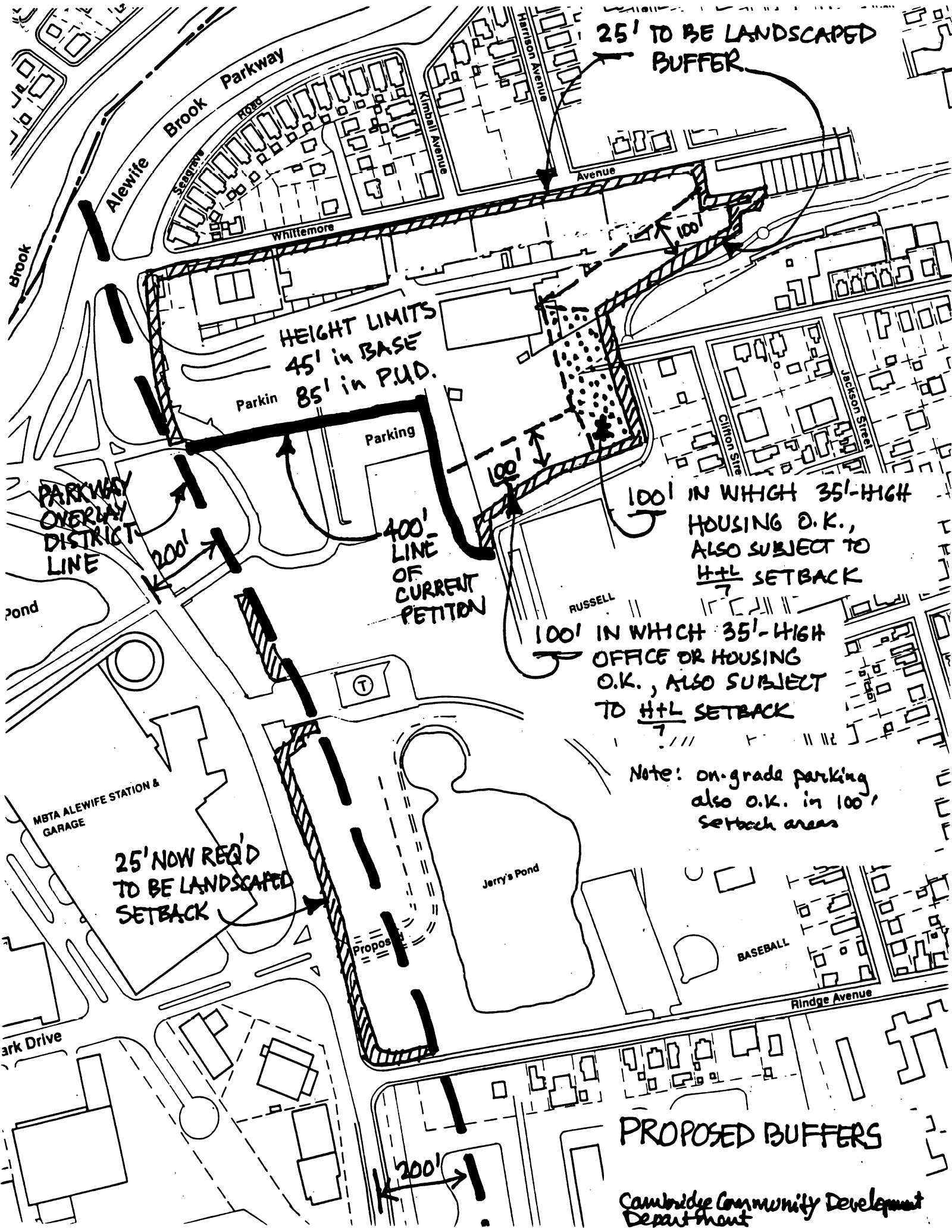
In Section 5.34, add a new footnote (e) to read as follows:

- (e) Notwithstanding the dimensional requirements set forth in this Section 5.34 for the Industry C district, any principal use, accessory use or structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District, the following dimensional requirements shall apply: (1) a minimum front, side and rear yard of 25 feet shall be required for all structures, principal uses and accessory uses (including at grade parking). Said yards shall consist entirely of green area as defined in Article 2.000 with the exception of paving access across a front yard for a driveway or driveways meeting the requirements of Section 6.43.3 of this Ordinance and which driveway or driveways cross the yard in the most direct manner possible to provide access to uses located elsewhere on the lot; and (2) for that portion of a lot or lots located within 125 feet of a public park or recreation area (including but not limited to Russell Field and Linear Park) the maximum permitted height shall be thirty-five (35) feet.

In Section 13.10 - Planned Unit Development in IC Districts, add a new Section 13.19 to read as follows:

13.19 - Special Use and Dimensional Limitations in the PUD-IC District

Notwithstanding any use provision or dimensional requirement set forth elsewhere in this Section 13.10, for any development parcel or portion of a development parcel located within 400 feet of any Residence B or Residence A Zoning District, the requirements of Section 4.29 and Section 5.34, footnote (e) of the Zoning Ordinance shall continue to apply in the PUD-IC district and shall not be waived or modified by any provision of this Section 13.10..



PROPOSED BUFFERS

Cambridge Community Development Department

Consent Agenda #4

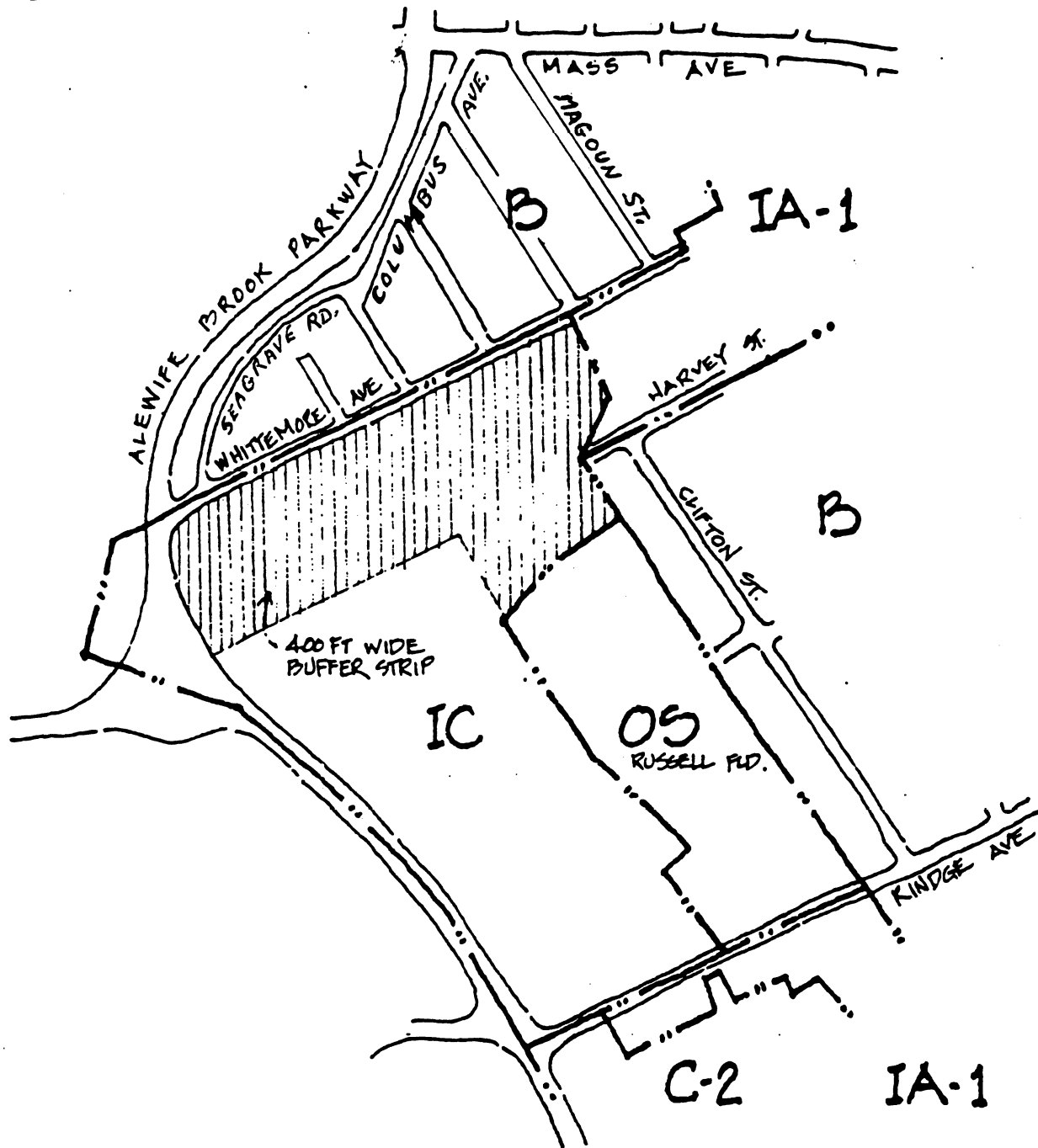
Transmitting communication from Robert W. Healy, City Manager, relative to a recommendation from the Planning Board on the Quinlan/Bromfield, et al petition.

In City Council October 21, 1996

Referred to the Petition


PROPOSED OPEN SPACE PROTECTION BUFFER

May 1996



Key

- B residential district
- C2 residential district
- IC industrial district
- IA-1 industrial district
- OS open space district

 buffer area (open space rules)

 zoning district boundary

In the area marked "IC", the developer can choose to build to the standards of either Industrial C zoning, or "PUD-IC" zoning (where "PUD" means a "Planned Unit Development" reviewed by the Planning Board). Neither IC nor PUD-IC rules do a good job of protecting the neighborhood from tall buildings, power equipment and towers, loading docks, storage and trash containers, and other commercial or industrial elements which could get pushed close to the lot boundary and people's houses.

No current development proposal threatens to place nuisance use or construction against the neighborhood, but the zoning rules should be changed to guarantee that no future proposals take advantage of weakness in the law. The 400 ft wide buffer strip proposed by this petition is about the same width as Russell Field. Within the buffer, the only uses and construction allowed would be limited to those allowed in Open Space districts. Furthermore, the buffer strip could not be used for parking, loading, access or driveways servicing commercial properties located to the front of the lot.

***How will the IC-PUD-IC zoning amendment affect the
W.R. Grace Site which abuts Russell Field in North Cambridge??***

(See map on reverse side)

- * The zoning amendment **will not** prevent new commercial development from being built on the W.R. Grace Site.
- * The zoning amendment **will** protect residential neighborhoods on the Clifton St. and Whittemore Ave. edges of the Grace Site by providing a 400 ft. buffer of open space zoning between those neighborhoods and any new development on the non-affected portions of the site.
(Under the current zoning laws, developers can literally construct a multi story building against a homeowner's fence or lot line.)
- * The zoning amendment **will not** affect existing commercial uses along the Whittemore Ave. edge of the Grace Site.
- * Except for emergency vehicles (Fire & Police), the zoning amendment **will** result in the restriction of vehicular traffic access to the Grace Site from the Whittemore Ave., Seagrave Rd., Magoun St., Harvey St., & the Clifton St. edges of the site. (Currently, the only assurances of these restrictions are promises from developers of the site.)
- * The zoning amendment **will** provide valuable open space to help resolve contamination issues on the Grace Site. (E.g., contaminant mitigation and/or other necessary remedial measures.)
- * Enactment of this zoning amendment **will** provide valuable open space for flood plain storage during periods of heavy rain and snowfall.

GRACE

*read at
Ord Mtg 8/1/96*

David L. Wightman
Vice President, Administration
Grace Construction Products

W.R. Grace & Co.-Conn.
62 Whittemore Avenue
Cambridge, MA 02140-1692

(617) 498-4983

July 31, 1996

Margaret Drury, City Clerk
City of Cambridge
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

**RE: Protest of Petition to Amend the Zoning Ordinance of the City of
Cambridge to Add a New Section 4.29 Creating a 400 Foot
Buffer Zone in the IC District**

Dear Ms. Drury:

On September 1, 1987, the Planning Board of the City of Cambridge issued a PUD Special Permit for the development in Zone 1C of The Alewife Center Project which allows the construction of 1,050,000 square feet of office, hotel and retain space on land owned or controlled by W. R. Grace & Co.-Conn. and Alewife Land Corporation (collectively "Grace").

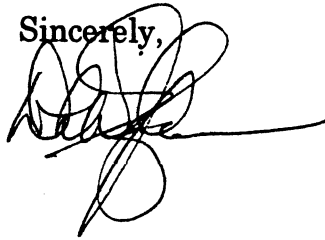
We have been informed that on Thursday, August 1, 1996 at 5:30 p.m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts a petition submitted by Maureen Quinlan, Russell A. Bromfield, et al will be considered by the Committee on Ordinances comprised of the City Council which would amend the zoning ordinance of the City of Cambridge to add a new section 4.29 to the zoning bylaws and to make related changes. This zoning change, if adopted, would establish a 400 foot buffer zone in Zone 1C which would essentially curtail further development of the Grace-owned property and



July 31, 1996

render current structures non-conforming. Grace's property is the only land affected by the proposed zoning amendment. Accordingly, and in accordance with G. L. Chapter 40A, Section 5, WE HEREBY PROTEST this proposed zoning change which is targeted to materially and adversely affect solely the Grace property.

Sincerely,

A handwritten signature in black ink, appearing to be "DLW", written over the word "Sincerely,".

DLW/mlr/DRURY

cc: Francis H. Duehay, Chairman, Committee on Ordinances
Cambridge City Council
Cambridge Planning Board
Cambridge City Manager

41-25-86
file

NUS CORPORATION
SUPERFUND DIVISION

INTERNAL CORRESPONDENCE

C-583-4-6-85

TO: DON SMITH/EPA

DATE: APRIL 23, 1986

FROM: GRETA D. READE *greade*

COPIES: FILE

SUBJECT: COMMENTS ON W.R. GRACE GROUNDWATER MONITORING PLANS

TDD No. F1-8601-04
Reference No. \$300MA57SI

NUS/FIT has received the W.R. Grace & Co. groundwater monitoring plans as described in a letter to Mr. Robert Healey, City of Cambridge, on April 9, 1986.

In general, the plan appears to be adequate to characterize organic contamination leaving the site. The description of the planned monitoring well installations and the sample collection methods is sketchy, at best, so it is presumed that standard methods for well installation appropriate to site conditions will be used. Specific comments are as follows:

- The frequency of sampling after 1986 is not given.
- Since potential vertical distribution of contaminants is unknown, the monitoring wells should be screened from the water table down to the top of the clay.
- The wells should be carefully logged during installation.
- If possible, an OVA or HNu should be used to screen samples in the field to determine if there are zones of contamination.
- Soil samples should be sent for laboratory analysis to identify which compounds are migrating and in what concentrations. This is most important for the wells planned near the Alewife rotary.
- The description of the monitoring plan does not mention any analyses for heavy metals. Copper, lead and zinc have been found in levels above background onsite, so these metals should be tested for at least annually.
- One weakness of this sampling plan is the lack of an upgradient well. Data from the Camp, Dresser, and McKee (CDM) monitoring well at Rindge Towers might be able to fill this gap.

GDR/mth

cc: Susan Svirsky/EPA
L. Chu

Reviewed and Approved By:

R. DiNitto
R. DiNitto, RPM
4-25-86

Date:

9-5-86

**NUS CORPORATION
SUPERFUND DIVISION**

INTERNAL CORRESPONDENCE

C-583-6-6-106

TO: DON SMITH, EPA

DATE: SEPTEMBER 5, 1986

FROM: GRETA D. READE *gdreade*

COPIES: FILE

SUBJECT: REVIEW OF HALEY & ALDRICH REPORT - "ENVIRONMENTAL ASSESSMENT FOR THE ALEWIFE CENTER MASTER PLAN, W.R. GRACE & CO., CAMBRIDGE, MASSACHUSETTS"

TDD No. F1-8601-04
Reference No. \$300MA57SI

The TDD issued for this project (F1-8601-04) directed NUS/FIT to perform a standard Site Inspection of the W.R. Grace & Co. facility. However, since several studies and extensive sampling had already been performed, the EPA Project Manager directed NUS to visit the facility to obtain photodocumentation of current conditions and to review the April 1985 Environmental Assessment prepared by Haley & Aldrich.

NUS/FIT has read and evaluated the Haley & Aldrich report dated April 1985 and titled "Environmental Assessment for the Alewife Center Master Plan, W. R. Grace & Co., Cambridge, Massachusetts." The report presents a large volume of data and presents conclusions which are favorable to the development planned for this property. Although it is apparent that considerable field work and effort were put into this report and although the data presentation is reasonably good, the report does not clearly substantiate all of the conclusions presented. In addition, NUS/FIT is concerned that the portion of the site chosen for development coincides with the most heavily contaminated areas.

In brief, the major comments on the Haley & Aldrich report are:

1. This report presents numerous conclusions. However, the basis for these conclusions is unclear. This is largely due to the fact that the data are presented and then the conclusions are listed with little or no discussion or interpretation in between. This is particularly true of the data and conclusions in Volume 1 (Subsurface and Hydrogeological Conditions).
2. Volume 3 (Environmental Risk Assessment) contains more interpretation, but the writer's opinion that, in general, chemical hazards are overstated is quite apparent. The final conclusion that "no actual or potential hazard to human health is presented by current or proposed development conditions" is not supported by either the data or the toxicological assessment presented.
3. The method that was used to evaluate the potential risk of this site did not take into account all of the possible routes of contaminant migration nor all the potential receptors. A cumulative risk for all receptors should be calculated. An accepted methodology for such a calculation is identified in Federal Register Volume 50, Number 6, pages 1170-1176

MEMO TO: DON SMITH
SEPTEMBER 5, 1986-PAGE TWO

(Proposed Guidelines for the Health Risk Assessment of Chemical Mixtures). Other useful guidelines are identified in Federal Register Volume 49, Number 227, pages 46294-46301 (Proposed Guidelines for Carcinogen Risk Assessment) and pages 46304-46312 (Proposed Guidelines for Exposure Assessment).

4. The method used to evaluate the potential risk to construction workers at this site hinges on the control of fugitive dust levels. Volatile organic compounds may be released at any time they are exposed to the ambient air. The approach used in Volume 3 does not take into account the total volume of soil that will be disturbed to generate the volume of fugitive dust expected in the ambient air.
5. More attention should be given to non-carcinogenic effects, particularly in the main text of Volume 3.
6. Many of the toxicological evaluations are based on concentrations found in composite samples. These do not accurately reflect concentrations which will be encountered on site since they are, in effect, average concentrations over a fairly wide area rather than concentrations for discrete areas on site. The actual value at any one point could be higher than the reported concentration.
7. Key details of the composite sampling procedures are not explained.
8. PAHs are considered as one toxicological group. They should be considered individually or in groups with similar toxicological properties.
9. The high levels of PAHs, naphthalene, and phthalates found in fill after construction are de-emphasized.
10. There is no discussion of the changes at the site which occurred as a result of the MBTA tunnel construction, and the patterns of contamination before and after tunnel construction are not discussed. These changes include the treatment and removal of a large amount of sludge, earth removal due to tunnel construction, and backfilling over the tunnel and in the areas where sludge material was removed. In particular, the report asserts that all source areas have been removed even though there is no discussion of the areas of removal or interpretation of sample results. The MBTA will state only that all visible waste contiguous to tunnel construction was removed.

MEMO TO: DON SMITH
SEPTEMBER 5, 1986-PAGE THREE

11. The text should clarify when sampling was conducted: both in absolute time and in relation to other events on site.
12. Russell Field was used as a staging area during tunnel construction. There is no discussion of possible contamination and no sampling has been done to substantiate the absence of contaminants in the staging area.
13. An inconsistent level of detail is used. This leads to confusion over what the authors think is important. Value-laden words such as "significant", "only" and "primary" are used without definition. This, combined with other types of lax word usage and a stilted style, causes problems with the conveyance of ideas. For example, "significant" can mean most common occurrence, highest concentration(s) or greatest threat to public health.
14. Much more could have been learned from the large volume of data gathered and presented. For example, the data indicate that there are still some pockets of high contamination left on site. The presence of these pockets of contamination was not identified. As a result, the risks posed by these pockets have not been completely evaluated.

Overall, the data presentation in this report is reasonably good; however, since a discussion of the data is lacking, the conclusions seem to be unsupported. Only a full-scale toxicological assessment could provide a complete evaluation of the validity of the methodology and conclusions presented in Volume 3. However, some comments are presented in this memo and its attachment.

Recommendations:

1. The data generated from this report and previous reports should be validated and evaluated and interpreted in greater detail.
2. The data interpretation should be used to identify where further sampling needs to be done to identify remaining pockets of high contamination.
3. More sampling of the sediments in Jerry's Pond will be needed if the pond is to remain accessible to the public.
4. Due to its proximity to the former tank farm area, the cause of the iron oxide occurrences in Parkway Pond should be identified. This anomaly might be the result of deteriorating metal receptacles and may presage the release of other substances. A magnetometric survey might be useful here and should be considered.

MEMO TO: DON SMITH
SEPTEMBER 5, 1986-PAGE FOUR

5. A baseline air quality study should be performed before the start of any construction.
6. Volume 3 should be evaluated or a Risk Assessment should be performed by a public sector toxicologist. As part of this activity, the public health and safety recommendations presented should be evaluated. In addition, the need for more detailed safety precautions for construction workers on the property should be evaluated (for - example: air monitoring, dermal protection, respiratory protection).

Although NUS/FIT recommends that the above measures be incorporated into any further studies, these recommendations are not a commitment by EPA or NUS/FIT to conduct any further activities at this site. Furthermore, these recommendations do not advocate which party or parties (EPA, NUS/FIT, State, Potential Responsible Party, etc.) should be responsible for conducting any further activities at the site.

Attachment

Reviewed and Approved By:


R. DiNitto, RPM

Date:

9-5-86

ATTACHMENT

Detailed Comments on "Environmental Assessment for the Alewife Center Master Plan, W. R. Grace & Co., Cambridge, Massachusetts," by Haley & Aldrich, April 1985.

NOTES: The notation "Pg 23, P2" indicates that the comment refers to page 23, paragraph 2. If there is no bullet (●) in front of a new line, the comment is on the reference listed immediately above.

- Comments do not acknowledge work planned by W.R. Grace which is not mentioned in this report.
- Some comments are suggestions for improving the communication of ideas and facts to the reader.
- Also, some comments are likely to be attributable to different perceptions of the intent of the report.

DETAILED COMMENTS - Executive Summary

- Pg 3, P1 - When did all manufacturing activities end?
- Pg 3, last P - How is "significant" defined? Formaldehyde is present somewhat less often than naphthalene and other PAHs but at similar concentrations.
- Pg 4 - Points 3 and 4 have little significance since most of the site and most of the samples are north of the tunnel.
- Pg 4, Point 5 -

There are lead concentrations on the site as low as 3 ppm; in this context, those concentrations over 100 ppm represent contamination and are not typical of the area.

There are several "pockets" of high, atypical concentrations of zinc and one value for copper which is an order of magnitude larger than the other values.

What is a "filled urban site"?

- Pg 5, P2 - Naphthalene is a PAH found in groundwater. The statement that PAHs are not migrating with the groundwater is not substantiated.
- Pg 5, P3 - The occurrence of 1,000 ppb acetone at B502 is not explained.
- Pg 5, P4 - This conclusion is not substantiated: there are 100 ppb formaldehyde, 26 ppb 1,1,1-trichloroethane, traces of naphthalene and

phthalates, and high zinc at B501; there are high metal concentrations at B3 and B8; there are no monitoring wells near Whittemore Ave. between B8 and B501; there is no attempt in this report to define what is or is not moving or at what depths (ie. contaminant plumes); finally, B3 and B8 are screened in the middle of the sandy layer while B501 is screened near the bottom of this sandy layer.

- ◁ ● Pg 5, P5 - One sediment sample and one surface water sample hardly justify such a sweeping statement for a pond of approximately 5 acres. Also, consideration is not given to the effect which use of the pond after development might have; could the sediments be stirred up, thereby releasing these compounds?

- ◁ ● Pg 5, last P - Not true: benzene, formaldehyde, phthalates and naphthalene were also detected.

- Pg 3-6 - The report is not consistent with what is reported: "substances tested for," "priority pollutants," "chemicals," ... some of these are the same and some aren't, it isn't immediately obvious to the reader.

NOTE: "Priority Pollutants" is no longer an EPA-defined phrase. The current terminology is "Hazardous Substance List (HSL) and Task 1 and 2 Metals".

- ◁ ● Pg 6, P3 - Where are air data and ground surface monitoring data to back this conclusion? The report does not clearly state that the test pits were done after sludge removal by the MBTA. Nevertheless, the concentrations found in the fill indicate a potential problem beyond construction.

- ◁ ● Pg 6, P4 - There is no contaminant migration analysis; how is it known where the contaminants are or where they're going?

There are no sections on water usage in the area; what evidence is there that there are "no routes for human exposure"? Which potential routes were looked at?

- Pg 7, P2 - As comments above and to follow indicate, this strong conclusion is not substantiated.

- Pg 7-8 - Recommendations - These recommendations contradict the strong statement made above in point 6. They imply that there are potential hazards to human health or the environment.

- Pg 7, last 2 P's - It would be helpful to set out general guidelines for use allocations (i.e., 'minimize excavation in areas ..., pave areas where ...').

- ◁ ● Pg 7, last P - Detailed sampling for volatile organic compounds and acid and base/neutral compounds should not be characterized as a "normal procedure".

- ◁ ● Pg 8, P2 - A baseline air quality study should be done prior to the start of construction activities.

- Pg 8, last P - Heavy metals in groundwater should also be monitored.

Proposed locations are good; however, care should be taken to ensure that the new wells are screened deeply enough to intercept any contamination which may be migrating along the top of the clay layer. This is a limitation in the use of data from B8. Also, a new well between B210 and S2 would be helpful as there may be contamination migrating offsite to the south of B210.

DETAILED COMMENTS - Volume 1

Text

- The transition from Dewey and Almy to W. R. Grace needs to be discussed. As the text stands, it appears that approximately 30 years of history (under W. R. Grace) are missing. What changes in production did this transition entail?
- Composite sampling of test pits does not yield very informative data since the actual value at any one location could be zero or up to four times the reported concentration. This point is not discussed.
- The act of compositing may have released some portion of the volatile contents of the samples.
- How were the test pit samples collected? Why were certain test pit samples composited with others? What was the rationale behind the groupings?
- No volatile organic compounds were detected in the composite samples even though there were volatile organics detected in nearby boreholes. What does this indicate? How were the composite samples collected and prepared?
- Pg 1, P3 - It is misleading to state that "all data from previous reports has been included" because the tables and interpretive statements of this report do not incorporate all previous data.
- Pg 4-6 - The raw materials are listed, do these include processing agents, intermediates and catalysts? A table of all substances used on the site would be helpful.
- Pg 7, P1 - These comments are part of the EPA process which determines whether or not a site is a potential Superfund site. The statement that the site is not yet on any list seems irrelevant and inaccurate since it is being considered by this EPA process.
- Pg 7, P2 - Was the "DAXAD material" referred to here the finished product or its waste products?
- Pg 7, last P - The statement that "all waste materials were removed from the site" is not substantiated. There is neither a complete definition of the waste that was deposited, (amount, locations and types) nor a description of the wastes that were removed.

Disposal was at Kingston, Massachusetts, not Rhode Island.

Are MBTA groundwater monitoring results discussed? Where?

- Figure 2B indicates that there were two types of latex produced, but the text makes no mention of this.

- Pg 8, P1 - When was subway tunnel construction completed?

Was the quality of the dewatering water analyzed? What was the pattern of dewatering (i.e., locations and amounts/rates): this type of information might help explain the water table configuration after construction was completed. What month and year did dewatering cease?

- Pg 8, last P - Has sump water been collected and analyzed since the subway was installed? Discuss or refer to discussion.
- Pg 9, P2 - Who certified that the tanks were empty? On what basis?
- Pg 9, last P - What type of development is planned for Jerry's Pond? What kind of access is there to Parkway Pond? Will the new buildings have basements?
- Pgs 10, 11 - What types of analyses were done on samples from B1-B10 and B101-B108?
- Pg 14 - The limitations of the HNu are not adequately explained:
 - some compounds would not be detected by the HNu probe used.
 - what are the optimum and/or generally expected sensitivities of the HNu?
 - what are the benzene equivalents of the chemicals found on the site?

What was the purpose for doing HNu screening? Was it for worker protection/safety, to identify zones of contamination, both of these reasons, or some other reason?

- Pg 14, P4 - What is a "specially prepared" vial? Does this mean that it was labelled, that it was sterilized, that a preservative was added or ?
- Pg 20 - What is found between the depths of 31 and 55 feet? At what depth does argillite occur?
- Pg 21, P5 - Have upward or downward gradients been observed? Where? What magnitude?
- Pg 21, P6 - What kind of "indicator tests"?

What is the basis for the statement that "the majority of the groundwater and chemical movement occurs in the shallow sand and silt"? Is it site specific knowledge or general hydrogeologic expectations?

- PG 22, P3 - What are the elevations of the bottom and top of the tunnel?

- Pg 22, P4 - Concluding that the groundwater passageway is not operating properly is premature until the effects of dewatering have been investigated. This flow pattern could be a remnant of effects from dewatering.
- Pg 22, last P - "An increased rate of flow ..." increased from what? previous visit? upgradient point?
- Pg 23, P1, 4th sentence - unclear.
- Pg 23, P2 - A figure is really needed to clarify the text.
- Pg 23, last P - It is unusual to have methylene chloride lab contamination above 100 ppb. Data from field and lab blanks should be used to determine whether or not a substance is a lab contaminant.
- Pg 24, P5 - Concentrations of lead and zinc as high as 260 and 440 ppm hardly qualify as "typical of urban sites," particularly when there several concentrations lower than 20 and 40 ppm, respectively.
- Pg 24, P6 - What is the significance of the two HNu readings that were singled out for mention?
- Pg 25, among others - The concentration of lead is not "less than 570 ppm" if there is a concentration equaling 570 ppm.
- Pg 25, P2 - Why is acetone called the "primary" compound? "Most common" would be more accurate.
- Pg 25, P6,7 - The separation of "fill" and "naturally deposited soils" is awkward without interpretation. The use of "naturally" here seems to imply that acetone, MEK and MIBK are naturally occurring as well.
- Pg 25, last P - What is a "prominent" heavy metal? Which ones are referred to?
- Pg 26, P1 - 93 and 130 ppm lead cannot be dismissed as typical urban values when nearby values range from 3 to 54 ppm.
- Pg 26, Area E - Internally inconsistent: "No ... volatile organic(s) ... found", then the text proceeds to discuss volatile organic compounds of 0.5 ppm and formaldehyde up to 9.8 ppm.
- Pg 26, P4 - The concentration of zinc is 110 ppm in Jerry's Pond sediment, not 'below 100 ppm'.
- Pg 27, P3 - Benzene to 311 ppb does not appear in Table III.

There are numerous other compounds listed on the data sheets but not in the tables, especially for wells B211 and B212, at concentrations that warrant presentation and discussion.

- Pg 27, P 4,5 - Arsenic concentrations are worth mentioning.
- Pg 27, last P - The arsenic and chromium in this area should be mentioned, too.
- Pg 27-28 - There are a few values mentioned here that differ from the values shown in Table III. These discrepancies should be corrected.

Apparently only half of the groundwater wells were sampled for water quality. Why?

- Pg 28, last P - Is the sample at S1 surface water or is it groundwater?
- Pg 30, P1 - There is little justification presented for the statement proclaiming that "All wastes ... disposed at the site ... have been removed..."

Laboratories generally use hazardous chemicals. It would be useful to explain what kinds and amounts of waste the current lab activities produce and what is done with it.

- Pg 30, P2 - Some of the figures have been mistyped. Also, the use of "up to" is inaccurate when the subsequent figure came from a composite sample.
- Pg 30, P3 - Most of these statements should have been discussed earlier rather than being presented first in the conclusions section.
- Pg 31, P3 - What are the implications and significance of these results?
- Pg 31, P4 - This paragraph is unclear. Where is groundwater being pumped now? Where will groundwater discharge? Prior work (GZD 1978) indicates that it discharges to Alewife Brook, a surface water.
- Pg 31, P5 - The data indicate the probable presence of additional contaminated soil that may need to be removed and properly disposed of prior to development. However, the text does not discuss the areal extent of waste removal, the filling activities associated with the tunnel construction or the current patterns of contaminant concentrations so that this potential need can be evaluated.
- Pg 32, P2 - Along with the recommended steps, another set of groundwater levels should be taken to define trends in the water table changes. Also, consideration might be given to investigating whether any of the measuring point elevations could have been changed during construction or related activities.
- Pg 32, P3 - Because of the composite nature of the test pit samples, these results are insufficient to justify onsite disposal of fill materials. In addition, there are probably fill materials left which perhaps should NOT be disposed of onsite. At the very least, this recommendation needs discussion and justification in the text.

- Pg 32, P4 - This recommendation needs discussion and justification in the text.
- Pg 32, P5 - This recommendation should precede P3 and P4.
- Pg 32, P5 - Sampling should not be confined strictly to building locations since future occupants of the buildings may be more at risk from open areas.
- Pg 32, last P - Groundwater quality during any pumping should be monitored and any required permits should be obtained.
- Pg 33, P2 - What "utilities" are anticipated to possibly disrupt the groundwater flow path?

Figures and Tables

- Sampling dates should be on tables.
- Figure 2B should be labelled to indicate the period of time this figure covers. Currently, it appears to neglect operations under W. R. Grace.
- Figure 3 - Buildings are illegible.
- Figure 5A - Should refer to the source of this data.
- Table II would be more useful if actual values were listed. The analytical results of previous investigations should be tabulated; identification of results as 'pre-construction' or 'post-construction' would be helpful.
- There are more groundwater analysis locations depicted on Figure 8 than are listed in Table III.
- Table I - It would have been helpful to have grouped these readings by compositing groups.
- Table II - Of some use, but all data should be in Table 3 style - including that from prior studies.
- Table III - Sampling date(s) should be reported. Was sampling pre- or post-waste removal?
- Table III - Phenolics and formaldehyde should be reported in ppb as are the other organic compounds.

DETAILED COMMENTS - Volume 2

- Appendices B and C - The log information in Appendix C is incomplete and some of it doesn't agree with Appendix B information.
- Appendices D, E, F, G, H and Figure 5B - Where are A and DW series located?
- Appendix M Where are the new series A wells? Where is the data interpretation?
- Appendix N - There is no key to Arnold Greene lab data; what sample locations do the lab numbers refer to?
- Appendix N - Several compounds are found often enough and/or at high enough levels that they should be mentioned: most notably, methylene chloride (4 values not likely to be attributable to lab contamination), 2,4-dimethylphenol, ethylbenzene and 2-hexanone (MBK). All of these appear at levels greater than 100 ppb and should not be neglected.

DETAILED COMMENTS - Volume 3

Text

- The discussion of how these guidelines were derived diverts the reader from a clear understanding of the conditions at this site. Only a brief outline of method, major judgements, and results should be in the main body of the report. An appendix discussing the derivations and the reasoning behind the guidelines might be an improvement. In particular, Sections 6.1.1 through 6.2 belong in an appendix. The level of detail included in these sections is informative, but is not directly pertinent to this specific site.
- The level of detail in the discussion of the areal extent of compounds (Section 2) is inconsistent: the occurrence of some compounds is discussed nearly borehole-by-borehole while other compounds (notably chromium, copper and zinc in water samples) are not mentioned.

As a minimum, this section should state for each compound whether it appears to be widely distributed or localized in a few areas. If there is no apparent pattern or correlation, that should be stated, too. (This is the type of discussion/interpretation lacking in Volume 1.)

- There are several errors in the concentrations reported in the text.
- There are no groundwater samples downgradient and offsite. There are some wells which might be upgradient wells, but there is no undisputable upgradient well.

- There is no estimate of the amount of sludge deposited over the years, its composition(s), or how much was removed.
- Water and soil guidelines derived from TLVs are not valid as they don't account for any differences caused by the exposure routes, and this use is not in accordance with the intended use of the TLVs (next comment).
- The report is inconsistent in portraying the water solubility of naphthalene. - Both the Merck Index and Sax say that naphthalene is insoluble in water. Appendix E (pg 3) states that naphthalene is "fairly water soluble" at 30 mg/l; Table 4-1 states the solubility as 20,000 ppm and Table 4-2 calls it "moderately soluble." (References: The Merck Index. Ninth Edition. 1976; Sax, N.I. 1984. Dangerous Properties of Industrial Materials. Sixth Edition).
- Risk is assessed only for construction workers above ground or groundwater consumers. What potential hazard is there for workers in trenches? There is no attention to potential effects on long-term occupants of future development and little attention to surface water pollution. Potential risks to residents need to be more thoroughly assessed before being dismissed. In particular, this risk assessment should address the potential for offsite contaminant migration.
- One surface water sample and one sediment sample are not adequate to characterize Jerry's Pond, particularly if the pond will become more available to public use after development. What are the plans for Parkway Pond?
- All PAHs should not be grouped for consideration: there are four known carcinogens found onsite; they should not be mixed with non- or potential carcinogens.
- Non-carcinogenic effects should receive more attention.
- References should be cited in the text of Volume 3.
- In the discussion of compound occurrences, the author infers judgements as to the importance of various compounds ("only" so much was found). This is inappropriate prior to the discussion of the derivation of the guidelines.
- Pg 12, P2 - "these sites are close to original acetone storage tank." Only one of the listed sites is near and downgradient of the acetone storage tank in the tank farm. Several concentrations, including the highest value of 680 ppb at B1, were omitted. Acetone contamination locations are over 500 feet apart; is this "close"?
- Pg 13, P3 - "No other PAH was detected; thus . . ." The statements following the "thus" mislead the reader by appearing to draw conclusions which are not substantiated by subsequent paragraphs.
- Pg 13-15 (Section 2.1.6) - The basic results of the PAH analyses are lost in the discussion. These results are: (1) that there were several different samplings for PAHs which came up with a total range of ND to 356.9 ppm total PAHs and (2) that the PAHs appear to occur in pockets of high concentrations rather than evenly across the site.

- Pg 20, P1 - "... very few instances in which any chemical found in soil was detected in groundwater..." This statement is false. It only appears to be true because of the low number of groundwater samples collected. A comparison of the number of compounds found as a function of the number of times compounds were analyzed for indicates the opposite: groundwater samples were more likely to show contamination than soil samples.

"The chemicals found in both include..." The rest of this paragraph is false. The error appears to be confusing presence or occurrence with concentrations: a trace concentration is an occurrence. Also, 1,1,1-trichloroethane was found in groundwater but not in soil.

- Pg 20-21 - The discussion of detection limits and benzene would be helped if a detection limit (or range of detection limits) was given in the text or table. Benzene is no longer commonly used in laboratories due to its carcinogenicity. Unless benzene was detected in blank samples, its presence in the environmental samples should be accepted.
- Pg 21, P3 - Samples S2 and S3 are not from Alewife Brook.
- Pg 21, last P - "measurable" concentrations: This implies that trace amounts are not there. The locations of trace concentrations should at least be mentioned; they are different findings than "not detected."
- Pg 22, P5, 6 - "... the only concentration ... above a ... criterion" etc. True, but two other arsenic values are at or near the criterion.

Other metals should be discussed, especially those which were detected at or near criteria levels. In addition, drinking water criteria are not the only type of criteria which could be used for the purposes of comparison.

- Pg 22, P6 - A table of drinking water criteria would be helpful.
- Pg 22, last 2 P - Heavy metals (particularly Hg, Cr and Pb) should also be compared to typical values for the area (such as regional values or background samples).
- Section 3 - A sentence for each compound describing the use of each at this location and whether it was a raw material, waste product or end product would be helpful.

For EACH compound, discuss its fate in the body (ie. is it cumulative, metabolized or eliminated?) Discuss what is known about synergistic or additive effects.

- Pg 26, P2 - Are/were there underground or above ground pipelines transporting acetone or other chemicals? These should be discussed.
- Pg 28, P1 - What exposure route(s) are most common for carbon disulfide (inhalation, ingestion ...)? What type of exposure does the 10 ppm refer to ?

- Pg 28, P3 - What is known about exposure to formaldehyde via ingestion?
- Section 4 - Need to define, briefly, each of the Partition Coefficients and what different values signify (i.e., higher than x means ..., lower than x means ...)
- Pg 38-39 - "... the half-life in soil would be on the order of 15 days ..." This statement suggests that the 680 ppb of acetone found at B1 will degrade to less than 1 ppb in less than 6 months. This presentation ignores local conditions such as pH, hardness, other chemicals present, saturated vs unsaturated conditions, and soil characteristics. Also, it is unclear, but this suggested half-life of 15 days appears to be derived from degradation rates in water exposed to the atmosphere. These rates would not be applicable to groundwater conditions.

When was the last known new introduction of acetone to the site? How does this confirm or refute the 15-day half-life?

What does acetone degrade to? What compounds are produced when acetone "binds to fats, oils, etc."?

- Pg 39-40 - Where does the value for the water solubility of carbon disulfide come from? Verschueren (pg. 340) states water solubility as 2,300 mg/l. What is/might the effect of pH, etc., be on water solubility? (Reference: Verschueren, K. 1983. Handbook of Environmental Data on Organic Chemicals. Second Edition).
- Section 5 - Discussion revolves around basis for proof of adverse effects and amounts needed for serious and permanent damage. "Mild" reactions are discounted as being trivial and unimportant. Acute, chronic, synergistic and additive effects should be discussed, at least briefly.
- Section 6 - Some of the chemicals found at the site have explosive characteristics. This should be discussed since there might be a possibility that a construction crew could expose a pocket of high concentration.
- Pg 77 - The risks presented in Table 6-2 apply to particular sports or occupations and can be influenced by the safety habits of the participant. These voluntary risks should not be compared to risks posed by involuntary exposure to environmental contaminants.
- Pg 83, P2 - Define "significant" and "substantial margin of safety." A risk acceptable to the developer may not be acceptable to future occupants of the development or to public officials.
- Section 6.4 (pg 87+) - Regarding the TLVs, the ACGIH states that: "They are not intended for use, or for modification for use, (1) as a relative index of hazard or toxicity, (2) in the evaluation or control of community air pollution nuisances, (3) in estimating the toxic potential of continuous, uninterrupted exposures or other extended work periods ..." This report uses the TLVs in a manner for which they were not intended to be used. (Reference: ACGIH (American Conference of Governmental Industrial Hygienists). 1984. TLVs: Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment and Biological Exposure Indices with Intended Changes for 1984-85. Pg. 2).

The use of permissible exposure levels (PELs) for dusts to set exposure criteria for chemicals contained in site soils is not obviously valid. The question for volatile chemicals is not how much will be inhaled as it is attached to dust, but how much will be released into the breathing zone by construction activities and inhaled.

- Pg 87 - The rationale behind the assignment of the safety factors is not adequately explained. Since a change in some of the safety factors changes the comparison between guidelines and soil concentrations, the rationale should be clear and solid.
- Pg 88, P2 - The discussion of the number of samples exceeding a guideline is incomplete: need to add discussion of composite samples and total number of samples ("only 7 samples" means one thing when the total is 700 samples and another when the total is 8 samples).
- Table 6-5 (Pg 89) - Many of the high soil concentrations come from composite samples; these numbers do not represent a true high value since 3 or 4 samples were mixed. Some of the samples would have higher concentrations than the average (i.e., reported) value, and some would have lower concentrations. If the derivation of the soil guidelines were acceptable, this point could be critical for evaluating PAH and copper concentrations, among others.

Why was cyanide omitted?

- Pg 91, P1 - This paragraph is inaccurate:
 - a) Acetone is both volatile and water soluble, and it is found in high concentrations in water. Table 4-6 is not an accurate list of physical properties.
 - b) It is apparent from the water quality in wells B210, B211, B212 and B502 that naphthalene is not the only substance likely to migrate off the site.
 - c) There is no conclusive evidence that ALL sulfonated naphthalene sludge has been removed: in fact, the high values of naphthalene found in 4 of the 6 composite soil samples indicate that naphthalene may be present in large amounts across the entire site.
 - d) Even if all sources of naphthalene have been removed, large concentrations have already migrated from the source(s) and will continue to migrate for some time. Migration directions and probable rates of migration should be discussed.
- Pg 92, p 2, 3 - Dust control is important; however, monitoring and proper protective clothing may be equally important.

Figures and Tables

- The arsenic value for B3 is incorrect on Table 2-2; there are several similar errors on this table.
- pH and specific conductivity values should be tabulated.
- Table 2-2 - Should use consistent units. For example, cyanide and formaldehyde are listed as ppb on one page and as ppm on another. The values presented are not always consistent with the data presented in Appendix N.
- Tables 4-1 and 4-2 - The properties aren't consistent between the two tables and in the appendices.

How is zinc biodegraded?

- Table 6-4 - Total cyanide was found at 10 ppb; the guideline should be included.
- Table 6-6 - Are these Recommended or Recommended MAXIMUM Soil Levels?
PAHs shouldn't be grouped together - their properties vary too widely.

Appendices

- Section 6.4 - The derivation of water guidelines from the TLVs is not a standard and accepted method.
- The use and purpose of conversion factors are not discussed.



CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

SUSAN B. SCHLESINGER,
Assistant City Manager for
Community Development

August 1, 1996

To: Cambridge City Council
Cambridge Planning Board

From: Lester Barber, Community Development Department

RE: Existing Transition Provisions in the Cambridge Zoning Ordinance

The Quinlan/Bromfield rezoning petition proposes to require a buffer between development in the Industry C zoning district, and the IC-Planned Unit Development district that is coterminous with it, and the adjacent residential neighborhood. That buffer would consist of the imposition of the use and dimensional requirements of the Open Space zoning district on that portion of the IC district and its PUD that lies within 400 feet of a residential zoning district line. With an FAR of 0.25, height of 35 feet, and a very limited range of permitted uses (municipal buildings, parks, religious structures, public meeting halls, and commercial recreation facilities, among others) this transition area would be very restrictive. The IC and PUD districts currently permit a wide range of office, R&D, and industrial uses with permitted building heights between 45 and 85 feet and building densities between 1.0 and 2.0 FAR.

There is no comparable transition requirement currently in the Ordinance; nor is there a uniform approach in the Ordinance to providing buffers between districts of varying intensity or use. Rather, as the following examples illustrate, there are a variety of approaches taken in the Ordinance and on the Zoning Map to ease the transition between differently developed areas, all generally more modest in scope than the proposed Quinlan/Bromfield buffer would be.

Height Transitions

This is a fairly common technique employed in the Ordinance.

1. **Office 2 District:** a 35 foot height limit is imposed (reduced from the 85 feet allowed in the district) for any development within **125 feet** of a residential district line.
2. **Industry B-2 District:** a 35 foot height limit is imposed (reduced from the 85 feet allowed in the district) for any development within **100 feet** of a residential structure or residential district line.

3. **Business C District:** a 35 foot height limit is imposed (reduced from the 55 feet allowed in the district) within **50 feet** of a residential district line.

4. **Business B-1/Business B-2 Districts:** special sky exposure planes limit the height of buildings (reduced from the 90 feet allowed) as they approach Massachusetts Avenue, Green Street, or a residential zone line. The same technique is also used in the Harvard, Central and Parkway Overlay Districts and Special District 1 in East Cambridge to limit the height of buildings facing public streets or abutting residential districts. In the **BB-1** district buildings are limited to 40 feet in height within **45 feet** of Green Street.

Yard (Setback) Transitions

The zoning ordinance has a general provision, Section 5.50, that mandates limited transitions between residential and non residential districts. Elsewhere in the Ordinance, special setback transitions may be required. In a number of these special yard provisions, the character of the setback is specifically detailed, e.g. requiring landscaping or other treatment to provide an extra degree of protection. Generally in the Ordinance, a building may be required to be setback from a lot line a specific distance, but the use and character of that resulting yard is only minimally regulated.

1. **Section 5.50:** this general section requires that a building in a non residential zoning district have the front yard setback required in the adjacent residential zone for a distance of **50 feet** from the residential district line. A minimum side yard of 10 feet is required where a building in a non residential district abuts a lot, some or all of which is located in a residential district. It is frequently the case that non residential zones have no front or side yard requirements, or requirements that may be less than those established in an adjacent residential district.

2. **Business B-1/Business B-2 Districts:** a **20 foot** side and rear yard is required where a lot abuts a residential district (no yard is otherwise imposed except as may be required in the general Section 5.50). That yard must be landscaped in a prescribed way and may not contain any structure located either above or below ground.

3. **Parkway Overlay District:** A **25 foot**, landscaped front yard is required (where 0 to 10 feet might typically be required) along all parkways in Alewife.

4. **Special District 1** (a retail/industrial district in East Cambridge): A **20 foot** , landscaped yard is required from any Residence C-1 zoning district line.

5. **Residence C-2A District:** The front and side yard requirements of the adjacent residential district are required for a building located within **125 feet** of the zoning district line.

Use Transitions

This technique is not employed frequently in the Ordinance within a zoning district although it is not uncommon to rezoning an area to a specific district designation that by virtue of its

dimensional and use characteristics will provide a transition from an area of one character to an area with a different character (see below).

1. **The Business B-1 District:** That portion of a lot fronting on Green Street, for a depth of **45 feet**, is limited to residential and open space uses although the district itself permits a wide range of retail and office uses.

Zoning District Employed as a Transition

This is not an uncommon technique employed on the Zoning Map to ease the transition between neighborhoods of differing character. The following illustrate where the technique has been employed intentionally or inadvertently while serving some other objective.

1. A Residence C-1 district fronts on **Mt. Auburn Street** along the full length of the Mt. Auburn Hospital campus. The remainder of the campus is zoned Residence C-3.
2. The Residence C-2 district along **Story Street** provides a use and density transition between the dense commercial Harvard Square and the Residence B neighborhood beyond.
3. A Residence C-1 zone along **Sumner Street** provides a dimensional transition between the Residence B neighborhood on the other side of the street and the Residence C-3 campus of Harvard University behind.

Other Techniques

The Kirkland Place Overlay District acts in a more comprehensive way to provide a transition between a very low density residential neighborhood and the core campus of Harvard University. It more closely parallels the Quinlan/Bromfield approach than other transition features found in the Ordinance.

1. **Kirkland Place Overlay District:** For a distance of **130 feet**, the Overlay district imposes the dimensional requirements of the Residence A-2 district (35' height, 0.5 FAR for any construction above grade, etc.) on a Residence C-3 district (no height limit, 3.0 FAR). However, all uses permitted in the Residence C-3 district, including institutional uses, continue to be permitted in the Overlay District.

ORDINANCE COMMITTEE HEARING

SPEAKERS OPPOSED TO PETITION

NAME

ADDRESS

Joseph Haley
for W.R. Grace

Exchange Place Boston
(Gordon Procter + Hoar)

Ord. Committee

Attachments

(1st is 2-sided)



CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

SUSAN B. SCHLESINGER
Assistant City Manager for
Community Development

ELIZABETH EPSTEIN
Deputy Director for
Community Development

October 28, 1996

RE: Modifications to the Language Originally Recommended by the Planning Board as a Substitute for the Quinlan/Bromfield Petition

Additional language, highlighted in bold, is recommended to be added to the language originally forwarded to the City Council, in order to clarify its intent. A summary of the substitute provisions, and of the additional language, follows.

Section 4.29. This provision establishes a special use buffer within the IC district in which only accessory at-grade parking, buildings housing office uses, and buildings housing residential uses are permitted; the buffer applies where the IC district abuts a public park or recreation area. **The added language in the second paragraph makes it clear that certain housing uses, not now permitted in the IC district, are permitted in this use buffer.**

The third paragraph defines a rectangle, illustrated in the attached map, in which uses are further limited to accessory at-grade parking and housing only. **The added language more precisely defines that rectangle and adds a provision that access to non residential uses from Harvey Street is prohibited.**

Section 5.34. This provision adds a new setback requirement along all front, side and rear yards in the IC district and restricts the height to 35 feet within 125 feet of the parks. The setback, 25 feet in width, is required to be green area as defined in the zoning ordinance, with the exception of driveways crossing a front yard to serve uses elsewhere on the lot. **The added language corrects an unintentional consequence of the original language. Intended was a green yard along the Alewife Brook Parkway, Whittemore Avenue, and along the edge of the IC district abutting the parks. The original language, however, would apply these yard requirements to any new lot line created within the district as subdivision of the larger parcel occurred; the new language would assure that the setback is required only at the outside boundaries of the district and not to any future internal lots.**

Section 13.19. This provision applies all of the above to the IC Planned Unit Development as well.

Substitute Language Recommended by the Planning Board, with modifications

Add a new Section 4.29 as follows:

4.29 Special Use Limitations in Industry C Districts

For any lot or portion of a lot in an Industry C District that is located within 400 feet of any Residence A or B Zoning District, the following use limitations shall apply:

For that portion of the lot located within 125 feet of a public park or recreation area (including but not limited to Russell Field and the Linear Park) no use shall be permitted except accessory parking (serving uses located elsewhere on the lot) that is located at grade, or structures containing Office and Laboratory Uses - Section 4.34 that are otherwise permitted in the Industry C District. **In addition, structures containing residential uses, Section 4.31 a, b, d, g shall also be permitted, notwithstanding any use limitations to the contrary in Section 4.30 - Table of Use Regulations.**

However, only at grade accessory parking and residential uses shall be permitted for those portions of a lot or lots located within 125 feet of a public park or recreation area that are also located within the area bounded on the north by a line parallel to and 90 feet distant from the centerline of Harvey Street and its westerly extension, on the south by a line parallel to and 200 feet distant from the centerline of Harvey Street and its extension, **on the east by the Linear Park and /or Russell Field, and on the west by a line 125 feet distant from and parallel to the eastern boundary line. No driveway or other vehicular access providing any vehicular connection to Harvey Street shall be permitted in this described area with the exception of a driveway or driveways serving permitted residential uses.**

Uses within the 125 foot restricted use area shall be further limited by the yard requirements for the Industry C District set forth in Section 5.34, footnote (e).

In Section 4.30 - Table of Use Regulations, add a new superscript number 54 to the heading "Ind C" in Column fourteen.

In Section 4.40 - Footnotes to the Table of Use Regulations add a new footnote 54 to read as follows:

54. Subject to the provisions of Section 4.29

In Section 5.34 - Industrial Districts, Table 5-4, add a new footnote (e) in the first column at the seventh line "IC"

In Section 5.34, add a new footnote (e) to read as follows:

- (e) Notwithstanding the dimensional requirements set forth in this Section 5.34 for the Industry C district, any principal use, accessory use or structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District, the following dimensional requirements shall apply:

(1) a minimum front, side and rear yard of 25 feet shall be required for all structures, principal uses and accessory uses (including at grade parking); said yard requirements shall only apply to and be measured from lot lines or portions of lot lines abutting any public street, abutting any lot not entirely within the Industry C District, abutting any public park or recreation area, and from that portion of any other lot line located within 25 feet of the Industry C zoning district line. Yard requirements for lot lines located elsewhere within the Industry C district shall be subject only to the requirements of Table 5-4 and its other footnotes. The yards required in this footnote (e) shall consist entirely of green area as defined in Article 2.000 with the exception of paving access across a front yard for a driveway or driveways meeting the requirements of Section 6.43.3 of this Ordinance and which driveway or driveways cross the yard in the most direct manner possible to provide access to uses located elsewhere on the lot; and

(2) for that portion of a lot or lots located within 125 feet of a public park or recreation area (including but not limited to Russell Field and Linear Park) the maximum permitted height shall be thirty-five (35) feet.

In Section 13.10 - Planned Unit Development in IC Districts, add a new Section 13.19 to read as follows:

13.19 - Special Use and Dimensional Limitations in the PUD-IC District

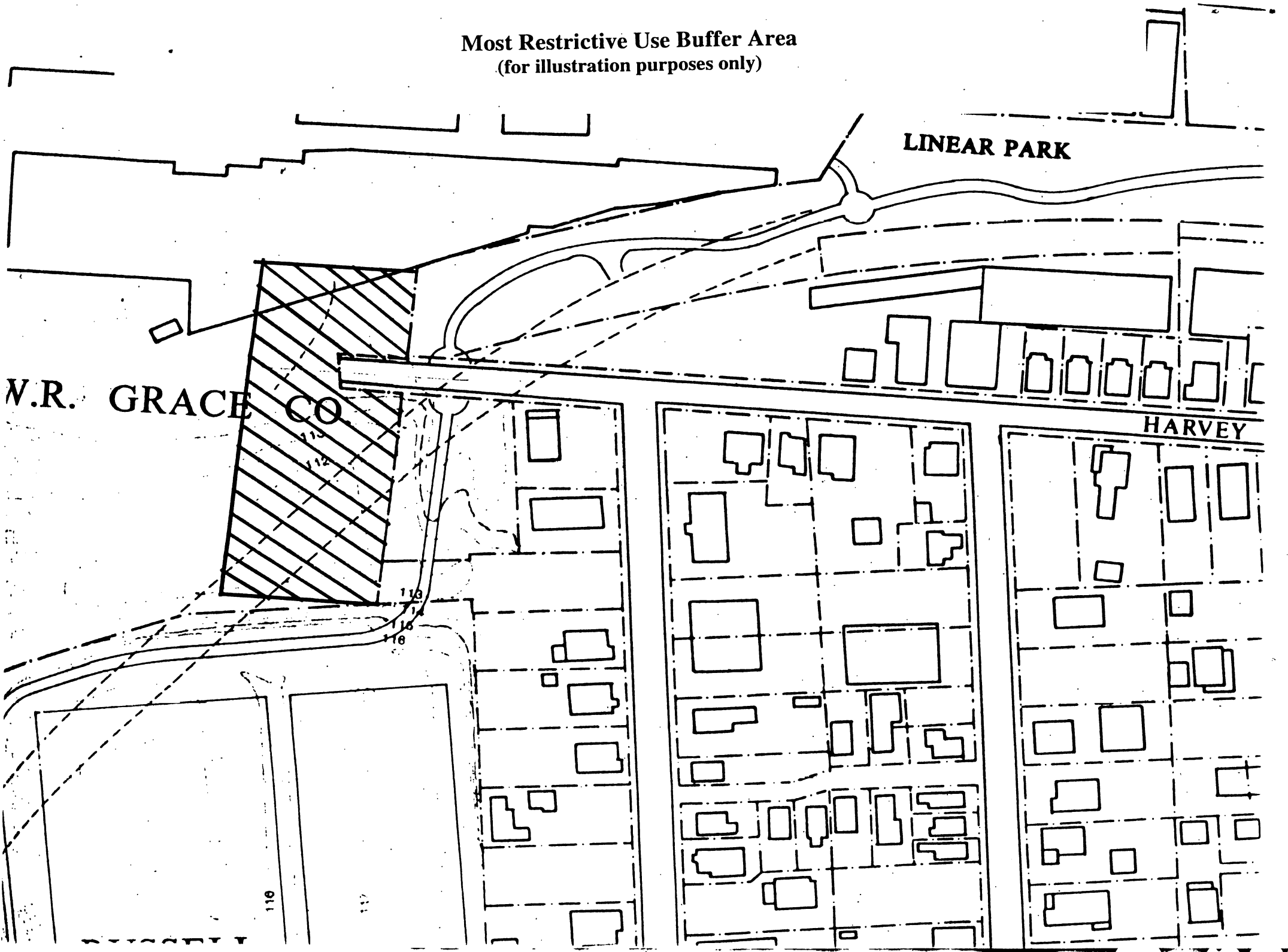
Notwithstanding any use provision or dimensional requirement set forth elsewhere in this Section 13.10, for any development parcel or portion of a development parcel located within 400 feet of any Residence B or Residence A Zoning District, the requirements of Section 4.29 and Section 5.34, footnote (e) of the Zoning Ordinance shall continue to apply in the PUD-IC district and shall not be waived or modified by any provision of this Section 13.10..

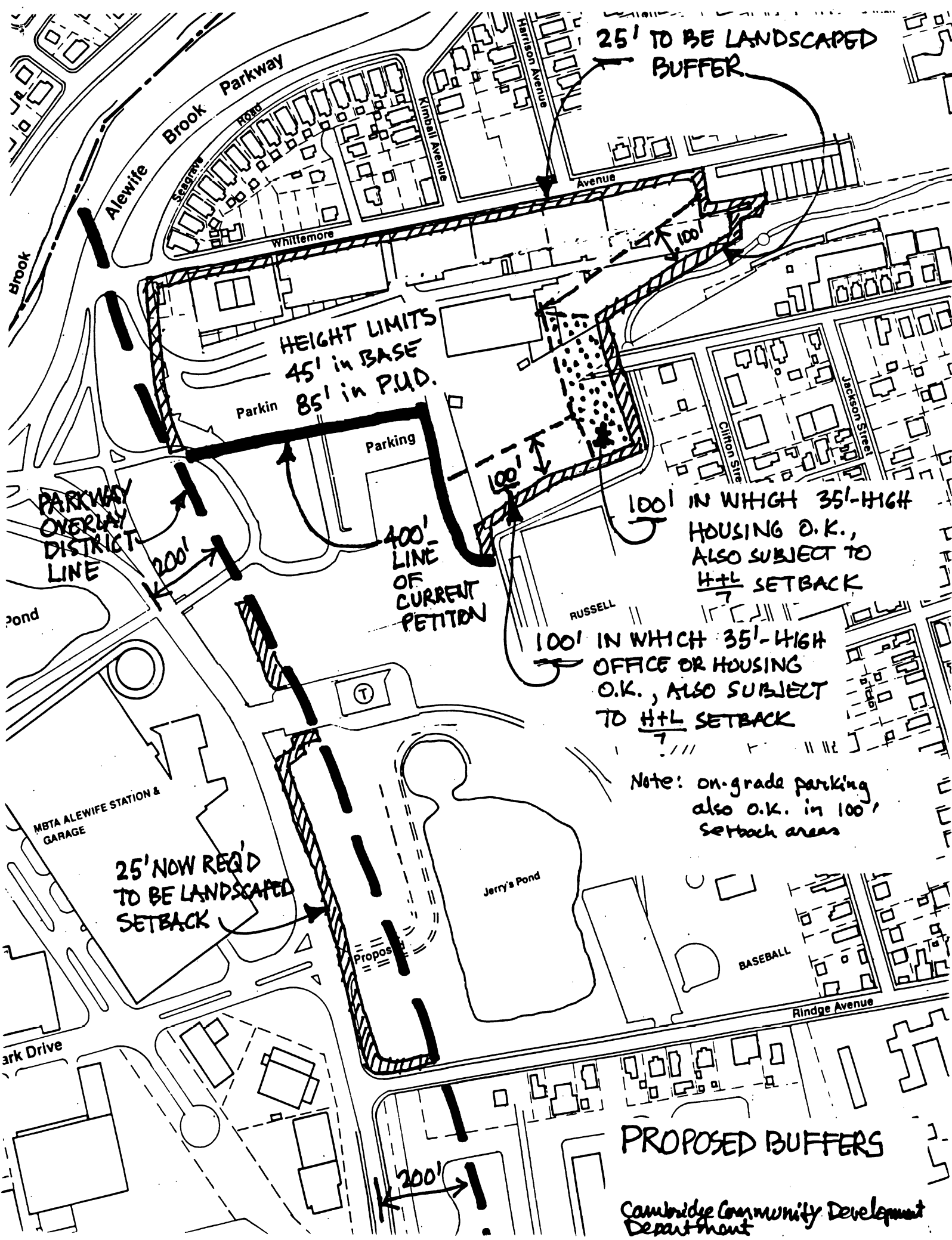
Most Restrictive Use Buffer Area
(for illustration purposes only)

LINEAR PARK

V.R. GRACE CO

HARVEY





25' TO BE LANDSCAPED BUFFER

HEIGHT LIMITS
45' in BASE
85' in P.U.D.

PARKWAY
OVERLAY
DISTRICT
LINE

400' LINE
OF
CURRENT
PETITION

100' IN WHICH 35'-HIGH
HOUSING O.K.,
ALSO SUBJECT TO
H+L SETBACK

100' IN WHICH 35'-HIGH
OFFICE OR HOUSING
O.K., ALSO SUBJECT
TO H+L SETBACK

Note: on-grade parking
also o.k. in 100'
setback areas

25' NOW REQ'D
TO BE LANDSCAPED
SETBACK

PROPOSED BUFFERS

Cambridge Community Development
Department



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300
FAX 349-4307



EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

October 21, 1996

To The Honorable, The City Council:

Please find attached for your consideration the Planning Board recommendation on the Quinlan/Bromfield, et al petition.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
attachment



CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD
CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

October 10, 1996

To the Honorable the City Council:

RE: Planning Board recommendation on the Quinlan/Bromfield, et al rezoning petition

Recommendation

Due to general planning concerns relating to the entire District, the Planning Board will initiate a study leading to a comprehensive revision of the zoning regulations affecting all of the IC District and the coterminous PUD (Planned Unit Development) District for submission to the City Council as expeditiously as possible.

At this time the Planning Board recommends substitute language for the Quinlan/Bromfield Petition (the recommended substitute language is enclosed). The substitute petition creates a transition zone between public open space and residential neighborhoods, and the industrial/commercial Industry C District and its PUD. That transition is accomplished through limitations on height of buildings and uses that may be located in the transition zone, as well as a landscaped buffer requirement along all property boundaries.

In conclusion the Planning Board does not recommend adoption of the Petition as filed.

Findings

General Considerations. In making its recommendation the Planning Board makes the following general findings.

*Resolution of public health and safety issues surrounding contamination on the Grace site are not appropriately within the purview of the Planning Board.

* Nevertheless, site contamination issues are of serious concern and the City should be diligent in its monitoring of efforts by the responsible agencies [state Department of Environmental Protection (DEP), Massachusetts Bay Transit Authority (MBTA), etc.] to assure that all lingering questions and concerns are answered and that appropriate cleanup actions are fully implemented. To the extent that the City itself has an opportunity to advance knowledge of the area in this regard (as at Russell Field), it should do so.

*The Planning Board's direct and customary responsibility is to determine how the Industry C District and its PUD should be physically developed, consistent with adopted land use policies and objectives. The range of uses allowed, the density of future buildings, and the disposition of those uses and buildings on the site are among the aspects of this district's future that are appropriately the focus of the Board. The physical context within which this area sits, its relationship to surrounding uses, and the infrastructure available to support future development are all directly relevant to making land use recommendations for this district; the physical characteristics of the site, including the presence of flood plains and wetlands, are relevant in shaping such recommendations. However, any Planning Board recommendation with regard to the future of land use within this district is based on the assumption that other agencies, exercising their separate responsibilities, will only permit such activities as are consistent with the public health and safety as it may be affected by any contamination on the site.

*The current petition, and the important issues it raises, such as the need for appropriate transitions between industrial/commercial districts and residential neighborhoods, protection of valuable natural resources, as well as issues of height, density and scale, all suggest to the Board that 15 years after the current development policies for this area of Alewife were adopted, the Board and the City should review those policies (as they are embodied in the current zoning regulations) and consider appropriate modifications affecting the entire IC District and its PUD.

The Petition as Filed. With regard to the petition as it was filed the Board makes the following findings.

* On its merits, as an application of planning principles to this site, and as a zoning regulatory mechanism to address the issues of concern to the petitioners, the petition fails because its regulatory remedy is disproportionate or non-responsive to the problems identified. There is a lack of a sufficiently direct and appropriate relationship between the petition and its planning goals.

*Flood plain and wetlands protection is undertaken by authority granted under state statute through the City's Conservation Commission. Those resources can be fully protected while reasonable amounts of commercial development occur within the Industry C district.

*If the petitioners' assertion that the petition does not diminish the potential for total development on the site is correct, traffic concerns are not addressed by the zoning remedy they propose.

* The transition proposed in the petition is far in excess of any transition now in effect or ever proposed in the Zoning Ordinance or on the Zoning Map. There is nothing in the physical context of this site that suggests such a large and restrictive transition area (400 feet as proposed) is needed to protect the interests of the surrounding neighborhood.

* The important issues of contamination of the site are not advanced to resolution or remediation by prohibiting development within the area affected by the petition. More

thorough remediation or clean-up may in fact be advanced by assuring a useful and profitable use of the property in the future. This is consistent with the federal Environmental Protection Agency (EPA) and DEP Brownfields programs to encourage remediation and safe reuse of contaminated sites.

*The Board has been advised by the Office of the City Solicitor that the petition as filed is seriously flawed with regard to the issues of constitutional taking of private property and of spot zoning. The petition may be determined, upon appeal, to be an illegal exercise of the City's police powers, and the City may be further liable to provide compensation for the taking of property. Based on that advice the Board would recommend against adoption of the petition.

Recommended Substitute Petition. In recommending an alternate scheme for addressing the concerns of the petitioners, the Board makes the following findings with regard to its substitute petition language.

*While the Board cannot support the particular regulatory remedy embodied in the Quinlan/Bromfield Petition, the planning issues raised by the petitioners in support of the rezoning proposal are of deep concern to the Planning Board. Those issues are most appropriately considered within the context of a reexamination of the current planning policies for the entire IC District and its PUD, to which the Planning Board has committed itself.

*The substitute petition would focus changes to the IC District and the PUD in the area affected by the Quinlan/Bromfield proposal; however, it would modify regulations affecting use, height and transition that are customarily dealt with through zoning. The proposal would do the following:

*Provide for a landscaped buffer setback of 25 feet along Whittemore Avenue, at Alewife Brook Parkway, and along the public parks abutting the site. The Industry C District and the PUD immediately abut public parks along much of their boundary, and at Whittemore Avenue are located directly across the street from the residential neighborhood. Residential Clifton Street lies just beyond the Linear Park. This landscaped buffer, similar to that now required along Alewife Brook Parkway and at the business/residential boundary along O'Brien Highway in East Cambridge, would provide a visual and physical buffer between any commercial use that might develop in the IC District or the PUD and these residential and open space resources. Such a buffer is consistent with the need for appropriate transitions between differing uses identified in *Toward a Sustainable Future: Cambridge Growth Policy Document* in both its land use and urban design sections.

*Require that within 125 feet of those public parks (and by extension Clifton Street) only limited uses would be permitted and that the maximum height allowed for any building would be 35 feet, rather than the 45 feet permitted in the IC District or the 85 feet permitted in the PUD. Allowed uses shall include at-grade accessory parking, serving uses located elsewhere on the lot; structures containing Office and Laboratory Uses that are permitted in the Industry C District; and/or structures containing residential uses.

Similar height transitions already occur within the Office 2 and Industry B-2 districts found elsewhere in Alewife (where 85 feet would normally be permitted); in this case the height limitations would provide another protection for both the parks and the neighborhood by requiring structures of only modest scale close to the parks and residential dwellings.

*For that portion of this buffer area closest to the Clifton Street residential neighborhood, only at-grade accessory parking and housing would be permitted. As this undeveloped location is closest to the residential neighborhood only the most compatible uses (housing or landscaped at-grade parking) are appropriate. The disruptions that might be attendant to office or industrial activities would be excluded from this most sensitive area.

These changes are consistent with buffers and transitions required elsewhere in the city and elsewhere in Alewife. They are reasonable and proportionate to the need to adequately protect residential neighborhoods abutting commercial districts without unduly limiting commercial/industrial development on a majority of land within the IC District or the PUD. These transition proposals carry out a policy theme suggested throughout *Toward a Sustainable Cambridge: Cambridge Growth Policy Document*.

*The petition affects only a portion of the IC District and the PUD. There has been a growing sense on the part of the Planning Board that a comprehensive rethinking of the both the IC District and the PUD, and their implied policy objectives, is in order. That conclusion has been reached in part as a result of the recent discussions surrounding the existing PUD Special Permit #64 that encompasses a large part of the IC District, and reinforced by the supporting data submitted by the petitioners and the planning efforts recently undertaken for the rest of the Alewife industrial/commercial area. The Board is committed to that reexamination, with the full participation of the property owner, holders of the current special permit, and the community. The objective will be the expeditious submission of a comprehensive rezoning proposal to the City Council for its consideration.

Respectfully submitted for the Planning Board,


Paul Dietrich, Chairman

Substitute Language Recommended by the Planning Board

Add a new Section 4.29 as follows:

4.29 Special Use Limitations in Industry C Districts

For any lot or portion of a lot in an Industry C District that is located within 400 feet of any Residence A or B Zoning District, the following use limitations shall apply: for that portion of the lot located within 125 feet of a public park or recreation area (including but not limited to Russell Field and the Linear Park) no use shall be permitted except accessory parking, serving uses located elsewhere on the lot, that is located at grade, or structures containing Office and Laboratory Uses - Section 4.34 that are otherwise permitted in the Industry C District, or structures containing residential uses, Section 4.31 a, b, d, g. However, only at grade accessory parking and residential uses shall be permitted for those portions of a lot or lots located within 125 feet of a public park or recreation area that are also located within the area bounded on the north by a line parallel to and 90 feet distant from the centerline of Harvey Street and its westerly extension, and on the south by a line parallel to and 200 feet distant from the centerline of Harvey Street and its extension. Uses within the 125 foot restricted use area shall be further limited by the yard requirements for the Industry C District set forth in Section 5.34, footnote (e).

In Section 4.30 - Table of Use Regulations, add a new superscript number 54 to the heading "Ind C" in Column fourteen.

In Section 4.40 - Footnotes to the Table of Use Regulations add a new footnote 54 to read as follows:

54. Subject to the provisions of Section 4.29

In Section 5.34 - Industrial Districts, Table 5-4, add a new footnote (e) in the first column at the seventh line "IC"

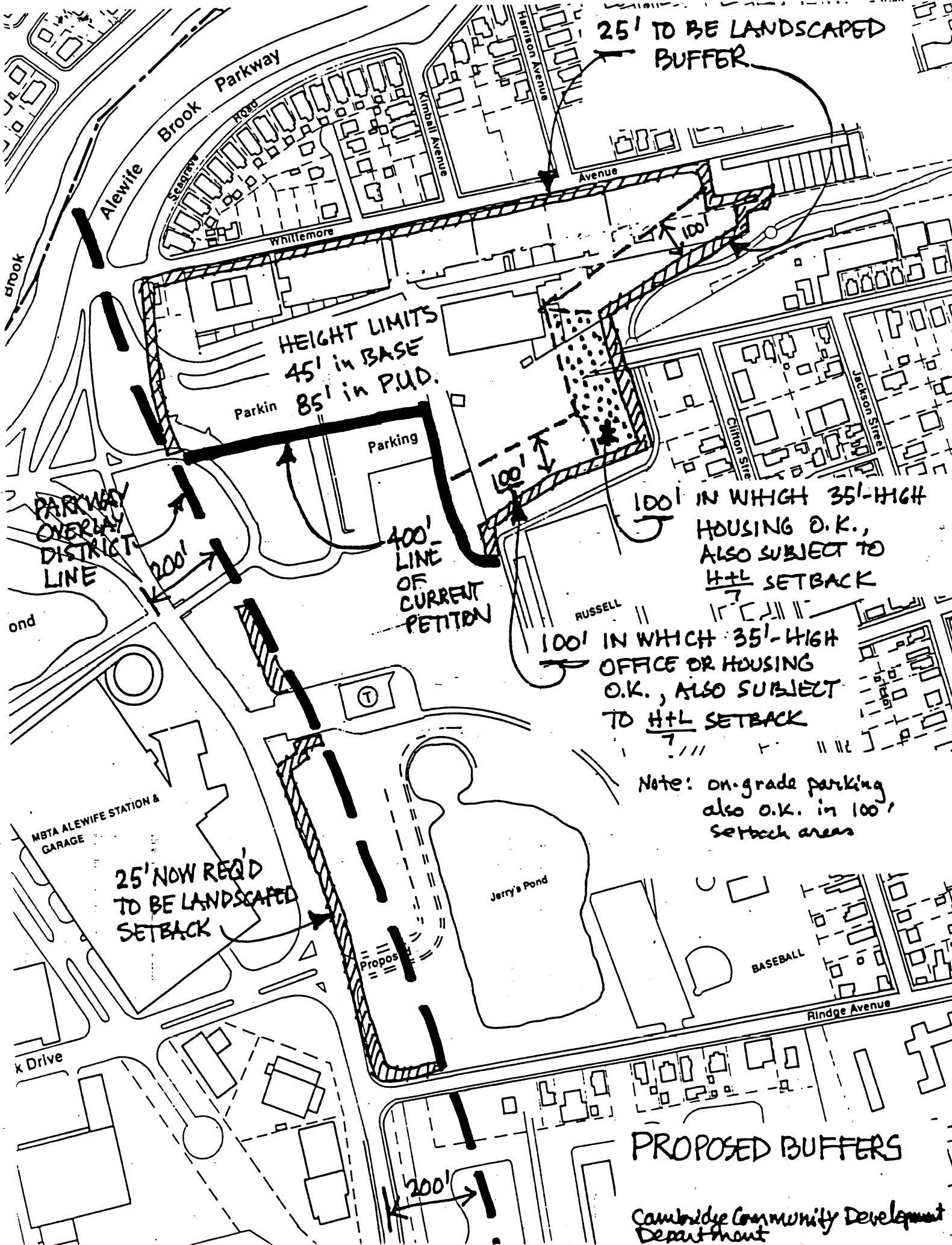
In Section 5.34, add a new footnote (e) to read as follows:

- (e) Notwithstanding the dimensional requirements set forth in this Section 5.34 for the Industry C district, any principal use, accessory use or structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District, the following dimensional requirements shall apply: (1) a minimum front, side and rear yard of 25 feet shall be required for all structures, principal uses and accessory uses (including at grade parking). Said yards shall consist entirely of green area as defined in Article 2.000 with the exception of paving access across a front yard for a driveway or driveways meeting the requirements of Section 6.43.3 of this Ordinance and which driveway or driveways cross the yard in the most direct manner possible to provide access to uses located elsewhere on the lot; and (2) for that portion of a lot or lots located within 125 feet of a public park or recreation area (including but not limited to Russell Field and Linear Park) the maximum permitted height shall be thirty-five (35) feet.

In Section 13.10 - Planned Unit Development in IC Districts, add a new Section 13.19 to read as follows:

13.19 - Special Use and Dimensional Limitations in the PUD-IC District

Notwithstanding any use provision or dimensional requirement set forth elsewhere in this Section 13.10, for any development parcel or portion of a development parcel located within 400 feet of any Residence B or Residence A Zoning District, the requirements of Section 4.29 and Section 5.34, footnote (e) of the Zoning Ordinance shall continue to apply in the PUD-IC district and shall not be waived or modified by any provision of this Section 13.10..



PROPOSED BUFFERS

Cambridge Community Development Department

Consent Agenda #4

Transmitting communication from Robert W. Healy, City Manager, relative to a recommendation from the Planning Board on the Quinlan/Bromfield, et al petition.

In City Council October 21, 1996

Referred to the Petition



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300
FAX 349-4307



4.

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

October 21, 1996

To The Honorable, The City Council:

Please find attached for your consideration the Planning Board recommendation on the
Quinlan/Bromfield, et al petition.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
attachment



CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD
CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

October 10, 1996

To the Honorable the City Council:

RE: Planning Board recommendation on the Quinlan/Bromfield, et al rezoning petition

Recommendation

Due to general planning concerns relating to the entire District, the Planning Board will initiate a study leading to a comprehensive revision of the zoning regulations affecting all of the IC District and the coterminous PUD (Planned Unit Development) District for submission to the City Council as expeditiously as possible.

At this time the Planning Board recommends substitute language for the Quinlan/Bromfield Petition (the recommended substitute language is enclosed). The substitute petition creates a transition zone between public open space and residential neighborhoods, and the industrial/commercial Industry C District and its PUD. That transition is accomplished through limitations on height of buildings and uses that may be located in the transition zone, as well as a landscaped buffer requirement along all property boundaries.

In conclusion the Planning Board does not recommend adoption of the Petition as filed.

Findings

General Considerations. In making its recommendation the Planning Board makes the following general findings.

*Resolution of public health and safety issues surrounding contamination on the Grace site are not appropriately within the purview of the Planning Board.

* Nevertheless, site contamination issues are of serious concern and the City should be diligent in its monitoring of efforts by the responsible agencies [state Department of Environmental Protection (DEP), Massachusetts Bay Transit Authority (MBTA), etc.] to assure that all lingering questions and concerns are answered and that appropriate cleanup actions are fully implemented. To the extent that the City itself has an opportunity to advance knowledge of the area in this regard (as at Russell Field), it should do so.

*The Planning Board's direct and customary responsibility is to determine how the Industry C District and its PUD should be physically developed, consistent with adopted land use policies and objectives. The range of uses allowed, the density of future buildings, and the disposition of those uses and buildings on the site are among the aspects of this district's future that are appropriately the focus of the Board. The physical context within which this area sits, its relationship to surrounding uses, and the infrastructure available to support future development are all directly relevant to making land use recommendations for this district; the physical characteristics of the site, including the presence of flood plains and wetlands, are relevant in shaping such recommendations. However, any Planning Board recommendation with regard to the future of land use within this district is based on the assumption that other agencies, exercising their separate responsibilities, will only permit such activities as are consistent with the public health and safety as it may be affected by any contamination on the site.

*The current petition, and the important issues it raises, such as the need for appropriate transitions between industrial/commercial districts and residential neighborhoods, protection of valuable natural resources, as well as issues of height, density and scale, all suggest to the Board that 15 years after the current development policies for this area of Alewife were adopted, the Board and the City should review those policies (as they are embodied in the current zoning regulations) and consider appropriate modifications affecting the entire IC District and its PUD.

The Petition as Filed. With regard to the petition as it was filed the Board makes the following findings.

* On its merits, as an application of planning principles to this site, and as a zoning regulatory mechanism to address the issues of concern to the petitioners, the petition fails because its regulatory remedy is disproportionate or non-responsive to the problems identified. There is a lack of a sufficiently direct and appropriate relationship between the petition and its planning goals.

*Flood plain and wetlands protection is undertaken by authority granted under state statute through the City's Conservation Commission. Those resources can be fully protected while reasonable amounts of commercial development occur within the Industry C district.

*If the petitioners' assertion that the petition does not diminish the potential for total development on the site is correct, traffic concerns are not addressed by the zoning remedy they propose.

* The transition proposed in the petition is far in excess of any transition now in effect or ever proposed in the Zoning Ordinance or on the Zoning Map. There is nothing in the physical context of this site that suggests such a large and restrictive transition area (400 feet as proposed) is needed to protect the interests of the surrounding neighborhood.

* The important issues of contamination of the site are not advanced to resolution or remediation by prohibiting development within the area affected by the petition. More

thorough remediation or clean-up may in fact be advanced by assuring a useful and profitable use of the property in the future. This is consistent with the federal Environmental Protection Agency (EPA) and DEP Brownfields programs to encourage remediation and safe reuse of contaminated sites.

*The Board has been advised by the Office of the City Solicitor that the petition as filed is seriously flawed with regard to the issues of constitutional taking of private property and of spot zoning. The petition may be determined, upon appeal, to be an illegal exercise of the City's police powers, and the City may be further liable to provide compensation for the taking of property. Based on that advice the Board would recommend against adoption of the petition.

Recommended Substitute Petition. In recommending an alternate scheme for addressing the concerns of the petitioners, the Board makes the following findings with regard to its substitute petition language.

*While the Board cannot support the particular regulatory remedy embodied in the Quinlan/Bromfield Petition, the planning issues raised by the petitioners in support of the rezoning proposal are of deep concern to the Planning Board. Those issues are most appropriately considered within the context of a reexamination of the current planning policies for the entire IC District and its PUD, to which the Planning Board has committed itself.

*The substitute petition would focus changes to the IC District and the PUD in the area affected by the Quinlan/Bromfield proposal; however, it would modify regulations affecting use, height and transition that are customarily dealt with through zoning. The proposal would do the following:

*Provide for a landscaped buffer setback of 25 feet along Whittemore Avenue, at Alewife Brook Parkway, and along the public parks abutting the site. The Industry C District and the PUD immediately abut public parks along much of their boundary, and at Whittemore Avenue are located directly across the street from the residential neighborhood. Residential Clifton Street lies just beyond the Linear Park. This landscaped buffer, similar to that now required along Alewife Brook Parkway and at the business/residential boundary along O'Brien Highway in East Cambridge, would provide a visual and physical buffer between any commercial use that might develop in the IC District or the PUD and these residential and open space resources. Such a buffer is consistent with the need for appropriate transitions between differing uses identified in *Toward a Sustainable Future: Cambridge Growth Policy Document* in both its land use and urban design sections.

*Require that within 125 feet of those public parks (and by extension Clifton Street) only limited uses would be permitted and that the maximum height allowed for any building would be 35 feet, rather than the 45 feet permitted in the IC District or the 85 feet permitted in the PUD. Allowed uses shall include at-grade accessory parking, serving uses located elsewhere on the lot; structures containing Office and Laboratory Uses that are permitted in the Industry C District; and/or structures containing residential uses.

Similar height transitions already occur within the Office 2 and Industry B-2 districts found elsewhere in Alewife (where 85 feet would normally be permitted); in this case the height limitations would provide another protection for both the parks and the neighborhood by requiring structures of only modest scale close to the parks and residential dwellings.

*For that portion of this buffer area closest to the Clifton Street residential neighborhood, only at-grade accessory parking and housing would be permitted. As this undeveloped location is closest to the residential neighborhood only the most compatible uses (housing or landscaped at-grade parking) are appropriate. The disruptions that might be attendant to office or industrial activities would be excluded from this most sensitive area.

These changes are consistent with buffers and transitions required elsewhere in the city and elsewhere in Alewife. They are reasonable and proportionate to the need to adequately protect residential neighborhoods abutting commercial districts without unduly limiting commercial/industrial development on a majority of land within the IC District or the PUD. These transition proposals carry out a policy theme suggested throughout *Toward a Sustainable Cambridge: Cambridge Growth Policy Document*.

*The petition affects only a portion of the IC District and the PUD. There has been a growing sense on the part of the Planning Board that a comprehensive rethinking of the both the IC District and the PUD, and their implied policy objectives, is in order. That conclusion has been reached in part as a result of the recent discussions surrounding the existing PUD Special Permit #64 that encompasses a large part of the IC District, and reinforced by the supporting data submitted by the petitioners and the planning efforts recently undertaken for the rest of the Alewife industrial/commercial area. The Board is committed to that reexamination, with the full participation of the property owner, holders of the current special permit, and the community. The objective will be the expeditious submission of a comprehensive rezoning proposal to the City Council for its consideration.

Respectfully submitted for the Planning Board,


Paul Dietrich, Chairman

Substitute Language Recommended by the Planning Board

Add a new Section 4.29 as follows:

4.29 Special Use Limitations in Industry C Districts

For any lot or portion of a lot in an Industry C District that is located within 400 feet of any Residence A or B Zoning District, the following use limitations shall apply: for that portion of the lot located within 125 feet of a public park or recreation area (including but not limited to Russell Field and the Linear Park) no use shall be permitted except accessory parking, serving uses located elsewhere on the lot, that is located at grade, or structures containing Office and Laboratory Uses - Section 4.34 that are otherwise permitted in the Industry C District, or structures containing residential uses, Section 4.31 a, b, d, g. However, only at grade accessory parking and residential uses shall be permitted for those portions of a lot or lots located within 125 feet of a public park or recreation area that are also located within the area bounded on the north by a line parallel to and 90 feet distant from the centerline of Harvey Street and its westerly extension, and on the south by a line parallel to and 200 feet distant from the centerline of Harvey Street and its extension. Uses within the 125 foot restricted use area shall be further limited by the yard requirements for the Industry C District set forth in Section 5.34, footnote (e).

In Section 4.30 - Table of Use Regulations, add a new superscript number 54 to the heading "Ind C" in Column fourteen.

In Section 4.40 - Footnotes to the Table of Use Regulations add a new footnote 54 to read as follows:

54. Subject to the provisions of Section 4.29

In Section 5.34 - Industrial Districts, Table 5-4, add a new footnote (e) in the first column at the seventh line "IC"

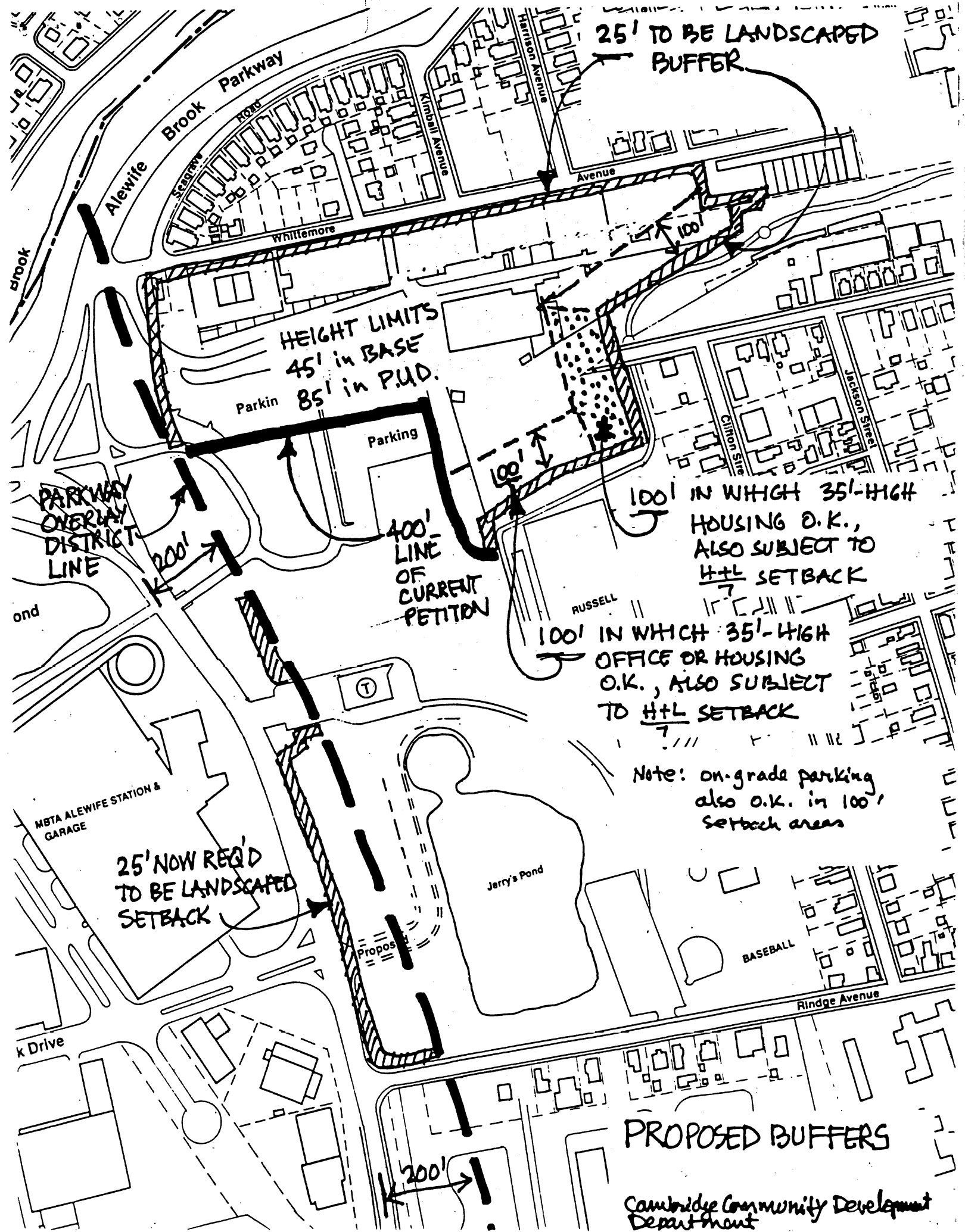
In Section 5.34, add a new footnote (e) to read as follows:

- (e) Notwithstanding the dimensional requirements set forth in this Section 5.34 for the Industry C district, any principal use, accessory use or structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District, the following dimensional requirements shall apply: (1) a minimum front, side and rear yard of 25 feet shall be required for all structures, principal uses and accessory uses (including at grade parking). Said yards shall consist entirely of green area as defined in Article 2.000 with the exception of paving access across a front yard for a driveway or driveways meeting the requirements of Section 6.43.3 of this Ordinance and which driveway or driveways cross the yard in the most direct manner possible to provide access to uses located elsewhere on the lot; and (2) for that portion of a lot or lots located within 125 feet of a public park or recreation area (including but not limited to Russell Field and Linear Park) the maximum permitted height shall be thirty-five (35) feet.

In Section 13.10 - Planned Unit Development in IC Districts, add a new Section 13.19 to read as follows:

13.19 - Special Use and Dimensional Limitations in the PUD-IC District

Notwithstanding any use provision or dimensional requirement set forth elsewhere in this Section 13.10, for any development parcel or portion of a development parcel located within 400 feet of any Residence B or Residence A Zoning District, the requirements of Section 4.29 and Section 5.34, footnote (e) of the Zoning Ordinance shall continue to apply in the PUD-IC district and shall not be waived or modified by any provision of this Section 13.10..



PROPOSED BUFFERS

Cambridge Community Development Department

Consent Agenda #4

Transmitting communication from Robert W. Healy, City Manager, relative to a recommendation from the Planning Board on the Quinlan/Bromfield, et al petition.

In City Council October 21, 1996

Referred to the Petition



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260

FAX (617) 349-4307

tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

M E M O R A N D U M

TO: ORDINANCE COMMITTEE
FROM: ^{DMD} D. MARGARET DRURY, CITY CLERK
DATE: August 9, 1996
RE: LEGAL OPINION ON SPOT ZONING

Attached is a copy of the legal opinion on the issue of spot zoning prepared in response to a request by the Planning Board.

DMD:gwj

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 Thursday, August 1, 1996 at 5:30 P. M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a Zoning Petition by Maureen Quinlan, Russell Bromfield, et al, as set forth in full below.

- A. In Article 4.000, Use Regulations, add to Special Classification Rules a new Section 4.29 as follows:

"4.29 Special Use Limitations in Industry C Districts.

For any lot or portion of a lot in an Industry C District that is located within 400 feet of any Residence A or B Zoning District, only those uses permitted in the Open Space District as set forth in the Section 4.30, Table of Use Regulations, shall be allowed. Expressly prohibited are the accessory uses of parking, loading, and vehicular access serving any use prohibited from Open Space Districts."

- B. In Section 4.30, Table of Use Regulations, add a new superscript number 54 to the heading "Ind C" in column fourteen. Additionally, in Section 4.40, Footnotes to the Table of Use Regulations, add a new footnote 54 to read as follows:

"54. Subject to the provisions of Section 4.29"

- C. In Section 5.34, Industrial Districts, Table 5-4, add a new footnote (e) in the first column at the seventh line "IC". Additionally, in Section 5.34, add a new footnote (e) to read as follows:

"(e) Notwithstanding the dimensional requirements set forth in this Section 5.34 for Industry C districts, no structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District shall exceed the dimensional limitations for the Open Space District as set forth in Section 5.35."

- D. In Section 13.10, Planned Unit Development in IC Districts, add a new Section 13.19 to read as follows:

"13.19 Open Space Buffer Requirements in the PUD-IC District

Notwithstanding any use provision or dimensional requirement as set forth elsewhere in this Section 13.10, for any development parcel or portion of a development parcel located within 400 feet of any Residence B or Residence A Zoning District, only those uses permitted in the Open Space District as set forth in Table 4.30 shall be permitted, and any structure constructed shall be subject to the dimensional requirements of the Open Space District as set forth in Section 5.35. Accessory parking, loading, and vehicular access facilities for any use not otherwise permitted in the Open Space District are expressly prohibited from this buffer strip."

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

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

For the Committee,

Councillor, Francis H. Duehay,
Chairman.



CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

SUSAN B. SCHLESINGER
Assistant City Manager for
Community Development

ELIZABETH EPSTEIN
Deputy Director for
Community Development

October 28, 1996

RE: Modifications to the Language Originally Recommended by the Planning Board as a Substitute for the Quinlan/Bromfield Petition

Additional language, highlighted in bold, is recommended to be added to the language originally forwarded to the City Council, in order to clarify its intent. A summary of the substitute provisions, and of the additional language, follows.

Section 4.29. This provision establishes a special use buffer within the IC district in which only accessory at-grade parking, buildings housing office uses, and buildings housing residential uses are permitted; the buffer applies where the IC district abuts a public park or recreation area. **The added language in the second paragraph makes it clear that certain housing uses, not now permitted in the IC district, are permitted in this use buffer.**

The third paragraph defines a rectangle, illustrated in the attached map, in which uses are further limited to accessory at-grade parking and housing only. **The added language more precisely defines that rectangle and adds a provision that access to non residential uses from Harvey Street is prohibited.**

Section 5.34. This provision adds a new setback requirement along all front, side and rear yards in the IC district and restricts the height to 35 feet within 125 feet of the parks. The setback, 25 feet in width, is required to be green area as defined in the zoning ordinance, with the exception of driveways crossing a front yard to serve uses elsewhere on the lot. **The added language corrects an unintentional consequence of the original language. Intended was a green yard along the Alewife Brook Parkway, Whittemore Avenue, and along the edge of the IC district abutting the parks. The original language, however, would apply these yard requirements to any new lot line created within the district as subdivision of the larger parcel occurred; the new language would assure that the setback is required only at the outside boundaries of the district and not to any future internal lots.**

Section 13.19. This provision applies all of the above to the IC Planned Unit Development as well.

Substitute Language Recommended by the Planning Board, with modifications

Add a new Section 4.29 as follows:

4.29 Special Use Limitations in Industry C Districts

For any lot or portion of a lot in an Industry C District that is located within 400 feet of any Residence A or B Zoning District, the following use limitations shall apply:

For that portion of the lot located within 125 feet of a public park or recreation area (including but not limited to Russell Field and the Linear Park) no use shall be permitted except accessory parking (serving uses located elsewhere on the lot) that is located at grade, or structures containing Office and Laboratory Uses - Section 4.34 that are otherwise permitted in the Industry C District. **In addition, structures containing residential uses, Section 4.31 a, b, d, g shall also be permitted, notwithstanding any use limitations to the contrary in Section 4.30 - Table of Use Regulations.**

However, only at grade accessory parking and residential uses shall be permitted for those portions of a lot or lots located within 125 feet of a public park or recreation area that are also located within the area bounded on the north by a line parallel to and 90 feet distant from the centerline of Harvey Street and its westerly extension, on the south by a line parallel to and 200 feet distant from the centerline of Harvey Street and its extension, **on the east by the Linear Park and /or Russell Field, and on the west by a line 125 feet distant from and parallel to the eastern boundary line. No driveway or other vehicular access providing any vehicular connection to Harvey Street shall be permitted in this described area with the exception of a driveway or driveways serving permitted residential uses.**

Uses within the 125 foot restricted use area shall be further limited by the yard requirements for the Industry C District set forth in Section 5.34, footnote (e).

In Section 4.30 - Table of Use Regulations, add a new superscript number 54 to the heading "Ind C" in Column fourteen.

In Section 4.40 - Footnotes to the Table of Use Regulations add a new footnote 54 to read as follows:

54. Subject to the provisions of Section 4.29

In Section 5.34 - Industrial Districts, Table 5-4, add a new footnote (e) in the first column at the seventh line "IC"

In Section 5.34, add a new footnote (e) to read as follows:

- (e) Notwithstanding the dimensional requirements set forth in this Section 5.34 for the Industry C district, any principal use, accessory use or structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District, the following dimensional requirements shall apply:

(1) a minimum front, side and rear yard of 25 feet shall be required for all structures, principal uses and accessory uses (including at grade parking); **said yard requirements shall only apply to and be measured from lot lines or portions of lot lines abutting any public street, abutting any lot not entirely within the Industry C District, abutting any public park or recreation area, and from that portion of any other lot line located within 25 feet of the Industry C zoning district line.** Yard requirements for lot lines located elsewhere within the Industry C district shall be subject only to the requirements of Table 5-4 and its other footnotes. **The yards required in this footnote (e) shall consist entirely of green area as defined in Article 2.000 with the exception of paving access across a front yard for a driveway or driveways meeting the requirements of Section 6.43.3 of this Ordinance and which driveway or driveways cross the yard in the most direct manner possible to provide access to uses located elsewhere on the lot; and**

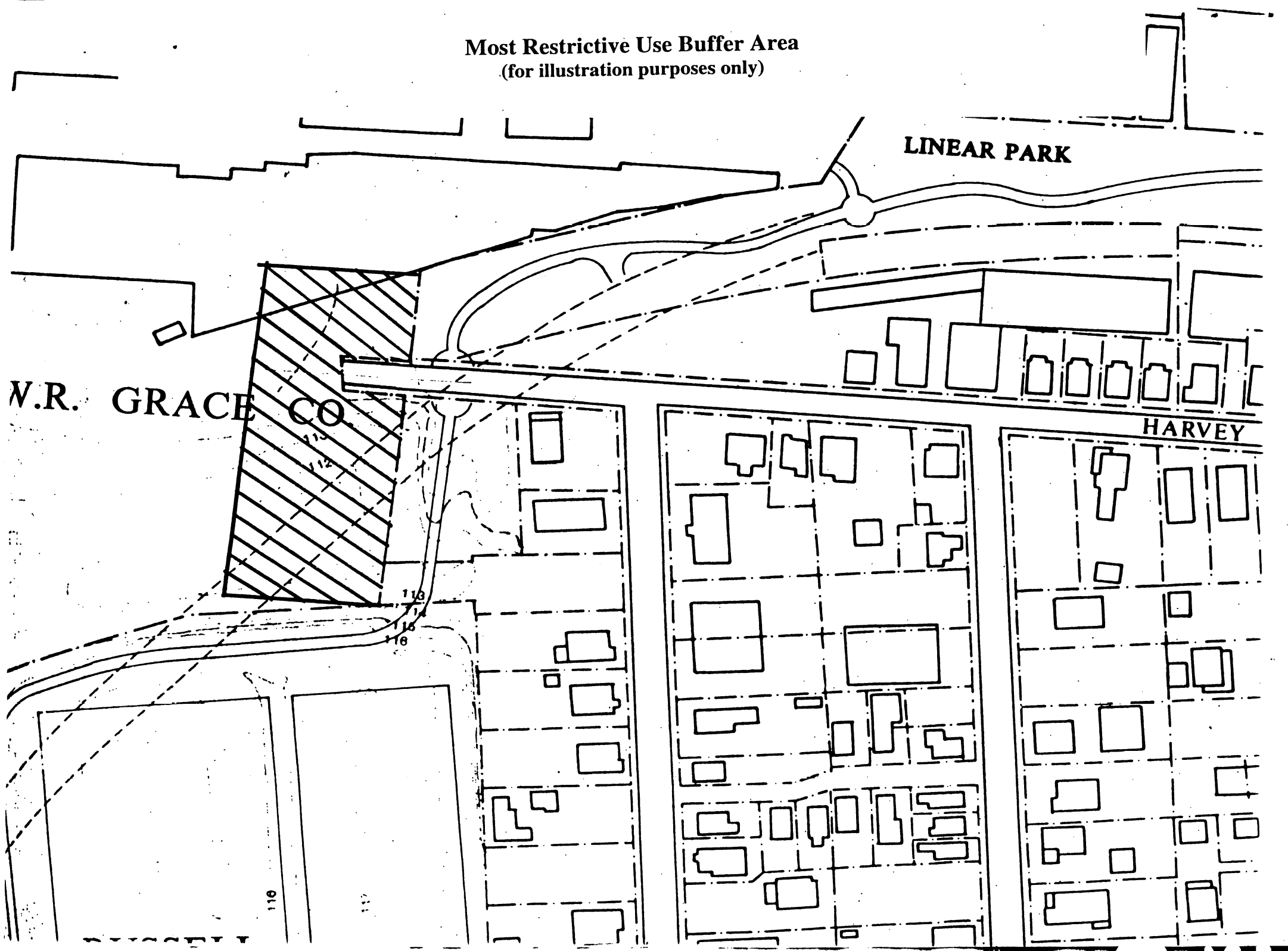
(2) for that portion of a lot or lots located within 125 feet of a public park or recreation area (including but not limited to Russell Field and Linear Park) the maximum permitted height shall be thirty-five (35) feet.

In Section 13.10 - Planned Unit Development in IC Districts, add a new Section 13.19 to read as follows:

13.19 - Special Use and Dimensional Limitations in the PUD-IC District

Notwithstanding any use provision or dimensional requirement set forth elsewhere in this Section 13.10, for any development parcel or portion of a development parcel located within 400 feet of any Residence B or Residence A Zoning District, the requirements of Section 4.29 and Section 5.34, footnote (e) of the Zoning Ordinance shall continue to apply in the PUD-IC district and shall not be waived or modified by any provision of this Section 13.10..

Most Restrictive Use Buffer Area
(for illustration purposes only)



LINEAR PARK

W.R. GRACE CO

HARVEY

110

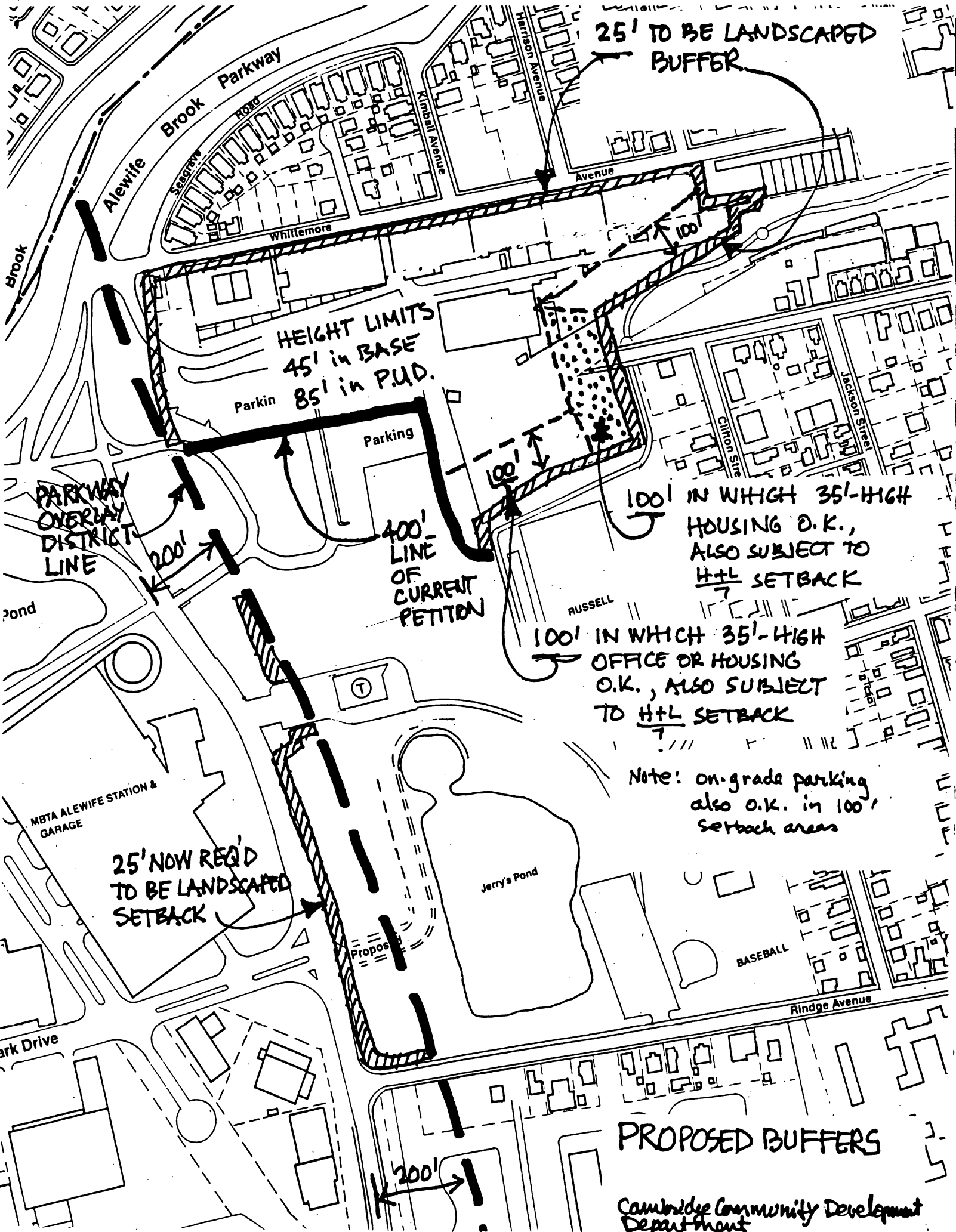
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PROPOSED BUFFERS

Cambridge Community Development Department



CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

SUSAN B. SCHLESINGER
Assistant City Manager for
Community Development

ELIZABETH EPSTEIN
Deputy Director for
Community Development

October 28, 1996

RE: Modifications to the Language Originally Recommended by the Planning Board as a Substitute for the Quinlan/Bromfield Petition

Additional language, highlighted in bold, is recommended to be added to the language originally forwarded to the City Council, in order to clarify its intent. A summary of the substitute provisions, and of the additional language, follows.

Section 4.29. This provision establishes a special use buffer within the IC district in which only accessory at-grade parking, buildings housing office uses, and buildings housing residential uses are permitted; the buffer applies where the IC district abuts a public park or recreation area. **The added language in the second paragraph makes it clear that certain housing uses, not now permitted in the IC district, are permitted in this use buffer.**

The third paragraph defines a rectangle, illustrated in the attached map, in which uses are further limited to accessory at-grade parking and housing only. **The added language more precisely defines that rectangle and adds a provision that access to non residential uses from Harvey Street is prohibited.**

Section 5.34. This provision adds a new setback requirement along all front, side and rear yards in the IC district and restricts the height to 35 feet within 125 feet of the parks. The setback, 25 feet in width, is required to be green area as defined in the zoning ordinance, with the exception of driveways crossing a front yard to serve uses elsewhere on the lot. **The added language corrects an unintentional consequence of the original language. Intended was a green yard along the Alewife Brook Parkway, Whittemore Avenue, and along the edge of the IC district abutting the parks. The original language, however, would apply these yard requirements to any new lot line created within the district as subdivision of the larger parcel occurred; the new language would assure that the setback is required only at the outside boundaries of the district and not to any future internal lots.**

Section 13.19. This provision applies all of the above to the IC Planned Unit Development as well.

Substitute Language Recommended by the Planning Board, with modifications

Add a new Section 4.29 as follows:

4.29 Special Use Limitations in Industry C Districts

For any lot or portion of a lot in an Industry C District that is located within 400 feet of any Residence A or B Zoning District, the following use limitations shall apply:

For that portion of the lot located within 125 feet of a public park or recreation area (including but not limited to Russell Field and the Linear Park) no use shall be permitted except accessory parking (serving uses located elsewhere on the lot) that is located at grade, or structures containing Office and Laboratory Uses - Section 4.34 that are otherwise permitted in the Industry C District. **In addition, structures containing residential uses, Section 4.31 a, b, d, g shall also be permitted, notwithstanding any use limitations to the contrary in Section 4.30 - Table of Use Regulations.**

However, only at grade accessory parking and residential uses shall be permitted for those portions of a lot or lots located within 125 feet of a public park or recreation area that are also located within the area bounded on the north by a line parallel to and 90 feet distant from the centerline of Harvey Street and its westerly extension, on the south by a line parallel to and 200 feet distant from the centerline of Harvey Street and its extension, **on the east by the Linear Park and /or Russell Field, and on the west by a line 125 feet distant from and parallel to the eastern boundary line. No driveway or other vehicular access providing any vehicular connection to Harvey Street shall be permitted in this described area with the exception of a driveway or driveways serving permitted residential uses.**

Uses within the 125 foot restricted use area shall be further limited by the yard requirements for the Industry C District set forth in Section 5.34, footnote (e).

In Section 4.30 - Table of Use Regulations, add a new superscript number 54 to the heading "Ind C" in Column fourteen.

In Section 4.40 - Footnotes to the Table of Use Regulations add a new footnote 54 to read as follows:

54. Subject to the provisions of Section 4.29

In Section 5.34 - Industrial Districts, Table 5-4, add a new footnote (e) in the first column at the seventh line "IC"

In Section 5.34, add a new footnote (e) to read as follows:

(e) Notwithstanding the dimensional requirements set forth in this Section 5.34 for the Industry C district, any principal use, accessory use or structure constructed on a lot or portion of a lot in an Industry C district that is located within 400 feet of any Residence A or B Zoning District, the following dimensional requirements shall apply:

(1) a minimum front, side and rear yard of 25 feet shall be required for all structures, principal uses and accessory uses (including at grade parking); said yard requirements shall only apply to and be measured from lot lines or portions of lot lines abutting any public street, abutting any lot not entirely within the Industry C District, abutting any public park or recreation area, and from that portion of any other lot line located within 25 feet of the Industry C zoning district line. Yard requirements for lot lines located elsewhere within the Industry C district shall be subject only to the requirements of Table 5-4 and its other footnotes. The yards required in this footnote (e) shall consist entirely of green area as defined in Article 2.000 with the exception of paving access across a front yard for a driveway or driveways meeting the requirements of Section 6.43.3 of this Ordinance and which driveway or driveways cross the yard in the most direct manner possible to provide access to uses located elsewhere on the lot; and

(2) for that portion of a lot or lots located within 125 feet of a public park or recreation area (including but not limited to Russell Field and Linear Park) the maximum permitted height shall be thirty-five (35) feet.

In Section 13.10 - Planned Unit Development in IC Districts, add a new Section 13.19 to read as follows:

13.19 - Special Use and Dimensional Limitations in the PUD-IC District

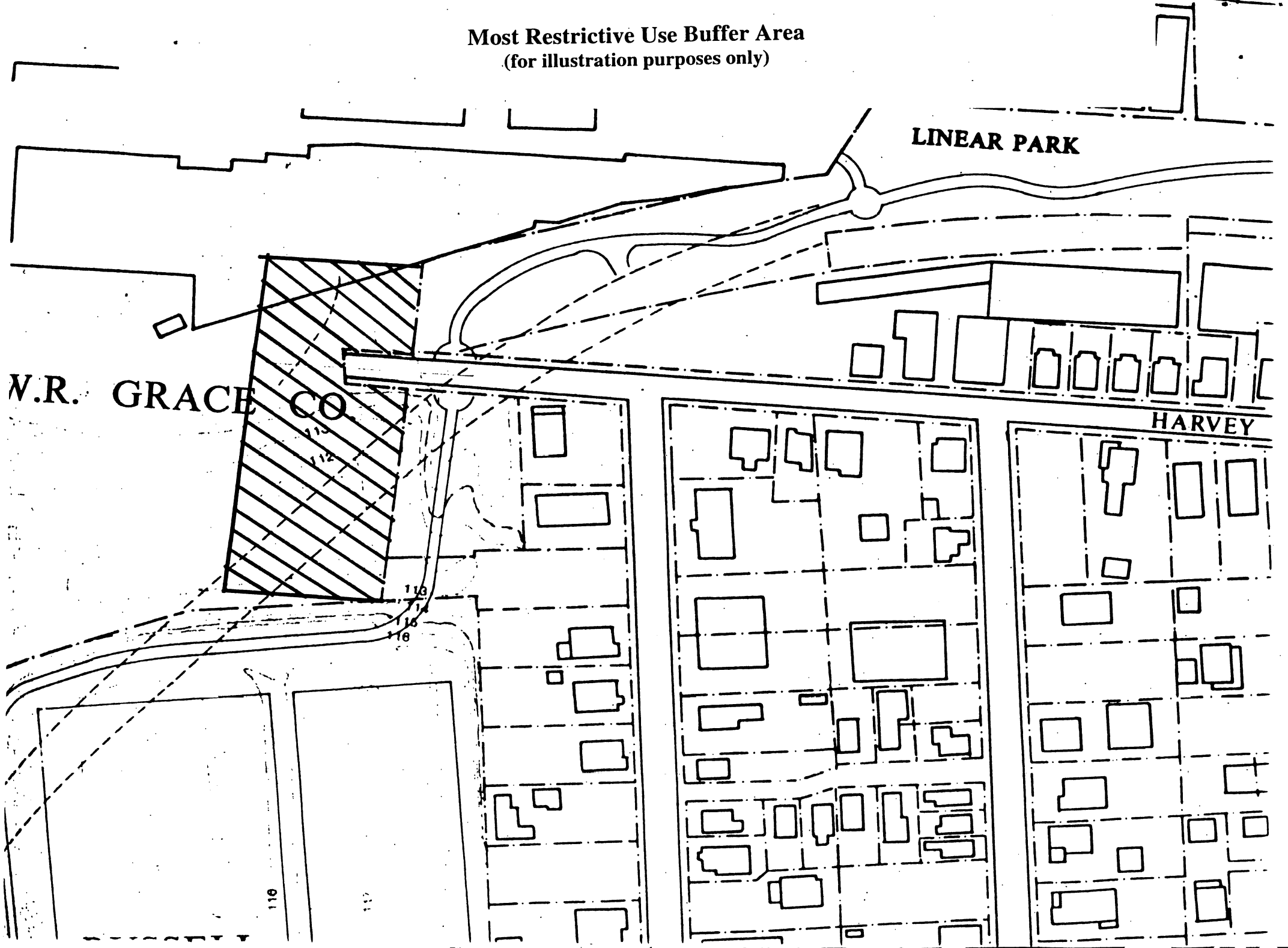
Notwithstanding any use provision or dimensional requirement set forth elsewhere in this Section 13.10, for any development parcel or portion of a development parcel located within 400 feet of any Residence B or Residence A Zoning District, the requirements of Section 4.29 and Section 5.34, footnote (e) of the Zoning Ordinance shall continue to apply in the PUD-IC district and shall not be waived or modified by any provision of this Section 13.10..

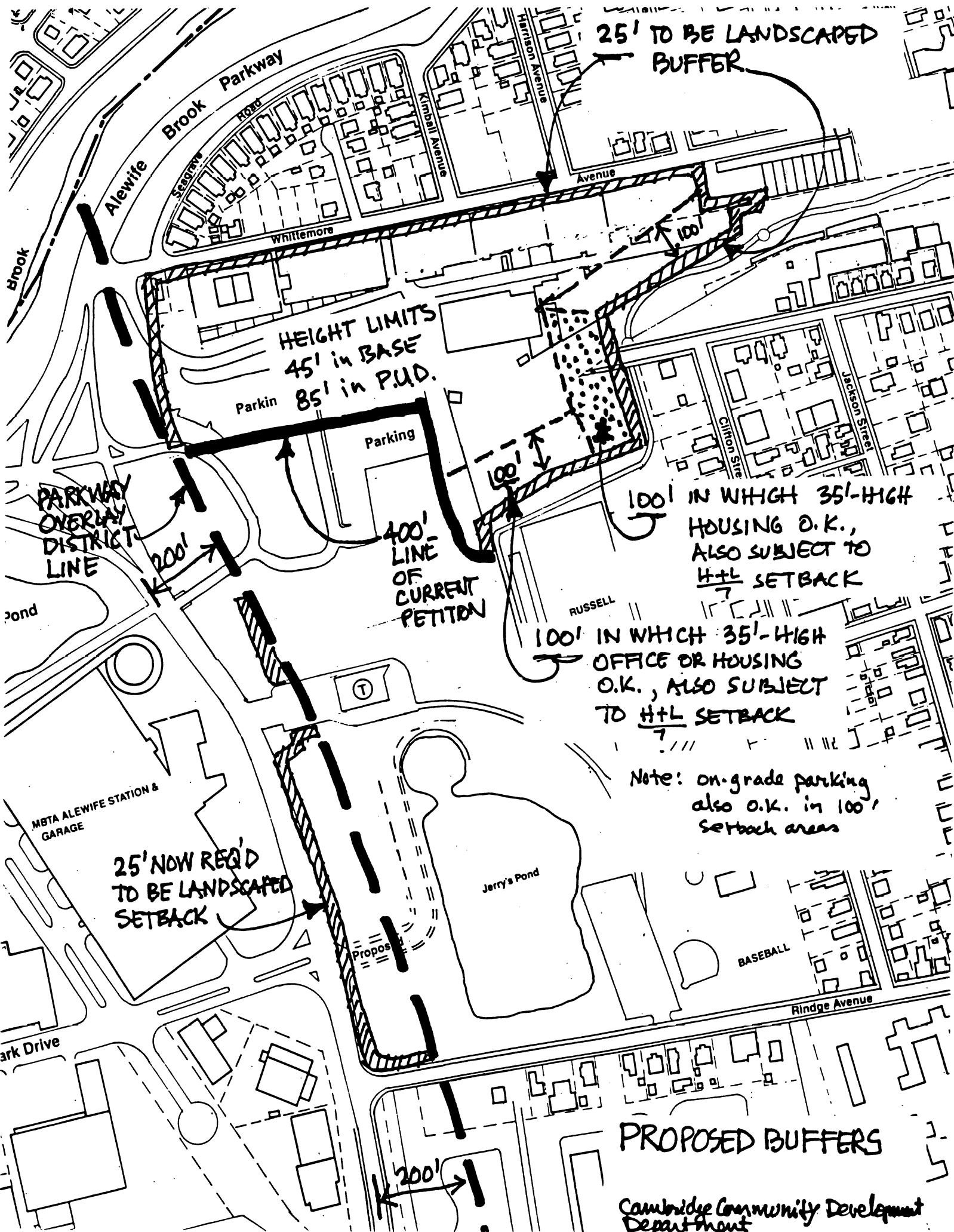
Most Restrictive Use Buffer Area
(for illustration purposes only)

LINEAR PARK

W.R. GRACE CO

HARVEY







CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139



H.

TEL 349-4300
FAX 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

October 28, 1996

To The Honorable, The City Council:

Please find attached for your information modifications to the language originally recommended by the Planning Board as a substitute for the Quinlan/Bromfield Petition.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
attachment

Consent Agenda #4

O-B-A

Transmitting communication from Robert W. Healy,
City Manager, relative to modifications to
the language originally recommended by the
Planning Board as a substitute for the
Quinlan/Bromfield Petition.

In City Council October 28, 1996

No Action Taken
Referred to the
Petition