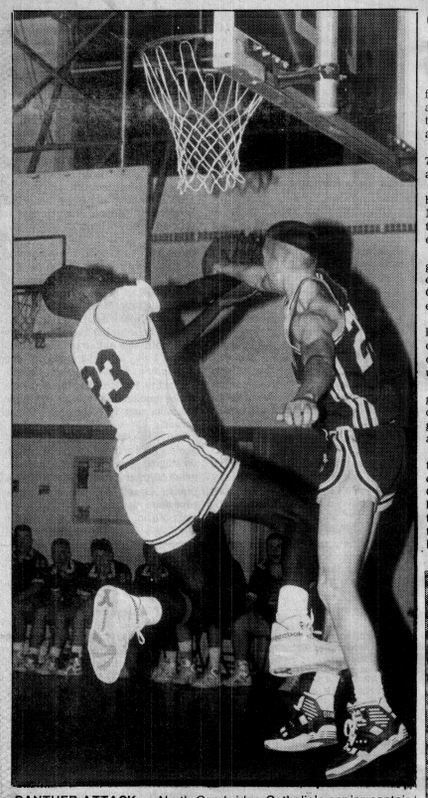
SPORTS



PANTHER ATTACK — North Cambridge Catholic's senior captain Scott Pugh, left, attempts to drive past St. Clement's Steve Fabiano in the Panthers' 79-77 losing game to their Somerville rivals on Friday. (Staff photo by Jon Friedman)

St. C's edges Panthers

The North Cambridge Catholic boys basketball team finished the regular season this past week with both a win and a loss. The Panthers are now preparing for competition in both the Catholic Suburban League Tournament, as well as the Division III State Tournament.

Last Friday, NCC lost a heartbreaker to St. Clement's, 79-77. Before an overflowing crowd, the two teams put on a performance unheralded in most high school games.

The Panthers came out in the first quarter ready for battle. Fueled by junior forward Jay Heggie's 13 points NCC had a 22-18 lead after one quarter. St. Clement's battled back in the second quarter and took the lead. At the end of the first half, the Anchormen led 37-34.

The frantic pace continued in the second half. Senior guard Scott Fugh and junior forward John Bernard paced the Panthers with 9 points each in the third quarter. St. Clement's would not come unglued, however, and at the end of three held a slim 55-54 lead.

The fourth quarter may have been one of the best in high school basketball history. Both teams went up and down the court trading baskets, diving for loose balls and displaying to fans why they are the top two seeds in the upcoming Division III State Tournament.

With only two and one-half minutes remaining in the game the Panthers trailed by 9, 69-60. NCC would not quit. Scott Pugh buried a three pointer, 69-63. Sophomore guard Lorenzo Gross stole the ensuing in-bounds pass and laid the ball in, 69-65.

St. Clement's went into their four corners offense. They took a quick shot, however, and missed. Sophomore center Ricky Ace grabbed the rebound and outletted to Gross who, again, laid it in, 68-67. St. Clement's came back up the court quickly and scored on a controversial three-point play, 75-70. With only 50 seconds remaining in this wild shootout, John Bernard answered the call with a bucket of his own, 75-72. The Anchormen followed with another bucket, 77-72. Pugh answered with two and was fouled. He went to the line and hit the foul shot, 77-75. Again the inbound pass was stolen and again Gross laid it in, while also being fouled.

At 77-77 and only 28 seconds remaining in the game, Gross was at the line for one shot when the Panthers were called for a lane violation. The Panthers, again, stole the inbounds pass. This time it was junior center Jon Ace, who, after he passed off, was called for an offensive foul. The referees turned the ball over to St. Clement's again with only 24 seconds remaining in the game. The Anchormen held onto the ball for the final shot and scored with only 2 seconds remaining on the clock to take a 79-77 victory.

On Sunday, the Panthers bounced back with a 69-54 victory over Hudson Catholic to close their regular season schedule.

In the game, NCC jumped out to a 25-6 first quarter lead and never looked back. Scott Pugh and John Bernard each had 14 points to lead the Panthers in scoring. Pugh also had 10 rebounds.

This weekend, NCC competes in the Catholic Suburban League Tournament to be held at Newton Catholic High School.

On Saturday, the Panthers tap-off against Mission High School. NCC has defeated Mission twice this season. The first time, 62-42, and the second, 77-67. In the second semi-final, St. Clement's will play Hudson Catholic, whom they have also beaten twice.

The tournament sets up another possible match up between N.C.C. and St. Clement's. "We would love to play St. Clement's again but first we have to get by Mission. They are the defending champs in this tournament and they always give us a tough time," explained coach McGrail.

NCC girls beat St. C

The North Cambridge Catholic High School girls varsity basketball team defeated St. Clement last Friday, 55-21, to complete its regular season with 12 victories and only 4 losses.

NCC finished in second place in the Catholic Suburban Large School League, behind undefeated Hudson Catholic. This marks the best record in the brief history of the NCC girls basketball program.

St. Clement came into last week's game with only two victories on the season, looking to upset the playoff-bound Lady Panthers.

The visitors from Somerville played aggressive defense in the first quarter and forced NCC into several turnovers. St. Clement held a 10-8 lead entering the second period. But the game quickly turned around when NCC went on a 16-2 run to take a 24-12 halftime lead. The NCC pressure defense continued to cause problems for St. Clement in the second half.

Eva Ace led all scorers with 18 points. Shannon Dottin had a strong offensive game, contributing 11 points. Dalila M'Causland added 9 points, Christine Hafey scored 7, and Joanne Desrosiers and Rima Zahr pitched in with 5 points each.

Before the game, the last regular season home game for NCC, Coach Val Bonds made a special presentation to the four senior members of this year's squad. Honored were co-captains Sharon Silva and Dee M'Causland, Shannon Dottin, and Rima Zahr.



HARDWARE HANDYMAN
Ed Ver Planck

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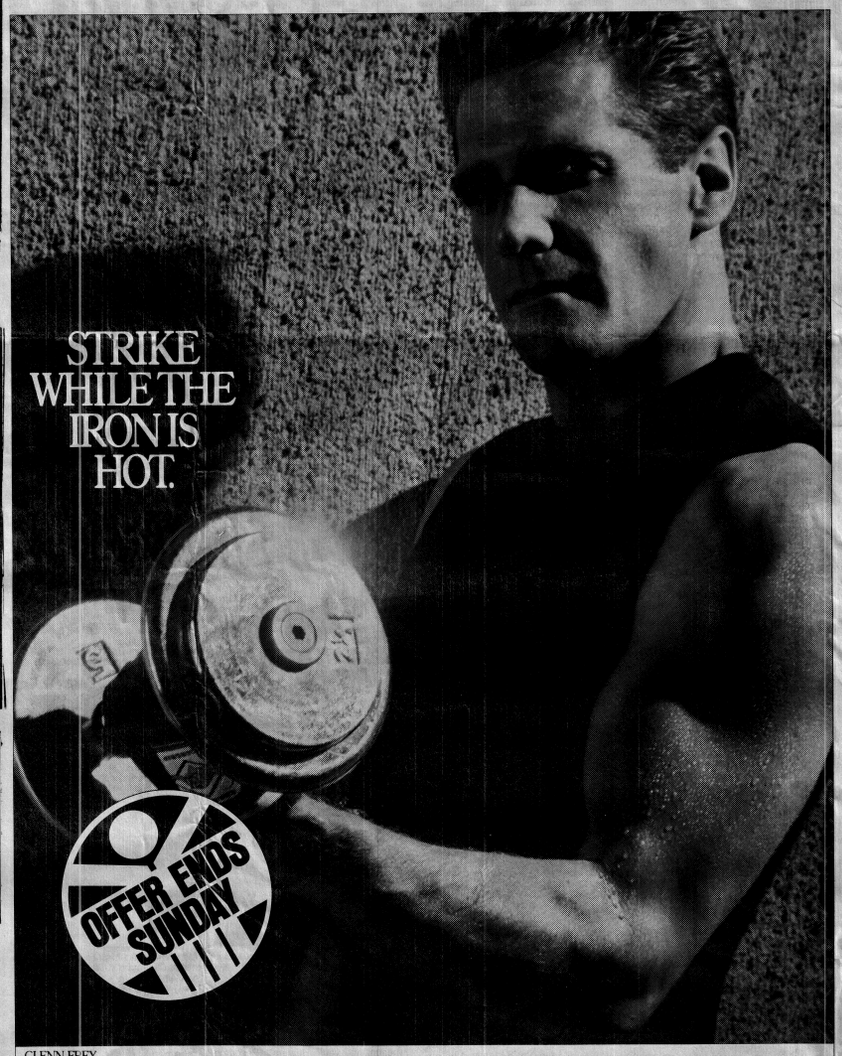

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Major crime in '88 gets mixed reviews

By LAURA BECK
Chronicle staff

As far as major crime in Cambridge is concerned, 1988 gets a mixed review from the Cambridge police.

According to police statistics for the year, most major crimes like robberies and rape decreased in Cambridge last year, but other crimes like drug trafficking increased.

Based on the number of arrests and reported crimes, the 1988 crime rate went down 3 percent from 1987. Of the major crimes, rape was 17 percent lower, robbery was 4 percent lower and burglary was 10 percent lower.

"Granted, these are only reports of rape and burglaries," said Police Chief Anthony Paolillo. "But we're able to pinpoint areas having troubles more quickly and neighborhood crime watch groups have helped keep things down."

But in some parts of the city, residents are having a hard time believing the crime rate is down. Residents of Cambridgeport have had an ongoing rash of house breakins and burglaries since November, according to Caroline Hunter, who is organizing a new crime watch in that neighborhood.

"We haven't felt that 3 percent," Hunter said. "We don't feel that crime is down in our neighborhood. We don't even feel safe in our homes."

Police say they may have caught one of the city's notorious "career" robbers a few months ago, and believe he may be responsible for some of the Cambridgeport burglaries, especially around River, Laurel and Cottage streets.

Since the arrest, however, Hunter says the break-ins started again, averaging four a week. Police say this new surge of burglaries is probably unrelated to last year's problem.

"These things go in cycles that tend to last about two months," Paolillo said. "After hitting a certain neighborhood for awhile, criminals pick another spot."

All reports and arrests are entered into a computer data system in the crime analysis department. Police use the reports and information to peg high risk areas and to predict where regular criminal offenders will be, according to Police Crime Analyst Richard Sevieri.

One of the current trends for city criminals is turning from robberies to drug trafficking, Sevieri and Paolillo say.

"Our most notorious career criminals have stopped breaking into houses. Now they're out on the streets selling drugs," Paolillo said.

The city's hottest spots for drug dealing are in Area Four, especially near Columbia terrace, Paolillo says.

Several neighborhood activists near the Central Square area also say they see less assaults and "street" robberies, but instead see more suspicious groups of people loitering near corners.

"I've seen more people buying drugs on the streets, and I also notice more people hanging around that I know don't live in my neighborhood," said Janet Rose, who lives near Central Square. "It's winter now, so that keeps more people inside, but by April they'll be back."

Please see CRIME, page 5

We haven't felt that 3 percent. We don't feel that crime is down in our neighborhood. We don't even feel safe in our homes.
Caroline Hunter
Cambridgeport resident



FAULTY WIRING is being blamed for an early Friday morning fire which left 13 persons homeless. The fire broke out at 30-32 Fairmont street and took firefighters four hours to control. See story inside. (Staff photos by Cheryl Miller)

Sancta Maria up for sale as funds dry up

By JAY WEAVER
Chronicle staff

Many hospitals were counting on that (state) money and now many hospitals are in financial trouble.
Sr. Mary Mark Pizzotti
president,
Sancta Maria

Unable to cure its financial ills, Sancta Maria Hospital in West Cambridge is up for sale and could be converted into an alternate health care facility by spring, hospital officials said this week.

Sancta Maria, an acute-care hospital owned and operated since 1948 by the Daughters of Mary of the Immaculate Conception, could be recycled into a long-term and ambulatory care facility by May, Sister Mary Mark Pizzotti, president of the hospital, said Tuesday.

Sancta Maria has fallen on hard times in recent years due to escalating health care costs and competition, federal funding shortfalls for Medicare patients and the state's recent decision to withhold payments to cover the funding gap, Sister Pizzotti said.

"The financial troubles have been coming for the past two years because of the number of elderly patients we treat," Sister Pizzotti said. "Our problem is we don't have the patient mix to offset the losses from Medicare." About 80 percent of the hospital's patients are on Medicare.

She stressed, however, that Sancta Maria does not plan to close in May, as reported in the "Boston Herald" on Monday.

Sancta Maria, a 150-bed facility, is among two dozen or so acute-care hospitals across the state that have been severely hurt by Medicare cutbacks over the past year, according to the state Department of Public Health and industry officials.

Many hospitals, including the Cambridge Hospital, have also been damaged by state cutbacks in Medicaid and free-care compensation and by the new rate formula set up last year as part of the universal health care bill. The formula was designed to create financial pressures for hospitals with low-occupancy rates, forcing them to restructure, sell or close, state and industry officials said.

Sister Pizzotti said Sancta Maria officials plan to meet with the Hospital Conversion Board, a state panel created by the universal health care bill to help ease the transition for hospitals seeking to close, convert or merge.

She said the hospital, which has an occupancy rate well below the statewide average of 78 percent, plans to phase out its medical/surgical programs by May and that officials are talking with "other parties" about alternate uses, such as long-term and ambulatory care.

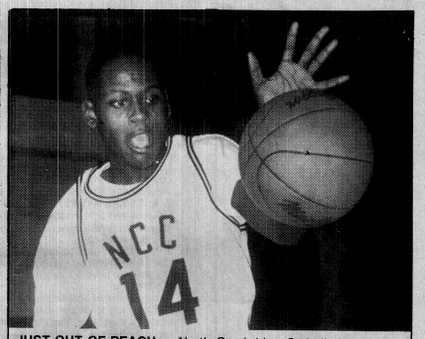
She said the city, which for years has subsidized the twin deficits at the Cambridge Hospital and Neville J. Manor Nursing Home, is not among the parties interested in buying the facility.

She said Sancta Maria's goal is to ensure that its tradition of caring for the elderly is continued. It is the only hospital owned and run by the Daughters of Mary of the Immaculate Conception, a congregation based in New Britain, CT. She also expressed concern about preserving jobs for the hospital's 250 employees, some of whom are Cantabrigians.

The death knell for Sancta Maria was sounded a few weeks ago when Gov. Michael Dukakis killed $214 million in payments that the state had promised to many hospitals to cover federal funding shortfalls for Medicare and free care for the poor. The action was taken because of the state's current budget crisis.

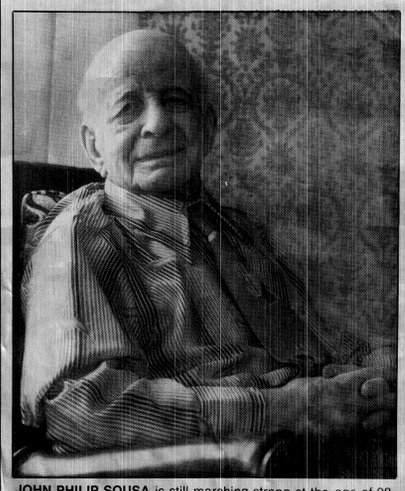
"Many hospitals were counting on that money," Sister Pizzotti said. "And now many hospitals are in financial trouble."

Please see HOSPITAL, page 3



JUST OUT OF REACH — North Cambridge Catholic hoop captain Henry Prophete swats down a loose ball in the Panthers' game against St. Clement on Friday. The Panthers came up on the shy side of the 79-77 cliff-hanger. See story, other photos inside. (Staff photo by Jon Friedman)

At 98, J. P. Sousa is still marching along



JOHN PHILIP SOUSA is still marching strong at the age of 98. (Staff photo by Jon Friedman)

By ELIOT SPALDING
Special to the Chronicle

When it comes to seniority among Cambridge senior citizens, Elm street's John Philip Sousa is entitled to prominent mention.

He's not only 98 years old, but he's also 5 feet 4½ inches of bright and lively manhood, as chipper as they come.

A retired trolley car motorman, he is quite possibly the oldest living member of both the Boston Carmen's Union and the Cambridge Lodge of Elks.

He was happily married for 34 years to his first wife, Phoebe (Meahan) — they had three sons — and now has been happily wedded for 35 years more to his present wife, his beloved Hazel (Eisnor).

But his age and his good fortune in matrimony are not the only notable things about him.

He is, for one thing, that rare resident of heavily Democratic Ward two who is a Republican. In fact, he was for 19 years chairman of the Ward two Republican Committee — Hazel was its secretary.

At that time, he says, there were about 100 registered Republicans in Ward two, but by diligent house-to-house calling, he sometimes got out 200 persons to vote Republican on election day. "It was," he concedes, "hard, hard work."

Although his name is the same as that of the world famous bandmaster and composer, he says he was not named for the March King. "When I was confirmed at St. Mary's Church," he says, "the only reason I chose the middle name of Philip was because I liked it."

He doesn't play any band instrument either. "I play the guitar a little now and then," he says, "but I'm not very good at it. "And he used to sing with an Elm street group, adding, "I had a good tenor voice, but that was once upon a time."

Another thing, besides his age and his alertness, which makes him notable in Cambridge is that he likes his landlord, Manny Barros, and his landlord apparently likes him. He quotes Manny, a much younger man, as saying, "John, you're a miracle; you can walk around and do anything I can do."

And John Philip does walk around the neighborhood, walking every morning to the All-Bright novelty store on Broadway to get his morning paper and chat with friends. He doesn't look or walk his age.

His wife drives him in the family car when they go grocery shopping

Please see SOUSA, page 7

ON THE INSIDE

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Wild Women

A look back at black voices



See page 2A in The Weekender

Food Pantry lists hours, locations

The Cambridge Food Pantry Network, which serves nearly 4,000 persons each month in Cambridge, has announced its schedule of pantry hours and food distribution days for March.

According to Gerald Bergman of CEOC, the coordinator of the Cambridge Food Pantry Network, "The number of persons served by programs of the Cambridge Food Pantry Network has nearly doubled over the past year." In Cambridge, 13,000 persons live under the poverty line, with the greatest increase in pantry use coming from the ranks of the working poor. Pantries have reported that the majority of the hungry in Cambridge are young, mostly under the age of 14. It is estimated that one child in five lives in poverty, unable to maintain an even minimally adequate diet. With one of the highest housing costs in the nation, Cambridge residents are making choices between rent and nutritionally adequate food. However, Cambridge is not alone in this rapid rise in reported hunger. According to the Massachusetts Anti-Hunger Coalition, "Hunger is increasing in our economy, with one child in five suffering from hunger during some part of each month. Last year, at least 14.4 million meals were served through emergency food networks in Massachusetts."

The effects of hunger in Cambridge are being felt in schools, health centers, families and on the streets. Prolonged hunger causes more than discomfort — malnutrition can lead to permanent tissue damage, and leaves its sufferers, particularly children and elders, susceptible to illness and infection, Bergman said.

"Food is the only area left in the family budget where cuts are made. Housing and utility costs are paid, but nutritional needs suffer. The poor are juggling their basic needs of food, clothing and shelter."

Volunteers are desperately needed by the members of the Pantry Network. Working at food pantries, food distribution sites, shopping, planning resource drives and educational activities are only some of the volunteer opportunities that exist through the Pantry Network program.

For more information about the Cambridge Food Pantry Network, volunteer opportunities and how you can help, contact the Cambridge Food Pantry Network at CEOC, 11 Inman St. in Cambridge or call Gerald Bergman at 868-2900.

The following is the list of pantry hours and distribution days for March:

• **CAMBRIDGE ECONOMIC OPPORTUNITY COMMITTEE/CEOC, 11 INMAN ST., 868-2900**; Distribution of USDA Commodities to income eligible households during the week of March 27 - March 31. Dry milk, butter and peanut butter will be distributed at 30 sites by 200 volunteers to more than 13,500 persons.

• **RED CROSS/CEOC FOOD PANTRY ON THE CROSS COMMONS, 9 WATERHOUSE ST., 354-7800**; Hours: Monday 9-12, Wednesday 9-12, Friday 12-4, open every week except holidays. Three days worth of nutritionally balanced food according to household size. Serving Arlington, Belmont, Cambridge, Somerville and Watertown. Pantry available once a month, except in cases of extreme emergency when documented by social service staff etc.

• **SALVATION ARMY EMERGENCY PANTRY, 402 MASSACHUSETTS AVE., 547-3400**; Open for emergency food. Must have a referral from any social service source. Please try to call before coming to the pantry.

• **MARGARET FULLER NEIGHBORHOOD HOUSE PANTRY, 71 CHERRY ST., 547-4680**; Hours: Second and fourth Thursdays of every month from 9-1. Accepts calls for emergencies.

• **PENTECOSTAL TABERNACLE CHURCH, 77 COLUMBIA ST., 661-0222**; Available 7 days a week through referral only. Call and leave message on machine including name, phone number and need. A pantry volunteer will respond within one day and arrange for delivery or pickup.

• **EAST END HOUSE, 105 SPRING ST., 876-4444**; Hours: Monday through Friday, 10-4. By referral only. Limited number of times each year.

• **ELDER FOOD SHELF, 15 PEARL ST., 868-0800**; Hours: Tuesday and Thursday 1-4. Supplemental food pantry serving low-income elders. Individuals may receive up to eight items each week. Income verification necessary.

• **ST. JAMES EPISCOPAL CHURCH/HELPING HAND PANTRY, 1991 MASSACHUSETTS AVE., 547-1070**; Hours: Tuesday, Thursday and Saturday 11-1. Pantry available once a month.

• **FOOD FOR FREE, 11 INMAN ST., 868-2900**; Weekly supplemental deliveries of perishable and nonperishable food: Monday: Jefferson Park, Salvation Army, Tuesday: Western Ave. Baptist Church, Newtowne Court/Washington Elms, Elders Food Shelf, Wednesday: Centro Presente, Committee of Elders, Thursday: Roosevelt Towers, Harvard Square Meals Program, Elders Food Shelf, Friday: Metropolitan Baptist Church, Pilgrim Church.

Delivery schedule and frequency depends on the supply of donations. Call for information.



MIDDLESEX COUNTY DISTRICT ATTORNEY Scott Harshbarger (left) addresses several high school students from the Soviet Union (right) who recently visited his office in the Cambridge Superior Courthouse. District Attorney Harshbarger explained the criminal justice system to the students and discussed his job as the chief prosecutor in the County. The students, ages 15-17 years old, are from Moscow and are part of an exchange program sponsored by the Buckingham, Browne and Nichols School of Cambridge.

SCHOOL NOTEBOOK

Budget forum

The proposed School Department budget for 1989-90 will be officially announced at a public hearing scheduled for 7 pm on Tuesday, March 14 in room 222 at Cambridge Rindge and Latin School. Budget Subcommittee Chair Tim Toomey said the meeting is open to all parents, teachers and community residents interested in public education funding.

Back to school

Superintendent Mary Lou McGrath reminds all students that classes will resume, following this week's winter vacation, on Monday, February 27. Buses will follow the regular schedule.

The Cambridge School Committee is scheduled to meet on Tuesday, February 28. Mayor Vellucci said this meeting was changed from last Tuesday because of the school vacation, The Committee will hold a public session in room 222 at CRLS beginning at 6:45 p.m.

Learning through play

Who said learning isn't fun. A special workshop for preschool parents and staff called, "Learning Through Play," sponsored by the Special Education Early Childhood Outreach Grant staff at the Fitzgerald School on March 22 at 5:00 p.m., will make learning fun for children. Call 498-9285 for information.

'I was working in my lab...'

CRLS science students are working in their labs in preparation for the March 9 CRLS Annual Science Fair. Dr. Angela Johnson, science teacher-in-charge, said that the public is invited to view the experiments from 6:30 to 9 pm on March 9 in the CRLS field house.

Time out

Watch for Longfellow students and volunteers on WBZ-TV during Channel 4, "Time Out" segments from February 20 through 24.

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PUBLIC NOTICE
CAMBRIDGE WATER BOARD
WATER CONSERVATION
VOLUNTARY RESTRICTIONS

Because of the continued below-normal precipitation patterns in eastern Massachusetts, the Cambridge Board of Water Commissioners is requesting that the residents and the commercial/industrial/institutional customers conserve water in order to preserve our water supply. The Board recommends that the following practices be adopted.

1. SAVINGS IN HOME
Household water conservation not only saves water, it saves energy needed to heat water and run appliances. Two-thirds of the water used in an average home is used in the bathroom, mostly for flushing toilets and for showers and baths. Much of this water may be going into the sewer system needlessly.
2. TOILETS
Every time a toilet is flushed, about seven gallons of water goes into the sewer. Toilets should not be used as a trash can to flush away tissues, gum wrappers, cigarettes, diapers or anything else that ought to go in a waste basket or garbage can. Toilets should be checked for leaks at the overflow pipe and plunger ball.
3. SHOWERS/BATHS
Most showers pour out between five and ten gallons per minute. A partially filled tub uses far less water than a long shower, while a short shower uses less than a full tub.
4. SHAVING/TOOTHBRUSHING
Don't leave the water running. Run as much as you need, then turn off the tap until you need some more.
5. KITCHEN
Automatic dishwashers claim the most water in kitchens, about 15 gallons per run. Fully loaded washers use the same amount of water as partially loaded dishwashers. Don't let water run in sink. Wasted water goes into the sewer system needlessly.
6. DRINKING WATER
Don't run water endlessly for a cold drink; store jug of ice water in container in the refrigerator.
7. LAUNDRY
Many washing machines use 40 or more gallons of water per load whether stuffed full or half empty. Save up for a full load. As with the dishwasher, you can save energy, electricity and sewer user fees.
8. LEAKS/METERS
Most leaks, aside from toilets, are in faucets and are usually caused by worn washers. If your faucet leaks, turn off the supply line, take the faucet apart and replace the washer.
Your water meter can tell whether you have sizable leaks, as well as how much water various appliances are using. For leak detection, turn off all water in the house and check meter reading. After 30 minutes, re-check the meter reading. If it hasn't moved, you have a water-tight home. Otherwise start looking for leaks at sinks, toilets and appliances.
9. LANDSCAPING
The basic principle of lawn and garden watering is not to give them more than you need. Water when the grass or plants show signs of needing it. Avoid watering on windy or sunny days. Let water sink in slowly. Lots of water applied fast mostly runs into gutters.
10. OUTDOOR USE/CAR WASHING
Remember that when you leave the sprinkler running all day or leave the hose unattended, thousands of gallons can be lost.
When washing the car, use a bucket for soapy water and use the hose only for rinsing. Running water in the driveway won't get the car any cleaner. Hoses should have automatic shut-offs.
11. RESTAURANTS
Serve drinking water only on request. This practice will also save water, soap, and energy required for cleaning.

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Dry Mouth: Causes & Cures

Dry mouth is a common ailment in the aged and is a side effect of hundreds of medicines. Dry mouth occurs when saliva secretion is diminished, either temporarily or permanently. The mouth may feel parched with a burning sensation.

Dry mouth is found in 40 percent of those over age 65. Health problems such as anemia, dehydration, diabetes, and fever can cause dry mouth. Nasal congestion, stress, and smoking may also dry out the mouth. Antihistamines, decongestants, appetite suppressants, and certain medicines for heart arrhythmias, depression, and hypertension contribute to dry mouth. Many people with rheumatoid arthritis and disorders of the salivary glands may experience permanent dry mouth.

Temporary relief from dry mouth may be obtained from sipping water or sucking on ice chips, lozenges, hard sugarless candy, or chewing sugarless gum. But saliva substitute products have therapeutic advantages over home remedies. These substitutes are similar to natural saliva and last longer than other remedies. If dry mouth is a side effect of medicines, the dosage sometimes can be decreased or a different medicine prescribed. And always follow your dentist's advice for effective oral hygiene.

The Skenderian Apothecary
1613 CAMBRIDGE STREET, CAMBRIDGE
Open 7 Days a Week for Your Health Protection
354-5600

CAMBRIDGE HOUSING AUTHORITY
OFFICE OF PHYSICAL PLANNING AND CONSTRUCTION
INVITATION TO REBID
GENERAL CONTRACTORS ONLY
Jefferson Park Clinic/Day Care Facility 884-1, New Construction

The Cambridge Housing Authority, Cambridge, Massachusetts (the Owner) will receive sealed bids for: **Cambridge 884-1** in accordance with documents prepared by Comunitas, Inc. Estimated cost of this project is **$1,000,000.** The category for which the General Bidder must be DCPO-certified is General Construction.

General Bids will be accepted from bidders **only when accompanied by a Certificate of Eligibility and an Update Statement** (DCPO Forms CO7 and CO3).

Plans and Specifications will be available on February 22, 1989 after 2:00 PM at the Office of Physical Planning and Construction, Cambridge Housing Authority, 2nd Floor, 485 Massachusetts Avenue, Cambridge, Massachusetts. Bidders may obtain Plans and Specifications weekdays, between the hours of 9:00 AM and 5:00 PM by depositing $10.00 per set. This fee shall be refundable upon the return of the documents in usable condition within thirty (30) days of the General Bid Opening, after which all deposits become the property of the Cambridge Housing Authority. Contract Documents will not be mailed; they may be examined at the plan room of Dodge Construction Reports, Prudential Tower, Suite 320, 800 Boylston Street, Boston, Massachusetts.

Site Inspection will be held as follows: March 1, 1989, 10:00 AM

Interested parties will meet at Jefferson Park Manager's Office, Rindge Avenue, Cambridge.

Filed Sub Bid Sections for this Work: Painting, Plumbing, HVAC, Electrical, Masonry, Roofing

Sub Bids have been filed and accepted. All prices will be retained and are available to General Contractors upon pick-up of plans and specifications.

General Bids shall be submitted with DCPO Forms CO7 and CO3 no later than 2:00 PM on March 8, 1989, and shall be received at the above address of the Office of Physical Planning and Construction.

General Bidders must agree to contract with minority and women-owned businesses as certified by the State Office of Minority and Women Business Assistance (SOMWBA). The amount of participation reserved for such enterprises shall not be less than seventeen percent (17%) of the final contract price of which the MBE set aside is 12% and WBE set aside is 5% including accepted alternates.

All Bidders Please Note: Equal employment opportunity guidelines regarding minorities and females shall be strictly enforced on this project. Please refer to Labor Regulations of the general requirements.

(C)Feb.23

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
Middlesex Division **Docket No. 88D1824D-1**
ORDER FOR SERVICE BY PUBLICATION
Solange Saint Jean Petit Frere, Plaintiff
vs.
Eddy Petit Frere, Defendant

Upon motion of plaintiff for an order directing Eddy Petit Frere, the defendant herein, to appear, plead or answer, in accordance with Mass.R.Civ.P./Mass.R.Dom.Rel.P.Rule 4, it appearing to the Court that this is an action to dissolve the bonds of matrimony — that the said Eddy Petit Frere cannot be found within the Commonwealth and that her present whereabouts are unknown, that personal service on said defendant is therefore not practicable, and that said defendant has not voluntarily appeared in this action, it is

Ordered that said Eddy Petit Frere is directed to appear, plead, answer or otherwise move with respect to the complaint herein on or before the tenth day of April, 1989, or in default thereon this Court will proceed to the hearing and adjudication of this suit.

Paul J. Cavanaugh
Justice of the Probate and Family Court

(C)Feb.16,23,March 2

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
Middlesex Division **Docket No. 89P0560A**
ADMINISTRATION WITHOUT SURETIES
Estate of **Genesta M. Pelletier**
also known as **Genesta Marie Pelletier**
late of **Cambridge**
in the County of **Middlesex**
NOTICE

A petition has been presented in the above-captioned matter praying that **Albert E. Pelletier** of Cambridge in the County of Middlesex be appointed administrator of said estate without giving surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on March 10, 1989.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the sixth day of February in the year of our Lord one thousand nine hundred and eighty-nine.

Paul J. Cavanaugh
Register of Probate Court

(C)Feb.23

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Austin J. Jordan** to the **Home Savings Bank FSB** dated January 13, 1984, and recorded with the Middlesex South Registry of Deeds at Book 15405, Page 053, of which mortgage the undersigned is the assignee and present holder for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 10:00 o'clock, A.M. on the 23rd day of March, A.D., 1989, on premises hereafter described all and singular the premises described in said mortgage. To wit:

A certain parcel of land with the buildings thereon now known as and numbered 7-9 Walnut Street, situated in Belmont, Middlesex County, Massachusetts, being Lot 57B on a plan by Joseph W. Kales, dated April 1941, recorded with Middlesex South District Registry of Deeds at the end of Book 6488, bounded and described as follows:

Southeasterly by Walnut Street, Seventy-three and 12/100 (73.12) feet;

Southwesterly by Lot 58 on plan recorded with said Middlesex South District Registry of Deeds in Plan Book 190, Plan 6, Thirty-eight (38) feet;

Northwesterly by Lot 56 on above-mentioned plan, Seventy-three and 12/100 (73.12) feet;

Northeasterly by Lot 57A on first mentioned plan, Thirty-eight (38) feet.

Containing, according to said plan 2,779 square feet of land.

Together with all the improvements now or hereafter erected on the property, and all easements, rights, appurtenances, rents, royalties, mineral, oil and gas rights and profits, water, water rights, and water stock and all fixtures now or hereafter attached to the property, all of which, including replacements and additions thereto, shall be deemed to be and remain a part of the property covered by this Mortgage; and all of the foregoing, together with said property (or the leasehold estate if this Mortgage is on a leasehold) are herein referred to as the "Property."

Terms of Sale:

Said premises will be sold subject to any and all unpaid taxes and assessments, tax sales, tax titles and other municipal liens and water liens, if any there are, and **Five Thousand ($5,000.00) Dollars** in cash, treasurer's check or certified check will be required to be paid by the purchaser at the time and place of sale as a non-refundable deposit and the balance will be due in thirty (30) days.

Dated: February 9, 1989

The Boston Five Cents Savings Bank FSB
Present holder of said mortgage
By: Ann Daly, Vice President and Assistant Treasurer
Harrison & Maguire, P.C.
24 School Street
Boston, Massachusetts 02108
617-742-3810

(C)Feb.23;Mar.2,9

CAMBRIDGE HOUSING AUTHORITY
OFFICE OF PHYSICAL PLANNING AND CONSTRUCTION
INVITATION TO BID
Compactor Replacement (667-1)

The Cambridge Housing Authority, Cambridge, Massachusetts (the Owner) will receive sealed bids for: compactor replacement at **Manning Apartments** in accordance with documents prepared by Hresko Yost Associates. Estimated cost of this project is $25,000. The category for which the General Bidder must be DCPO-certified is General Contractor.

Plans and Specifications will be available on February 22, after 10:00 AM at the Office of Physical Planning and Construction, Cambridge Housing Authority, 2nd Floor, 485 Massachusetts Avenue, Cambridge, Massachusetts. Bidders may obtain Plans and Specifications weekdays, between the hours of 9:00 AM and 5:00 PM by depositing $10.00 per set. This fee shall be refundable upon the return of the documents in usable condition within thirty (30) days of the General Bid Opening, after which all deposits become the property of the Cambridge Housing Authority. Contract Documents will not be mailed; they may be examined at the plan room of Dodge Construction Reports, Prudential Tower, Suite 320, 800 Boylston Street, Boston, Massachusetts.

Site Inspection will be held as follows: 10:00 AM, Wednesday, March 1, 1989.

Interested parties will meet at: Manning Apartments, 237 Franklin Street, Cambridge, MA.

There are No Filed Sub Bid Sections for this Work.

General Bids shall be submitted no later than 10:00 AM on Wednesday, March 8, 1989, and shall be received at the above address of the Office of Physical Planning and Construction.

Every General Bid shall be accompanied by a Bid Deposit payable to the CHA in the form of cash, certified check, bid bond, or treasurer's or cashier's check issued by a responsible bank or trust company, in the amount of 5% of the bid. Bids are subject to the provisions of M.G.L., Chapter 30, Section 39M, and Chapter 149, Section 44A to H inclusive.

All bidders please note: Equal Employment Opportunity guidelines regarding minorities and females shall be strictly enforced on this project. Please refer to Labor Regulations of the General Requirements.

(C)Feb.23

REQUEST FOR PROPOSALS

Employment Resources, Inc. (ERI) will be receiving federal and state funding for education, employment and training programs during Fiscal Year 1990. The agency is seeking proposals from interested parties to provide training and/or educational services to unemployed residents of the following cities and towns: Arlington, Belmont, Burlington, Cambridge, Chelsea, Everett, Malden, Medford, Melrose, North Reading, Reading, Revere, Somerville, Stoneham, Wakefield, Watertown, Wilmington, Winchester, Winthrop, Woburn. Private profit or non-profit firms and public organizations are encouraged to apply. Deadline for submission of proposals is April 4, 1989. To obtain specifications package, or for more information, contact Liz Sweeney, Marlene Resnick or Linda Bass at 494-1154 or c/o ERI, 432 Columbia Street, Cambridge, MA 02141. A bidders conference will be held at ERI on March 1, 1989 at 9:30 A.M.

(C)Feb.23

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
Cambridge, MA 02141
SALE OF REAL ESTATE
GUARDIAN INVESTMENT
Middlesex Division **Docket No. 525592**
NOTICE

To all persons interested in the estate of **Mary F. Melanson** of Cambridge in said County of Middlesex, mentally ill person. A petition has been presented to said Court praying for license to sell - at private sale - public auction - certain real estate of said Mary F. Melanson.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on March 13, 1989.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the seventh day of February, in the year of our Lord, one thousand nine hundred and eighty-nine.

Paul J. Cavanaugh
Register of Probate

(C)Feb.23

BURSTER/IMPRINTER

Sealed proposals will be received by the Middlesex County Commissioners, through the Central Purchasing Office, Superior Court House, 40 Thorndike St., East Cambridge, MA until 2:00 PM Tuesday, March 14, 1989. Proposals will be opened for Burster/Imprinter for Middlesex County Treasurer's Office, Cambridge, MA at 3:30 PM Tuesday, March 14, 1989 at the Leonard J. Russell Hearing Room, 40 Thorndike St., Level 3, East Cambridge, MA. The said Commissioners reserve the right to reject any or all bids or part thereof and waive any informalities they may deem in the best interest of Middlesex County, or accept any bid or part thereof they may deem in the best interest of Middlesex County. Specifications may be obtained at the Central Purchasing Office, 3rd floor, Superior Court House, 40 Thorndike St., E. Cambridge, MA (494-4106).

Middlesex County Commissioners Office
Carole Kelley, Purchasing Agent

(C)Feb.23

COMPUTER SUPPLIES & ACCESSORIES

Sealed proposals will be received by the Middlesex County Commissioners, through the Central Purchasing Office, Superior Court House, 40 Thorndike St., East Cambridge, MA until 2:00 PM Tuesday, March 14, 1989. Proposals will be opened for Computer Supplies & Accessories for Middlesex County Commissioners Dept., Cambridge, MA at 3:30 PM Tuesday, March 14, 1989 at the Leonard J. Russell Hearing Room, 40 Thorndike St., Level 3, East Cambridge, MA. The said Commissioners reserve the right to reject any or all bids or part thereof and waive any informalities they may deem in the best interest of Middlesex County, or accept any bid or part thereof they may deem in the best interest of Middlesex County. Specifications may be obtained at the Central Purchasing Office, 3rd floor, Superior Court House, 40 Thorndike St., E. Cambridge, MA (494-4106).

Middlesex County Commissioners Office
Carole Kelley, Purchasing Agent

(C)Feb.23

Half Crown Neighborhood Conservation District Commission

A public hearing will be held on Tuesday, March 7 at 4:00 PM in the third floor Conference Room, City Hall Annex, 57 Inman Street, to consider the following application for a Certificate of Appropriateness:

Case 28: 8 Gerry Street. Construct dormers on the north and south roof planes. By Michiko and Donald Hisaka.

Anna Strobel
Chairman

(C)Feb.23;Mar.2

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. **Probate Court**
No. 88D 4725 D-1
Summons by Publication
Rosemary Theresa Roberts, Plaintiff
vs.
George B. H. Roberts, Defendant

To the above-named Defendant:

A complaint has been presented to this Court by your spouse, **Rosemary Theresa Roberts,** seeking Divorce.

You are required to serve upon Alan Neal Kaplan, plaintiff's attorney, whose address is One Kendall Square, Suite 2200, Cambridge, MA. 02139 your answer on or before May 8, 1989. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.

Witness, Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.
January 24, 1989.

Paul J. Cavanaugh
Register of Probate

(C)Feb.16,23,March 2

AMENDED ORDINANCE NO. 1077
FINAL PUBLICATION NO. 2427.
FIRST PUBLICATION IN THE CHRONICLE ON JANUARY 26, 1989
CITY OF CAMBRIDGE
In the Year One Thousand, Nine Hundred Eighty-Nine
AN ORDINANCE

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

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

The Zone map accompanying ordinance passed to be ordained September 26, 1979 entitled "The Zoning Ordinances of the City of Cambridge" is hereby amended by deleting paragraph 3 of Section 3.14 - Cambridgeport Interim Planning Overlay District and substituting therefor the following (with new language underlined):

3. The maximum height of any building shall be 45 feet (.) **inclusive of those structural elements otherwise exempt under the provisions of Section 5.23 of the Zoning Ordinance.**

Nothing in this section shall prevent a property owner from repair and/or replacing a chimney or television antenna.

5.23 Height Exceptions. The provisions of this ordinance governing the height of buildings and structures in all districts shall not apply to chimneys, water towers, air conditioning equipment, elevator bulkheads, skylights, ventilators and other necessary features appurtenant to buildings which are usually carried above roofs and are not used for human occupancy, nor to domes, towers or spires above buildings if such features are not used for human occupancy and occupy less than ten percent of the lot area, nor to wireless or broadcasting towers and other like unenclosed structures which occupy less than ten percent of the lot area.

5.24 Yards

5.241 Every part of a required yard shall be open to the sky and unobstructed. Awnings, arbors, fences, flagpoles, recreational and laundry drying equipment and similar objects shall not be considered obstructions when located within a required yard. Open or lattice-enclosed fire escapes for emergency use only are permitted to encroach on yard areas.

5.242 Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than three and one-half feet and which are part of a building not more than thirty-five feet in height, and unenclosed steps, unroofed porches and the like which do not project more than ten feet beyond the line of the foundation wall and which are not over four feet above the average level of the adjoining ground, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built.

5.243 On lots abutting streets on more than one side, the front yard requirements of each of the abutting streets shall apply regardless of designated front lot lines. Any remaining sides shall be subject to side yard requirements.

5.244 Measurements for minimum yards which are determined by formula shall be made in the following manner:

(1) "H" is the height of the building. "L" is the length of wall measured parallel to the corresponding lot or street line. The front yard is measured from the street line, or building line where such has been established, except where otherwise indicated herein. For buildings of forty feet or less in height the denominator in the yard formulas in the Tables in Section 5.30 may be increased by two subject to the minimum yard requirements set forth in footnotes a, b and c to Tables 5-1 and 5-2.

(2) Where a building consists of various roof levels an average height, or "H", may be used in the required yard formula. Average height is determined by adding the products of the height of each roof level facing the given lot line, (H_1, H_2, etc.) times the length of each roof level (L_1, L_2, etc.) and dividing the sum by the sum of the length of the levels (L_1, L_2, etc.) (see formula below)

$$\text{AVERAGE HEIGHT} = \frac{(H_1 \times L_1) + (H_2 \times L_2)}{L_1 + L_2}$$

In City Council February 6, 1989.
Passed to be ordained as amended by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.

Robert W. Healy, City Manager.
Joseph E. Connarton, City Clerk

ATTEST:-
(C)Feb.23

CITY OF CAMBRIDGE
LICENSE COMMISSION
NOTICE

The office of the Cambridge License Commission will be open for emergency business only on February 23 and February 24, 1989, at Cambridge City Hall, 795 Massachusetts Avenue.

Said office will reopen on February 27, 1989 at **The Michael J. Lombardi Municipal Building,** 831 Massachusetts Avenue, First Floor. The new telephone number of said office at 831 Massachusetts Avenue is 499-6140.

James T. McDavitt
License Commission Chairman

(C)Feb.23

CITY OF CAMBRIDGE
DEPARTMENT OF TRAFFIC & PARKING

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.

REGULATION No. 89-09

Regulation No. 66-1 Schedule 9 "Stopping, Standing Or Parking Prohibited During Certain Hours On Certain Sides Of Certain Streets" is hereby amended by adding the following:

Upton Street, south side, 30'W of Magazine Street to Magazine Street, 8AM-10AM and 2PM-4PM, Except Sat. & Sun.

Upton Street, north side, 30'W of Magazine Street to Magazine Street, 8AM-10AM and 2PM-4PM, Except Sat. & Sun.

Pleasant Street, west side, 8'S of east curb line extension of Pleasant Street to 46'N of east curb line extension of Pleasant Street, 8AM-10AM and 2-4PM. Except Sat. & Sun.

This regulation shall take effect 3 March 1989.

George Teso
Traffic Director

(C)Feb.23;Mar.2,9

AMENDED ORDINANCE NO. 1078
Final Publication No. 2428.
First Publication in the Chronicle on Feburary 9, 1989
CITY OF CAMBRIDGE
In the Year One Thousand, Nine Hundred Eighty-Nine
AN ORDINANCE

In amencment to an ordinance formerly entitled "The General Ordinances of the City of Cambridge as revised in 1972 and now designated as "The Code of the City of Cambridge".

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

Section One. City of Cambridge Code, Ordinances, Chapter 13 is hereby amended by inserting after Section 13-17 the following new section and caption:

Section 13-17b.

REGULATING THE SALE AND MARKETING OF REPLICA FIREARMS IN THE CITY OF CAMBRIDGE.

Subsection A. Definitions.

As used herein, the following words shall have the following meanings:

(1) "Chief": The chief of the Cambridge Police Department or his designee.
(2) "Department": the Cambridge Police Department.
(3) "Market": to display for sale.
(4) "Replica firearm": any toy, imitation, or facsimile pistol, revolver, shotgun, rifle, air rifle, B-B gun, pellet gun, machine gun or other similar simulated weapon which because of its color, size, shape or other characteristics, can reasonably be perceived to be a real firearm from which a shot or bullet can be fired and which, pursuant to Subsection D of this ordinance, has been determined to pose a threat to public safety.
(5) "Sell": To exchange or deliver
(a) for money or its equivalent; or
(b) as a promotion or an inducement to buy.

Subsection B. Regulation.

Except as provided in Subsection C herein, no person or entity shall sell or market any replica firearm in the City of Cambridge.

Subsection C. Exceptions.

Notwithstanding the foregoing, the sale of replica firearms shall be permitted if the sale of such replica firearms is solely for purposes of or for transportation in intrastate, interstate or foreign commerce.

Subsection D. Enforcement.

(1) The Chief shall identify those replica firearms which he deems to pose a threat to public safety and shall make a list thereof. Such list shall include, where available, the following information: the product name, the manufacturer and the model number. The Chief shall post the list in the Department and shall make available copies thereof to the general public. The Chief shall update the list from time to time as he deems warranted. Any individual may provide information to the Chief regarding replica firearms to be added to the list.

(2) Any person who observes the sale or marketing of a replica firearm which he believes to be a violation of this ordinance may register a written or oral complaint with the Department. A Cambridge police officer, in response to each complaint, shall investigate the complaint forthwith in person and determine whether there is such a violation.

(3) Any Cambridge police officer who observes the sale or marketing of a replica firearm which he believes to be a violation of this ordinance shall investigate forthwith and determine whether there is such a violation.

(4) If a Cambridge police officer determines that there is a violation of this ordinance, he shall order the individual or entity to remove immediately from sale or marketing all the replica firearms found to be in violation. In addition, the Department shall impose the following penalties on the individual or entity violating the ordinance:

(a) a written citation or warning for the first violation;
(b) a $100 fine for the second violation; and
(c) a $200 fine for the second and any subsequent violations.

For purposes of penalties to be imposed under this ordinance, if a Cambridge police officer determines that a sale or marketing of replica firearms has occurred, that determination shall constitute one violation, regardless of the number of replica firearms involved. A Cambridge police officer shall return, unannounced, to the site of the violation within the thirty (30) day period following the determination of a violation to ensure that the individual or entity has not resumed the sale or marketing of replica firearms.

Subsection E. Appeal Procedure.

Any individual who is aggrieved by an action taken by a Cambridge police officer under this ordinance may, within ten (10) days of such action, file an appeal, in writing, to the Chief. After notice to such individual, the Chief shall hold a hearing, after which he shall issue a decision in which he affirms, annuls or modifies an action taken by a Cambridge police officer, giving his reasons therefor. The Chief shall have the decision to the individual by first class mail within ten (10) days after the hearing. The decision shall be a final administrative decision. The individual shall have thirty (30) days from the date of the written decision to seek judicial review in the Third District Court of Eastern Middlesex County.

Section Two: This Ordinance shall take effect thirty (30) days after enactment.

In City Council February 6, 1989.
Passed to be ordained by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.

Robert W. Healy
City Manager.
Joseph E. Connarton
City Clerk

ATTEST:-
(C)Feb.23

CITY OF CAMBRIDGE
PURCHASING DEPARTMENT

Sealed proposals will be received at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass., until 11:00 o'clock A.M. Thursday, March 9, 1989 at which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge.

Pacemakers
Computer Equipment
Blood Pressure Dopplers
Intraocular Lenses
Water Treatment Chemicals & Service
Sale of Used Equipment (CH)

See proposal for bid deposit.

The City of the Cambridge reserves the right to waive any informalities or to reject any or all proposals.

Specifications may be obtained at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass.

Each proposal must be in a sealed envelope plainly marked "Proposal for 'Designate Item'" and addressed to Barbara L. Duffy, Purchasing Agent, City Hall, Cambridge, Massachusetts.

Barbara L. Duffy
Purchasing Agent

(C)Feb.23,Mar.2

43467

SHERIFF'S SALE
The Commonwealth of Massachusetts
Middlesex, ss., December 23, A.D. 1988

Taken on execution and will be sold by public auction, on Wednesday, the twenty-ninth day of March A.D. 1989, at three o'clock P.M., at my office, 99 First Street in Cambridge, in said County of Middlesex, all the right, title and interest that **George Tarvezian, Trustee of The Belcam Realty Trust** of Belmont in said County of Middlesex, had (not exempt by law from attachment or levy on execution) on the twenty-third day of December A.D. 1988, at nine o'clock and no minutes, a.m., being the time when the same was taken on execution in, and to

SPORTS



PANTHER ATTACK — North Cambridge Catholic's senior captain Scott Pugh, left, attempts to drive past St. Clement's Steve Fabiano in the Panthers' 79-77 losing game to their Somerville rivals on Friday. (Staff photo by Jon Friedman)

St. C's edges Panthers

The North Cambridge Catholic boys basketball team finished the regular season this past week with both a win and a loss. The Panthers are now preparing for competition in both the Catholic Suburban League Tournament, as well as the Division III State Tournament.

Last Friday, NCC lost a heartbreaker to St. Clement's, 79-77. Before an overflowing crowd, the two teams put on a performance unheralded in most high school games.

The Panthers came out in the first quarter ready for battle. Fueled by junior forward Jay Heggie's 13 points NCC had a 22-18 lead after one quarter. St. Clement's battled back in the second quarter and took the lead. At the end of the first half, the Anchormen led 37-34.

The frantic pace continued in the second half. Senior guard Scott Pugh and junior forward John Bernard paced the Panthers with 9 points each in the third quarter. St. Clement's would not come unglued, however, and at the end of three held a slim 55-54 lead.

The fourth quarter may have been one of the best in high school basketball history. Both teams went up and down the court trading baskets, diving for loose balls and displaying to fans why they are the top two seeds in the upcoming Division III State Tournament.

With only two and one-half minutes remaining in the game the Panthers trailed by 1, 69-60. NCC would not quit. Scott Pugh buried a three pointer, 69-63. Sophomore guard Lorenzo Gross stole the ensuing in-bounds pass and laid the ball in, 69-65.

St. Clement's went into their four corners offense. They took a quick shot, however, and missed. Sophomore center Ricky Ace grabbed the rebound and outletted to Gross who, again, laid it in, 68-67. St. Clement's came back up the court quickly and scored on a controversial three-point play, 75-70. With only 50 seconds remaining in this wild shootout, John Bernard answered the call with a bucket of his own, 75-72. The Anchormen followed with another bucket, 77-72. Pugh answered with two and was fouled. He went to the line and hit the foul shot, 77-75. Again the inbound pass was stolen and again Gross laid it in, while also being fouled.

At 77-77 and only 28 seconds remaining in the game, Gross was at the line for one shot when the Panthers were called for a lane violation. The Panthers, again, stole the inbounds pass. This time it was junior center Jon Ace, who, after he passed off, was called for an offensive foul. The referees turned the ball over to St. Clement's again with only 24 seconds remaining in the game. The Anchormen held onto the ball for the final shot and scored with only 2 seconds remaining on the clock to take a 79-77 victory.

On Sunday, the Panthers bounced back with a 69-54 victory over Hudson Catholic to close their regular season schedule.

In the game, NCC jumped out to a 25-6 first quarter lead and never looked back. Scott Pugh and John Bernard each had 14 points to lead the Panthers in scoring. Pugh also had 10 rebounds.

This weekend, NCC competes in the Catholic Suburban League Tournament to be held at Newton Catholic High School.

On Saturday, the Panthers tap-off against Mission High School. NCC has defeated Mission twice this season. The first time, 62-42, and the second, 77-67. In the second semi-final, St. Clement's will play Hudson Catholic, whom they have also beaten twice.

The tournament sets up another possible match up between N.C.C. and St. Clement's. "We would love to play St. Clement's again but first we have to get by Mission. They are the defending champs in this tournament and they always give us a tough time," explained coach McGrail.

NCC girls beat St. C

The North Cambridge Catholic High School girls varsity basketball team defeated St. Clement last Friday, 55-21, to complete its regular season with 12 victories and only 4 losses.

NCC finished in second place in the Catholic Suburban Large School League, behind undefeated Hudson Catholic. This marks the best record in the brief history of the NCC girls basketball program.

St. Clement came into last week's game with only two victories on the season, looking to upset the playoff-bound Lady Panthers.

The visitors from Somerville played aggressive defense in the first quarter and forced NCC into several turnovers. St. Clement held a 10-8 lead entering the second period. But the game quickly turned around when NCC went on a 16-2 run to take a 24-12 halftime lead. The NCC pressure defense continued to cause problems for St. Clement in the second half.

Eva Ace led all scorers with 18 points. Shannon Dottin had a strong offensive game, contributing 11 points. Dalila M'Causland added 9 points, Christine Hafey scored 7, and Joanne Desrosiers and Rima Zahr pitched in with 5 points each.

Before the game, the last regular season home game for NCC, Coach Val Bonds made a special presentation to the four senior members of this year's squad. Honored were co-captains Sharon Silva and Dee M'Causland, Shannon Dottin, and Rima Zahr.

GLENN FREY

COME TO OUR GRAND OPENING AND GET 54% OFF.

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Ed Ver Planck

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LEGAL NOTICE TEARSHEET

Major crime in '88 gets mixed reviews

By LAURA BECK
Chronicle staff

As far as major crime in Cambridge is concerned, 1988 gets a mixed review from the Cambridge police.

According to police statistics for the year, most major crimes like robberies and rape decreased in Cambridge last year, but other crimes like drug trafficking increased.

Based on the number of arrests and reported crimes, the 1988 crime rate went down 3 percent from 1987. Of the major crimes, rape was 17 percent lower, robbery was 4 percent lower and burglary was 10 percent lower.

"Granted, these are only reports of rape and burglaries," said Police Chief Anthony Paolillo. "But we're able to pinpoint areas having troubles more quickly and neighborhood crime watch groups have helped keep things down."

But in some parts of the city, residents are having a hard time believing the crime rate is down. Residents of Cambridgeport have had an ongoing rash of house breakins and burglaries since November, according to Caroline Hunter, who is organizing a new crime watch in that neighborhood.

"We haven't felt that 3 percent," Hunter said. "We don't feel that crime is down in our neighborhood. We don't even feel safe in our homes."

Police say they may have caught one of the city's notorious "career" robbers a few months ago, and believe he may be responsible for some of the Cambridgeport burglaries, especially around River, Laurel and Cottage streets.

Since the arrest, however, Hunter says the break-ins started again, averaging four a week. Police say this new surge of burglaries is probably unrelated to last year's problem.

"These things go in cycles that tend to last about two months," Paolillo said. "After hitting a certain neighborhood for awhile, criminals pick another spot."

All reports and arrests are entered into a computer data system in the crime analysis department. Police use the reports and information to peg high risk areas and to predict where regular criminal offenders will be, according to Police Crime Analyst Richard Sevieri.

One of the current trends for city criminals is turning from robberies to drug trafficking, Sevieri and Paolillo say.

"Our most notorious career criminals have stopped breaking into houses. Now they're out on the streets selling drugs," Paolillo said.

The city's hottest spots for drug dealing are in Area Four, especially near Columbia terrace, Paolillo says.

Several neighborhood activists near the Central Square area also say they see less assaults and "street" robberies, but instead see more suspicious groups of people loitering near corners.

"I've seen more people buying drugs on the streets, and I also notice more people hanging around that I know don't live in my neighborhood," said Janet Rose, who lives near Central Square. "It's winter now, so that keeps more people inside, but by April they'll be back."

Please see CRIME, page 5

We haven't felt that 3 percent. We don't feel that crime is down in our neighborhood. We don't even feel safe in our homes.
Caroline Hunter
Cambridgeport resident



FAULTY WIRING is being blamed for an early Friday morning fire which left 13 persons homeless. The fire broke out at 30-32 Fairmont street and took firefighters four hours to control. See story inside. (Staff photos by Cheryl Miller)

Sancta Maria up for sale as funds dry up

By JAY WEAVER
Chronicle staff

Many hospitals were counting on that (state) money and now many hospitals are in financial trouble.
Sr. Mary Mark Pizzotti
president,
Sancta Maria

Unable to cure its financial ills, Sancta Maria Hospital in West Cambridge is up for sale and could be converted into an alternate health care facility by spring, hospital officials said this week.

Sancta Maria, an acute-care hospital owned and operated since 1948 by the Daughters of Mary of the Immaculate Conception, could be recycled into a long-term and ambulatory care facility by May, Sister Mary Mark Pizzotti, president of the hospital, said Tuesday.

Sancta Maria has fallen on hard times in recent years due to escalating health care costs and competition, federal funding shortfalls for Medicare patients and the state's recent decision to withhold payments to cover the funding gap, Sister Pizzotti said.

"The financial troubles have been coming for the past two years because of the number of elderly patients we treat," Sister Pizzotti said. "Our problem is we don't have the patient mix to offset the losses from Medicare." About 80 percent of the hospital's patients are on Medicare.

She stressed, however, that Sancta Maria does not plan to close in May, as reported in the "Boston Herald" on Monday.

Sancta Maria, a 150-bed facility, is among two dozen or so acute-care hospitals across the state that have been severely hurt by Medicare cutbacks over the past year, according to the state Department of Public Health and industry officials.

Many hospitals, including the Cambridge Hospital, have also been damaged by state cutbacks in Medicaid and free-care compensation and by the new rate formula set up last year as part of the universal health care bill. The formula was designed to create financial pressures for hospitals with low-occupancy rates, forcing them to restructure, sell or close, state and industry officials said.

Sister Pizzotti said Sancta Maria officials plan to meet with the Hospital Conversion Board, a state panel created by the universal health care bill to help ease the transition for hospitals seeking to close, convert or merge.

She said the hospital, which has an occupancy rate well below the statewide average of 78 percent, plans to phase out its medical/surgical programs by May and that officials are talking with "other parties" about alternate uses, such as long-term and ambulatory care.

She said the city, which for years has subsidized the twin deficits at the Cambridge Hospital and Neville J. Manor Nursing Home, is not among the parties interested in buying the facility.

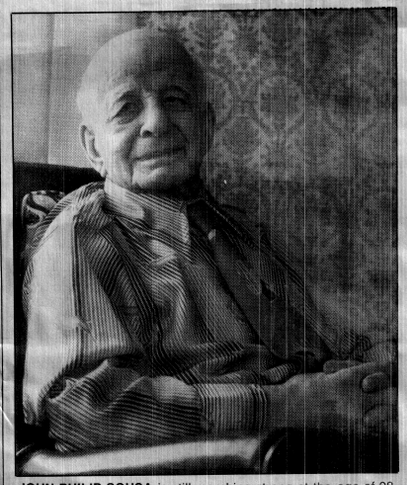
She said Sancta Maria's goal is to ensure that its tradition of caring for the elderly is continued. It is the only hospital owned and run by the Daughters of Mary of the Immaculate Conception, a congregation based in New Britain, CT. She also expressed concern about preserving jobs for the hospital's 250 employees, some of whom are Cantabrigians.

The death knell for Sancta Maria was sounded a few weeks ago when Gov. Michael Dukakis killed $214 million in payments that the state had promised to many hospitals to cover federal funding shortfalls for Medicare and free care for the poor. The action was taken because of the state's current budget crisis.

"Many hospitals were counting on that money," Sister Pizzotti said. "And now many hospitals are in financial trouble."

Please see HOSPITAL, page 3

At 98, J. P. Sousa is still marching along



JOHN PHILIP SOUSA is still marching strong at the age of 98. (Staff photo by Jon Friedman)

By ELIOT SPALDING
Special to the Chronicle

When it comes to seniority among Cambridge senior citizens, Elm street's John Philip Sousa is entitled to prominent mention.

He's not only 98 years old, but he's also 5 feet 4½ inches of bright and lively manhood, as chipper as they come.

A retired trolley car motorman, he is quite possibly the oldest living member of both the Boston Carmen's Union and the Cambridge Lodge of Elks.

He was happily married for 34 years to his first wife, Phoebe (Meahan) — they had three sons — and now has been happily wedded for 35 years more to his present wife, his beloved Hazel (Eisnor).

But his age and his good fortune in matrimony are not the only notable things about him.

He is, for one thing, that rare resident of heavily Democratic Ward two who is a Republican. In fact, he was for 19 years chairman of the Ward two Republican Committee — Hazel was its secretary.

At that time, he says, there were about 100 registered Republicans in Ward two, but by diligent house-to-house calling, he sometimes got out 200 persons to vote Republican on election day. "It was," he concedes, "hard, hard work."

Although his name is the same as that of the world famous bandmaster and composer, he says he was not named for the March King. "When I was confirmed at St. Mary's Church," he says, "the only reason I chose the middle name of Philip was because I liked it."

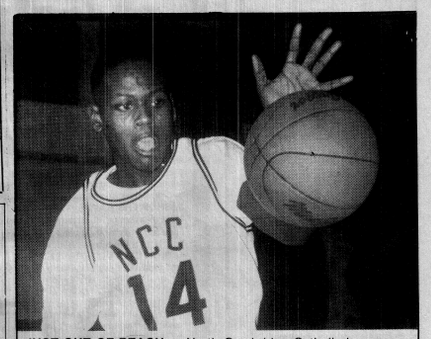
He doesn't play any band instrument either. "I play the guitar a little now and then," he says, "but I'm not very good at it. "And he used to sing with an Elm street group, adding, "I had a good tenor voice, but that was once upon a time."

Another thing, besides his age and his alertness, which makes him notable in Cambridge is that he likes his landlord, Manny Barros, and his landlord apparently likes him. He quotes Manny, a much younger man, as saying, "John, you're a miracle; you can walk around and do anything I can do."

And John Philip does walk around the neighborhood, walking every morning to the All-Bright novelty store on Broadway to get his morning paper and chat with friends. He doesn't look or walk his age.

His wife drives him in the family car when they go grocery shopping

Please see SOUSA, page 7



JUST OUT OF REACH — North Cambridge Catholic hoop captain Henry Prophete swats down a loose ball in the Panthers' game against St. Clement on Friday. The Panthers came up on the shy side of the 79-77 cliff-hanger. See story, other photos inside. (Staff photo by Jon Friedman)

ON THE INSIDE

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Wild Women

A look back at black voices



See page 2A in The Weekender

Food Pantry lists hours, locations

The Cambridge Food Pantry Network, which serves nearly 4,000 persons each month in Cambridge, has announced its schedule of pantry hours and food distribution days for March.

According to Gerald Bergman of CEOC, the coordinator of the Cambridge Food Pantry Network, "The number of persons served by programs of the Cambridge Food Pantry Network has nearly doubled over the past year." In Cambridge, 13,000 persons live under the poverty line, with the greatest increase in pantry use coming from the ranks of the working poor. Pantries have reported that the majority of the hungry in Cambridge are young, mostly under the age of 14. It is estimated that one child in five lives in poverty, unable to maintain an even minimally adequate diet. With one of the highest housing costs in the nation, Cambridge residents are making choices between rent and nutritionally adequate food. However, Cambridge is not alone in this rapid rise in reported hunger. According to the Massachusetts Anti-Hunger Coalition, "Hunger is increasing in our economy, with one child in five suffering from hunger during some part of each month. Last year, at least 14.4 million meals were served through emergency food networks in Massachusetts."

The effects of hunger in Cambridge are being felt in schools, health centers, families and on the streets. Prolonged hunger causes more than discomfort — malnutrition can lead to permanent tissue damage, and leaves its sufferers, particularly children and elders, susceptible to illness and infection, Bergman said.

"Food is the only area left in the family budget where cuts are made. Housing and utility costs are paid, but nutritional needs suffer. The poor are juggling their basic needs of food, clothing and shelter."

Volunteers are desperately needed by the members of the Pantry Network. Working at food pantries, food distribution sites, shopping, planning resource drives and educational activities are only some of the volunteer opportunities that exist through the Pantry Network program.

For more information about the Cambridge Food Pantry Network, volunteer opportunities and how you can help, contact the Cambridge Food Pantry Network at CEOC, 11 Inman St. in Cambridge or call Gerald Bergman at 868-2900.

The following is the list of pantry hours and distribution days for March:

• **CAMBRIDGE ECONOMIC OPPORTUNITY COMMITTEE/CEOC, 11 INMAN ST., 868-2900;** Distribution of USDA Commodities to income eligible households during the week of March 27 - March 31. Dry milk, butter and peanut butter will be distributed at 30 sites by 200 volunteers to more than 13,500 persons.

• **RED CROSS/CEOC FOOD PANTRY ON THE COMMONS, 9 WATERHOUSE ST., 354-7800;** Hours: Monday 9-12, Wednesday 9-12, Friday 12-4, open every week except holidays. Three days worth of nutritionally balanced food according to household size. Serving Arlington, Belmont, Cambridge, Somerville and Watertown. Pantry available once a month, except in cases of extreme emergency when documented by social service staff etc.

• **SALVATION ARMY EMERGENCY PANTRY, 402 MASSACHUSETTS AVE., 547-3400;** Open for emergency food. Must have a referral from any social service source. Please try to call before coming to the pantry

• **MARGARET FULLER NEIGHBORHOOD HOUSE PANTRY, 71 CHERRY ST., 547-4680;** Hours: Second and fourth Thursdays of every month from 9-1. Accepts calls for emergencies.

• **PENTECOSTAL TABERNACLE CHURCH, 77 COLUMBIA ST., 661-0222;** Available 7 days a week through referral only. Call and leave message on machine including name, phone number and need. A pantry volunteer will respond within one day and arrange for delivery or pickup.

• **EAST END HOUSE, 105 SPRING ST., 876-4444;** Hours: Monday through Friday, 10-4. By referral only. Limited number of times each year.

• **ELDER FOOD SHELF, 15 PEARL ST., 868-0800;** Hours: Tuesday and Thursday 1-4. Supplemental food pantry serving low-income elders. Individuals may receive up to eight items each week. Income verification necessary.

• **ST. JAMES EPISCOPAL CHURCH/HELPING HAND PANTRY, 1991 MASSACHUSETTS AVE., 547-4070;** Hours: Tuesday, Thursday and Saturday 11-1. Pantry available once a month.

• **FOOD FOR FREE, 1 INMAN ST., 868-2900;** Weekly supplemental deliveries of perishable and nonperishable food: Monday: Jefferson Park, Salvation Army, Tuesday: Western Ave. Baptist Church, Newtowne Court/Washington Elms, Elders Food Shelf, Wednesday: Centro Presente, Committee of Elders, Thursday: Roosevelt Towers, Harvard Square Meals Program, Elders Food Shelf, Friday: Metropolitan Baptist Church, Pilgrim Church.

Delivery schedule and frequency depends on the supply of donations. Call for information.



MIDDLESEX COUNTY DISTRICT ATTORNEY Scott Harshbarger (left) addresses several high school students from the Soviet Union (right) who recently visited his office in the Cambridge Superior Courthouse. District Attorney Harshbarger explained the criminal justice system to the students and discussed his job as the chief prosecutor in the County. The students, ages 15-17 years old, are from Moscow and are part of an exchange program sponsored by the Buckingham, Browne and Nichols School of Cambridge.

SCHOOL NOTEBOOK

Budget forum

The proposed School Department budget for 1989-90 will be officially announced at a public hearing scheduled for 7 pm on Tuesday, March 14 in room 222 at Cambridge Rindge and Latin School. Budget Subcommittee Chair Tim Toomey said the meeting is open to all parents, teachers and community residents interested in public education funding.

Back to school

Superintendent Mary Lou McGrath reminds all students that classes will resume, following this week's winter vacation, on Monday, February 27. Buses will follow the regular schedule.

The Cambridge School Committee is scheduled to meet on Tuesday, February 28, Mayor Vellucci said this meeting was changed from last Tuesday because of the school vacation. The Committee will hold a public session in room 222 at CRLS beginning at 6:45 p.m.

Learning through play

Who said learning isn't fun. A special workshop for preschool parents and staff titled, "Learning Through Play," sponsored by the Special Education Early Childhood Outreach Grant staff at the Fitzgerald School on March 22 at 5:00 p.m., will make learning fun for children. Call 498-9285 for information.

'I was working in my lab...'

CRLS science students are working in their labs in preparation for the March 9 CRLS Annual Science Fair. Dr. Angela Johnson, science teacher-in-charge, said that the public is invited to view the experiments from 6:30 to 9 pm on March 9 in the CRLS field house.

Time out

Watch for Longfellow students and volunteers on WBZ-TV during Channel 4, "Time Out" segments from February 20 through 24.

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Our new location and mailing address is P.O.Box 312, 360-366 Summer Street, Somerville, MA 02144.
Tel: 628-6200

Rx
Dry Mouth: Causes & Cures
Dry mouth is a common ailment in the aged and is a side effect of hundreds of medicines. Dry mouth occurs when saliva secretion is diminished, either temporarily or permanently. The mouth may feel parched with a burning sensation.
Dry mouth is found in 40 percent of those over age 65. Health problems such as anemia, dehydration, diabetes, and fever can cause dry mouth. Nasal congestion, stress, and smoking may also dry out the mouth. Antihistamines, decongestants, appetite suppressants, and certain medicines for heart arrhythmias, depression, and hypertension contribute to dry mouth. Many people with rheumatoid arthritis and disorders of the salivary glands may experience permanent dry mouth.
Temporary relief from dry mouth may be obtained from sipping water or sucking on ice chips, lozenges, hard sugarless candy, or chewing sugarless gum. But saliva substitute products have therapeutic advantages over home remedies. These substitutes are similar to natural saliva and last longer than other remedies. If dry mouth is a side effect of medicines, the dosage sometimes can be decreased or a different medicine prescribed. And always follow your dentist's advice for effective oral hygiene.
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PUBLIC NOTICE
CAMBRIDGE WATER BOARD
WATER CONSERVATION
VOLUNTARY RESTRICTIONS
Because of the continued below-normal precipitation patterns in eastern Massachusetts, the Cambridge Board of Water Commissioners is requesting that the residents and the commercial/industrial/institutional customers conserve water in order to preserve our water supply. The Board recommends that the following practices be adopted.
1. SAVINGS IN HOME
Household water conservation not only saves water, it saves energy needed to heat water and run appliances. Two-thirds of the water used in an average home is used in the bathroom, mostly for flushing toilets and for showers and baths. Much of this water may be going into the sewer system needlessly.
2. TOILETS
Every time a toilet is flushed, about seven gallons of water goes into the sewer. Toilets should not be used as a trash can to flush away tissues, gum wrappers, cigarettes, diapers or anything else that ought to go in a waste basket or garbage can. Toilets should be checked for leaks at the overflow pipe and plunger ball.
3. SHOWERS/BATHS
Most showers pour out between five and ten gallons per minute. A partially filled tub uses far less water than a long shower, while a short shower uses less than a full tub.
4. SHAVING/TOOTHBRUSHING
Don't leave the water running. Run as much as you need, then turn off the tap until you need some more.
5. KITCHEN
Automatic dishwashers claim the most water in kitchens, about 15 gallons per run. Fully loaded washers use the same amount of water as partially loaded dishwashers. Don't let water run in sink. Wasted water goes into the sewer system needlessly.
6. DRINKING WATER
Don't run water endlessly for a cold drink; store jug of ice water in container in the refrigerator.
7. LAUNDRY
Many washing machines use 40 or more gallons of water per load whether stuffed full or half empty. Save up for a full load. As with the dishwasher, you can save energy, electricity and sewer user fees.
8. LEAKS/METERS
Most leaks, aside from toilets, are in faucets and are usually caused by worn washers. If your faucet leaks, turn off the supply line, take the faucet apart and replace the washer.
Your water meter can tell whether you have sizable leaks, as well as how much water various appliances are using. For leak detection, turn off all water in the house and check meter reading. After 30 minutes, re-check the meter reading. If it hasn't moved, you have a water-tight home. Otherwise start looking for leaks at sinks, toilets and appliances.
9. LANDSCAPING
The basic principle of lawn and garden watering is not to give them more than you need. Water when the grass or plants show signs of needing it. Avoid watering on windy or sunny days. Let water sink in slowly. Lots of water applied fast mostly runs into gutters.
10. OUTDOOR USE/CAR WASHING
Remember that when you leave the sprinkler running all day or leave the hose unattended, thousands of gallons can be lost.
When washing the car, use a bucket for soapy water and use the hose only for rinsing. Running water in the driveway won't get the car any cleaner. Hoses should have automatic shut-offs.
11. RESTAURANTS
Serve drinking water only on request. This practice will also save water, soap, and energy required for cleaning.
HELP CONSERVE WATER
USE WHAT YOU NEED
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CAMBRIDGE HOUSING AUTHORITY
OFFICE OF PHYSICAL PLANNING AND CONSTRUCTION
INVITATION TO REBID
GENERAL CONTRACTORS ONLY
Jefferson Park Clinic/Day Care Facility 884-1, New Construction

The Cambridge Housing Authority, Cambridge, Massachusetts (the Owner) will receive sealed bids for: **Cambridge 884-1** in accordance with documents prepared by Comunitas, Inc. Estimated cost of this project is **$1,000,000.** The category for which the General Bidder must be DCPO-certified is General Construction.

General Bids will be accepted from bidders **only when accompanied by a Certificate of Eligibility and an Update Statement** (DCPO Forms CO7 and CO3).

Plans and Specifications will be available on February 22, 1989 after 2:00 PM at the Office of Physical Planning and Construction, Cambridge Housing Authority, 2nd Floor, 675 Massachusetts Avenue, Cambridge, Massachusetts. Bidders may obtain Plans and Specifications weekdays, between the hours of 9:00 AM and 5:00 PM by depositing $50 per set. This fee shall be refundable upon the return of the documents in usable condition within thirty (30) days of the General Bid Opening, after which all deposits become the property of the Cambridge Housing Authority. Contract Documents will not be mailed; they may be examined at the plan room of Dodge Construction Reports, Prudential Tower, Suite 320, 800 Boylston Street, Boston, Massachusetts.

Site Inspection will be held as follows: March 1, 1989. 10:00 AM

Interested parties will meet at Jefferson Park Manager's Office, Rindge Avenue, Cambridge.

Filed Sub Bid Sections for this Work: Painting, Plumbing, HVAC, Electrical, Masonry, Roofing

Sub Bids have been filed and accepted. All prices will be retained and are available to General Contractors upon pick-up of plans and specifications.

General Bids shall be submitted with DCPO Forms CO7 and CO3 no later than 2:00 PM on March 8, 1989, and shall be received at the above address of the Office of Physical Planning and Construction.

General Bidders must agree to contract with minority and women-owned businesses as certified by the Boston Office of Minority and Women Business Assistance (SOMWBA). The amount of participation reserved for such enterprises shall not be less than seventeen percent (17%) of the final contract price of which the MBE set aside is 12% and WBE set aside is 5% including accepted alternates.

All Bidders Please Note: Equal employment opportunity guidelines regarding minorities and females shall be strictly enforced on this project. Please refer to Labor Regulations of the general requirements.
(C)Feb.23

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND
FAMILY COURT DEPARTMENT
Middlesex Division Docket No. 88D1824D-1
ORDER FOR SERVICE
BY PUBLICATION
Solange Saint Jean Petit Frere, Plaintiff
vs.
Eddy Petit Frere, Defendant

Upon motion of plaintiff for an order directing Eddy Petit Frere, the defendant herein, to appear, plead or answer, in accordance with Mass.R.Civ.P./Mass.R.Dom.Rel.P.Rule 4, it appearing to the Court that this is an action to dissolve the bonds of matrimony — that the said Eddy Petit Frere cannot be found within the Commonwealth and that her present whereabouts are unknown, that personal service on said defendant is therefore not practicable, and that said defendant has not voluntarily appeared in this action, it is

Ordered that said Eddy Petit Frere is directed to appear, plead, answer or otherwise move with respect to the complaint herein on or before the tenth day of April, 1989, or in default thereon this Court will proceed to the hearing and adjudication of this suit.

Paul J. Cavanaugh
Justice of the Probate and Family Court
(C)Feb.16,23,March 2

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND
FAMILY COURT DEPARTMENT
Middlesex Division Docket No.88P0560A
ADMINISTRATION WITHOUT SURETIES
Estate of **Genesta M. Pelletier**
also known as **Genesta Marie Pelletier**
late of **Cambridge**
in the County of **Middlesex**
NOTICE

A petition has been presented in the above-captioned matter praying that **Albert E. Pelletier** of Cambridge in the County of Middlesex be appointed administrator of said estate without giving surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on March 10, 1989.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the sixth day of February in the year of our Lord one thousand nine hundred and eighty-nine.

Paul J. Cavanaugh
Register of Probate Court
(C)Feb.23

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Kastia J. Jordan** to the **Home Savings Bank FSB** dated January 13, 1984, and recorded with the Middlesex South Registry of Deeds at Book 15405, Page 053, of which mortgage the undersigned is the assignee and present holder for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 10:00 o'clock, A.M. on the 23rd day of March, A.D. 1989, on premises hereafter described all and singular the premises described in said mortgage. To wit:

A certain parcel of land with the buildings thereon now known as and numbered 7-9 Walnut Street, situated in Belmont, Middlesex County, Massachusetts, being Lot 57B on a plan by Joseph W. Kales, dated April 1941, recorded with Middlesex South District Registry of Deeds at the end of Book 6488, bounded and described as follows:

Southeasterly by Walnut Street, Seventy-three and 12/100 (73.12) feet;

Southwesterly by Lot 58 on plan recorded with said Middlesex South District Registry of Deeds in Plan Book 190, Plan 6, Thirty-eight (38) feet;

Northwesterly by Lot 56 on above-mentioned plan, Seventy-three and 12/100 (73.12) feet;

Northeasterly by Lot 57A on first mentioned plan, Thirty-eight (38) feet.

Containing, according to said plan 2,779 square feet of land.

Together with all the improvements now or hereafter erected on the property, and all easements, rights, appurtenances, rents, royalties, mineral, oil and gas rights and profits, water, water rights, and water stock and all fixtures now or hereafter attached to the property, all of which, including replacements and additions thereto, shall be deemed to be and remain a part of the property covered by this Mortgage; and all of the foregoing, together with said property (or the leasehold estate if this Mortgage is on a leasehold) are herein referred to as the "Property."

Terms of Sale:

Said premises will be sold subject to any and all unpaid taxes and assessments, tax sales, tax titles and other municipal liens and water liens, if any there are, and **Five Thousand ($5,000.00) Dollars** in cash, treasurer's check or certified check will be required to be paid by the purchaser at the time and place of sale as a non-refundable deposit and the balance will be due in thirty (30) days.

Dated: February 9, 1989

The Boston Five Cents Savings Bank FSB
Present holder of said mortgage
By: Ann Daly, Vice President and
Assistant Treasurer
Harrison & Maguire, P.C.
24 School Street
Boston, Massachusetts 02108
617-742-3810
(C)Feb.23;Mar.2,9

CAMBRIDGE HOUSING AUTHORITY
OFFICE OF PHYSICAL PLANNING AND CONSTRUCTION
INVITATION TO BID
Compactor Replacement (667-1)

The Cambridge Housing Authority, Cambridge, Massachusetts (the Owner) will receive sealed bids for: compactor replacement at **Manning Apartments** in accordance with documents prepared by Hresko Yoot Associates. Estimated cost of this project is $25,000. The category for which the General Bidder must be DCPO-certified is General Contractor.

Plans and Specifications will be available on February 22, after 10:00 AM at the Office of Physical Planning and Construction, Cambridge Housing Authority, 2nd Floor, 485 Massachusetts Avenue, Cambridge, Massachusetts. Bidders may obtain Plans and Specifications weekdays, between the hours of 9:00 AM and 5:00 PM by depositing $10.00 per set. This fee shall be refundable upon the return of the documents in usable condition within thirty (30) days of the General Bid Opening, after which all deposits become the property of the Cambridge Housing Authority. Contract Documents will not be mailed; they may be examined at the plan room of Dodge Construction Reports, Prudential Tower, Suite 320, 800 Boylston Street, Boston, Massachusetts.

Site Inspection will be held as follows: 10:00 AM, Wednesday, March 1, 1989.

Interested parties will meet at: Manning Apartments, 237 Franklin Street, Cambridge, MA.

There are No Filed Sub Bid Sections for this Work.

General Bids shall be submitted no later than 10:00 AM on Wednesday, March 8, 1989, and shall be received at the above address of the Office of Physical Planning and Construction.

Every General Bid shall be accompanied by a Bid Deposit payable to the CHA in the form of cash, certified check, bid bond, or treasurer's or cashier's check issued by a responsible bank or trust company, in the amount of 5% of the bid. Bids are subject to the provisions of M.G.L., Chapter 30, Section 39M, and Chapter 149, Section 44A to H inclusive.

All bidders please note: Equal Employment Opportunity guidelines regarding minorities and females shall be strictly enforced on this project. Please refer to Labor Regulations of the General Requirements.
(C)Feb.23

REQUEST FOR PROPOSALS

Employment Resources, Inc. (ERI) will be receiving federal and state funding for education, employment and training programs during Fiscal Year 1990. The agency is seeking proposals from interested parties to provide training and/or educational services to unemployed residents of the following cities and towns: Arlington, Belmont, Burlington, Cambridge, Chelsea, Everett, Malden, Medford, Melrose, North Reading, Reading, Revere, Somerville, Stoneham, Wakefield, Watertown, Wilmington, Winchester, Winthrop, Woburn. Private- profit or non-profit firms and public organizations are encouraged to apply. Deadline for submission of proposals is April 4, 1989. To obtain specifications package, or for more information, contact Liz Downey, Marlene Resnick or Linda Bass at 494-1154 or c/o ERI, 432 Columbia Street, Cambridge, MA 02141. A bidders conference will be held at ERI on March 1, 1989 at 9:30 A.M.
(C)Feb.23

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND
FAMILY COURT DEPARTMENT
SALE OF REAL ESTATE
ANNUAL INVESTMENT
Middlesex Division Docket No. 525592
NOTICE

To all persons interested in the estate of **Mary F. Melanson** of Cambridge in said County of Middlesex, mentally ill person. A petition has been presented to said Court praying for license to sell - at private sale - public auction - certain real estate of said Mary F. Melanson.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on March 13, 1989.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the seventh day of February, in the year of our Lord, one thousand nine hundred and eighty-nine.

Paul J. Cavanaugh
Register of Probate
(C)Feb.23

BURSTER/IMPRINTER

Sealed proposals will be received by the Middlesex County Commissioners, through the Central Purchasing Office, Superior Court House, 40 Thorndike St., East Cambridge, MA until 2:00 PM Tuesday, March 14, 1989. Proposals will be opened for Burster/Imprinter for Middlesex County Treasurer's Office, Cambridge, MA at 3:30 PM Tuesday, March 14, 1989 at the Leonard J. Russell Hearing Room, 40 Thorndike St., Level 3, East Cambridge, MA. The said Commissioners reserve the right to reject any or all bids or part thereof and waive any informalities they may deem in the best interest of Middlesex County, or accept any bid or part thereof they may deem in the best interest of Middlesex County. Specifications may be obtained at the Central Purchasing Office, 3rd floor, Superior Court House, 40 Thorndike St., E. Cambridge, MA (494-4106).

Middlesex County Commissioners Office
Caroie Kelley, Purchasing Agent
(C)Feb.23

COMPUTER SUPPLIES & ACCESSORIES

Sealed proposals will be received by the Middlesex County Commissioners, through the Central Purchasing Office, Superior Court House, 40 Thorndike St., East Cambridge, MA until 2:00 PM Tuesday, March 14, 1989. Proposals will be opened for Computer Supplies & Accessories for Middlesex County Commissioners Dept., Cambridge, MA at 3:30 PM Tuesday, March 14, 1989 at the Leonard J. Russell Hearing Room, 40 Thorndike St., Level 3, East Cambridge, MA. The said Commissioners reserve the right to reject any or all bids or part thereof and waive any informalities they may deem in the best interest of Middlesex County, or accept any bid or part thereof they may deem in the best interest of Middlesex County. Specifications may be obtained at the Central Purchasing Office, 3rd floor, Superior Court House, 40 Thorndike St., E. Cambridge, MA (494-4106).

Middlesex County Commissioners Office
Caroie Kelley, Purchasing Agent
(C)Feb.23

Half Crown Neighborhood Conservation District Commission

A public hearing will be held on Tuesday, March 7 at 4:00 PM in the third floor Conference Room, City Hall Annex, 57 Inman Street, to consider the following application for a Certificate of Appropriateness:

Case 28: 8 Gerry Street. Construct dormers on the north and south roof planes. By Michiko and Donald Hisaka.

Anna Strobel
Chairman
(C)Feb.23;Mar.2

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 88D 4725 D-1
Summons by Publication
Rosemary Theresa Roberts, Plaintiff
vs.
George B. H. Roberts, Defendant

To the above-named Defendant:

A complaint has been presented to this Court by your spouse, **Rosemary Theresa Roberts,** seeking Divorce.

You are required to serve upon Alan Neal Kaplan, plaintiff's attorney, whose address is One Kendall Square, Suite 2200, Cambridge, MA. 02139 your answer on or before May 8, 1989. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.

Witness, Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.
January 24, 1989.

Paul J. Cavanaugh
Register of Probate
(C)Feb.16,23,March 2

AMENDED ORDINANCE NO. 1077
FINAL PUBLICATION NO. 2427.
FIRST PUBLICATION IN THE CHRONICLE ON JANUARY 26, 1989
CITY OF CAMBRIDGE
In the Year One Thousand, Nine Hundred Eighty-Nine
AN ORDINANCE

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

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

The Zone map accompanying ordinance passed to be ordained September 26, 1979 entitled "The Zoning Ordinances of the City of Cambridge" is hereby amended by deleting paragraph 3 of Section 3.14 - Cambridgeport Interim Planning Overlay District and substituting therefor the following (with new language underlined):

3. The maximum height of any building shall be 45 feet (.) **inclusive of those structural elements otherwise exempt under the provisions of Section 5.23 of the Zoning Ordinance.**

Nothing in this section shall prevent a property owner from repair and/or replacing a chimney or television antenna.

5.23 Height Exceptions. The provisions of this ordinance governing the height of buildings and structures in all districts shall not apply to chimneys, water towers, air conditioning equipment, elevator bulkheads, skylights, ventilators and other necessary features appurtenant to buildings which are usually carried above roofs and are not used for human occupancy, nor to domes, towers or spires above buildings if such features are not used for human occupancy and occupy less than ten percent of the lot area, nor to wireless or broadcasting towers and other like unenclosed structures which occupy less than ten percent of the lot area.

5.24 Yards

5.241 Every part of a required yard shall be open to the sky and unobstructed. Awnings, arbors, fences, flagpoles, recreational and laundry drying equipment and similar objects shall not be considered obstructions when located within a required yard. Open or lattice-enclosed fire escapes for emergency use only are permitted to encroach on yard areas.

5.242 Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than three and one-half feet and which are part of a building not more than thirty-five feet in height, and unenclosed steps, unroofed porches and the like which do not project more than ten feet beyond the line of the foundation wall and which are not over four feet above the average level of the adjoining ground, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built.

5.243 On lots abutting streets on more than one side, the front yard requirements of each of the abutting streets shall apply regardless of designated front lot lines. Any remaining sides shall be subject to side yard requirements.

5.244 Measurements for minimum yards which are determined by formula shall be made in the following manner:

(1) "H" is the height of the building. "L" is the length of wall measured parallel to the corresponding lot or street line. The front yard is measured from the street line, or building line where such has been established, except where otherwise indicated herein. For buildings of forty feet or less in height the denominator in the yard formulas in the Tables in Section 5.30 may be increased by two subject to the minimum yard requirements set forth in footnotes a, b and c to Tables 5-1 and 5-2.

(2) Where a building consists of various roof levels an average height, or "H", may be used in the required yard formula. Average height is determined by adding the products of the height of each roof level facing the given lot line, (H_1, H_2, etc.) times the length of each roof level (L_1, L_2, etc.) and dividing the sum by the sum of the length of the levels (L_1, L_2, etc.) (see formula below)

$$\text{AVERAGE HEIGHT} = \frac{(H_1 \times L_1) + (H_2 \times L_2)}{L_1 + L_2}$$

In City Council February 6, 1989.
Passed to be ordained as amended by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.

Robert W. Healy, City Manager.
Joseph E. Connarton, City Clerk

ATTEST:-
(C)Feb.23

CITY OF CAMBRIDGE
LICENSE COMMISSION
NOTICE

The office of the Cambridge License Commission will be open for emergency business only on February 23 and February 24, 1989, at Cambridge City Hall, 795 Massachusetts Avenue.

Said office will reopen on February 27, 1989 at **The Michael J. Lombardi Municipal Building,** 831 Massachusetts Avenue, First Floor. The new telephone number of said office at 831 Massachusetts Avenue is 499-6140.

James T. McDavitt
License Commission Chairman
(C)Feb.23

CITY OF CAMBRIDGE
DEPARTMENT OF TRAFFIC & PARKING

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.

REGULATION No. #9-89

Regulation No. 66-1 Schedule 9 "Stopping, Standing Or Parking Prohibited During Certain Hours On Certain Sides Of Certain Streets" is hereby amended by adding the following:

Upton Street, south side, 30'W of Magazine Street to Magazine Street, 8AM-10AM and 2PM-4PM, Except Sat. & Sun.

Upton Street, north side, 30'W of Magazine Street to Magazine Street, 8AM-10AM and 2PM-4PM, Except Sat. & Sun.

Pleasant Street, west side, 8'S of east curb line extension of Pleasant Street to 46'N of east curb line extension of Pleasant Street, 8AM-10AM and 2-4PM. Except Sat. & Sun.

This regulation shall take effect 3 March 1989.

George Teso
Traffic Director
(C)Feb.23;Mar.2,9

AMENDED ORDINANCE NO. 1078
Final Publication No. 2428.
First Publication in the Chronicle on Feburary 9, 1989
CITY OF CAMBRIDGE
In the Year One Thousand, Nine Hundred Eighty-Nine
AN ORDINANCE

In amendment to an ordinance formerly entitled "The General Ordinances of the City of Cambridge as revised in 1972 and now designated as "The Code of the City of Cambridge".

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

Section One. City of Cambridge Code, Ordinances, Chapter 13 is hereby amended by inserting after Section 13-17 the following new section and caption:

Section 13-17b.

REGULATING THE SALE AND MARKETING OF REPLICA FIREARMS IN THE CITY OF CAMBRIDGE.

Subsection A. Definitions.

As used herein, the following words shall have the following meanings:

(1) "Chief": The chief of the Cambridge Police Department or his designee.

(2) "Department": the Cambridge Police Department.

(3) "Market": to display for sale.

(4) "Replica firearm": any toy, imitation, or facsimile pistol, revolver, shotgun, rifle, air rifle, B-B gun, pellet gun, machine gun or other similar simulated weapon which because of its color, size, shape or other characteristics, can reasonably be perceived to be a real firearm from which a shot or bullet can be fired and which, pursuant to Subsection D of this ordinance, has been determined to pose a threat to public safety.

(5) "Sell": To exchange or deliver

(a) for money or its equivalent, or

(b) as a promotion or an inducement to buy.

Subsection B. Regulation.

Except as provided in Subsection C herein, no person or entity shall sell or market any replica firearm in the City of Cambridge.

Subsection C. Exceptions.

Notwithstanding the foregoing, the sale of replica firearms shall be permitted if the sale of such replica firearms is solely for purposes of or for transportation in intrastate, interstate or foreign commerce.

Subsection D. Enforcement.

(1) The Chief shall identify those replica firearms which he deems to pose a threat to public safety and shall make a list thereof. Such list shall include, where available, the following information: the product name, the manufacturer and the model number. The Chief shall post the list in the Department and shall make available copies thereof to the general public. The Chief shall update the list from time to time as he deems warranted. Any individual may provide information to the Chief regarding replica firearms to be added to the list.

(2) Any person who observes the sale or marketing of a replica firearm which he believes to be a violation of this ordinance may register a written or oral complaint with the Department. A Cambridge police officer, in response to each complaint, shall investigate the complaint forthwith in person and determine whether there is such a violation.

(3) Any Cambridge police officer who observes the sale or marketing of a replica firearm which he believes to be a violation of this ordinance shall investigate forthwith and determine whether there is such a violation.

(4) If a Cambridge police officer determines that there is a violation of this ordinance, he shall order the individual or entity to remove immediately from sale or marketing all the replica firearms found to be in violation. In addition, the Department shall impose the following penalties on the individual or entity violating the ordinance:

(a) a written citation or warning for the first violation;

(b) a $100 fine for the second violation; and

(c) a $200 fine for the second and any subsequent violations.

For purposes of penalties to be imposed under this ordinance, if a Cambridge police officer determines that a sale or marketing of replica firearms has occurred, that determination shall constitute one violation, regardless of the number of replica firearms involved. A Cambridge police officer shall return, unannounced, to the site of the violation within the thirty (30) day period following the determination of a violation to ensure that the individual or entity has not resumed the sale or marketing of replica firearms.

Subsection E. Appeal Procedure.

Any individual who is aggrieved by an action taken by a Cambridge police officer under this ordinance may, within ten (10) days of such action, file an appeal, in writing, to the Chief. After notice to such individual, the Chief shall hold a hearing, after which he shall issue a decision in which he affirms, annuls or modifies an action taken by a Cambridge police officer, giving his reasons therefor. The Chief shall give notice of the decision to the individual by first class mail within ten (10) days after the hearing. The decision shall be a final administrative decision. The individual shall have thirty (30) days from the date of the written decision to seek judicial review in the Third District Court of Eastern Middlesex County.

Section Two: This Ordinance shall take effect thirty (30) days after enactment.

In City Council February 6, 1989
Passed to be ordained by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.

Robert W. Healy
City Manager.
Joseph E. Connarton
City Clerk

ATTEST:-
(C)Feb.23

43467
SHERIFF'S SALE
The Commonwealth of Massachusetts
Middlesex, ss., December 23, A.D. 1988

Taken on execution and will be sold by public auction, on Wednesday, the twenty-ninth day of March A.D. 1989, at three o'clock P.M., at my office, 99 First Street in Cambridge, in said County of Middlesex, all the right, title and interest that **George Tarvezian, Trustee of The Belcam Realty Trust** of Belmont in said County of Middlesex, had (not exempt by law from attachment or levy on execution) on the twenty-third day of December A.D. 1988, at nine o'clock and no minutes, a.m., being the time when the same was taken on execution in and to the following described real estate, to wit:

A certain parcel of land with the buildings thereon situated in Cambridge, being now numbered 91-93 Belmont Street and being shown as the greater portion of Lot 3 on a plan made by F.F. Bowker, Civil Engineer and Surveyor, dated July 1, 1897, recorded with Middlesex South District Deeds, Plan Book 106, Plan 27, being bounded and described as follows:

Southwesterly by said Belmont Street, thirty-five and 5/10 (35.5) feet;

Westerly by a curved line forming the junction of said Belmont Street and Edward T. Sullivan Road, formerly called Bird Street, twenty-three (23) feet, more or less;

Northwesterly by said Edward T. Sullivan Road, seventy-eight (78) feet, more or less;

Northeasterly by Lot 17 on said plan, fifty (50) feet;

Southeasterly by Lot 2 on said plan, ninety-three and 91/100 (93.91) feet.

Containing 4640 square feet of land.
Terms: Cash

Alfred L. Jacobson
Deputy Sheriff
(C)Feb.23; Mar.2,9

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND
FAMILY COURT DEPARTMENT
**

AMENDED ORDINANCE NO. 1077

Final Publication No. 2427. First publication in the Chronicle on January 26, 1989.

City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

AN ORDINANCE

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

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

The Zone Map accompanying ordinance passed to be ordained September 26, 1979 entitled "The Zoning Ordinances of the City of Cambridge" is hereby amended by deleting paragraph 3 of Section 3.14 - Cambridgeport Interim Planning Overlay District and substituting therefor the following (with new language underlined):

3. The maximum height of any building shall be 45 feet (;) inclusive of those structural elements otherwise exempt under the provisions of Section 5.23 of the Zoning Ordinance.

Nothing in this section shall prevent a property owner from repair and/or replacing a chimney or television antenna.

5.23 *Height Exceptions.* The provisions of this ordinance governing the height of buildings and structures in all districts shall not apply to chimneys, water towers, air conditioning equipment, elevator bulkheads, skylights, ventilators and other necessary features appurtenant to buildings which are usually carried above roofs and are not used for human occupancy, nor to domes, towers or spires above buildings if such features are not used for human occupancy and occupy less than ten percent of the lot area, nor to wireless or broadcasting towers and other like unenclosed structures which occupy less than ten percent of the lot area.

5.24 *Yards*

5.241 Every part of a required yard shall be open to the sky and unobstructed. Awnings, arbors, fences, flagpoles, recreational and laundry drying equipment and similar objects shall not be considered obstructions when located within a required yard. Open or lattice-enclosed fire escapes for emergency use only are permitted to encroach on yard areas.

5.242 Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than three and one-half feet and which are part of a building not more than thirty-five feet in height, and unenclosed steps, unroofed porches and the like which do not project more than ten feet beyond the line of the foundation wall and which are not over four feet above the average level of the adjoining ground, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built.

5.243 On lots abutting streets on more than one side, the front yard requirements of each of the abutting streets shall apply regardless of designated front lot lines. Any remaining sides shall be subject to side yard requirements.

5.244 Measurements for minimum yards which are determined by formula shall be made in the following manner:

(1) "H" is the height of the building. "L" is the length of wall measured parallel to the corresponding lot or street line. The front yard is measured from the street line, or building line where such has been established, except where otherwise indicated herein. For buildings of forty feet or less in height the denominator in the yard formulas in the Tables in Section 5.30 may be increased by two subject to the minimum yard requirements set forth in footnotes a, b and c of Tables 5-1 and 5-2.

(2) Where a building consists of various roof levels an average height, or "H", may be used in the required yard formula. Average height is determined by adding the products of the height of each roof level facing the given lot line, (H_1, H_2, etc.) times the length of each roof level (L_1, L_2, etc.) and dividing the sum by the sum of the length of the levels (L_1, L_2, etc.) (see formula below)

$$\text{AVERAGE HEIGHT} = \frac{(H_1 \times L_1) + (H_2 \times L_2)}{L_1 + L_2}$$

In City Council February 6, 1989.
Passed to be ordained as amended by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton, City Clerk

AMENDED ORDINANCE NO. 1077

Final Publication No. 2427. First publication in the Chronicle on January 26, 1989.

City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

AN ORDINANCE

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5.242 Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than three and one-half feet and which are part of a building not more than thirty-five feet in height, and unenclosed steps, unroofed porches and the like which do not project more than ten feet beyond the line of the foundation wall and which are not over four feet above the average level of the adjoining ground, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built.

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(2) Where a building consists of various roof levels an average height, or "H", may be used in the required yard formula. Average height is determined by adding the products of the height of each roof level facing the given lot line, (H_1, H_2, etc.) times the length of each roof level (L_1, L_2, etc.) and dividing the sum by the sum of the length of the levels (L_1, L_2, etc.) (see formula below)

$$\text{AVERAGE HEIGHT} = \frac{(H_1 \times L_1) + (H_2 \times L_2)}{L_1 + L_2}$$

In City Council February 6, 1989.
Passed to be ordained as amended by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton, City Clerk

AMENDED ORDINANCE NO. 1077

Final Publication No. 2427. First publication in the Chronicle on January 26, 1989.

City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

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(1) "H" is the height of the building. "L" is the length of wall measured parallel to the corresponding lot or street line. The front yard is measured from the street line, or building line where such has been established, except where otherwise indicated herein. For buildings of forty feet or less in height the denominator in the yard formulas in the Tables in Section 5.30 may be increased by two subject to the minimum yard requirements set forth in footnotes a, b and c of Tables 5-1 and 5-2.

(2) Where a building consists of various roof levels an average height, or "H", may be used in the required yard formula. Average height is determined by adding the products of the height of each roof level facing the given lot line, (H_1, H_2, etc.) times the length of each roof level (L_1, L_2, etc.) and dividing the sum by the sum of the length of the levels (L_1, L_2, etc.) (see formula below)

$$\text{AVERAGE HEIGHT} = \frac{(H_1 \times L_1) + (H_2 \times L_2)}{L_1 + L_2}$$

In City Council February 6, 1989.
Passed to be ordained as amended by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton, City Clerk

AMENDED ORDINANCE NO. 1078.
Final Publication No. 2428. First publication in the Chronicle on February 9, 1989.

City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-nine

AN ORDINANCE

In amendment to an ordinance formerly entitled "The General Ordinances of the City of Cambridge as revised in 1972 and now designated as "The Code of the City of Cambridge".

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

SECTION ONE. City of Cambridge Code, Ordinances, Chapter 13 is hereby amended by inserting after Section 13-17 the following new section and caption:

SECTION 13-17b. REGULATING THE SALE AND MARKETING OF REPLICA FIREARMS IN THE CITY OF CAMBRIDGE.

Subsection A. Definitions.

As used herein, the following words shall have the following meanings:

(1) "Chief": The chief of the Cambridge Police Deparment or his designee.

(2) "Department": the Cambridge Police Department.

(3) "Market": to display for sale.

(4) "Replica firearm": any toy, imitation, or facsimilie pistol, revolver, shotgun, rifle, air rifle, B-B gun, pellet gun, machine gun or other similar simulated weapon which because of its color, size, shape or other characteristics, can reasonably be perceived to be a real firearm from which a shot or bullet can be fired and which, pursuant to Subsection D of this ordinance, has been determined to pose a threat to public safety.

(5) "Sell": To exchange or deliver

(a) for money or its equivalent; or

(b) as a promotion or an inducement to buy.

Subsection B. Regulation.

Except as provided in Subsection C herein, no person or entity shall sell or market any replica firearm in the City of Cambridge.

Subsection C. Exceptions.

Notwithstanding the foregoing, the sale of replica firearms shall be permitted if the sale of such replica firearms is solely for purposes of or for transportation in intrastate, interstate or foreign commerce.

Subsection D. Enforcement.

(1) The Chief shall identify those replica firearms which he deems to pose a threat to public safety and shall make a list thereof. Such list shall include, where available, the following information: the product name, the manufacturer and the model number. The Chief shall post the list in the Department and shall make available copies thereof to the general public. The Chief shall update the list from time to time as he deems warranted. Any individual may provide information to the Chief regarding replica firearms to ba added to the list.

(2) Any person who observes the sale or marketing of a replica firearm which he believes to be a violation of this ordinance may register a written or oral complaint with the Department. A Cambridge police officer, in response to each complaint, shall investigate the complaint forthwith in person and determine whether there is such a violation.

(3) Any Cambridge police officer who observes the sale or marketing of a replica firearm which he believes to be a violation of this ordinance shall investigate forthwith and determine whether there is such a violation.

(4) If a Cambridge police officer determines that there is a violation of this ordinance, he shall order the individual or entity to remove immediately from sale or marketing all the replica firearms found to be in violation. In addition, the Department shall impose the following penalties on the individual or entity violating the ordinance:

(a) a written citation or warning for the first violation;

(b) a $100 fine for the second violation; and

(c) a $200 fine for the second and any subsequent violations.

For purposes of penalties to be imposed under this ordinance, if a Cambridge police officer determines that a sale or marketing of replica firearms has occurred, that determination shall constitute one violation, regardless of the number of replica firearms involved. A Cambridge police officer shall return, unannounced, to the site of the violation within the thirty (30) day period following the determination of a violation to ensure that the individual or entity has not resumed the sale or marketing of replica firearms.

Subsection E. Appeal Procedure.

Any individual who is aggrieved by an action taken by a Cambridge police officer under this ordinance may, within ten (10) days of such action, file an appeal, in writing, to the Chief. After notice to such individual, the Chief shall hold a hearing, after which he shall issue a decision in which he affirms, annuls or modifies an action taken by a Cambridge police officer, giving his reasons therefor. The Chief shall send the decision to the individual by first class mail within ten (10) days after the hearing. The decision shall be a final administrative decision. The individual shall have thirty (30) days from the date of the written decision to seek judicial review in the Third District Court of Eastern Middlesex County.

SECTION TWO. This Ordinance shall take effect thirty (30) days after enactment.

In City Council February 6, 1989.

Passed to be ordained by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton, City Clerk

BZA

Continued from page 1

decide whether to ask Rickard to step down from her zoning board post until he has reviewed her responses to the claims in the tenants' letter.

Rickard, who had not read the tenants' letter, said this week that the 52-54 Fairmont St. case "does not hinder my ability to hear cases before the zoning board, except a case in which I was involved."

In the meantime, Healy said he would not ask the rent control board to postpone the 52-54 Fairmont St. case pending his review of Rickard's response to the tenants' allegations.

Last month the Cambridge Rent Control Board referred the case back to the hearing officer, Gregory Anton, so that Rickard would have the opportunity to present additional evidence. The new hearing is scheduled for Feb. 28.

After the initial hearings late last year, Anton recommended that the rent control board seek the issuance of criminal complaints against Rickard for illegally removing two units in 52 Fairmont St. and one unit in 54 Fairmont St.

The city's removal permit law, adopted in 1979, aims to prevent the illegal removal of apartments from rent control or the illegal conversion of units into condominiums.

Today, only owner-occupants of one-, two- and three-family buildings can obtain exemptions from rent control. When registering their properties with the rent control board, owners must sign an affidavit saying they intend to live in their buildings indefinitely. In addition, tenants who have lived in their apartments since before Aug. 10, 1979, can also buy their units and convert them to condominiums.

In the initial 52-54 Fairmont St. hearing, Anton also recommended that the board order the current owners of the building, Arthur Abbott and Victor Balk, to restore the property to five units and notify the board of their actions.

Rickard first became involved in the controversial Cambridgeport property in December 1983 when she and Richard G. Reavis bought it for $92,500, according to the Southern Middlesex County Registry of Deeds.

Rickard testified at the rent control board that she lived in the building from late 1983 until summer 1985. According to the hearing examiner's report, Rickard converted the run-down property into a two-unit building and sold it to her subcontractors, Abbott and Balk, for $176,000 in fall 1985.

The first mortgage for $117,000 was with the Haymarket Cooperative Bank, according to Abbott's testimony. Rickard owner-financed the second mortgage, which was drawn up by attorney William Walsh, according to Abbott's testimony. Walsh, who was not a city councilor at the time, said that his law office handled the mortgage papers for Rickard.

Abbott's testimony at the rent control board establishes that he and Balk knew the property had been illegally converted to a two-family building before they purchased it, according to the hearing examiner's report.

Rickard said this week she sold 52-54 Fairmont St. as a five-unit building.

She added that she and her attorney, George Butler, will argue before the hearing examiner on Feb. 28 that the property is zoned for a two-unit building and that the Cambridge Inspectional Services Department's records show it as a two-unit building.

An inspectional services official said the department's records provide no status on the number of units in the building. As of 1979, the rent control board's record list it as a five-unit building.

In the Jan. 26 letter to Healy, Cambridge Tenants Union co-chairmen Robert Edbrooke and Michael Turk write: "Because of the gravity of the findings made by the hearing examiner, we urge you to require Ms. Rickard to refrain from sitting on any cases before the board of zoning appeal."

In the letter, the tenant activists also focus on Rickard's ownership role in other rent-controlled properties since the early 1980s.

Rickard bought what she claims is a three-unit building at 44 Bigelow St. in July 1981, although the rent control board's records show it as a five-unit property. She filed an affidavit of owner-occupancy that summer to exempt the building, according to the board's records. The property was later sold as two condominiums in December 1981, according to the registry of deeds.

After Rickard sold the Fairmont street property in fall 1985, she bought a two-unit building at 147 Bishop Allen Dr. She filed an affidavit of owner-occupancy to exempt the property, according to the rent control board's records. And then she sold the property to new owner-occupants in October 1986, according to the registry of deeds.

At the hearing on 52-54 Fairmont St., Rickard testified that she had lived at 1531 Cambridge St., a three-unit building with one unit exempt from rent control. But Rickard said this week she never lived in the building, but that her co-owner, Victor Balk, lived there at one time. According to the registry of deeds, she paid $235,000 for the property in October 1985 and resold it for $401,000 to the Erickson Center a year later.

Rickard bought 122 Trowbridge St., a five-unit building, in September 1986. Rickard registered as the owner of the property with the rent control board, and then proceeded to evict one of the tenants on the grounds that one of the new part-owners of the property needed the unit. The board granted the eviction.

"All sorts of legal questions arise about her conduct," Turk said. "Her actions constitute a pattern of systematic circumvention of the rent control laws."

KENDALL

Continued from page 1

Civic Association Councilor Alice Wolf, would temporarily prevent large-scale development in an industrial B district that includes the One Kendall Square property. After the planning board reviews the petition, the council will hold a final vote.

David Clem, an Athenaeum Group partner, surprised the council Monday night with the developer's plans to build either a 16-story office building or suites hotel at One Kendall Square.

The retail-office complex, located on the old Boston Woven Hose Company site, has been under redevelopment since the early 1980s. The Athenaeum Group most recently provoked the ire of many neighborhood residents and city officials with its development of the 1,530-car garage on Binney street.

Councilor David E. Sullivan attacked Clem for lobbying the council to stop the new zoning petition in its infancy. He accused Clem of "bulldozing the interests of the community."

Clem, a former city councilor himself who was backed by the liberal CCA, countered that the council "shouldn't be bulldozing the rights of developers."

In his plea to the council to stop the zoning proposal, Clem said the Athenaeum Group has made several contributions to the community through the One Kendall Square project, including jobs, property taxes, on-site daycare for employees, and overnight residential parking in the Binney street garage.

He also said the Athenaeum Group has recycled most of the brick warehouses on the site and created a commercial complex that is smaller in scale than the old Boston Woven Hose facilities.

Debra McManus, a Cornelius Way resident who led the community fight against the Binney Street garage development, charged that Clem was lying.

"As far as I can see," she told the council, "the only thing these (developers) have given to the neighborhood is one dead tree."

Clem later told the council that the Athenaeum Group has already requested a buiding permit for the new office building, which would be located along the old Binney Street connector. The developer also plans to build a smaller office building next to it and renovate three additional structures on the site.

At the same time, Clem said the Athenaeum Group could scrap these plans and build a suites hotel where the office tower is planned. The developer would need a special use permit from the Cambridge Board of Zoning Appeal to build the hotel.

Monday's council action means that no building permit can be issued for new office development until the spring.

Wolf's interim zoning proposal would affect an area that parallels the western edge of Cardinal Medeiros avenue and cuts across Main street to Mass. avenue. At present, area zoning allows unlimited height and substantial density.

Her proposal would place a 60-foot height limit on new construction and allow half that amount within 60 feet of neighborhood abutters. It would also reduce development density by 25 percent.

Wolf said the purpose of the petition is to prevent major development in the district while city planners update the zoning with neighborhood protections.

In the meantime, the Athenaeum Group, city council and East Cambridge residents are expected to meet later this month or in March to discuss the developer's latest plans at One Kendall Square.

CRLS

Continued from page 1

Peace, the Black Students Union and the Haitian Club, visited homerooms each day last week and this week. Guest speakers from South Africa also went to the classes and talked about the social, political and economic conditions in their home country.

By the end of this week, the students will take a poll on whether the school should eliminate all Coke dispensers and machines.

"Most of us aren't 18 years old, so we can't vote in elections," Reinert says. "But speaking out and boycotting Coca-Cola and other companies doing business in South Africa is one way we can take part in our democratic society."

After a controversial debate held in the school's auditorium last month between a senior vice president of the Coca-Cola company and a South African student at Harvard University, even more CRLS students may be thinking twice before depositing 50 cents into a soft drink machine.

"I didn't know about Coke and how it affects South Africa until that debate and all the Youth for Peace students started talking about it," says senior Tamara Comeau. "I never drank Coke anyway, but now I'm thinking more about it when I see other people drinking it. People are really saying not to drink it."

Molly Holshouser, a CRLS junior, also says she stopped drinking Coke once she learned about US businesses' involvement in South Africa.

After last month's debate on Coke, the company asked the CRLS administration not show the videotaped debate to people outside of the school.

Upon hearing Coke's request, Reinert said the group realized a Coke boycott could be effective, especially since it's a company most students know.

"Coke is something students come in contact with every day," agreed Claudy Boy, Youth for Peace faculty adviser. "Most students don't own IBM computers or own cars, so it's not as practical for them to boycott some of these other companies."

Besides the daily reminders in homeroom, the group held hourly film screenings on South Africa in the Student Service Center last week, plastered stickers and fliers calling for the Coke boycott and continues selling $1 hand-made buttons that say things like "Coke sweetens apartheid."

Other cities and schools have contacted the student groups about the CRLS boycott, including the Universities of Rhode Island and Pittsburgh, according to Boy.

However, Reinert, instigator of the school boycott campaign, says Coke is only the tip of the iceberg. He says students need to keep up the momentum for boycotting other US companies involved in South Africa.

"Coke is the first step. Then we have Pepsi and other US companies to work on," Reinert says. "In a way, I don't know if I want the coke boycott to go through, just because I don't want students to forget about issues. Apartheid will continue to exist, even if coke pulls out of the country. We can't just stop with one company."

Students will vote Monday whether CRLS should remove Coke machines from the school.

SCHOCHET

Continued from page 1

ment this week about their new plans.

Both Healy and Cambridge Community Development Director Michael Rosenberg said Schochet doesn't plan to include housing in its new development proposal.

With or without the UDAG loan, Healy said the developer was unable to secure private financing for the project and could not justify the cost of building housing within the proposed complex.

In addition, the city's original agreement to lease Schochet the municipal parking lot on Bishop Allen Drive has been cancelled. The lot, under lease for $1 per year, was to play a key role in the overall development.

Despite the bad news this week, both city officials and neighborhood residents said they were satisfied with the developer's plans to preserve the cluster of historic buildings on the corner site, all of which were built around the turn of the century and are owned by Schochet.

"The next best step is the rehabilitation of the buildings," Rosenberg said. "That's also a public benefit and good for the city."

There is, however, one legal cloud hanging over the city regarding two rent-controlled units in the building at 2 Essex St.

A pair of tenant activists last fall sought an injunction in Middlesex Superior Court to suspend a rent control board's decision to uphold removal permits for two regulated apartments in the Essex street building.

Although the court has yet to rule on the injunction request, the tenants' legal action essentially prevented Rent Control Board Executive Director Margaret Drury from signing off on the demolition permit for the building.

All other city agencies, including the historical commission, had okayed the demolition of all seven buildings on the corner site. To some extent, the tenants' complaint prevented Schochet from destroying all of the buildings.

"I can't help but feel vindicated in this case," said Geoffrey Gardner, a member of the Cambridge Tenants Union who filed the injunction request.

Gardner and colleague Michael Turk filed the original removal permit complaint with the rent control board because the two regulated apartments had not been used for months while Schochet struggled to find financing for its project. Last fall they requested a review of the removal permits because more than one year had passed since the board had issued them to Schochet and the project seemed to be going nowhere.

The board's decision not to rescind the removal permits was based on the likelihood that Schochet would secure financing for its mixed-use project, including the UDAG. Last fall Schochet told the board that the Bank of New England had signed a letter of intent to finance the original project as long as the $2.2 million UDAG application were approved.

Now that the commercial and residential development proposal is dead, Turk and Gardner want the board to rescind the removal permits and order the developer to restore the Essex Street apartments to rent control. They also want Schochet to compensate the city for the two years the units were vacant.

City officials said that Schochet plans to restore the two regulated units at 2 Essex St. or find substitute affordable housing in another property in Cambridge.

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By Dan and Joetta Silva
Silva Realty Associates
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PUBLIC HEARING
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The Hearing will be held in the City Council Chambers in Cambridge City Hall on Tuesday, February 28, 1989 at 6:00 PM. Members of the public are invited.
(C)Feb.9,16

OFFICE OF THE SCHOOL COMMITTEE
456 Broadway
Cambridge, MA 02138
Sealed proposals will be received at the Office of the Manager of Procurement, 159 Thorndike St., Cambridge, MA 02141, until Thursday, March 1, 1989 at 11:00 A.M. at which time they will be publicly read for:
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Specifications and forms of proposals will be available at the Office of the Manager of Procurement on and after Thursday, February 9, 1989.
Attention is called to requirements for equal opportunity employment on part of vendors. The department encourages participation in this bid of minority and women owned businesses.
Mary Lou McGrath
Superintendent of Schools
(C)Feb.9,16

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Middlesex, ss. **Probate Court**
No. 89D0067 D-1
Summons by Publication
Carolyn S. Michelet, Plaintiff
vs.
Sylvain F. Michelet, Defendant
To the above-named Defendant:
A complaint has been presented to this Court by your spouse, Carolyn S. Michelet, seeking a divorce.
You are required to serve upon Lee Brown, Esq., plaintiff's attorney, whose address is 117 Hamilton St., Cambridge, MA 02139, your answer on or before May 1, 1989. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.
Witness Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.
January 10, 1989
Paul J. Cavanaugh
Register of Probate
(C)Feb.9,16,23

CITY OF CAMBRIDGE
DEPARTMENT OF TRAFFIC & PARKING
By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation:
REGULATION NO. 89-05
Regulation No. 66-1 Schedule 6D **"Parking Prohibited At All Times On Certain Sides of Certain Streets, Tow Away Zone" (Handicapped Persons and Disabled Veterans)** is hereby amended by striking out the following:
Clifton Street, east side from 118' south of Theriault Court to 140' south of Theriault Court.
And further Amended by Adding the Following:
Cambridge Street, North Side, From 20' West of Trowbridge Street to 42' West of Trowbridge Street.
This regulation shall Take Effect March 3, 1989.
PROMULGATED
DATE:
Feb. 1, 1989
George Teso
Traffic Director
(C)Feb.9,16,23

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND
FAMILY COURT DEPARTMENT
PROBATE OF WILL AND CODICIL
WITHOUT SURETIES
Middlesex Division **Docket No. 89PD499E**
Estate of **Clement A. Smith**
also known as **Clement Andrew Smith**
late of **Cambridge**
in the County of **Middlesex**
NOTICE
A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will and codicil of said deceased may be proved and allowed and that **Mary I. Smith** of Cambridge in the county of Middlesex; and **G. D'Andelot Belin** of Cambridge in the County of Middlesex be appointed executors without giving surety on their bond.
If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on March 7, 1989.
In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.
Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the thirty-first day of January in the year of our Lord one thousand nine hundred and eighty-nine.
Paul J. Cavanaugh
Register of Probate
(C)Feb.9

CITY OF CAMBRIDGE
PURCHASING DEPARTMENT
Sealed proposals will be received at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass., until 11:00 o'clock A.M. Thursday, February 23, 1989 at which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge.
Electrosurgical supplies
Hyperalimentation dressing change trays
Prepared tubed media
Street sweeping service
Cambridge parks maintenance program
See proposal for bid details.
The City of Cambridge reserves the right to waive any informalities or to reject any or all proposals.
Specifications may be obtained at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass.
Each proposal must be in a sealed envelope plainly marked "Proposal for 'Designate Item'" and addressed to Barbara L. Duffy, Purchasing Agent, City Hall, Cambridge, Massachusetts.
Barbara L. Duffy
Purchasing Agent
(C)Feb.9,16

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. **Probate Court**
No. 89D0080 D-1
Summons by Publication
Johnnie Carter Plaintiff
vs.
Catherine O. Smith Defendant
To the above-named Defendant:
A complaint has been presented to this Court by your spouse, Johnnie Carter, seeking a divorce on the grounds of desertion.
You are required to serve upon Malcolm P. Trojano, plaintiff's attorney, whose address is 593 Main St., Norwell, MA 02061 your answer on or before May 1, 1989. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.
Witness, Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.
January 19, 1989
Paul J. Cavanaugh
Register of Probate
(C)Feb.9,16,23

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. **Probate Court**
No. 508171
NOTICE OF FIDUCIARY'S ACCOUNT
To all persons interested in the estate of **Theodore L. Storer** late of Cambridge, in said County, deceased.
You are hereby notified pursuant to Mass. R.Civ.P. Rule 72 that the 3rd and final account of **Roscoe W. Brooks** and **Joseph W. Lund** and **Arthur L. Stevenson** as Executors (the fiduciaries) of the will of said deceased has been presented to said Court for allowance.
If you desire to preserve your right to file an objection to said account, you or your attorney must file a written appearance in said Court at Cambridge on or before the 13th day of April, 1989, the return day of this citation. You may upon written request by registered or certified mail to the fiduciaries, or to the attorney for the fiduciaries, obtain without cost a copy of said account. If you desire to object to any item of said account, you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciaries pursuant to Mass. R.Civ.P. Rule 5.
Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 26th day of January, 1989.
Paul J. Cavanaugh
Register
(C)Feb.9

PUBLIC NOTICE
MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING
DIVISION OF WATER POLLUTION CONTROL
ONE WINTER STREET
BOSTON, MASSACHUSETTS 02108
TEL. (617) 292-5673
Pursuant to Chapter 21, Section 43 of the General Laws, and 314 CMR 7 and 2.06, notice is given of the following applications for sewer extension or connection permits and proposed actions thereon:
City of: **Cambridge**
Project Name: **N/L**
Applicant: **Forest City Dev.**
Location: **38 Sidney Street**
Purpose: **Connection for office & retail development**
Tracking No.: **5613**
Proposed Action: **Tentative Determination to Issue**
The above applications, and applicable laws, regulations and procedures are available for inspection at the above address. Comments on the proposed actions or requests for a public hearing on the proposed actions must be sent to the above address within 30 days of this notice.
Cornelius O'Leary
Acting Director
(C)Feb.9

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. **Probate Court**
No. 89D0077 D-1
Summons by Publication
Gursharan Singh Gill Plaintiff
vs.
Linda Gill Defendant
To the above-named Defendant:
A complaint has been presented to this Court by your spouse, Gursharan Singh Gill, seeking divorce.
You are required to serve upon Frederick D. Hayes, III, Esquire, plaintiff's attorney, whose address is 43 Thorndike St., P.O. Box 206, Cambridge, MA 02141 your answer on or before May 1, 1989. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.
Witness, Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.
January 20, 1989
Paul J. Cavanaugh
Register of Probate
(C)Feb.9,16,23

INVITATION TO BID
The Cambridge Housing Authority will receive sealed bids at 270 Green Street, Purchasing Department, Cambridge, MA 02139, on February 23, 1989 at 2:30 p.m. for:
Electric Meter Separation, scattered sites (Mass 3-15)
Bid Surety - 5%
Specifications and contractual documents are available at 270 Green Street, Cambridge, MA 02139, Purchasing Department.
All bids shall be subject to the provisions of M.G.L. Chapter 30, Sec. 39M, in addition to all other applicable public bidding procedures contained in the General Laws of the Commonwealth of Massachusetts, all as most recently amended.
Bid proposals shall be irrevocable for a period of 30 days from the date of the bid opening, and may be accepted by the Authority at any time within such period or thereafter, unless withdrawn by written notice of the bidder after the expiration of said 30 day period.
The Cambridge Housing Authority reserves the right to reject any and all bids and to waive any informalities if it is in the public interest to do so.
CHA is an equal opportunity employer
Cambridge Housing Authority
270 Green Street
Cambridge, MA 02139
Stephen C. Smith,
Senior Purchasing Agent
(C)Feb.9

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. **Probate Court**
No. 86P1878
NOTICE OF FIDUCIARY'S ACCOUNT
To all persons interested in the estate of **Joseph Viglione** late of Cambridge, in said County, deceased.
You are hereby notified pursuant to Mass. R.Civ.P. Rule 72 that the first and final account of **Anthony Viglione** as Executor (the fiduciary) of the will of said deceased has been presented to said Court for allowance.
If you desire to preserve your right to file an objection to said account, you or your attorney must file a written appearance in said Court at Cambridge on or before the 2nd day of March, 1989, the return day of this citation. You may upon written request by registered or certified mail to the fiduciary, or to the attorney for the fiduciary, obtain without cost a copy of said account. If you desire to object to any item of said account, you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciary pursuant to Mass. R.Civ.P. Rule 5.
Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 27th day of January, 1989.
Paul J. Cavanaugh
Register
(C)Feb.9

COMMONWEALTH OF MASSACHUSETTS
Middlesex ss. **Probate Court**
No. 89D0041-D-1
Summons by Publication
Theresa A. Levesque Plaintiff
vs.
Joseph J.E. Levesque Defendant
To the above-named Defendant:
A complaint has been presented to this Court by your spouse, Theresa A. Levesque, seeking to dissolve the bonds of matrimony - for custody and allowance for minor child.
You are required to serve upon Kenneth J. Simmons, Esq., plaintiff's attorney, whose address is 161 Third St., E. Cambridge, MA 02141 your answer on or before April 24, 1989. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.
Witness Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.
January 18, 1989
Paul J. Cavanaugh
Register of Probate
(C)Feb.2,9,16

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. **Probate and Family Court**
No. 89P 0241E
Estate of **Agnes L. O'Connor**
late of **Cambridge**
in the County of **Middlesex**
NOTICE
A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will/codicil of said deceased may be proved and allowed and that **State Street Bank and Trust Company** of Boston in the County of Suffolk be appointed executor without giving surety on its bond.
If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on February 27, 1989.
In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.
Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twenty-third day of January in the year of our Lord one thousand nine hundred and eighty-nine.
Paul J. Cavanaugh
Register of Probate
(C)Feb.9

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. **Probate and Family Court**
No. 89P0063E
Estate of **Harry Albert Seaver**
a/k/a **Harry Albert Seaver, Jr.**
late of **Cambridge**
in the County of **Middlesex**
NOTICE
A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that **Carl W. Harris, Jr.** of Hingham in the County of Plymouth be appointed executor without giving surety on his bond.
If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on February 22, 1989.
In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.
Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the eighteenth day of January in the year of our Lord one thousand nine hundred and eighty-nine.
Paul J. Cavanaugh
Register of Probate
(C)Feb.9

ORDINANCE NO. 1077
Final Publication No. 2427.
First publication in the Chronicle on January 26, 1989
CITY OF CAMBRIDGE
In the Year One Thousand Nine Hundred Eighty-Nine
In amendment to an ordinance entitled "The Zoning Ordinances of the City of Cambridge."
Be it ordained by the City Council of the City of Cambridge as follows:
The Zone Map accompanying ordinance passed to be ordained September 26, 1979, entitled "The Zoning Ordinances of the City of Cambridge" is hereby amended by deleting paragraph 3 of Section 3.14 - Cambridgeport Interim Planning Overlay District and substituting therefor the following (with new language underlined):
3. The maximum height of any building shall be 45 feet (**) **inclusive of those structural elements otherwise exempt under the provisions of Section 5.23 of the Zoning Ordinance;**
5.23 Height Exceptions. The provisions of this ordinance governing the height of buildings and structures in all districts shall not apply to chimneys, water towers, air conditioning equipment, elevator bulkheads, skylights, ventilators and other necessary features appurtenant to buildings which are usually carried above roofs and are not used for human occupancy, nor to domes, towers or spires above buildings if such features are not used for human occupancy and occupy less than ten percent of the lot area, nor to wireless or broadcasting towers and other like unenclosed structures which occupy less than ten percent of the lot area. Nothing in this section shall prevent a property owner from repair and/or replacing a chimney or television antenna.
5.24 Yards
5.241 Every part of a required yard shall be open to the sky and unobstructed. Awnings, arbors, fences, flagpoles, recreational and laundry drying equipment and similar objects shall not be considered obstructions when located within a required yard. Open or lattice-enclosed fire escapes for emergency use only are permitted to encroach on yard areas.
5.242 Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than three and one-half feet and which are part of a building not more than thirty-five feet in height, and unenclosed steps, unroofed porches and the like which do not project more than ten feet beyond the line of the foundation wall and which are not over four feet above the average level of the adjoining ground, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built.
5.243 On lots abutting streets on more than one side, the front yard requirements of each of the abuttings streets shall apply regardless of designated front lot lines. Any remaining sides shall be subject to side yard requirements.
5.244 Measurements for minimum yards which are determined by formula shall be made in the following manner:
(1) "H" is the height of the building. "L" is the length of wall measured parallel to the corresponding lot or street line. The front yard is measured from the street line, or building line where such has been established, except where otherwise indicated herein. For buildings of forty feet or less in height the denominator in the yard formulas in the Tables in Section 5.30 may be increased by two subject to the minimum yard requirements set forth in footnotes a, b, and c of Tables 5-1 and 5-2.
(2) Where a building consists of various roof levels an average height, or "H", may be used in the required yard formula. Average height is determined by adding the products of the height of each roof level (H1, H2, etc.) times the length of each roof level (L1, L2, etc.) and dividing the sum by the sum of the length of the levels (L1, L2, etc.) (see formula below)

$$\text{Average Height} = \frac{(H_1 \times L_1) + (H_2 \times L_2)}{L_1 + L_2}$$

In City Council February 6, 1989.
Passed to be ordained as amended by a yea and nay vote: - yeas 9; nays 0; Absent 0.
Robert W. Healy, City Manager.
ATTEST: - Joseph E. Connarton, City Clerk
(C)Feb.9

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

RECEIVED BY
OFFICE OF CITY CLERK
'89 JAN 17 12:3
CAMBRIDGE MA

January 13, 1989

To the Honorable, the City Council:

SUBJECT: City Council Petition to amend the text of Section 3.14 - Cambridgeport Interim Planning Overlay District in paragraph 3.

Recommendation

The Planning Board recommends that the language of paragraph 3 be amended to include a height restriction which covers structural elements otherwise exempt under the provisions of Section 5.23 of the Zoning Ordinance.

Findings

The Planning Board held a public hearing on the petition on December 6, 1988. At the hearing the Community Development Department staff presented the petition and reviewed the amendment. The height exemptions in Section 5.23 cover a wide and diverse collection of structural elements which could potentially lead to the construction of an edifice not in conformance with the recommendations of the Cambridgeport Interim Planning Overlay District study. The CDD staff is reviewing these height exemptions as part of an overall study of possible changes to the text of the Zoning Ordinance.

No one spoke in opposition to the petition.

Respectfully submitted for the Planning Board,

Paul Dietrich (chm)

Paul Dietrich, Chairman

BZA

Continued from page 1

decide whether to ask Rickard to step down from her zoning board post until he has reviewed her responses to the claims in the tenants' letter.

Rickard, who had not read the tenants' letter, said this week that the 52-54 Fairmont St. case "does not hinder my ability to hear cases before the zoning board, except a case in which I was involved."

In the meantime, Healy said he would not ask the rent control board to postpone the 52-54 Fairmont St. case pending his review of Rickard's response to the tenants' allegations.

Last month the Cambridge Rent Control Board referred the case back to the hearing officer, Gregory Anton, so that Rickard would have the opportunity to present additional evidence. The new hearing is scheduled for Feb. 28.

After the initial hearings late last year, Anton recommended that the rent control board seek the issuance of criminal complaints against Rickard for illegally removing two units in 52 Fairmont St. and one unit in 54 Fairmont St.

The city's removal permit law, adopted in 1979, aims to prevent the illegal removal of apartments from rent control or the illegal conversion of units into condominiums.

Today, only owner-occupants of one-, two- and three-family buildings can obtain exemptions from rent control. When registering their properties with the rent control board, owners must sign an affidavit saying they intend to live in their buildings indefinitely. In addition, tenants who have lived in their apartments since before Aug. 10, 1979, can also buy their units and convert them to condominiums.

In the initial 52-54 Fairmont St. hearing, Anton also recommended that the board order the current owners of the building, Arthur Abbott and Victor Balk, to restore the property to five units and notify the board of their actions.

Rickard first became involved in the controversial Cambridgeport property in December 1983 when she and Richard G. Reavis bought it for $92,500, according to the Southern Middlesex County Registry of Deeds.

Rickard testified at the rent control board that she lived in the building from late 1983 until summer 1985. According to the hearing examiner's report, Rickard converted the rundown property into a two-unit building and sold it to her subcontractors, Abbott and Balk, for $176,000 in fall 1985.

The first mortgage for $117,000 was with the Haymarket Cooperative Bank, according to Abbott's testimony. Rickard owner-financed the second mortgage, which was drawn up by attorney William Walsh, according to Abbott's testimony. Walsh, who was not a city councilor at the time, said that his law office handled the mortgage papers for Rickard.

Abbott's testimony at the rent control board establishes that he and Balk knew the property had been illegally converted to a two-family building before they purchased it, according to the hearing examiner's report.

Rickard said this week she sold 52-54 Fairmont St. as a five-unit building.

She added that she and her attorney, George Butler, will argue before the hearing examiner on Feb. 28 that the property is zoned for a two-unit building and that the Cambridge Inspectional Services Department's records show it as a two-unit building.

An inspectional services official said the department's records provide no status on the number of units in the building. As of 1979, the rent control board's record list it as a five-unit building.

In the Jan. 26 letter to Healy, Cambridge Tenants Union co-chairmen Robert Edbrooke and Michael Turk write: "Because of the gravity of the findings made by the hearing examiner, we urge you to require Ms. Rickard to refrain from sitting on any cases before the board of zoning appeal."

In the letter, the tenant activists also focus on Rickard's ownership role in other rent-controlled properties since the early 1980s.

Rickard bought what she claims is a three-unit building at 44 Bigelow St. in July 1981, although the rent control board's records show it as a five-unit property. She filed an affidavit of owner-occupancy that summer to exempt the building, according to the board's records. The property was later sold as two condominiums in December 1981, according to the registry of deeds.

After Rickard sold the Fairmont street property in fall 1985, she bought a two-unit building at 147 Bishop Allen Dr. She filed an affidavit of owner-occupancy to exempt the property, according to the rent control board's records. And then she sold the property to new owner-occupants in October 1986, according to the registry of deeds.

At the hearing on 52-54 Fairmont St., Rickard testified that she had lived at 1531 Cambridge St., a three-unit building with one unit exempt from rent control. But Rickard said this week she never lived in the building, but that her co-owner, Victor Balk, lived there at one time. According to the registry of deeds, she paid $235,000 for the property in October 1985 and resold it for $401,000 to the Erickson Center a year later.

Rickard bought 122 Trowbridge St., a five-unit building, in September 1986. Rickard registered as the owner of the property with the rent control board, and then proceeded to evict one of the tenants on the grounds that one of the new part-owners of the property needed the unit. The board granted the eviction.

"All sorts of legal questions arise about her conduct," Turk said. "Her actions constitute a pattern of systematic circumvention of the rent control laws."

KENDALL

Continued from page 1

Civic Association Councilor Alice Wolf, would, temporarily prevent large-scale development in an industrial B district that includes the One Kendall Square property. After the planning board reviews the petition, the council will hold a final vote.

David Clem, an Athenaeum Group partner, surprised the council Monday night with the developer's plans to build either a 16-story office building or suites hotel at One Kendall Square.

The retail-office complex, located on the old Boston Woven Hose Company site, has been under redevelopment since the early 1980s. The Athenaeum Group most recently provoked the ire of many neighborhood residents and city officials with its development of the 1,530-car garage on Binney street.

Councilor David E. Sullivan attacked Clem for lobbying the council to stop the new zoning petition in its infancy. He accused Clem of "bulldozing the interests of the community."

Clem, a former city councilor himself who was backed by the liberal CCA, countered that the council "shouldn't be bulldozing the rights of developers."

In his plea to the council to stop the zoning proposal, Clem said the Athenaeum Group has made several contributions to the community through the One Kendall Square project, including jobs, property taxes, on-site daycare for employees, and overnight residential parking in the Binney street garage.

He also said the Athenaeum Group has recycled most of the brick warehouses on the site and created a commercial complex that is smaller in scale than the old Boston Woven Hose facilities.

Debra McManus, a Cornelius Way resident who led the community fight against the Binney Street garage development, charged that Clem was lying.

"As far as I can see," she told the council, "the only thing these (developers) have given to the neighborhood is one dead tree."

Clem later told the council that the Athenaeum Group has already requested a buiding permit for the new office building, which would be located along the old Binney Street connector. The developer also plans to build a smaller office building next to it and renovate three additional structures on the site.

At the same time, Clem said the Athenaeum Group could scrap these plans and build a suites hotel where the office tower is planned. The developer would need a special use permit from the Cambridge Board of Zoning Appeal to build the hotel.

Monday's council action means that no building permit can be issued for new office development until the spring.

Wolf's interim zoning proposal would affect an area that parallels the western edge of Cardinal Medeiros avenue and cuts across Main street to Mass. avenue. At present, area zoning allows unlimited height and substantial density.

Her proposal would place a 60-foot height limit on new construction and allow half that amount within 60 feet of neighborhood abutters. It would also reduce development density by 25 percent.

Wolf said the purpose of the petition is to prevent major development in the district while city planners update the zoning with neighborhood protections.

In the meantime, the Athenaeum Group, city council and East Cambridge residents are expected to meet later this month or in March to discuss the developer's latest plans at One Kendall Square.

CRLS

Continued from page 1

Peace, the Black Students Union and the Haitian Club, visited homerooms each day last week and this week. Guest speakers from South Africa also went to the classes and talked about the social, political and economic conditions in their home country.

By the end of this week, the students will take a poll on whether the school should eliminate all Coke dispensers and machines.

"Most of us aren't 18 years old, so we can't vote in elections," Reinert says. "But speaking out and boycotting Coca-Cola and other companies doing business in South Africa is one way we can take part in our democratic society."

After a controversial debate held in the school's auditorium last month between a senior vice president of the Coca-Cola company and a South African student at Harvard University, even more CRLS students may be thinking twice before depositing 50 cents into a soft drink machine.

"I didn't know about Coke and how it affects South Africa until that debate and all the Youth for Peace students started talking about it," says senior Tamara Comeau. "I never drank Coke anyway, but now I'm thinking more about it when I see other people drinking it. People are really saying not to drink it."

Molly Holshouser, a CRLS junior, also says she stopped drinking Coke once she learned about US businesses' involvement in South Africa.

After last month's debate on Coke, the company asked the CRLS administration not show the videotaped debate to people outside of the school.

Upon hearing Coke's request, Reinert said the group realized a Coke boycott could be effective, especially since it's a company most students know.

"Coke is something students come in contact with every day," agreed Claudy Boy, Youth for Peace faculty adviser. "Most students don't own IBM computers or own cars, so it's not as practical for them to boycott some of these other companies."

Besides the daily reminders in homeroom, the group held hourly film screenings on South Africa in the Student Service Center last week, plastered stickers and fliers calling for the Coke boycott and continues selling $1 handmade buttons that say things like "Coke sweetens apartheid."

Other cities and schools have contacted the student groups about the CRLS boycott, including the Universities of Rhode Island and Pittsburgh, according to Boy.

However, Reinert, instigator of the school boycott campaign, says Coke is only the tip of the iceberg. He says students need to keep up the momentum for boycotting other US companies involved in South Africa.

"Coke is the first step. Then we have Pepsi and other US companies to work on," Reinert says. "In a way, I don't know if I want the coke boycott to go through, just because I don't want students to forget about issues. Apartheid will continue to exist, even if coke pulls out of the country. We can't just stop with one company."

Students will vote Monday whether CRLS should remove Coke machines from the school.

SCHOCHET

Continued from page 1

ment this week about their new plans.

Both Healy and Cambridge Community Development Director Michael Rosenberg said Schochet doesn't plan to include housing in its new development proposal.

With or without the UDAG loan, Healy said the developer was unable to secure private financing for the project and could not justify the cost of building housing within the proposed complex.

In addition, the city's original agreement to lease Schochet the municipal parking lot on Bishop Allen Drive has been cancelled. The lot, under lease for $1 per year, was to play a key role in the overall development.

Despite the bad news this week, both city officials and neighborhood residents said they were satisfied with the developer's plans to preserve the cluster of historic buildings on the corner site, all of which were built around the turn of the century and are owned by Schochet.

"The next best step is the rehabilitation of the buildings," Rosenberg said. "That's also a public benefit and good for the city."

There is, however, one legal cloud hanging over the city regarding two rent-controlled units in the building at 2 Essex St.

A pair of tenant activists last fall sought an injunction in Middlesex Superior Court to suspend a rent control board's decision to uphold removal permits for two regulated apartments in the Essex street building.

Although the court has yet to rule on the injunction request, the tenants' legal action essentially prevented Rent Control Board Executive Director Margaret Drury from signing off on the demolition permit for the building.

All other city agencies, including the historical commission, had okayed the demolition of all seven buildings on the corner site. To some extent, the tenants' complaint prevented Schochet from destroying all of the buildings.

"I can't help but feel vindicated in this case," said Geoffrey Gardner, a member of the Cambridge Tenants Union who filed the injunction request.

Gardner and colleague Michael Turk filed the original removal permit complaint with the rent control board because the two regulated apartments had not been used for months while Schochet struggled to find financing for its project. Last fall they requested a review of the removal permits because more than one year had passed since the board had issued them to Schochet and the project seemed to be going nowhere.

The board's decision not to rescind the removal permits was based on the likelihood that Schochet would secure financing for its mixed-use project, including the UDAG. Last fall Schochet told the board that the Bank of New England had signed a letter of intent to finance the original project as long as the $2.2 million UDAG application were approved.

Now that the commercial and residential development proposal is dead, Turk and Gardner want the board to rescind the removal permits and order the developer to restore the Essex Street apartments to rent control. They also want Schochet to compensate the city for the two years the units were vacant.

City officials said that Schochet plans to restore the two regulated units at 2 Essex St. or find substitute affordable housing in another property in Cambridge.

Quit smoking.
American Heart Association
WE'RE FIGHTING FOR YOUR LIFE

COMEDY NIGHT
FRIDAY
FEBRUARY 10th
featuring:
THE GODFATHER OF BOSTON COMEDY
"DIRTY" DICK DOHERTY
also
TOM GILMORE
VINNY FAVORITO
AND EMCEE JOHNNY PIZZI

EVERY SATURDAY
IN FEBRUARY
DANCE TO
THE AL VEGA TRIO
WITH
RICH DeLUCA
ALSO APPEARING
VALENTINE'S DAY
TUESDAY, FEB. 14th

SPECIAL OF THE MONTH
HOT ROAST BEEF DINNER
OR
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By Dan and Joetta Silva
Silva Realty Associates
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NOTICE
PUBLIC HEARING
The City of Cambridge in accordance with its Cable Television license with American Cablesystems Northeast, a wholly owned Subsidiary of Continental Cablevision, will hold a public hearing for the purpose of **evaluating American Cablesystem performance** over the last year.
The Hearing will be held in the City Council Chambers in Cambridge City Hall on Tuesday, February 28, 1989 at 6:00 PM. Members of the public are invited.
(C)Feb.9,16

OFFICE OF THE SCHOOL COMMITTEE
456 Broadway
Cambridge, MA 02138
Sealed proposals will be received at the Office of the Manager of Procurement, 159 Thorndike St., Cambridge, MA 02141, until Thursday, March 1, 1989 at 11:00 A.M. at which time they will be publicly read for:
Custodial Supplies
Specifications and forms of proposals will be available at the Office of the Manager of Procurement on and after Thursday, February 9, 1989.
Attention is called to requirements for equal opportunity employment on part of vendors. The department encourages participation in this bid of minority and women owned businesses.
Mary Lou McGrath
Superintendent of Schools
(C)Feb.9,16

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 89D0067 D-1
Summons by Publication
Carolyn S. Michelet, Plaintiff
vs.
Sylvain F. Michelet, Defendant
To the above-named Defendant:
A complaint has been presented to this Court by your spouse, Carolyn S. Michelet, seeking a divorce:
You are required to serve upon Lee Brown, Esq., plaintiff's attorney, whose address is 117 Hamilton St., Cambridge, MA 02139, your answer on or before May 1, 1989. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.
Witness Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.
January 10, 1989
Paul J. Cavanaugh
Register of Probate
(C)Feb.9,16,23

CITY OF CAMBRIDGE
DEPARTMENT OF TRAFFIC & PARKING
By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.
REGULATION NO. 89-05
Regulation No. 66-1 Schedule 60 **"Parking Prohibited At All Times On Certain Sides of Certain Streets, Tow Away Zone" (Handicapped Persons and Disabled Veterans)** is hereby amended by striking out the following:
Clifton Street, east side from 118' south of Theirault Court to 140' south of Theirault Court.
And further Amended by Adding the Following:
Cambridge Street, North Side, From 20' West of Trowbridge Street to 42' West of Trowbridge Street.
This regulation shall Take Effect March 3, 1989.
PROMULGATED
DATE
Feb. 1, 1989
George Teso
Traffic Director
(C)Feb.9,16,23

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL AND CODICIL WITHOUT SURETIES
Middlesex Division Docket No. 89P0499E
Estate of **Clement A. Smith**
also known as **Clement Andrew Smith**
late of **Cambridge**
in the County of **Middlesex**
NOTICE
A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will and codicil of said deceased may be proved and allowed and that **Mary I. Smith** of Cambridge in the county of Middlesex; and **G. D'Andelot Belin** of Cambridge in the County of Middlesex be appointed executors without giving surety on their bond.
If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on March 7, 1989.
In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.
Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the thirty-first day of January in the year of our Lord one thousand nine hundred and eighty-nine.
Paul J. Cavanaugh
Register of Probate
(C)Feb.9

CITY OF CAMBRIDGE
PURCHASING DEPARTMENT
Sealed proposals will be received at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass., until 11:00 o'clock A.M. Thursday, February 23, 1989 at which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge.
Electrosurgical supplies
Hyperalimentation dressing change trays
Prepared tubed media
Street sweeping service
Cambridge parks maintenance program
See proposal for bid deposit.
The City of Cambridge reserves the right to waive any informalities or to reject any or all proposals.
Specifications may be obtained at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass.
Each proposal must be in a sealed envelope plainly marked "Proposal for 'Designate Item'" and addressed to Barbara L. Duffy, Purchasing Agent, City Hall, Cambridge, Massachusetts.
Barbara L. Duffy
Purchasing Agent
(C)Feb.9,16

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 89D0080 D-1
Summons by Publication
Johnnie Carter Plaintiff
vs.
Catherine O. Smith Defendant
To the above-named Defendant:
A complaint has been presented to this Court by your spouse, Johnnie Carter, seeking a divorce on the grounds of desertion.
You are required to serve upon Malcolm P. Trojano, plaintiff's attorney, whose address is 593 Main St., Norwell, MA 02061 your answer on or before May 1, 1989. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.
Witness, Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.
January 19, 1989
Paul J. Cavanaugh
Register of Probate
(C)Feb.9,16,23

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 89E171
NOTICE OF FIDUCIARY'S ACCOUNT
To all persons interested in the estate of **Theodore L. Storer** late of Cambridge, in said County, deceased.
You are hereby notified pursuant to Mass. R.Civ.P. Rule 72 that the 3rd and final account of **Roscoe W. Brooks** and **Joseph W. Lund** and **Arthur L. Stevenson** as Executors (the fiduciaries) of the will of said deceased has been presented to said Court for allowance.
If you desire to preserve your right to file an objection to said account, you or your attorney must file a written appearance in said Court at Cambridge on or before the 13th day of April, 1989, the return day of this citation. You may upon written request by registered or certified mail to the fiduciaries, or to the attorney for the fiduciaries, obtain without cost a copy of said account. If you desire to object to any item of said account, you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciaries pursuant to Mass. R.Civ.P. Rule 5.
Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 26th day of January, 1989.
Paul J. Cavanaugh
Register
(C)Feb.9

PUBLIC NOTICE
MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING
DIVISION OF WATER POLLUTION CONTROL
ONE WINTER STREET
BOSTON, MASSACHUSETTS 02108
TEL. (617) 292-5673
Pursuant to Chapter 21, Section 43 of the General Laws, and 314 CMR 7. and 2.06, notice is given of the following applications for sewer extension or connection permits and proposed actions thereon:
City of: **Cambridge**
Project Name: **N/L**
Applicant: **Forest City Dev.**
Location: **38 Sidney Street**
Purpose: **Connection for office & retail development**
Tracking No.: **5613**
Proposed Action: **Tentative Determination to Issue:**
The above applications, and applicable laws, regulations and procedures are available for inspection at the above address. Comments on the proposed actions or requests for a public hearing on the proposed actions must be sent to the above address within 30 days of this notice.
Cornelius O'Leary
Acting Director
(C)Feb.9

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 89D0077 D-1
Summons by Publication
Gursharan Singh Gill Plaintiff
vs.
Linda Gill Defendant
To the above-named Defendant:
A complaint has been presented to this Court by your spouse, Gursharan Singh Gill, seeking divorce.
You are required to serve upon Frederick B. Hayes, III, Esquire, plaintiff's attorney, whose address is 43 Thorndike St., P.O. Box 206, Cambridge, MA 02141 your answer on or before May 1, 1989. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.
Witness, Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.
January 20, 1989
Paul J. Cavanaugh
Register of Probate
(C)Feb.9,16,23

INVITATION TO BID
The Cambridge Housing Authority will receive sealed bids at 270 Green Street, Purchasing Department, Cambridge, MA 02139, on February 23, 1989 at 2:30 p.m. for:
Electric Meter Separation, scattered sites (Mass 3-15)
Bid Surety - 5%
Specifications and contractual documents are available at 270 Green Street, Cambridge, MA 02139, Purchasing Department.
All bids shall be subject to the provisions of M.G.L. Chapter 30, Sec. 39M, in addition to all other applicable public bidding procedures contained in the General Laws of the Commonwealth of Massachusetts, all as most recently amended.
Bid proposals shall be irrevocable for a period of 30 days from the date of the bid opening, and may be accepted by the Authority at any time within such period or thereafter, unless withdrawn by written notice of the bidder after the expiration of said 30 day period.
The Cambridge Housing Authority reserves the right to reject any and all bids and to waive any informalities if it is in the public interest to do so.
CHA is an equal opportunity employer
Cambridge Housing Authority
270 Green Street
Cambridge, MA 02139
Stephen C. Smith,
Senior Purchasing Agent
(C)Feb.9

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 86P1878
NOTICE OF FIDUCIARY'S ACCOUNT
To all persons interested in the estate of **Joseph Viglione** late of Cambridge, in said County, deceased.
You are hereby notified pursuant to Mass. R.Civ.P. Rule 72 that the first and final account of **Anthony Viglione** as Executor (the fiduciary) of the will of said deceased has been presented to said Court for allowance.
If you desire to preserve your right to file an objection to said account, you or your attorney must file a written appearance in said Court at Cambridge on or before the 2nd day of March, 1989, the return day of this citation. You may upon written request by registered or certified mail to the fiduciary, or to the attorney for the fiduciary, obtain without cost a copy of said account. If you desire to object to any item of said account, you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciary pursuant to Mass. R.Civ.P. Rule 5.
Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 27th day of January, 1989.
Paul J. Cavanaugh
Register
(C)Feb.9

COMMONWEALTH OF MASSACHUSETTS
Middlesex ss. Probate Court
No. 89D0041-D-1
Summons by Publication
Theresa A. Levesque Plaintiff
vs
Joseph J.E. Levesque Defendant
To the above-named Defendant:
A complaint has been presented to this Court by your spouse, Theresa A. Levesque, seeking to dissolve the bonds of matrimony - for custody of and allowance for minor child.
You are required to serve upon Kenneth J. Simmons, Esq., plaintiff's attorney, whose address is 161 Third St., E. Cambridge, MA 02141 your answer on or before April 24, 1989, if you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.
Witness Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.
January 18, 1989
Paul J. Cavanaugh
Register of Probate
(C)Feb.2,9,16

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate and Family Court
No. 89P 0241E
Estate of **Agnes L. O'Connor**
late of **Cambridge**
in the County of **Middlesex**
NOTICE
A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will/codicil of said deceased may be proved and allowed and that **State Street Bank and Trust Company** of Boston in the County of Suffolk be appointed executor without giving surety on its bond.
If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on February 27, 1989.
In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.
Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twenty-third day of January in the year of our Lord one thousand nine hundred and eighty-nine.
Paul J. Cavanaugh
Register of Probate
(C)Feb.9



ORDINANCE NO. 1077
Final Publication No. 2427.
First publication in the Chronicle on January 26, 1989
CITY OF CAMBRIDGE
In the Year One Thousand, Nine Hundred Eighty-Nine
In amendment to an ordinance entitled "The Zoning Ordinances of the City of Cambridge."
Be it ordained by the City Council of the City of Cambridge as follows:
The Zone Map accompanying ordinance passed to be ordained September 26, 1979, entitled "The Zoning Ordinances of the City of Cambridge" is hereby amended by deleting paragraph 3 of Section 3.14 - Cambridgeport Interim Planning Overlay District and substituting therefor the following (with new language underlined):
3. The maximum height of any building shall be 45 feet (.) **inclusive of those structural elements otherwise exempt under the provisions of Section 5.23 of the Zoning Ordinance;**
5.23 Height Exceptions. The provisions of this ordinance governing the height of buildings and structures in all districts shall not apply to chimneys, water towers, air conditioning equipment, elevator bulkheads, skylights, ventilators and other necessary features appurtenant to buildings which are usually carried above roofs and are not used for human occupancy, nor to domes, towers or spires above buildings if such features are not used for human occupancy and occupy less than ten percent of the lot area, nor to wireless or broadcasting towers and other like unenclosed structures which occupy less than ten percent of the lot area. Nothing in this section shall prevent a property owner from repair and/or replacing a chimney or television antenna.
5.24 Yards
5.241 Every part of a required yard shall be open to the sky and unobstructed. Awnings, arbors, fences, flagpoles, recreational and laundry drying equipment and similar objects shall not be considered obstructions when located within a required yard. Open or lattice-enclosed fire escapes for emergency use only are permitted to encroach on yard areas.
5.242 Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than three and one-half feet and which are part of a building not more than thirty-five feet in height, and unenclosed steps, unroofed porches and the like which do not project more than ten feet beyond the line of the foundation wall and which are not over four feet above the average level of the adjoining ground, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built.
5.243 On lots abutting streets on more than one side, the front yard requirements of each of the abuttings streets shall apply regardless of designated front lot lines. Any remaining sides shall be subject to side yard requirements.
5.244 Measurements for minimum yards which are determined by formula shall be made in the following manner:
(1) "H" is the height of the building. "L" is the length of wall measured parallel to the corresponding lot or street line. The front yard is measured from the street line, or building line where such has been established, except where otherwise indicated herein. For buildings of forty feet or less in height the denominator in the yard formulas in the Tables in Section 5.30 may be increased by two subject to the minimum yard requirements set forth in footnotes a, b, and c of Tables 5-1 and 5-2.
(2) Where a building consists of various roof levels an average height, or "H", may be used in the required yard formula. Average height is determined by adding the products of the height of each roof level (H_1, H_2, etc.) times the length of each roof level (L_1, L_2, etc.) and dividing the sum by the sum of the length of the levels (L_1, L_2 etc.) (see formula below)

$$\text{Average Height} = \frac{(H_1 \times L_1) + (H_2 \times L_2)}{L_1 + L_2}$$

In City Council February 6, 1989.
Passed to be ordained as amended by a yea and nay vote: - yeas 9; nays 0; Absent 0.
Robert W. Healy, City Manager.
ATTEST: - Joseph E. Connarton, City Clerk
(C)Feb.9

BZA

Continued from page 1

decide whether to ask Rickard to step down from her zoning board post until he has reviewed her responses to the claims in the tenants' letter.

Rickard, who had not read the tenants' letter, said this week that the 52-54 Fairmont St. case "does not hinder my ability to hear cases before the zoning board, except a case in which I was involved."

In the meantime, Healy said he would not ask the rent control board to postpone the 52-54 Fairmont St. case pending his review of Rickard's response to the tenants' allegations.

Last month the Cambridge Rent Control Board referred the case back to the hearing officer, Gregory Anton, so that Rickard would have the opportunity to present additional evidence. The new hearing is scheduled for Feb. 28.

After the initial hearings late last year, Anton recommended that the rent control board seek the issuance of criminal complaints against Rickard for illegally removing two units in 52 Fairmont St. and one unit in 54 Fairmont St.

The city's removal permit law, adopted in 1979, aims to prevent the illegal removal of apartments from rent control or the illegal conversion of units into condominiums.

Today, only owner-occupants of one-, two- and three-family buildings can obtain exemptions from rent control. When registering their properties with the rent control board, owners must sign an affidavit saying they intend to live in their buildings indefinitely. In addition, tenants who have lived in their apartments since before Aug. 10, 1979, can also buy their units and convert them to condominiums.

In the initial 52-54 Fairmont St. hearing, Anton also recommended that the board order the current owners of the building, Arthur Abbott and Victor Balk, to restore the property to five units and notify the board of their actions.

Rickard first became involved in the controversial Cambridgeport property in December 1983 when she and Richard G. Reavis bought it for $92,500, according to the Southern Middlesex County Registry of Deeds.

Rickard testified at the rent control board that she lived in the building from late 1983 until summer 1985. According to the hearing examiner's report, Rickard converted the run-down property into a two-unit building and sold it to her subcontractors, Abbott and Balk, for $176,000 in fall 1985.

The first mortgage for $117,000 was with the Haymarket Cooperative Bank, according to Abbott's testimony. Rickard owner-financed the second mortgage, which was drawn up by attorney William Walsh, according to Abbott's testimony. Walsh, who was not a city councilor at the time, said that his law office handled the mortgage papers for Rickard.

Abbott's testimony at the rent control board establishes that he and Balk knew the property had been illegally converted to a two-family building before they purchased it, according to the hearing examiner's report.

Rickard said this week she sold 52-54 Fairmont St. as a five-unit building.

She added that she and her attorney, George Butler, will argue before the hearing examiner on Feb. 28 that the property is zoned for a two-unit building and that the Cambridge Inspectional Services Department's records show it as a two-unit building.

An inspectional services official said the department's records provide no status on the number of units in the building. As of 1979, the rent control board's record list it as a five-unit building.

In the Jan. 26 letter to Healy, Cambridge Tenants Union co-chairmen Robert Edbrooke and Michael Turk write: "Because of the gravity of the findings made by the hearing examiner, we urge you to require Ms. Rickard to refrain from sitting on any cases before the board of zoning appeal."

In the letter, the tenant activists also focus on Rickard's ownership role in other rent-controlled properties since the early 1980s.

Rickard bought what she claims is a three-unit building at 44 Bigelow St. in July 1981, although the rent control board's records show it as a five-unit property. She filed an affidavit of owner-occupancy that summer to exempt the building, according to the board's records. The property was later sold as two condominiums in December 1981, according to the registry of deeds.

After Rickard sold the Fairmont street property in fall 1985, she bought a two-unit building at 147 Bishop Allen Dr. She filed an affidavit of owner-occupancy to exempt the property, according to the rent control board's records. And then she sold the property to new owner-occupants in October 1986, according to the registry of deeds.

At the hearing on 52-54 Fairmont St., Rickard testified that she had lived at 1531 Cambridge St., a three-unit building with one unit exempt from rent control. But Rickard said this week she never lived in the building, but that her co-owner, Victor Balk, lived there at one time. According to the registry of deeds, she paid $235,000 for the property in October 1985 and resold it for $401,000 to the Erickson Center a year later.

Rickard bought 122 Trowbridge St., a five-unit building, in September 1986. Rickard registered as the owner of the property with the rent control board, and then proceeded to evict one of the tenants on the grounds that one of the new part-owners of the property needed the unit. The board granted the eviction.

"All sorts of legal questions arise about her conduct," Turk said. "Her actions constitute a pattern of systematic circumvention of the rent control laws."

KENDALL

Continued from page 1

Civic Association Councilor Alice Wolf, would temporarily prevent large-scale development in an industrial B district that includes the One Kendall Square property. After the planning board reviews the petition, the council will hold a final vote.

David Clem, an Athenaeum Group partner, surprised the council Monday night with the developer's plans to build either a 16-story office building or suites hotel at One Kendall Square.

The retail-office complex, located on the old Boston Woven Hose Company site, has been under redevelopment since the early 1980s. The Athenaeum Group most recently provoked the ire of many neighborhood residents and city officials with its development of the 1,530-car garage on Binney street.

Councilor David E. Sullivan attacked Clem for lobbying the council to stop the new zoning petition in its infancy. He accused Clem of "bulldozing the interests of the community."

Clem, a former city councilor himself who was backed by the liberal CCA, countered that the council "shouldn't be bulldozing the rights of developers."

In his plea to the council to stop the zoning proposal, Clem said the Athenaeum Group has made several contributions to the community through the One Kendall Square project, including jobs, property taxes, on-site daycare for employees, and overnight residential parking in the Binney street garage.

He also said the Athenaeum Group has recycled most of the brick warehouses on the site and created a commercial complex that is smaller in scale than the old Boston Woven Hose facilities.

Debra McManus, a Cornelius Way resident who led the community fight against the Binney Street garage development, charged that Clem was lying.

"As far as I can see," she told the council, "the only thing these (developers) have given to the neighborhood is one dead tree."

Clem later told the council that the Athenaeum Group has already requested a buiding permit for the new office building, which would be located along the old Binney Street connector. The developer also plans to build a smaller office building next to it and renovate three additional structures on the site.

At the same time, Clem said the Athenaeum Group could scrap these plans and build a suites hotel where the office tower is planned. The developer would need a special use permit from the Cambridge Board of Zoning Appeal to build the hotel.

Monday's council action means that no building permit can be issued for new office development until the spring.

Wolf's interim zoning proposal would affect an area that parallels the western edge of Cardinal Medeiros avenue and cuts across Main street to Mass. avenue. At present, area zoning allows unlimited height and substantial density.

Her proposal would place a 60-foot height limit on new construction and allow half that amount within 60 feet of neighborhood abutters. It would also reduce development density by 25 percent.

Wolf said the purpose of the petition is to prevent major development in the district while city planners update the zoning with neighborhood protections.

In the meantime, the Athenaeum Group, city council and East Cambridge residents are expected to meet later this month or in March to discuss the developer's latest plans at One Kendall Square.

CRLS

Continued from page 1

Peace, the Black Students Union and the Haitian Club, visited homerooms each day last week and this week. Guest speakers from South Africa also went to the classes and talked about the social, political and economic conditions in their home country.

By the end of this week, the students will take a poll on whether the school should eliminate all Coke dispensers and machines.

"Most of us aren't 18 years old, so we can't vote in elections," Reinert says. "But speaking out and boycotting Coca-Cola and other companies doing business in South Africa is one way we can take part in our democratic society."

After a controversial debate held in the school's auditorium last month between a senior vice president of the Coca-Cola company and a South African student at Harvard University, even more CRLS students may be thinking twice before depositing 50 cents into a soft drink machine.

"I didn't know about Coke and how it affects South Africa until that debate and all the Youth for Peace students started talking about it," says senior Tamara Comeau. "I never drank Coke anyway, but now I'm thinking more about it when I see other people drinking it. People are really saying not to drink it."

Molly Holshouser, a CRLS junior, also says she stopped drinking Coke once she learned about US businesses' involvement in South Africa.

After last month's debate on Coke, the company asked the CRLS administration not show the videotaped debate to people outside of the school.

Upon hearing Coke's request, Reinert said the group realized a Coke boycott could be effective, especially since it's a company most students know.

"Coke is something students come in contact with every day," agreed Claudy Boy, Youth for Peace faculty adviser. "Most students don't own IBM computers or own cars, so it's not as practical for them to boycott some of these other companies."

Besides the daily reminders in homeroom, the group held hourly film screenings on South Africa in the Student Service Center last week, plastered stickers and fliers calling for the Coke boycott and continues selling $1 hand-made buttons that say things like "Coke sweetens apartheid."

Other cities and schools have contacted the student groups about the CRLS boycott, including the Universities of Rhode Island and Pittsburgh, according to Boy.

However, Reinert, instigator of the school boycott campaign, says Coke is only the tip of the iceberg. He says students need to keep up the momentum for boycotting other US companies involved in South Africa.

"Coke is the first step. Then we have Pepsi and other US companies to work on," Reinert says. "In a way, I don't know if I want the coke boycott to go through, just because I don't want students to forget about issues. Apartheid will continue to exist, even if coke pulls out of the country. We can't just stop with one company."

Students will vote Monday whether CRLS should remove Coke machines from the school.

SCHOCHET

Continued from page 1

ment this week about their new plans.

Both Healy and Cambridge Community Development Director Michael Rosenberg said Schochet doesn't plan to include housing in its new development proposal.

With or without the UDAG loan, Healy said the developer was unable to secure private financing for the project and could not justify the cost of building housing within the proposed complex.

In addition, the city's original agreement to lease Schochet the municipal parking lot on Bishop Allen Drive has been cancelled. The lot, under lease for $1 per year, was to play a key role in the overall development.

Despite the bad news this week, both city officials and neighborhood residents said they were satisfied with the developer's plans to preserve the cluster of historic buildings on the corner site, all of which were built around the turn of the century and are owned by Schochet.

"The next best step is the rehabilitation of the buildings," Rosenberg said. "That's also a public benefit and good for the city."

There is, however, one legal cloud hanging over the city regarding two rent-controlled units in the building at 2 Essex St.

A pair of tenant activists last fall sought an injunction in Middlesex Superior Court to suspend a rent control board's decision to uphold removal permits for two regulated apartments in the Essex street building.

Although the court has yet to rule on the injunction request, the tenants' legal action essentially prevented Rent Control Board Executive Director Margaret Drury from signing off on the demolition permit for the building.

All other city agencies, including the historical commission, had okayed the demolition of all seven buildings on the corner site. To some extent, the tenants' complaint prevented Schochet from destroying all of the buildings.

"I can't help but feel vindicated in this case," said Geoffrey Gardner, a member of the Cambridge Tenants Union who filed the injunction request.

Gardner and colleague Michael Turk filed the original removal permit complaint with the rent control board because the two regulated apartments had not been used for months while Schochet struggled to find financing for its project. Last fall they requested a review of the removal permits because more than one year had passed since the board had issued them to Schochet and the project seemed to be going nowhere.

The board's decision not to rescind the removal permits was based on the likelihood that Schochet would secure financing for its mixed-use project, including the UDAG. Last fall Schochet told the board that the Bank of New England had signed a letter of intent to finance the original project as long as the $2.2 million UDAG application were approved.

Now that the commercial and residential development proposal is dead, Turk and Gardner want the board to rescind the removal permits and order the developer to restore the Essex Street apartments to rent control. They also want Schochet to compensate the city for the two years the units were vacant.

City officials said that Schochet plans to restore the two regulated units at 2 Essex St. or find substitute affordable housing in another property in Cambridge.

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REAL ESTATE WEEKLY
By Dan and Joetta Silva
Silva Realty Associates
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NOTICE
PUBLIC HEARING
The City of Cambridge in accordance with its Cable Television license with American Cablesystems Northeast, a wholly owned Subsidiary of Continental Cablevision, will hold a public hearing for the purpose of **evaluating American Cablesystem performance** over the last year.
The Hearing will be held in the City Council Chambers in Cambridge City Hall on Tuesday, February 28, 1989 at 6:00 P.M. Members of the public are invited.
(C)Feb.9,16

OFFICE OF THE SCHOOL COMMITTEE
456 Broadway
Cambridge, MA 02138
Sealed proposals will be received at the Office of the Manager of Procurement, 159 Thorndike St., Cambridge, MA 02141, until Thursday, March 1, 1989 at 11:00 A.M. at which time they will be publicly read for:
Custodial Supplies
Specifications and forms of proposals will be available at the Office of the Manager of Procurement on and after Thursday, February 9, 1989.
Attention is called to requirements for equal opportunity employment on part of vendors. The department encourages participation in this bid of minority and women owned businesses.
Marv Lou McGrath
Superintendent of Schools
(C)Feb.9,16

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 89D0067 D-1
Summons by Publication
Carolyn S. Michelet, Plaintiff
vs.
Sylvain F. Michelet, Defendant
To the above-named Defendant:
A complaint has been presented to this Court by your spouse, Carolyn S. Michelet, seeking a divorce.
You are required to serve upon Lee Brown, Esq. - plaintiff's attorney, whose address is 117 Hamilton St., Cambridge, MA 02139, your answer on or before May 1, 1989. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.
Witness Sheila E. McGovern Esq., First Judge of said Court at Cambridge.
January 10, 1989
Paul J. Cavanaugh
Register of Probate
(C)Feb.9,16,23

CITY OF CAMBRIDGE
DEPARTMENT OF TRAFFIC & PARKING
By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation:
REGULATION NO. 89-05
Regulation No. 66-1 Schedule 60 **"Parking Prohibited At All Times On Certain Sides of Certain Streets, Tow Away Zone" (Handicapped Persons and Disabled Veterans)** is hereby amended by striking out the following:
Clifton Street, east side from 118' south of Theirault Court to 140' south of Theirault Court.
And further Amended by Adding the Following:
Cambridge Street, North Side: From 20' West of Trowbridge Street to 42' West of Trowbridge Street.
This regulation shall Take Effect March 3, 1989.
PROMULGATED
DATE:
Feb. 1, 1989
George Teso
Traffic Director
(C)Feb.9,16,23

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL AND CODICIL WITHOUT SURETIES
Middlesex Division Docket No. 89P0499E
Estate of **Clement A. Smith**
also known as **Clement Andrew Smith**
late of **Cambridge**
in the County of **Middlesex**
NOTICE
A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will and codicil of said deceased may be proved and allowed and that **Mary I. Smith** of Cambridge in the county of Middlesex; and **G. D'Andelot Belin** of Cambridge in the County of Middlesex be appointed executors without giving surety on their bond.
If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on March 7, 1989.
In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.
Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the thirty-first day of January in the year of our Lord one thousand nine hundred and eighty-nine.
Paul J. Cavanaugh
Register of Probate
(C)Feb.9

CITY OF CAMBRIDGE
PURCHASING DEPARTMENT
Sealed proposals will be received at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass., until 11:00 o'clock A.M. Thursday, February 23, 1989 at which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge.
Electrosurgical supplies
Hyperalimentation dressing change trays
Prepared tubed media
Street sweeping service
Cambridge parks maintenance program
See proposal for bid deposit.
The City of Cambridge reserves the right to waive any informalities or to reject any or all proposals.
Specifications may be obtained at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass.
Each proposal must be in a sealed envelope plainly marked "Proposal for 'Designate Item'" and addressed to Barbara L. Duffy, Purchasing Agent, City Hall, Cambridge, Massachusetts.
Barbara L. Duffy
Purchasing Agent
(C)Feb.9,16

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 89D0080 D-1
Summons by Publication
Johnnie Carter Plaintiff
vs.
Catherine O. Smith Defendant
To the above-named Defendant:
A complaint has been presented to this Court by your spouse, Johnnie Carter, seeking a divorce on the grounds of desertion.
You are required to serve upon Malcolm P. Trojano, plaintiff's attorney, whose address is 593 Main St., Norwell, MA 02061 your answer on or before May 1, 1989. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.
Witness, Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.
January 19, 1989
Paul J. Cavanaugh
Register of Probate
(C)Feb.9,16,23

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 508171
NOTICE OF FIDUCIARY'S ACCOUNT
To all persons interested in the estate of **Theodore L. Storer** late of Cambridge, in said County, deceased.
You are hereby notified pursuant to Mass. R.Civ.P. Rule 72 that the 3rd and final account of **Roscoe W. Brooks** and **Joseph W. Lund** and **Arthur L. Stevenson** as Executors (the fiduciaries) of the will of said deceased has been presented to said Court for allowance.
If you desire to preserve your right to file an objection to said account, you or your attorney must file a written appearance in said Court at Cambridge on or before the 13th day of April, 1989, the return day of this citation. You may upon written request by registered or certified mail to the fiduciaries, or to the attorney for the fiduciaries, obtain without cost a copy of said account. If you desire to object to any item of said account, you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciaries pursuant to Mass. R.Civ.P. Rule 5.
Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 26th day of January, 1989.
Paul J. Cavanaugh
Register
(C)Feb.9

PUBLIC NOTICE
MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING
DIVISION OF WATER POLLUTION CONTROL
ONE WINTER STREET
BOSTON, MASSACHUSETTS 02108
TEL. (617) 292-5673
Pursuant to Chapter 21, Section 43 of the General Laws, and 314 CMR 7. and 2.06, notice is given of the following applications for sewer extension or connection permits and proposed actions thereon:
City of: **Cambridge**
Project Name: **N/L**
Applicant: **Forest City Dev.**
Location: **38 Sidney Street**
Purpose: **Connection for office & retail development**
Tracking No.: **5613**
Proposed Action: **Tentative Determination to Issue:**
The above applications, and applicable laws, regulations and procedures are available for inspection at the above address. Comments on the proposed actions or requests for a public hearing on the proposed actions must be sent to the above address within 30 days of this notice.
Cornelius O'Leary
Acting Director
(C)Feb.9

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 89D0077 D-1
Summons by Publication
Gursharan Singh Gill Plaintiff
vs.
Linda Gill Defendant
To the above-named Defendant:
A complaint has been presented to this Court by your spouse, Gursharan Singh Gill, seeking divorce.
You are required to serve upon Frederick B. Hayes, III, Esquire, plaintiff's attorney, whose address is 43 Thorndike St., P.O. Box 206, Cambridge, MA 02141 your answer on or before May 1, 1989. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.
Witness, Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.
January 20, 1989
Paul J. Cavanaugh
Register of Probate
(C)Feb.9,16,23

INVITATION TO BID
The Cambridge Housing Authority will receive sealed bids at 270 Green Street, Purchasing Department, Cambridge, MA 02139, on February 23, 1989 at 2:30 p.m. for:
Electric Meter Separation, scattered sites (Mass 3-15)
Bid Surety - 5%
Specifications and contractual documents are available at 270 Green Street, Cambridge, MA 02139, Purchasing Department.
All bids shall be subject to the provisions of M.G.L. Chapter 30, Sec. 39M, in addition to all other applicable public bidding procedures contained in the General Laws of the Commonwealth of Massachusetts, all as most recently amended.
Bid proposals shall be irrevocable for a period of 30 days from the date of the bid opening, and may be accepted by the Authority at any time within such period or thereafter, unless withdrawn by written notice of the bidder after the expiration of said 30 day period.
The Cambridge Housing Authority reserves the right to reject any and all bids and to waive any informalities if it is in the public interest to do so.
CHA is an equal opportunity employer
Cambridge Housing Authority
270 Green Street
Cambridge, MA 02139
Stephen C. Smith,
Senior Purchasing Agent
(C)Feb.9

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 86P1878
NOTICE OF FIDUCIARY'S ACCOUNT
To all persons interested in the estate of **Joseph Viglione** late of Cambridge, in said County, deceased.
You are hereby notified pursuant to Mass. R.Civ.P. Rule 72 that the first and final account of **Anthony Viglione** as Executor (the fiduciary) of the will of said deceased has been presented to said Court for allowance.
If you desire to preserve your right to file an objection to said account, you or your attorney must file a written appearance in said Court at Cambridge on or before the 2nd day of March, 1989, the return day of this citation. You may upon written request by registered or certified mail to the fiduciary, or to the attorney for the fiduciary, obtain without cost a copy of said account. If you desire to object to any item of said account, you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciary pursuant to Mass. R.Civ.P. Rule 5.
Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 27th day of January, 1989.
Paul J. Cavanaugh
Register
(C)Feb.9

COMMONWEALTH OF MASSACHUSETTS
Middlesex ss. Probate and Family Court
No. 89D0041-D
Summons by Publication
Theresa A. Levesque Plaintiff
vs.
Joseph J.E. Levesque Defendant
To the above-named Defendant:
A complaint has been presented to this Court by your spouse, Theresa A. Levesque, seeking to dissolve the bonds of matrimony - for custody of and allowance for minor child.
You are required to serve upon Kenneth J. Simmons, Esq., plaintiff's attorney, whose address is 161 Third St., E. Cambridge, MA 02141 your answer on or before April 24, 1989. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.
Witness Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.
January 18, 1989
Paul J. Cavanaugh
Register of Probate
(C)Feb.2,9,16

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate and Family Court
No. 89P 0241E
Estate of **Agnes L. O'Connor**
late of **Cambridge**
in the County of **Middlesex**
NOTICE
A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will/codicil of said deceased may be proved and allowed and that **State Street Bank and Trust Company** of Boston in the County of Suffolk be appointed executor without giving surety on its bond.
If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on February 27, 1989.
In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.
Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twenty-third day of January in the year of our Lord one thousand nine hundred and eighty-nine.
Paul J. Cavanaugh
Register of Probate
(C)Feb.9

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate and Family Court
No. 89P0063E
Estate of **Harry Albert Seaver**
a/k/a **Harry Albert Seaver, Jr.**
late of **Cambridge**
in the County of **Middlesex**
NOTICE
A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that **Carl W. Harris, Jr.** of Hingham in the County of Plymouth be appointed executor without giving surety on his bond.
If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on February 22, 1989.
In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.
Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the eighteenth day of January in the year of our Lord one thousand nine hundred and eighty-nine.
Paul J. Cavanaugh
Register of Probate
(C)Feb.9

ORDINANCE NO. 1077
Final Publication No. 2427.
First publication in the Chronicle on January 26, 1989
CITY OF CAMBRIDGE
In the Year One Thousand, Nine Hundred Eighty-Nine
In amendment to an ordinance entitled "The Zoning Ordinances of the City of Cambridge."
Be it ordained by the City Council of the City of Cambridge as follows:
The Zone Map accompanying ordinance passed to be ordained September 26, 1979, entitled "The Zoning Ordinances of the City of Cambridge" is hereby amended by deleting paragraph 3 of Section 3.14 - Cambridgeport Interim Planning Overlay District and substituting therefor the following (with new language underlined):
3. The maximum height of any building shall be 45 feet (.) **inclusive of those structural elements otherwise exempt under the provisions of Section 5.23 of the Zoning Ordinance;**
5.23 Height Exceptions. The provisions of this ordinance governing the height of buildings and structures in all districts shall not apply to chimneys, water towers, air conditioning equipment, elevator bulkheads, skylights, ventilators and other necessary features appurtenant to buildings which are usually carried above roofs and are not used for human occupancy, nor to domes, towers or spires above buildings if such features are not used for human occupancy and occupy less than ten percent of the lot area, nor to wireless or broadcasting towers and other like unenclosed structures which occupy less than ten percent of the lot area. Nothing in this section shall prevent a property owner from repair and/or replacing a chimney or television antenna.
5.24 Yards.
5.241 Every part of a required yard shall be open to the sky and unobstructed. Awnings, arbors, fences, flagpoles, recreational and laundry drying equipment and similar objects shall not be considered obstructions when located within a required yard. Open or lattice-enclosed fire escapes for emergency use only are permitted to encroach on yard areas.
5.242 Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than three and one-half feet and which are part of a building not more than thirty-five feet in height, and unenclosed steps, unroofed porches and the like which do not project more than ten feet beyond the line of the foundation wall and which are not over four feet above the average level of the adjoining ground, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built.
5.243 On lots abutting streets on more than one side, the front yard requirements of each of the abutting streets shall apply regardless of designated front lot lines. Any remaining sides shall be subject to side yard requirements.
5.244 Measurements for minimum yards which are determined by formula shall be made in the following manner:
(1) "H" is the height of the building. "L" is the length of wall measured parallel to the corresponding lot or street line. The front yard is measured from the street line, or building line where such has been established, except where otherwise indicated herein. For buildings of forty feet or less in height the denominator in the yard formulas in the Tables in Section 5.30 may be increased by two subject to the minimum yard requirements set forth in footnotes a, b, and c of Tables 5-1 and 5-2.
(2) Where a building consists of various roof levels an average height, or "H", may be used in the required yard formula. Average height is determined by adding the products of the height of each roof level facing the given lot line, (H_1, H_2, etc.) times the length of each roof level (L_1, L_2, etc.) and dividing the sum by the sum of the length of the levels ($L_1 \cdot L_2$ etc.) (see formula below)

$$\text{Average Height} = \frac{(H_1 \times L_1) + (H_2 \times L_2)}{L_1 + L_2}$$

In City Council February 6, 1989.
Passed to be ordained as amended by a yea and nay vote: - yeas 9; nays 0; Absent 0.
Robert W. Healy, City Manager.
ATTEST: - Joseph E. Connarton, City Clerk
(C)Feb.9

CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

November 7, 1988

To the Honorable, the City Council:

Enclosed please find copy of a proposed amendment to paragraph 3, Section 3.14 - Cambridgeport Interim Planning Overlay District, of the Zoning Ordinance of the City of Cambridge

Very truly yours,

Robert W. Healy
City Manager

RWH/mbf

Amend the text of the Zoning Ordinance of the City of Cambridge by deleting paragraph 3 of Section 3.14 - Cambrideport Interim Planning Overlay District and substituting therefor the following (with new language underlined):

3. The maximum height of any building shall be 45 feet (;) <u>inclusive of those structural elements otherwise exempt under the provisions of Section 5.23 of the Zoning Ordinance</u>;

5.23 *Height Exceptions.* The provisions of this ordinance governing the height of buildings and structures in all districts shall not apply to chimneys, water towers, air conditioning equipment, elevator bulkheads, skylights, ventilators and other necessary features appurtenant to buildings which are usually carried above roofs and are not used for human occupancy, nor to domes, towers or spires above buildings if such features are not used for human occupancy and occupy less than ten percent of the lot area, nor to wireless or broadcasting towers and other like unenclosed structures which occupy less than ten percent of the lot area.

5.24 *Yards*

5.241 Every part of a required yard shall be open to the sky and unobstructed. Awnings, arbors, fences, flagpoles, recreational and laundry drying equipment and similar objects shall not be considered obstructions when located within a required yard. Open or lattice-enclosed fire escapes for emergency use only are permitted to encroach on yard areas.

5.242 Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than three and one-half feet and which are part of a building not more than thirty-five feet in height, and unenclosed steps, unroofed porches and the like which do not project more than ten feet beyond the line of the foundation wall and which are not over four feet above the average level of the adjoining ground, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built.

5.243 On lots abutting streets on more than one side, the front yard requirements of each of the abutting streets shall apply regardless of designated front lot lines. Any remaining sides shall be subject to side yard requirements.

5.244 Measurements for minimum yards which are determined by formula shall be made in the following manner:

(1) "H" is the height of the building. "L" is the length of wall measured parallel to the corresponding lot or street line. The front yard is measured from the street line, or building line where such has been established, except where otherwise indicated herein. For buildings of forty feet or less in height the denominator in the yard formulas in the Tables in Section 5.30 may be increased by two subject to the minimum yard requirements set forth in footnotes a, b and c of Tables 5-1 and 5-2.

(2) Where a building consists of various roof levels an average height, or "H", may be used in the required yard formula. Average height is determined by adding the products of the height of each roof level facing the given lot line, (H_1, H_2, etc.) times the length of each roof level (L_1, L_2, etc.) and dividing the sum by the sum of the length of the levels (L_1, L_2, etc.) (see formula below)

$$\text{AVERAGE HEIGHT} = \frac{(H_1 \times L_1) + (H_2 \times L_2)}{L_1 + L_2}$$

PETITION OF Planning Board

Interim Planning Overlay District - Cambridgeport

Petition filed with the City Clerk November 7, 1988

(all hearings to be completed 65 days from In City Council date)

23 days November
31 days December
11 days Jan.
65 days = January 11, 1989

In City Council November 7, 1988

Referred to the Planning Board for report November 7, 1988

Planning Board Hearing December 6, 1988

(CITY COUNCIL must act within 90 days of the ORDINANCE COMMITTEE hearing which would be April 11, 1989.)

20 days January
28 days Feb.
31 days March
11 days April
90 days = April 11, 1989

City Council hearing published Chronicle on Dec. 15, 1988
and Dec. 22, 1988

Hearing before the Ordinance Committee January 11, 1989 at 5:30 p.m.

Reported to the City Council January 23, 1989

Passed to a second reading on January 23, 1989

published in Chronicle on January 26, 1989

Planning Board report received on January 23, 1989

Ready for ordination on February 6, 1989

Passed to be ordained on Feb. 6, 1989

published in Chronicle on Feb. 9, 1989

COMPLETION DATE April 11, 1989

Copy sent to BCA, Community Development, City Solicitor Inspectional Services, And Comm. 2/8/89 ae

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9017

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

February 8, 1989

Russell B. Higley
City Solicitor
City Hall
Cambridge, MA 02139

Dear Mr. Higley:

Enclosed you will find a copy of a proposed amendment to the Zoning Ordinances regarding the Cambridgeport Interim Planning Overlay District which was passed to be ordained at the City Council meeting held on February 6, 1989.

Enclosed also you will find a copy of a proposed amendment to the General Ordinances regulating the sale and marketing of replica firearms which was also passed to be ordained at the City Council meeting held on February 6, 1989.

Finally, enclosed you will find a proposed amendment to the General Ordinances amending the Public Development Arts Fund which was passed to a second reading at the City Council meeting held on February 6, 1989.

Would you kindly review these amendments and indicate your approval or disapproval on the bottom and return to this office.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Joseph E. Connarton
City Clerk

JEC/dl

Encs. (3) Ordinances numbered 1077, 1078 and First publication number 2429.

c.c. Councillor William Walsh, Chairman, Committee on Ordinances.
Joseph E. Cellucci, Commissioner of Inspectional Services.

ORDINANCE NO. 1077

Final Publication No. 2427. First publication in the Chronicle on January 26, 1989.

City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

AN ORDINANCE

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

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

The Zone Map accompanying ordinance passed to be ordained September 26, 1979 entitled "The Zoning Ordinances of the City of Cambridge" is hereby amended by deleting paragraph 3 of Section 3.14 - Cambridgeport Interim Planning Overlay District and substituting therefor the following (with new language underlined):

3. The maximum height of any building shall be 45 feet (;) <u>inclusive of those structural elements otherwise exempt under the provisions of Section 5.23 of the Zoning Ordinance</u>;

5.23 *Height Exceptions.* The provisions of this ordinance governing the height of buildings and structures in all districts shall not apply to chimneys, water towers, air conditioning equipment, elevator bulkheads, skylights, ventilators and other necessary features appurtenant to buildings which are usually carried above roofs and are not used for human occupancy, nor to domes, towers or spires above buildings if such features are not used for human occupancy and occupy less than ten percent of the lot area, nor to wireless or broadcasting towers and other like unenclosed structures which occupy less than ten percent of the lot area. Nothing in this section shall prevent a property owner from repair and/or replacing a chimney or television antenna.

5.24 *Yards*

5.241 Every part of a required yard shall be open to the sky and unobstructed. Awnings, arbors, fences, flagpoles, recreational and laundry drying equipment and similar objects shall not be considered obstructions when located within a required yard. Open or lattice-enclosed fire escapes for emergency use only are permitted to encroach on yard areas.

5.242 Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than three and one-half feet and which are part of a building not more than thirty-five feet in height, and unenclosed steps, unroofed porches and the like which do not project more than ten feet beyond the line of the foundation wall and which are not over four feet above the average level of the adjoining ground, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built.

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(2) Where a building consists of various roof levels an average height, or "H", may be used in the required yard formula. Average height is determined by adding the products of the height of each roof level facing the given lot line, (H_1, H_2, etc.) times the length of each roof level (L_1, L_2, etc.) and dividing the sum by the sum of the length of the levels (L_1, L_2, etc.) (see formula below)

$$\text{AVERAGE HEIGHT} = \frac{(H_1 \times L_1) + (H_2 \times L_2)}{L_1 + L_2}$$

In City Council February 6, 1989.
Passed to be ordained as amended by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton, City Clerk

ORDINANCE NO. 1078.

Final Publication No. 2428. First publication in the Chronicle on February 9, 1989.

City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-nine

AN ORDINANCE

In amendment to an ordinance formerly entitled "The General Ordinances of the City of Cambridge as revised in 1972 and now designated as "The Code of the City of Cambridge".

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

SECTION ONE. City of Cambridge Code, Ordinances, Chapter 13 is hereby amended by inserting after Section 13-17 the following new section and caption:

SECTION 13-17a. REGULATING THE SALE AND MARKETING OF REPLICA FIREARMS IN THE CITY OF CAMBRIDGE.

Subsection A. Definitions.

As used herein, the following words shall have the following meanings:

(1) "Chief": The chief of the Cambridge Police Deparment or his designee.

(2) "Department": the Cambridge Police Department.

(3) "Market": to display for sale.

(4) "Replica firearm": any toy, imitation, or facsimilie pistol, revolver, shotgun, rifle, air rifle, B-B gun, pellet gun, machine gun or other similar simulated weapon which because of its color, size, shape or other characteristics, can reasonably be perceived to be a real firearm from which a shot or bullet can be fired and which, pursuant to Subsection D of this ordinance, has been determined to pose a threat to public safety.

(5) "Sell": To exchange or deliver

(a) for money or its equivalent; or

(b) as a promotion or an inducement to buy.

Subsection B. Regulation.

Except as provided in Subsection C herein, no person or entity shall sell or market any replica firearm in the City of Cambridge.

Subsection C. Exceptions.

Notwithstanding the foregoing, the sale of replica firearms shall be permitted if the sale of such replica firearms is solely for purposes of or for transportation in intrastate, interstate or foreign commerce.

Subsection D. Enforcement.

(1) The Chief shall identify those replica firearms which he deems to pose a threat to public safety and shall make a list thereof. Such list shall include, where available, the following information: the product name, the manufacturer and the model number. The Chief shall post the list in the Department and shall make available copies thereof to the general public. The Chief shall update the list from time to time as he deems warranted. Any individual may provide information to the Chief regarding replica firearms to ba added to the list.

(2) Any person who observes the sale or marketing of a replica firearm which he believes to be a violation of this ordinance may register a written or oral complaint with the Department. A Cambridge police officer, in response to each complaint, shall investigate the complaint forthwith in person and determine whether there is such a violation.

(3) Any Cambridge police officer who observes the sale or marketing of a replica firearm which he believes to be a violation of this ordinance shall investigate forthwith and determine whether there is such a violation.

(4) If a Cambridge police officer determines that there is a violation of this ordinance, he shall order the individual or entity to remove immediately from sale or marketing all the replica firearms found to be in violation. In addition, the Department shall impose the following penalties on the individual or entity violating the ordinance:

(a) a written citation or warning for the first violation;

(b) a $100 fine for the second violation; and

(c) a $200 fine for the second and any subsequent violations.

For purposes of penalties to be imposed under this ordinance, if a Cambridge police officer determines that a sale or marketing of replica firearms has occurred, that determination shall constitute one violation, regardless of the number of replica firearms involved. A Cambridge police officer shall return, unannounced, to the site of the violation within the thirty (30) day period following the determination of a violation to ensure that the individual or entity has not resumed the sale or marketing of replica firearms.

Subsection E. Appeal Procedure.

Any individual who is aggrieved by an action taken by a Cambridge police officer under this ordinance may, within ten (10) days of such action, file an appeal, in writing, to the Chief. After notice to such individual, the Chief shall hold a hearing, after which he shall issue a decision in which he affirms, annuls or modifies an action taken by a Cambridge police officer, giving his reasons therefor. The Chief shall send the decision to the individual by first class mail within ten (10) days after the hearing. The decision shall be a final administrative decision. The individual shall have thirty (30) days from the date of the written decision to seek judicial review in the Third District Court of Eastern Middlesex County.

SECTION TWO. This Ordinance shall take effect thirty (30) days after enactment.

In City Council February 6, 1989.

Passed to be ordained by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton, City Clerk

FIRST PUBLICATION NO. 2429.

City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-nine

AN ORDINANCE

In amendment to an ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge".

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

Chapter Two, entitled: "Administration" is hereby amended by adding at the end thereof a new Article XXIX entitled: "Public Development Arts Fund" which reads as follows:-

ARTICLE XXIX. PUBLIC DEVELOPMENT ARTS FUND.

Section 1. Title, Findings and Purposes.

(A) This ordinance shall be known as the Public Development Arts Ordinance of 1979.

(B) The City Council of the City of Cambridge finds that:

(1) The city recognizes that it has a responsibility to make the advantages of the arts available to its residents; that construction projects financed with public funds normally include expenditures for finishing and adornment which, if effectively planned and executed will help the city to fulfill this responsibility;

(2) The city wishes to increase the benefits which its citizens will derive from the creative efforts of artists;

(3) The city should expand the access of its residents to the benefits of the arts by designating a portion of appropriations for capital expenditures for the acquisition, creation, design and/or development of art which shall be utilized in and about city buildings and public facilities.

City of Cambridge

(C) The purposes of this ordinance are:-

(1) To promote the enjoyment of the arts by the residents of the City of Cambridge by increasing the quantity and quality of such arts available in public buildings, facilities and spaces;

(2) To improve and expand the value and use of public buildings and facilities through the placement in such buildings and facilities of distinquished works and creations of artistic endeavor; and

(3) To create a funding program which, without substantially increasing the total cost of construction projects as hereafter defined, will ensure that arts are acquired, created, developed and otherwise made available for the enjoyment of the residents of the City of Cambridge.

Section 2. Definitions.

For the purposes of this ordinance the following words and descriptions shall have the following meanings:

(A) Public Development Arts Fund - the fund set aside by this ordinance in the city treasury for the purpose of allocating monies for the development and creation of arts in and upon public construction projects in the City of Cambridge.

(B) Construction Project - any capital project paid for in full or in part by the City of Cambridge, through its own Eligible Funds or with Eligible Funds appropriated to it by other governmental units, to construct or remodel any building, decorative or commemorative structure, park, street, sidewalk, parking facility, or utility or any portion thereof within the corporation limits of the city and with respect to the construction of which bidding is required under Massachusetts law.

(C) Eligible Funds - means a source of funding for Construction Projects from which arts are not excluded as an appropriate purpose for expenditure.

(D) Supplemental Funds - shall mean those funds appropriated by the City Council or contributed by individuals or other sources, and placed in the Public Development Arts Fund in addition to those funds made available from Eligible Funds, which shall be used for implementing the purposes of this ordinance.

(E) Cambridge Arts Council - shall mean the Council established in 1974 by order of the City Council.

(F) Public Development Arts Project or Projects - art to be funded from the Public Development Arts Fund; such projects may be an integral part of a building, attached to a building, placed within or outside of a building, or in the case of performing

City of Cambridge

arts performed in a public building or space; said art may include but shall not be limited to paintings, sculpture, engravings, carvings, frescoes, mobiles, murals, collages, mosaics, bas-reliefs, tapestries, photographs, drawings, drama, instrumental or vocal music, dance, landscape items and educational materials, including the artistic placement of natural materials or man-made fountains or objects or other functional art objects.

(G) Cambridge School Art Department - shall mean the Art Department of the Cambridge Schools.

Section 3. Cambridge Arts Council - Additional Functions and Duties.

To carry out its responsibilities under this ordinance, the Cambridge Arts Council shall:

(1) Establish annually, after meetings held regularly with relevant Cambridge City agencies, private, non-profit organizations, neighborhood organizations, and interested Cambridge citizens and artists, and after holding a public hearing publicized for a full calendar week in at least two newspapers of local general circulations a Plan for the Development and Creation of Arts in public buildings and spaces in the various neighborhoods and sections of the City of Cambridge; said plan shall include an itemization of the city's priorities for choosing, creating and placing works of art in public buildings within the neighborhoods of the city; preferences for the types of works to be financed and developed during the fiscal year, and guidelines for the selection of artists and locations for Public Development Arts Projects;

(2) Select Public Development Arts Projects, following consultation with such of the parties referred to in (1) above, and, as a usual practice, with the assistance of a professional arts jury appointed by the Cambridge Arts Council, as may be appropriate;

(3) Determine the geographic location of such works of art and architecture, and the location within individual sites and buildings where such works shall be placed or created provided that to the maximum feasible extent each such Public Development Arts Project shall be placed, created or performed in and about the Construction Project from which funds were derived for payment of that Public Development Arts Projects;

(4) Establish budgets for all commissioned projects, including budgets for materials, fees, operating and maintenance expenses, and other reasonably contemplated items of expense in the acquisition, development, creation, implementation, and, where applicable, ongoing maintenance of such projects;

(5) Establish procedures to be followed by other departments for the maintenance and preservation of such works of art;

(6) Establish rules and regulations, with the approval of the City Manager, to provide for the proper administration and implementation of its responsibilities, including necessary administrative budget and such rules and regulations as may be required for the selection of artists and art works; commissioning and contracting with such artists; criteria for the allocation of works of art among the various neighborhoods of the city; criteria for choosing among various artists and recommending acquisition of various works of art or art projects, and such other rules as may be appropriate or necessary for the implementation of this ordinance;

(7) Make an annual report to the City Council describing its program for meeting its responsibilities under this ordinance.

City of Cambridge

Section 4. Cambridge Public Development Arts Fund.

(A) Allocation of Funds and Designation. All requests by city department for appropriations or other authorizations for Construction Projects from Eligible Funds shall include and set aside an amount equal to no less than one half of one percent to the Cambridge Arts Council and no less than one half of one percent to the Cambridge Schools Art Department of the total estimated costs of such Projects for art; copies of such requests, authorization, application, proposals or appropriations shall be delivered by the city department or agency responsible for obtaining the Eligible Fund to the Cambridge Arts Council and Cambridge Schools Arts Department as early as possible in the planning stages of the Projects.

(B) There is hereby created a Public Development Arts Fund in the city treasury, into which money collected by appropriations under paragraph 4(A) and Supplemental Funds shall be placed. Said Fund shall be used by the Cambridge Arts Council and Cambridge Schools Arts Department to carry out the purposes of this ordinance.

(C) Any monies appropriated to the Public Development Arts Fund which have not been spent within three years of such appropriation, or, upon special approval by the City Council, within five years, shall be transferred to the city's General Fund for the purposes of the general art needs of the city; provided that funds derived from revenue or general obligation bond issues authorized by the City Council or from utility revenues or other special purpose or dedicated funds shall revert to the funds from which they derive at the expiration of the three or five year period, whichever applies.

Passed to a second reading at the City Council meeting held on February 6, 1989 and on or after February 20, 1989 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton, City Clerk.

C. C. 108

City of Cambridge

MASSACHUSETTS

Cambridgeport INTERIM ZONING.

In City Council Feb. 6 1989

C. Duehay Unfinished Bus. # 2

	YEA	NAY	ABSENT	PRESENT
Mr. Thomas W. Danehy	✓			
Mr. Francis H. Duehay	✓			
Ms. Saundra Graham	✓			
Mrs. Sheila T. Russell	✓			
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan	✓			
Mr. William H. Walsh	✓			
Ms. Alice K. Wolf	✓			
Mayor Alfred E. Vellucci	✓			
	9	0	0	

Passed to be ordained.

ORDINANCE NO. 1077

Final Publication No. 2427. First publication in the Chronicle on January 26, 1989.

City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

AN ORDINANCE

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

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

The Zone Map accompanying ordinance passed to be ordained September 26, 1979 entitled "The Zoning Ordinances of the City of Cambridge" is hereby amended by deleting paragraph 3 of Section 3.14 - Cambridgeport Interim Planning Overlay District and substituting therefor the following (with new language underlined):

3. The maximum height of any building shall be 45 feet (;) inclusive of those structural elements otherwise exempt under the provisions of Section 5.23 of the Zoning Ordinance;

5.23 *Height Exceptions.* The provisions of this ordinance governing the height of buildings and structures in all districts shall not apply to chimneys, water towers, air conditioning equipment, elevator bulkheads, skylights, ventilators and other necessary features appurtenant to buildings which are usually carried above roofs and are not used for human occupancy, nor to domes, towers or spires above buildings if such features are not used for human occupancy and occupy less than ten percent of the lot area, nor to wireless or broadcasting towers and other like unenclosed structures which occupy less than ten percent of the lot area. Nothing in this section shall prevent a property owner from repair and/or replacing a chimney or television antenna.

5.24 *Yards*

5.241 Every part of a required yard shall be open to the sky and unobstructed. Awnings, arbors, fences, flagpoles, recreational and laundry drying equipment and similar objects shall not be considered obstructions when located within a required yard. Open or lattice-enclosed fire escapes for emergency use only are permitted to encroach on yard areas.

5.242 Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than three and one-half feet and which are part of a building not more than thirty-five feet in height, and unenclosed steps, unroofed porches and the like which do not project more than ten feet beyond the line of the foundation wall and which are not over four feet above the average level of the adjoining ground, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built.

5.243 On lots abutting streets on more than one side, the front yard requirements of each of the abutting streets shall apply regardless of designated front lot lines. Any remaining sides shall be subject to side yard requirements.

5.244 Measurements for minimum yards which are determined by formula shall be made in the following manner:

(1) "H" is the height of the building. "L" is the length of wall measured parallel to the corresponding lot or street line. The front yard is measured from the street line, or building line where such has been established, except where otherwise indicated herein. For buildings of forty feet or less in height the denominator in the yard formulas in the Tables in Section 5.30 may be increased by two subject to the minimum yard requirements set forth in footnotes a, b and c of Tables 5-1 and 5-2.

(2) Where a building consists of various roof levels an average height, or "H", may be used in the required yard formula. Average height is determined by adding the products of the height of each roof level facing the given lot line, (H_1, H_2, etc.) times the length of each roof level (L_1, L_2, etc.) and dividing the sum by the sum of the length of the levels (L_1, L_2, etc.) (see formula below)

$$\text{AVERAGE HEIGHT} = \frac{(H_1 \times L_1) + (H_2 \times L_2)}{L_1 + L_2}$$

In City Council February 6, 1989.
Passed to be ordained as amended by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton, City Clerk

ORDINANCE NO. 1077

Final Publication No. 2427. First publication in the Chronicle on January 26, 1989.

City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

AN ORDINANCE

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

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

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$$\text{AVERAGE HEIGHT} = \frac{(H_1 \times L_1) + (H_2 \times L_2)}{L_1 + L_2}$$

In City Council February 6, 1989.
Passed to be ordained as amended by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton, City Clerk

ORDINANCE NO. 1077

Final Publication No. 2427. First publication in the Chronicle on January 26, 1989.

City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

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In City Council February 6, 1989.
Passed to be ordained as amended by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton, City Clerk

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9017

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

February 8, 1989

Department of Community Affairs
Commonwealth of Massachusetts
100 Cambridge Street
Room 904
Boston, MA 02202

Dear Sir:

Enclosed you will find a copy of a proposed amendment to the Zoning Ordinances of the City of Cambridge which was passed to be ordained at the City Council meeting held on February 6, 1989 regarding the Cambridgeport Interim Planning Overlay District.

This amendment is being sent to you pursuant to the provisions of Chapter 808 of the Acts of 1975.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Joseph E. Connarton

Joseph E. Connarton
City Clerk

JEC/dl

Enc. (1) Ordinance No. 1077

c.c. Les Barber

ORDINANCE NO. 1077

Final Publication No. 2427. First publication in the Chronicle on January 26, 1989.

City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

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$$\text{AVERAGE HEIGHT} = \frac{(H_1 \times L_1) + (H_2 \times L_2)}{L_1 + L_2}$$

In City Council February 6, 1989.
Passed to be ordained as amended by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton, City Clerk

In City Council January 23, 1989

The Committee on Ordinances conducted a public hearing on Wednesday, January 11, 1989 beginning at 5:30 p. m. in the Sullivan Chamber, City Hall.

The purpose of the hearing was to review the proposed amendment to the Zoning Ordinances entitled "Cambridgeport Interim Planning Overlay District".

At this time the committee heard from Mr. Michael Rosenberg, Assistant City Manager for Community Development, who outlined the proposed amendment stating that this amendment is a follow up to the previously ordained zoning change in the Cambridgeport area, specifically addressing height limitations. He informed the committee that the previous petition excluded "towers and accessories to buildings exceeding 45'". Should the City Council ordain this petition, he stated, the gap will be closed.

Speaking in opposition to the proposed amendment was Arthur Maringos, 89 Allston Street, who stated that he believed this amendment would prohibit him from building a higher chimney on his premises or erecting a new television antenna.

At this time Councillor Walsh stated that he was concerned with this dilemma and would not want to add an additional burden to property or tax payers.

Mr. Rosenberg responded by stating that section 5.23 of the existing Zoning Ordinances exempts chimneys.

At this time Vice-Mayor Wolf stated that she felt some clarification is needed in relation to the text to address this concern. Consequently, she submitted the following amendment: "nothing in this section shall prevent a property owner from repair and/or replacing a chimney or television antenna".

The amendment - prevailed.

At this time Councillor David Sullivan moved the petition be reported to the full City Council with a favorable recommendation.

The motion - carried.

The hearing was adjourned at 6:09 p. m.

For the Committee,

Councillor William H. Walsh,
Chairman.

In City Council January 23, 1989

The Committee on Ordinances conducted a public hearing on Wednesday, January 11, 1989 beginning at 6:30 p. m. in the Sullivan Chamber, City Hall.

The purpose of the hearing was to review the proposed amendment to the Zoning Ordinances relative to an affordable housing trust fund.

At this time the Chair agreed to withdraw the petition due to technical difficulties of the Planning Board and to refer to the full City Council a new petition as amended by Councillor Duehay at the next regular City Council meeting.

The motion to withdraw - carried.

For the Committee,

Councillor William H. Walsh,
Chairman.

In City Council January 23, 1989

The Committee on Ordinances conducted a public hearing on Wednesday, January 11, 1989 beginning at 5:30 p. m. in the Sullivan Chamber, City Hall.

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The amendment - prevailed.

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At this time the Chair agreed to withdraw the petition due to technical difficulties of the Planning Board and to refer to the full City Council a new petition as amended by Councillor Duehay at the next regular City Council meeting.

The motion to withdraw - carried.

For the Committee,

Councillor William H. Walsh,
Chairman.

FIRST PUBLICATION NO. 2424.

City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

AN ORDINANCE

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

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

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Passed to a second reading at the City Council meeting held on January 23, 1989 and on or after February 6, 1989 the question comes on passing to be ordained.

ATTEST:- Joseph E. Conmarton,
City Clerk

CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

November 7, 1988

To the Honorable, the City Council:

Enclosed please find copy of a proposed amendment to paragraph 3, Section 3.14 - Cambridgeport Interim Planning Overlay District, of the Zoning Ordinance of the City of Cambridge

Very truly yours,

Robert W. Healy
City Manager

RWH/mbf

Amend the text of the Zoning Ordinance of the City of Cambridge by deleting paragraph 3 of Section 3.14 - Cambrideport Interim Planning Overlay District and substituting therefor the following (with new language underlined):

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ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

November 7, 1988

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Amend the text of the Zoning Ordinance of the City of Cambridge by deleting paragraph 3 of Section 3.14 - Cambrideport Interim Planning Overlay District and substituting therefor the following (with new language underlined):

3. The maximum height of any building shall be 45 feet (;) <u>inclusive of those structural elements otherwise exempt under the provisions of Section 5.23 of the Zoning Ordinance</u>;

5.23 *Height Exceptions.* The provisions of this ordinance governing the height of buildings and structures in all districts shall not apply to chimneys, water towers, air conditioning equipment, elevator bulkheads, skylights, ventilators and other necessary features appurtenant to buildings which are usually carried above roofs and are not used for human occupancy, nor to domes, towers or spires above buildings if such features are not used for human occupancy and occupy less than ten percent of the lot area, nor to wireless or broadcasting towers and other like unenclosed structures which occupy less than ten percent of the lot area.

5.24 *Yards*

5.241 Every part of a required yard shall be open to the sky and unobstructed. Awnings, arbors, fences, flagpoles, recreational and laundry drying equipment and similar objects shall not be considered obstructions when located within a required yard. Open or lattice-enclosed fire escapes for emergency use only are permitted to encroach on yard areas.

5.242 Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than three and one-half feet and which are part of a building not more than thirty-five feet in height, and unenclosed steps, unroofed porches and the like which do not project more than ten feet beyond the line of the foundation wall and which are not over four feet above the average level of the adjoining ground, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built.

5.243 On lots abutting streets on more than one side, the front yard requirements of each of the abutting streets shall apply regardless of designated front lot lines. Any remaining sides shall be subject to side yard requirements.

5.244 Measurements for minimum yards which are determined by formula shall be made in the following manner:

(1) "H" is the height of the building. "L" is the length of wall measured parallel to the corresponding lot or street line. The front yard is measured from the street line, or building line where such has been established, except where otherwise indicated herein. For buildings of forty feet or less in height the denominator in the yard formulas in the Tables in Section 5.30 may be increased by two subject to the minimum yard requirements set forth in footnotes a, b and c of Tables 5-1 and 5-2.

(2) Where a building consists of various roof levels an average height, or "H", may be used in the required yard formula. Average height is determined by adding the products of the height of each roof level facing the given lot line, (H_1, H_2, etc.) times the length of each roof level (L_1, L_2, etc.) and dividing the sum by the sum of the length of the levels (L_1, L_2, etc.) (see formula below)

$$\text{AVERAGE HEIGHT} = \frac{(H_1 \times L_1) + (H_2 \times L_2)}{L_1 + L_2}$$

Alexandre A. Adams — *Attorney at Law*

323 Broadway
Cambridge, Massachusetts 02139
Telephone (617) 492-4100

January 11, 1989

To: Cambridge City Council
RE: Proposed East Cambridge/Kendall Square IPOD

- -

Dear Council Member:

In an effort to offer COM/Energy's input as to their position and issues raised by the above proposal, would you kindly examine the enclosed memorandum.

Further, may I call to your attention that during the study period COM/Energy was not notified, nor had knowledge of the City's plans for interim zoning until November of 1988.

The history of good will and openness between the City of Cambridge and COM/Energy has been lengthy and continuous, including the City's early approval of COM/Energy's use of this land.

Numerous plans were submitted and many meetings were conducted with various agencies as to the development of this property for the past ten years, which eventually resulted in approval by the City.

It is the position of COM/Energy that, as on previous occasions, they would have sought involvement and input as to the Community Development Department plans, if they were aware of its proposal.

Although there are other issues and factual arguments to be offered, e.g., the geographic location of COM/Engery's properties in relation to the residential area, which, if you desire, will be advanced.

I trust that during your consideration of this proposal that you will be aided by our position.

Thank you.

Very truly yours,

Alexandre A. Adams

/laf

Enclosure

COM/Energy Research Park Realty
One Main Street
Post Office Box 9150
Cambridge, Massachusetts 02142-9150
Telephone (617) 225-4000

COM/Energy

MEMORANDUM

To: Cambridge City Council Members
Re: Proposed East Cambridge/Kendall Square IPOD

This memorandum serves to identify those major issues arising from the proposed interim zoning ordinance for East Cambridge and Kendall Square (the "IPOD"). This IPOD seeks to base its analytical support in a survey of East Cambridge residents and calls for a temporary FAR of 1.0 and a height limit of 45 feet, thereby eliminating any economic development rights during the duration of the IPOD. (The IPOD is readily acknowledged as a moratorium designed to temporarily freeze development in the affected area.) The political, tax-related, and legal issues potentially surrounding this IPOD are such that the IPOD at the very least requires considerable study prior to its imposition.

This proposed IPOD is a new and radical technique of effectuating (or, better put, eliminating the need for) a zoning study: viz., impose a moratorium upon the economic development of valuable land and then allow the landowner to participate in a negotiating process with neighborhood activists to determine the future use of such land! COM/Energy Research Park Realty is, even now, being specifically, directly and immediately harmed by such pending IPOD and urges the City Council to defeat this IPOD for the following reasons:

-The starting point of this IPOD is grounded in a survey of certain residents which appears to be biased and subject to serious question. This hasty survey is in stark contrast to recent studies completed in respect of this land, both as to the depth of study and the conclusions reached. A prior comprehensive and thorough plan (performed only ten years ago) was the basis for downzoning COM/Energy Research Park Realty's site from a 4.0 FAR to a 3.0 FAR. The existing zoning scheme has in place a mechanism, i.e., the PUD and special permit process, for community input. It is inherently unfair for a biased neighborhood survey to be the basis for a moratorium which represents not only the second downzoning of the site in recent years but also an abandonment of a comprehensive zoning scheme supported by a legitimate and thorough study.

-Commonwealth Energy System and its subsidiaries have a unique and important relationship with the City of Cambridge and its citizens, as employer, taxpayer, and provider of

The name "COM/Energy Research Park Realty" means the trustees for the time being (as trustees but not individually) under a Declaration of Trust dated February 1, 1982, and as it may be amended, which is hereby referred to, and a copy of which has been filed with the Secretary of The Commonwealth of Massachusetts. Any agreement, obligation or liability made, entered into or incurred by or on behalf of the Trust binds only the trust estate, and no shareholder, director, trustee, officer or agent assumes, or shall be held to, any liability by reason thereof.

essential services and as such are disturbed at the manner in which COM/Energy Research Park Realty's land has been singled out for exaggerated and disproportionate injury.

-With its subsidiaries, Commonwealth Energy System pays approximately $4,000,000.00 in taxes yearly to the City of Cambridge, has approximately 600 employees located in Cambridge, and employs 70 Cambridge residents.

-COM/Energy Research Park Realty and Commonwealth Energy System recently learned that the survey had been underway. Despite the fact that COM/Energy Research Park Realty's land is a primary parcel of property affected by the proposal (and in fact is specifically focused on in the survey), neither COM/Energy Research Park Realty nor Commonwealth Energy System were ever solicited for input into the process.

-While there is no rational relationship between the purported goals of the survey and imposition of a temporary moratorium on the affected landowners as a whole, the survey's justifications for the IPOD become even more fallacious when applied to COM/Energy Research Park Realty's site. For example, a major concern articulated in the survey is that of automobile traffic. Yet COM/Energy Research Park Realty's site, being in the orbit of Kendall Square, is adjacent to the MBTA Kendall Square subway stop and major bus routes. Using neighborhood concerns of increased automobile traffic to impose a moratorium upon a site with such obvious public transportation access is llogical at best and raises disturbing questions about underlying motivation.

In addition to those reasons peculiar to Commonwealth Energy Systems and its subsidiaries, as articulated above, there are additional reasons applicable not only to COM/Energy Research Park Realty but to the affected landowners as a whole which support the request to defeat the IPOD:

-Basing a temporary moratorium upon a survey which explicitly excluded those parties to be damaged by the moratorium is inherently unfair and raises questions concerning actual underlying motivation.

-This survey upon which the IPOD purports to be based is itself problematical and troubling with respect to the methodologies and sample groups chosen and is seriously suspect in light of the fact that previous comprehensive studies had not only supported the development which the IPOD seeks to eliminate, but these studies (and current studies) show that East Cambridge residents are far more amenable to development than this hasty survey would suggest.

-There is no reasonable relationship between the focus of the survey and the imposition of a temporary moratorium. For example, the survey suggests that the IPOD, by eliminating development, will help slow the increase in residential property values. First: the increase in property values is being experienced throughout Cambridge and the region. And second: one is hard pressed to assert that residential property owners in East Cambridge (as opposed to tenants) do not want the value of their home to increase over time. This type of reasoning is troublesome at best and is certainly insufficient as a justification to impose such a severe zoning restriction.

-Meaningful involvement by affected property owners should precede a temporary moratorium, not follow it. Unilaterally stripping a property owner of development rights and subsequently offering that party the opportunity for "input" into the permanent reclassification of the affected land is biased, radical, unprecedented and unfair.

-Equity would require that a tax abatement for the duration of the moratorium be in order. How the burden of this abatement is ultimately allocated between the rent controlled property owners and the non-rent controlled property owners is an issue the City will need to seriously consider.

-One of the most serious issues raised by the IPOD is that which arises under a 5th Amendment taking analysis. The extent of this issue arises primarily because of recent cases decided by the both the United States Supreme Court and the Massachusetts Supreme Judicial Court ("SJC"); if the IPOD had been imposed, e.g., two years ago, the relevant issues would have been considerably less troubling for the City.

-The United States Supreme Court last year ruled for the first time, in the First Lutheran case, that a temporary taking by zoning is actionable for damages. The First Lutheran case involved an interim zoning ordinance banning development within a flood protection area. This case did not change the analysis by which a taking is determined to have occurred; instead the decision expands the protection accorded landowners subject to a temporary taking by expressly acknowledging damages, as opposed to invalidation of the zoning ordinance, as a constitutionally available remedy.

-Under First Lutheran, even a rationally determined and unbiased IPOD gives rise to the prospect of damages; and, a fortiori, an IPOD based on a process which is biased, unilateral and unprecedented is all the more vulnerable to a claim of damages (possibly even a class-action suit).

-The SJC, in the Pheasant Ridge case, also decided last year, took the extremely rare step of setting aside a taking effected by the Town of Burlington as based on improper motivation. Thus, a municipality is no longer immune from careful judicial scrutiny into the actual motivation underlying a taking, notwithstanding the facially valid justification proclaimed by such municipality.

The aforementioned issues show, particularly in light of recent decisions by the highest courts of the United States and Massachusetts, that virtual deprivation of development rights, even if temporary, should be preceded by a careful and meaningful study.

As expressed above, in addition to those hardships inflicted by the IPOD on the affected landowners as a whole, Commonwealth Energy System and its subsidiaries are made to suffer unique, severe and immediate damage thereby. Therefore, for the reasons articulated herein, COM/Energy Research Park Realty urges that the IPOD be rejected.

Very truly yours,

Richard H. Schofield

Richard H. Schofield
Director of Real Estate

CERP
RHS:rpr

cc: R. W. Healey

Committee on Ordinances

1/11/89

Present - Councillor William Walsh - Presiding 5:55 P.M.

1. C. Durhay
2. C. Russell
3. C. D. Sullivan
4. C. Wolf

Cambridgeport Interim Planning Overlay District

M. Rosenberg

This addresses a gap w/in the Cambridgeport area to exceed 45' (Forest Cities Area)

"Towers and accessories to buildings be included.

Arthur Miringos
89 Allston St.

Opposed to the petition. Old prohibit mes from building a higher chimney or new T.V. antenna.

M. Rosenberg — § 5.23 covers chimneys under exceptions

*C. Wolf — "Nothing in this § shall prevent an owner from repairing / replacing chimneys or T.V. antennas on their property"

V / V

S. D. Sullivan — Ref to c/c w/ favorable report

V / V

6:09 P.M.

Recess @ 6:10 P.M.

6:30 P.M. East Cambridge Interim Planning Overlay

M. Rosenberg — This was effort to work more closely w/ East Cambridge residents on development.
Have had survey done. Formed study committee and have reached agreement on many recommendations, particularly regarding commercial development.

Should this petition pass a new study committee would be appointed. This proposal would be in effect for ~~one~~ one year.

C. Durham — Will recommendations be ready in time for expiration of 1 year.

M. Rosenberg — Yes, we feel that's realistic.

C. Durham — We need a couple 3 months for our hearings and discussion.

C Wolf — Wants good cross section of all neighborhood groups so no exception & process for the study committee.

Ques. if this recommendation sought was unanimous by the present study committee.

I'm not sure, I believe so, but was not present for vote.

Model of implementation is vital.
Petitions are too frequent, city needs to address zoning issues (six month intervals)

C. Duehay — what extent does compromise play a role between residents and business

M. Rosenberg — Some landlord owners are upset they were left out of study.
We do not intent to put a complete zoning package in place until all people are involved in the discussion process.

Hughes Salerno third St. — Unanimous support of East Cambridge Stabilization Committee.
"Quality of life"
Wants something we can all ~~[illegible]~~ live with.

~~Wes~~ Les Cone — Supports petition
Need to address traffic problems.

East Camb. — Quality of life

Richard Schofield
Com/Energy

- opposed Outlined their development of Com/Energy re: Saddlebrook

We've used PUD process 3 times have not gone as of right.

Eric Wodlinger, Esq.
Choate, Hall, Stewart

It's my understanding 60% of people (businesses) have filed opposition letters.

This IPOD is premature.

Steve Teasel
CBT architects
Boston

Urged consultation w/ business groups prior to an interim petition. FAR not only tool Urban Design Guidelines would be better served to do this now.

C.D. Sullivan

Wld CBT support affordable housing impact fee

Teasel

I'd be interested in finding that out.

C.D. Sullivan

We need time to develop a plan, hence this petition

Robert L. Beal Beal Companies (Binney, Rogers, Third St.)	This is effectively a temporary moratorium. Leaving out land owners was inappropriate.
Douglas Cohen (Family owns property affected)	Opposed to the petition 1 PUD would cause problem w/ financing and/or re-financing
Charles Adams, Esq. Met. Pipe and Supply (Binney St.)	Lack of input is wrong. If there is a further planning process, we would like to be involved.
Robert Jones Athenaeum Group	We own 2.5 acres w/in area This is really a moratorium. It's a question of process and style.
C. Durham	Growing feeling w/in community concerning zoning. We must address it.
C. Russell	Remain in Committee subject to Comty. Dev. meeting w/ business groups. (See roll calls)

7

8:14 P.M. Regulating the Sale and Marketing of Replica Firearms.

Favor - None

Opposed None

C-Russell Moved to refer petition to full C/C w/ favorable recommendation

V/V

Adj: 8:15 P.M.

C. C. 108

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 pbulic hearing on Wednesday, January 11, 1989 at 5:30 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition of the City Council to amend the Zoning Ordinances of the City of Cambridge by amending the text of Section 3.14 - Cambridgeport Interim Planning Overlay District in paragraph 3. The new language is underlined.

3. The maximum height of any building shall be 45 feet(;) inclusive of those structural elements otherwise exempt under the provisions of Section 5.23 of the Zoning Ordinance;

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 William H. Walsh,
Chairman.

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C. C. 106

PUBLIC NOTICE

RELATIVE TO ZONING

City of Cambridge

MASSACHUSETTS

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Councillor William H. Walsh,
Chairman.

C. C. 106

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For the Committee,

Councillor William H. Walsh,
Chairman.

1-2-3

Continued from page 1

"This is a devastating petition for tenants and we should vote it down," said Saundra Graham before the final council decision Monday night.

Graham, in fact, parted with her three CCA colleagues when she joined the independents in pushing for the final official vote. David Sullivan, Duehay and Wolf lashed out at the initiative, claiming it would mean the beginning of "class warfare" between rich and poor tenants and the end of affordable housing in Cambridge.

But they wanted the intiative to be tabled without the political imprint of the official council vote. If the initiative had been left on the table indefinitely, it still would have been placed as a question on the ballot in November.

Fred Meyer, a Harvard Square realtor who authored Proposition 1-2-3, told the council Monday night: "I happen to belive that the only way people can get ahead in their life is to own their own home."

Since last fall, Meyer, the Cambridge Home Ownership Association and other real estate interests collected almost 15,000 petition signatures of registered voters. The group only filed half of them so there would not have to be a special election on the measure.

The first part of the initiative would allow tenants who have lived in their apartments for two years to buy them, if their landlords want to sell. The city's rent control law now allows tenants who have lived in their units since before Aug. 10, 1979 to buy them.

The second part would exempt a single-family home or condominium from rent control, if it has been occupied by the owner for two years. This would allow homeowners to rent their dwellings at market rate. The city's rent control law currently allows homeowners who have left their dwellings for no more than two years to rent them at market rate.

The third part would allocate two-thirds of the resulting higher real estate revenues from the sale of apartments into a housing trust fund to help low- and moderate-income tenants.

To an extent, the proposal is based on a defunct bylaw in Brookline that once allowed tenants who lived in their apartments for two years to buy them. Town Meeting overturned the bylaw last year because of alleged abuses by landlords and tenants. More than 1,000 units had been sold to tenants before the bylaw was overturned.

"Brookline is a good example of why Proposition 1-2-3 does not work," said Jeffrey Purcell, a Hammond Street tenant and attorney for Greater Boston Legal Services. "It is a fraud."

With 12,000 to 14,000 apartments under rent control in Cambridge, the intiative would have a tremendous impact on the city's stock of affordable housing, both proponents and opponents agree.

Purcell said only wealthy tenants would be able to afford to purchase their units, while low- to moderate-income tenants would be eventually squeezed out by their landlords.

Charles Laverty, chair of the Home Ownership Association, said most landlords would prefer to negotiate deals with their tenants than maintain less than profitable real estate. But he stressed that tenants would have the right to stay under the protection of rent control if they don't want to buy their apartments.

Meyer, who was jeered by the tenants during the two-hour hearing Monday night, waved a poster in front of the council that offered a $1,000 reward for securing a rent-controlled apartment.

HEALY

Continued from page 1

Healy, 48, said in a phone interview after the council meeting that a few councilors had approached him about staying on the job through June 30, 1993. He said he is seeking a three-year extension of his contract, not a salary increase.

"I am pleased to see that if (the order) is successful, it would be taken out of election year politics," Healy said.

The four independents who signed the order were Councilors Thomas Danehy, Sheila Russell, Walter Sullivan and William Walsh. Independent Mayor Alfred Vellucci, who could have made the contract extension official with his endorsement, did not sign the order.

The order was introduced toward the end of Monday night's marathon council session and after most of the large audience had left the Sullivan Chamber.

Councilor Alice Wolf, backed by the good-government Cambridge Civic Association (CCA), charter-righted the order and postponed any council action until Jan. 9.

"I favor a process where the city manager is the city manager of all of the city councilors, not just individual city councilors," Wolf said. "This (order) is a totally political process."

Wolf, who generally gave Healy high grades for his past performance, said the process should be open so that all nine councilors can have the opportunity to question the city manager on the future of Cambridge, particularly on budget and development issues.

She favors the idea of a long-term contract up to three years because it creates a "balancing act" between the city manager and council. But she would not comment on whether she will support the extension of Healy's extension.

Walsh, one of the four independents who favored the immediate extension of Healy's contract, said, "I don't want him to be a free agent."

In terms of performance and status, Walsh compared the city manager to former Boston Red Sox pitcher Bruce Hurst, who was recently signed away by the San Diego Padres.

"If we don't sign (Healy) now, he may cost us more money later," Walsh said.

CCA-backed Councilor David Sullivan raised questions about the "buyout" clause in the contract, which would require the city to pay Healy in full through June 30, 1993 even if he is fired. The only exeption would be if Healy were convicted of a criminal offense.

Sullivan also expressed concern about "democratic accountability" in the contract process and said there has been no annual evaluation of Healy's performance in recent years.

Sullivan was the only councilor to vote against Healy's contract extension in December 1984 and October 1986. He has not made up his mind about the latest extension request.

Like the majority of the council, Sullivan called Healy a responsible fiscal manager. The city has the second highest possible bond rating and has received awards for its budget process.

Many neighborhood activists sharply criticized Healy after state and federal officials this fall found the city in violation of the 1973 Clean Air Act. Officials charged the city had exceeded the federal limit on the number of commercial parking spaces in Cambridge.

Several councilors privately and publicly acknowledged that the city made a serious mistake in its parking garage policy. But none said Healy was acting in "bad faith." While city and federal officials have straightened out some of their policy differences, the city still faces a lawsuit filed by neighborhood residents who are fighting the construction of the Binney Street garage at One Kendall Square.

In general, many neighborhood residents contend that Healy and most council members have transformed Cambridge into a pro-development city. Officials counter that new construction is one of the primary ways the city is able to pay for an ever-expanding budget of services.

Healy became city manager in 1981 after spending seven years as assistant and deputy city manager to James L. Sullivan. City Hall sources say Healy is a "neutral" city manager, while his predecessor had the reputation of a "political animal."

By law, the council and city manager have to notify each other of their plans for the post six months before the manager's contract expires. In this case, the deadline is Dec. 31, 1989.

RENT

Continued from page 1

At the same time, landlords who filed for an individual adjustment before Dec. 31, 1988, will still be able to pursue their request and factor in the general adjustment figures for their buildings.

The rent control board is expected to issue the adjustment notices to tenants and landlords in early March. Tenants will have 18 days to respond to the notices, checking off any possible housing code violations on affidavits of condition. Landlords in turn must file affidavits of compliance.

The process can take a few months, so new rents will not take effect until June.

Quit smoking.
WE'RE FIGHTING FOR YOUR LIFE
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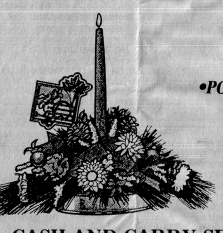
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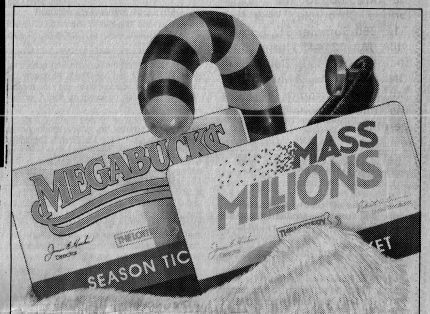

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Give them the games they can play long after the season ends: A Mass Millions Season Ticket (52 weeks for $50 or 26 weeks for $25) or a Megabucks Season Ticket (52 weeks for $100 or 26 weeks for $50—2 drawings a week).
To make it even easier, you can now Quic-Pic season ticket numbers. All you do is ask your Lottery agent for a Season Ticket Quic-Pic. Just think of the gifts you might receive next year.
THE LOTTERY

COMMONWEALTH OF MASSACHUSETTS
LAND COURT DEPARTMENT
OF THE TRIAL COURT
(Seal) Case No. 130702

To Brock Nicholas Allen, Trustee of BNA Realty Trust; and LILO Investment and Development Corporation and to all persons entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended:

East Cambridge Savings Bank; claiming to be the holder of a mortgage covering real property in Cambridge, Unit 9-1, the Newport Condominium, Newport Road, given by Brock Nicholas Allen, Trustee of BNA Realty Trust to plaintiff, dated August 26, 1986, recorded with Middlesex County (Southern District) Registry of Deeds, Book 17354, Page 546, has filed with said court a complaint for authority to foreclose said mortgage in the manner following: by entry and possession and exercise of power of sale.

If you are entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended and you object to such foreclosure you or your attorney must file a written appearance and answer in said court at Boston on or before the twenty-third day of January 1989, or you may be forever barred from claiming that such foreclosure is invalid and void.

Witness, Marilyn M. Sullivan, Chief Justice of said Court this fifth day of December 1988.

Charles W. Trombly, Jr.
Recorder

(C)Dec.22

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138, as amended, that **Savenor's Liquor Mart, Inc., Joseph Savenor, Manager** has applied for a change of location of its license to sell wines and malt beverages as package goods store at 222 Broadway to 220 Broadway.

The hearing on this transfer will be held on Tuesday, January 10, 1989, at six o'clock, in the Barbara Ackermann Room, Room 200, City Hall.

James Thaddeus McDavitt
Anthony G. Paolillo
Thomas V. Scott
License Commission

(C)Dec.22

MORTGAGEE'S
SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Michael A. Nelson** to **Yankee Bank For Finance & Savings FSB** dated August 29, 1983 and recorded with Middlesex South District Registry of Deeds in Book 17352, Page 558 and assigned to The Boston Five Cents Savings Bank FSB by assignment dated March 22, 1988 and recorded with the Middlesex South District Registry of Deeds in Book 18944, Page 414, of which mortgage the undersigned is the present holder for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 10:00 o'clock, A.M. on the 9th day of January, 1989, on the premises hereafter described all and singular the premises and the collateral described in said mortgage.

To Wit:

"Collateral" shall include all and each of the following, whether singly or collectively, whether real property, personal property, or a combination thereof, whether now owned or now due or now existing, or in which the Mortgagor has an interest, or hereafter, at any time in the future, acquired, arising, or to become due, or in which the Mortgagor obtains an interest, and all proceeds, products, substitutions and accessions of or to any of the following.

(a) The land with buildings and improvements whether now existing or hereafter constructed or located thereon situated in Cambridge, Massachusetts, as more particularly described on Exhibit A annexed hereto, and known and numbered as 3-5 Channing Place (hereinafter, the "Mortgaged Premises");

(b) All furnaces, ranges, heaters, plumbing goods, gas and electric fixtures, screens, screen doors, mantels, shades, storm doors and windows, awnings, oil burners and tanks or other equipment, gas or electric refrigerators and refrigerating systems, ventilating and air conditioning apparatus and equipment, door bell and alarm systems, sprinkler and fire extinguishing systems, portable or sectional buildings, and all other fixtures of whatever kind or nature owned by the Mortgagor, now or in the future contained in or on the Mortgage Premises, and any and all similar fixtures hereinafter installed in the Mortgaged Premises in any manner which renders such articles usable in connection therewith;

(c) All easements, covenants, agreements and rights which are appurtenant to or benefit the Mortgaged Premises;

(d) All machinery, equipment, furniture, inventory building supplies, and appliances, owned by the Mortgagor, used or useful in the construction, operation, maintenance, or occupation of the Mortgaged Premises or any portion or unit thereof;

(e) All leases, tenancies, and occupancies, whether written or not, regarding all or any portion of the foregoing (hereinafter the "Leases"), all guarantees and security relating thereto, together with all income and profit arising therefrom or from any of the foregoing Subparagraphs (a) through (f), and all payments due or to become due thereunder (hereinafter, the "Rental Payments") including, without limitation, all rent, additional rent damages, insurance payments, taxes, insurance proceeds, condemnation awards, or any payments with respect to options contained therein (including any purchase option);

(f) All funds held by the Mortgagee as tax or insurance escrow payments;

(g) All proceeds received from the sale, exchange, collection or other disposition or any of the foregoing Subparagraphs (a) through (f); all insurance proceeds relating to all or any portion of the foregoing subparagraphs; and all awards, damages, proceeds, or refunds from any state, local, federal or other takings of, and all municipal tax abatements relating to, all or any portion of the foregoing Subparagraphs (a) through (f); and

(h) All rights, remedies, representations, warranties, and privileges pertaining to any of the foregoing subparagraphs.

EXHIBIT A

A certain parcel of land with the buildings thereon situated in said Cambridge, being now #3-5 Channing Place assessed as #7 and 9, and being shown as lot containing 16,903 square feet on plan entitled "Plan of Premises in Old Cambridge Belonging to Mrs. Frances B. Newell," dated April 15, 1893, by W.A. Mason & Son Surveyors, recorded with Middlesex South District Deeds in Book of Plans 80, Plan 4, said parcel being bounded and described as follows:

Easterly by Channing Place, 100 feet;

Northerly by the extension westwardly of said place by four lines, 120.46 feet; 10.41 feet; 10.41 feet and 29.72 feet, in all 171 feet;

Westerly by land now or formerly of Piper 95.01 feet;

Southerly by land now or formerly of Merriman 120.83 feet and by other land conveyed to said Merriman by deed dated December 31, 1926, 50 feet.

Or however otherwise said premises may be bounded or described, and being all or any of said measurements and contents more or less.

There is excepted from said conveyance that part shown as Lot D on plan entitled "Plan of Land in Cambridge, Mass. Surveyed for Mrs. Roger B. Merriman" dated May 24, 1947, by W.A. Mason & Son Co., Surveyors, recorded with said Deeds in Book 7147, Page 578.

Terms of Sale:

Said premises will be sold subject to any and all unpaid taxes and assessments, tax sales, tax titles and other municipal liens and water liens, if any there are. **Thirty Thousand ($30,000.00) Dollars** in cash, treasurer's check, or certified check will be required to be paid by the purchaser at the time and place of sale as a non-refundable deposit and the balance will be due in thirty (30) days.

Other terms to be announced at the sale.

Date: November 30, 1988

THE BOSTON FIVE CENTS
SAVINGS BANK FSB
By:
Susan Monahan, Commercial Lending
Asset Manager
PRESENT HOLDER OF SAID MORTGAGE
Harrison & Maguire, P.C.
24 School Street
Boston, MA 02108
(617) 742-3810

(C)Dec.8,15,22

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138, as amended that **Katis Enterprises, Inc.** d/b/a **The Fishery, George H. Katis, Manager,** holder of an all alcoholic beverages as a restaurant license at 724-730 Massachusetts Avenue has applied for an increase of capacity from 125-190. The additional capacity will be non-alcoholic seating. This premises is in the Cap Area #1.

The hearing on this application will be held on Tuesday, January 10, 1989, at six o'clock, in the Barbara Ackermann Room, Room 200, City Hall.

James Thaddeus McDavitt
Anthony G. Paolillo
Thomas V. Scott
License Commission

(C)Dec.22

CITY OF CAMBRIDGE
DEPARTMENT OF
TRAFFIC & PARKING

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the traffic Regulations of the City of Cambridge by adding the following regulation.

REGULATION NO. 88-31

Regulation No. 66-1 Schedule 10 "Parking Time Limited On Certain Sides Of Certain Streets" is hereby amended by adding the following:

Huron Avenue, west side, from Concord Avenue to 125 feet South of Concord Avenue, 8 am to 6 pm, for 1 hour, except Sunday.

Charles Street, north side, from First Street to Second Street, 8 AM to 6 PM, for 1 hour, except Sunday

Hurley Street, south side, from 114'E of Second Street to First Street, 8 AM to 6 PM, for 1 hour, except Sunday.

And is also amended by removing the following:

Hurley Street, south side, from 114'E of Second Street to First Street, 8 AM to 6 PM, for 2 hours, except Sunday.

This regulation shall take effect 27 December 1988.

Promulgated
Date
Dec. 5, 1988

George Teso
Traffic Director

(C)Dec.8,15,22

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. **Probate Court**
No. 84P0730E

NOTICE OF FIDUCIARY'S ACCOUNT

To all persons interested in the estate of **Agnes Goldman Sanborn** (late) of Cambridge, in said County, deceased.

You are hereby notified pursuant to Mass. R.Civ.P. Rule 72 that the First and Final account of **Sarah S. Moench** and **AnnaMaria Abernathy,** as executrices (the fiduciaries) of the will of said deceased has been presented to said Court for allowance.

If you desire to preserve your right to file an objection to said account, you or your attorney must file a written appearance in said Court at Cambridge on or before the 5th day of January 1989, the return day of this citation. You may upon written request by registered or certified mail to the fiduciaries, or to the attorney for the fiduciaries, obtain without cost a copy of said account. If you desire to object to any item of said account, you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciaries pursuant to Mass. R.Civ.P. Rule 5.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 21st day of November, 1988.

Paul J. Cavanaugh
Register

(C)Dec.22

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND
FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division **Docket No. 88P5424E**

Estate of **Catherine O'M. Bernardi**
also known as **Catherine V. Bernardi**
late of **Cambridge**
in the County of **Middlesex**

NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that **Stephen M. Bernardi** of Boston in the County of Suffolk be appointed executor without giving surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on January 17, 1989.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the fourteenth day of December in the year of our Lord one thousand nine hundred and eighty-eight.

Paul J. Cavanaugh
Register of Probate

(C)Dec.22

NOTICE OF SALE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Richard E. Lenza, Trustee of CHE Trust,** dated February 4, 1987, and recorded with the Middlesex South Registry of Deeds in Book 17841, Page 587, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at public auction at 11:00 o'clock a.m. on the 6th day of January, 1989, on the mortgaged premises in Cambridge/Somerville, Middlesex County, Massachusetts all and singular the premises described in said mortgage.

To wit: A certain parcel of land being numbered 16 Chester Street and situated partly in Somerville and partly in Cambridge and being bounded and described as follows:

Beginning at a point in the Southeasterly line of said Chester Street distant one hundred fifty-nine and one half (159½) feet Southwesterly from the angle formed by the intersection of said Southeasterly line of said Chester Street and the Southwesterly line of Orchard Street in said Somerville thence running from said point.

Southwesterly: on said Chester Street, fifty-nine and one half (59½) feet to land now or formerly of Kingsley, thence turning and running

Southeasterly: on said land now or formerly of said Kingsley, one hundred fifty (150) feet to land now or formerly of Russell; thence turning and running

Northeasterly: on said land now or formerly of said Russell, sixty and one half (60½) feet to land now or formerly of Collins; thence turning and running

Northwesterly: on said land now or formerly of said Collins, one hundred fifty (150) feet to the point of beginning.

Containing 9,000 square feet of land, more or less.

Terms of Sale: Thirty Thousand and 00/100 ($30,000.00) Dollars, shall be paid in cash or by certified or bank cashier's check by the purchaser at the time and place of sale and the balance to be paid in cash or by certified or bank cashier's check at Boroff & Associates, P.C., 55 Summer Street, 9th Floor, Boston, Massachusetts, within fifteen (15) days from the date of sale.

Said sale shall be subject to all taxes, tax liens, municipal betterments and assessments, if any.

Other terms to be announced at the sale.

Dated: December 7, 1988

Guaranty-First Trust Company
By: James D. Corry,
Vice President
Present holder of said mortgage

(C)Dec. 15,22,29

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 Wednesday, January 11, 1989 at 5:30 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition of the City Council to amend the Zoning Ordinances of the City of Cambridge by **amending the text of Section 3.14** - Cambridgeport Interim Planning Overlay District in paragraph 3. The new language is underlined.

3. The maximum height of any building shall be 45 feet;) **inclusive of those structural elements otherwise exempt under the provisions of Section 5.23 of the Zoning Ordinance;**

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 William H. Walsh,
Chairman.

(C)Dec.15,22

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND
FAMILY COURT DEPARTMENT
PROBATE OF WILL
WITHOUT SURETIES
Middlesex Division **Docket No. 88P6359E**

Estate of **Nora J. Healy**
late of **Cambridge**
in the County of **Middlesex**

NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that **John F. Healy** of Arlington in the County of Middlesex be appointed executor without giving surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on January 17, 1989.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twelfth day of December in the year of our Lord one thousand nine hundred and eighty-eight.

Paul J. Cavanaugh
Register of Probate

(C)Dec.22

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that **Lee's Buzy Bee Ltd.,** doing business as **Lee's Beehive, by Cornelius T. Lee, Manager,** has applied for a common victualler's license to be exercised on the 1st floor at 24 Dunster St. Said license if granted would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises and would allow the applicant to maintain said premises as a restaurant to be open to all classes of the public and to have a seating capacity of 44 persons. Said license if granted would be exercised from 6 a.m. to Midnight on weekdays and from 6 a.m. to Midnight on Sundays. The applicant is not seeking to maintain any entertainment on the premises.

A hearing on said application will be held on Tuesday, January 10, 1989 at 6:00 P.M. in Room 200, City Hall, 795 Massachusetts Avenue. Any person wishing to comment on said application may attend the hearing or such person may prior to the hearing submit a written statement to James Thaddeus McDavitt, Chairman of the License Commission, Room 205, City Hall, 795 Massachusetts Avenue, Cambridge, Mass., 02139.

James Thaddeus McDavitt
Anthony G. Paolillo
Thomas V. Scott
License Commission

(C)Dec.22

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND
FAMILY COURT DEPARTMENT
PROBATE OF WILL
WITHOUT SURETIES
Middlesex Division **Docket No. 88P4136E**

Estate of **Edna L. Green**
also known as **Edna Green**
late of **Cambridge**
in the County of **Middlesex**

NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that **Norman A. Erlich** of Boston in the County of Suffolk be appointed executor without giving surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on January 5, 1989.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the fifth day of December in the year of our Lord one thousand nine hundred and eighty-eight.

Paul J. Cavanaugh
Register of Probate

(C)Dec.22

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 Wednesday, January 11, 1989 at 6:00 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition of the City Council to amend the Zoning Ordinances of the City of Cambridge by inserting the following sentences prior to the sentence which begins; "The Trustees, with concurrence of the City Manager..." in paragraph 11 205.3, which reads as follows:

If the City Manager chooses to appoint a representative of the academic community to the Board of Trustees of the Affordable Housing Trust, he will elicit from Harvard University, M.I.T., and Lesley College the names of five (5) mutually agreed upon candidates from whom the City Manager will select the nominee. If the City Manager chooses to nominate a developer to the Board, he/she must having voting residency in the City of Cambridge.

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 William H. Walsh,
Chairman.

(C)Dec.15,22

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138, as amended that **Vie de France - Cambridge Corporation, Gregory Pallaske, Manager,** holder of a wines and malt beverages as a restaurant license at 1100 Massachusetts Avenue has applied for a change of manager from Gregory Pallaske to **Robert N. Blessing, Jr.**

The hearing on this application will be held Tuesday evening, January 10, 1989, at six o'clock, in the Barbara Ackermann Room, Room 200, City Hall.

James Thaddeus McDavitt
Anthony G. Paolillo
Thomas V. Scott
License Commission

(C)Dec.22

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138, as amended that **Boyer's Bottled Liquors, Inc.** d/b/a **Warehouse Liquors, James Marr, Manager,** has applied for a transfer of its license to sell all alcoholic beverages as a package goods store at 69 First Street to **Broadway Joe Savenor and Sons, Inc., Joseph Savenor, Manager** at 222 Broadway.

The premises are described as follows: One large store on first floor with cellar for storage.

The officers and directors of Broadway Joe Savenor and Sons, Inc. are: Joseph Savenor, President and Treasurer; and Director; Linda A. Savenor, Clerk and Director.

The hearing on this transfer will be held Tuesday evening, January 10, 1989, at six o'clock, in the Barbara Ackermann Room, Room 200, City Hall.

James Thaddeus McDavitt
Anthony G. Paolillo
Thomas V. Scott
License Commission

(C)Dec.22

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138, as amended, that **Boston Beer Brewing Company, Inc., Philip C. Bannatyne, Manager** has applied to add three additional stockholders and name a third corporate director to its pending malt beverages as a restaurant license at One Kendall Square.

The additional stockholders are: Robert Rogers, Carrie Shapiro and Bill & Heather Ryan.

The third corporate director is Lesley Bannatyne.

The hearing on this application will be held on Tuesday, January 10, 1989, at six p.m., in the Barbara Ackermann Room, Room 200, City Hall.

James Thaddeus McDavitt
Anthony G. Paolillo
Thomas V. Scott
License Commission

(C)Dec.22

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138, as amended, that **Coben, Inc.** d/b/a **Ken's Pub, Bennett I. Aronson, Manager,** holder of an all alcoholic beverages as a restaurant license, 2 a.m. closing, at 684 Massachusetts Avenue, has applied to open at 11:00 a.m. on Sundays to be able to have Sunday Brunch.

The hearing on this application will be held on Tuesday evening, January 10, 1989, at six o'clock, in the Barbara Ackermann Room, Room 200, City Hall.

James Thaddeus McDavitt
Anthony G. Paolillo
Thomas V. Scott
License Commission

(C)Dec.22

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138, as amended that **Crystal Bar, Inc., Frank DiLeo, Manager,** has applied for an all alcoholic beverages as a restaurant license at 51-59 First Street.

The applicant will continue with its two o'clock closing.

Upon issuance of this license, the club license at this address shall be surrendered.

The officers and directors of Crystal Bar, Inc. are: Frank DiLeo, President and Director; Louis Feracane, Treasurer and Director; John Bonina, Clerk and Director.

The premises are described as follows: Kitchen, game room, lounge and function hall.

The hearing on this application will be held on Tuesday evening, January 10, 1989 at six o'clock, in the Barbara Ackermann Room, Room 200, City Hall.

James Thaddeus McDavitt
Anthony G. Paolillo
Thomas V. Scott
License Commission

(C)Dec.22

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Pursuant to General Laws, Chapter 140, section 177A, notice is hereby given that the License Commission has received an application for two automatic amusement machines, at **Harvard University,** Richards Hall basement, 24 Everett Street by **Woburn Vending.**

A hearing on said application will be held on Tuesday evening, January 10, 1989, at 6:00 p.m., in the Barbara Ackermann Room, Room 200, City Hall, 795 Massachusetts Avenue. Any person wishing to comment on said application may attend the hearing or such person may prior to the hearing submit a written statement to James Thaddeus McDavitt, Chairman of the License Commission, Room 205, 795 Massachusetts Avenue, Cambridge, Mass., 02139.

James Thaddeus McDavitt
Anthony G. Paolillo
Thomas V. Scott
License Commission

(C)Dec.22

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. **Probate Court**
No. 88D4420-D1

Summons by Publication
Fatima DeFaria Plaintiff
vs.
Jose Simoes Defendant

To the above-named Defendant:

A complaint has been presented to this Court by your spouse, Fatima DeFaria, seeking Divorce.

You are required to serve upon Linda Olmstead, plaintiff's attorney, whose address is 705 Centre St., Jamaica Plain, MA 02130 your answer on or before February 21, 1989. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.

Witness, Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.
December 7, 1988

Paul J. Cavanaugh
Register of Probate

(C)Dec.15,22,29

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138, as amended, that **L. W. & P Hong Kong Restaurant, Inc.,** d/b/a **Hong Kong Restaurant, Sen Lee, Manager,** holder of an all alcoholic beverages as a restaurant license, 2 a.m. closing, at 1234-1238 Massachusetts Avenue has applied for a change in premises description.

The premises are described as follows: First floor: Dining room and kitchen, Second floor: Dining room and service bar; Third floor: Dining room and service bar.

The hearing on this application will be held on Tuesday evening, January 10, 1989, at six o'clock in the Barbara Ackermann Room, Room 200, City Hall.

James Thaddeus McDavitt
Anthony G. Paolillo
Thomas V. Scott
License Commission

(C)Dec.22

Panthers open hoop season with wins

The North Cambridge Catholic boys basketball team opened their season this past weekend with two victories.

On Saturday, in a hard-fought contest, the Panthers defeated Lexington Christian 52-48. Sunday, they breezed by Weymouth Catholic, 80-45.

N.C.C. started off slow versus Lexington Christian. In the first quarter, they trailed by as many as 7 points. However, due largely to the play of Henry Prophete, the Panthers regained their composure and fought back to take a 36-32 half-time lead. The scoring was scarce early in the third quarter, as both teams applied formidable defensive pressure. The Panthers, however, got their second wind in the fourth quarter and led by as many as nine points. Lexington Christian hit a three-pointer at the buzzer to close the margin of victory to four.

Senior co-captain Henry Prophete led all scorers with 18 points. He supplied the Panthers with two critical three-pointers in the first half to put them in a lead which they would never relinquish. Head Coach Frank McGrail said of Prophete, "Henry was there when we needed him most. Two of our more pivotal players had never, before tonight, played a varsity game and the team as a whole was a bit tight. Henry showed what being both a senior and a captain is all about, as he picked up the slack and kept us in the game early." McGrail, also, cited the play of John Bernard (11 points, 13 rebounds). "J.B. grabbed some important rebounds down the stretch which did not allow Lexington Christian any second chances."

Opening game jitters aside, N.C.C came out storming on Sunday against Weymouth Catholic. The Panthers took a 21-4 lead after just one quarter and never let the Crusaders back into the game.

Senior co-captain, Scott Pugh was the high-scorer with 18 points. Sophomores Ricky Ace and Lorenzo Gross scored 15 and 12 points respectively.

After the game, Coach McGrail explained, "I was pleased with the way we played today. We were a lot more at ease and relaxed. We still have a long way to go to get to where we want to be but the talent and work ethic are there to make this a productive and enjoyable year."

N.C.C. plays St. Patrick of Watertown tomorrow night in Cambridge at 8 pm.

Area 4, North Cambridge homes offered fix-up aid

Do you need your porch repaired? Do you have electrical or plumbing problems? Does your house need new gutters or a roof fixed? Are drafty windows keeping you cold?

If you live in a home in Area 4 or in North Cambridge that you have owned for at least a year and your income is low to moderate, or slightly higher ("middle income"), you may be eligible for assistance in correcting housing rehab problems like these.

Low-interest rehab loans are available for North Cambridge and Area 4 residents, thanks to a Home Improvement Program administrated by Homeowner's Rehab, Inc. (HRI), a non-profit housing corporation. (The part of Area 4 served by HRI is the area near Central Square, bounded by Massachusetts Avenue, Prospect Street, Broadway and the Boston and Albany Railroad tracks).

For the loans, priority is given to the following rehab needs: health and safety hazards; weatherization and energy conserving improvements; lead paint hazards; remodeling to accommodate the handicapped; and exterior upgrading.

HRI's services and funds are coordinated with those of the Cambridge Historical Commission, City Energy Programs, Just-A-Start work crews, and other resources as they become available.

Registration forms for the Home Improvement Program are available through the HRI office. The registrant must supply information on his or her financial status and homeownership documentation. A staff person will assist in completing the registration form. After that HRI will: inspect the home; decide with the applicant the work needed; determine applicant eligibility and what assistance is available for the work needed; prepare for approval of the applicant, a list of repairs to be done (specifications); assist with contractor selection; arrange for loan closing; make periodic inspections of the work as it progresses; and process payment for contractors.

Clients are served on a first come, first served basis. To determine if you are income eligible and to receive a registration form, call Homeowner's Rehab, Inc., at 868-4858, or visit the office at 678 Massachusetts Ave. Room 203.

Businesses boost VNA fund drive

The Visiting Nursing Association of Cambridge recently held a raffle as an incentive for employees contributing to the 1988 United Way fund drive. This effort was greatly enhanced by prizes donated by local area businesses:

Ed Barsamian, owner of Barsamian's gourmet food store at 1060 Massachusetts Avenue in Cambridge, donated a gift certificate that was won by staff nurse Val Boax. A gift certificate for the Cajun Yankee restaurant at 1193 Cambridge Street, also in Cambridge, was donated by owner John Silberman and won by Barbara Williams, assistant bookkeeper. Billing supervisor, Rita Jefferson, won a gift certificate to Hit or Miss — with locations at 711 Massachusetts Avenue (in Central Square) and Fresh Pond Mall — which was donated through corporate headquarters in Stoughton. And Shawn Burney, secretary for the CVNA's clinical department, was the lucky winner of a day off with pay.

Harriet Rosen, the CVNA's Executive Director, expressed the agency's gratitude to the above businesses for their generosity. Said Rosen: "We truly appreciate their sense of community spirit. We could not have had such a successful fund drive without their help."

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88 Sherman Street • Cambridge, MA 02140 • Tel: (617)876-5005
Formerly American Cablesystems
Neighborhood Network
CHANNEL 3

PROGRAM SCHEDULE FOR CHANNEL 3
"YOUR NEIGHBORHOOD NETWORK"

Thursday, December 22
6:30pm Little Miss Christmas
7:00pm The Reading Balloon
7:30pm The Wine Specialist
8:00pm In Performance

Friday, December 23
7:00pm RnR-TV
7:30pm Cable Cuisine
8:00pm Video Short Cuts
8:30pm Adult Cartoons

Monday, December 26
No Cablecast due to the Holiday.
Seasons Greetings to you and yours.

Tuesday, December 27
6:30pm Nuclear Disarmament
7:00pm Marlboro Men II
7:30pm Seniority: Crime Prevention
8:00pm In Performance
9:00pm Healthnet: Family & Psychosocial Issues

Wednesday, December 28
6:30pm The Baseball Show
7:00pm The Bob Colt Show
7:30pm Local Focus
8:00pm The Forum: The Yonkers Case

Thursday, December 29
6:30pm Generations
7:00pm TBA
7:30pm The Wine Specialist
8:00pm In Performance

MORE LETTERS

'Orwellian' 1-2-3

During the Reagan-Bush administration, the federal budget for housing has shrunk from $30 billion to about $8 billion and homelessness has skyrocketed. So I found it fitting that the silver-haired man delivering "Proposition 1-2-3" signs to my polling place on election day wore a "Bush-Quayle" button.

Many residents who were confronted at the polls by temporary workers paid $1 a signature and up to $7.50 an hour by real estate interests) signed the "1-2-3" petition without fully understanding its effects. Now that the measure will be on the ballot, the impact is becoming clear.

Under the guise of tenant protection, Proposition 1-2-3 would deliver a 1-2-3 blow to affordable housing in Cambridge. It would fuel speculation, gentrification, and homelessness. How would this happen?

Proposition 1 allows rent-controlled apartments to be condo-converted if a two-year tenant wants to buy. Of course, most tenants can't afford to buy (mortgage payments would be two to four times rent)).

Proposition 2 provides several ways to remove such units from rent control, provicing a financial incentive for landlords to pull off some kind of deal.

These two measures would displace from Cambridge low and moderate income tenants, who would be viewed as obstacles to maximizing profit. Landlords would encourage them to leave in favor of wealthier tenants who would make a deal to buy after two years.

In addition, tenants could be "paid off" to move out using the following scheme: a unit could be sold to the current tenant for a dollar and bought back the next day by the landlord for a few thousand. Once the condominium unit has been legally owner-occupied (even for one day), a loophole in the Removal Ordinance (Section 11b) allows it to be removed from the rental market and sold to the highest bidder.

The buyout of rent-controlled apartments would have numerous negative effects on Cambridge:

- The price of market-rate rentals — even those shared by many people — would shoot up to an unaffordable level.
- The ethnic, racial, and socioeconomic diversity of the city would be gone within five to seven years.
- Few people who grew up in Cambridge would have the financial resources to stay.
- High rents would make it difficult for people to work for humanitarian, community service, and public interest groups.
- People who are forced to work longer hours will no longer have time to contribute to the community (or to properly raise their children).
- Homelessness would increase.

At first glance, Proposition 3 might appear to address some of these problems by using increased tax revenues derived from condo-conversion for rent subsidies for the poor. Upon closer examination, this provision turns out to be a ruse — a mere public relations scam.

Section 3 will probably be thrown out in court (because property tax revenues can't be predesignated) and would not generate any funds for affordable housing even if legal. The measure might actually decrease the tax base because any increase in assessed value must be weighed against the $50-60,000 "residential tax exemption" for which each new condominium unit would qualify.

Cambridge citizens fought for rent control because people recognized that housing, a basic human need, should not be subject to rampant speculation. Reagan-era policies nationally have proved that Cambridge was right. The "free" market approach has not succeeded in housing the homeless or increasing homeownership.

But rent control alone will not solve the housing crunch. More housing is needed. The Cambridge Chamber of Commerce, which is backing Proposition 1-2-3, has never proposed the obvious solution: the rezoning of undeveloped land for residential use. They have consistently fought such zoning changes (including strong linkage for affordable housing) in favor of unrestrained commercial development.

Instead, the Chamber has hatched a scheme to encourage individuals to cash in on the destruction of what the community fought for. As of last year, only four out of its twenty directors lived in Cambridge. Its executive committee includes Bob Jones, developer of the famed Binney Street garage, and MIT public relations whiz Walter Milne, coordinator of last year's raid on Tent City. The Cambridge Home Ownership Association acts as a front group for the Chamber and uses the same address.

Residents of other cities might be fooled by this Orwellian attempt to disguise gentrification as affordable housing. But I think Cambridge residents are smarter than that.

Richard A. Cowan

Keep the Spirit alive this Christmas... in Church



CANDLELIGHT COMMUNION SERVICE
CHRISTMAS EVE
December 24th at 11 p.m.
Rev. Phillip Kylander

CHRISTMAS MORNING
CHRISTMAS MATINS *(JOLOTTA)*
December 25th at 7 a.m.
Nursery care provided at both services

FAITH LUTHERAN CHURCH
311 BROADWAY
CAMBRIDGE, MA
354-0414

PILGRIM CONGREGATIONAL CHURCH
35 MAGAZINE ST.
CAMBRIDGE, MA
Rev. Norman Bendroth
JOIN US AND CELEBRATE THE CHRISTMAS SEASON
SATURDAY, DECEMBER 17th
2-4 p.m. Birthday Party for Jesus. Children ages 5-10
6:30-8:00 p.m. Christmas Caroling in and around Central Sq.
SUNDAY, DECEMBER 18th
10:45 a.m. Christmas Celebration and Worship including lessons, carols, folksinging and mime.
SATURDAY, DECEMBER 24th
7 p.m. Christmas Eve Service with Central Sq. Churches at FIRST BAPTIST CHURCH, 5 Magazine St.
SUNDAY, DECEMBER 25th
11:45 a.m. Worship on Christmas Day

NEW ENGLAND Transmission Company, Inc.
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Specialists in Rebuilding Automatic & Standard Transmissions
All Makes and Models
Conditionally Guaranteed
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OPEN 7 DAYS VIRGIE'S SERVING TIL 10 P.M.
150 Highland Ave., Somerville, (Free Parking In Rear)
Full Liquor Bar For Your Dining Pleasure
DINNER FOR TWO SEVEN DAYS A WEEK $12.95
Includes Salad and Bread Bar
- Sun: Broiled Half Chicken/Pot. Veg.
- Mon: Veal Parmigian w/Spaghetti or Ziti
- Tue: Eggplant w/Pasta & Meatballs
- Wed: Yankee Pot Roast/Pot. Veg.
- Thu: New England Boiled Dinner
- Fri: Fish and Chips
- Sat: Linguini w/Clam Sauce

Other Dinner For Two Listed on Blackboard!
Senior Citizens 10% Discount on All Meals!
Please Call 625-2330 Take-Out Service

Dentures...
Repairs & Relines...
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F.X. MORAN, DDS 628-1381

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69¢ per Gal C.O.D.
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Automatic Discount Fuel
100 Gallon Minimum
67.9¢ per gal.
24 HR. BURNER SERVICE
Automatic Delivery Available
Fuel assistance accepted at same low prices.
Prices subject to change without notice.
665-3100

Stoneham Fuel Co.
100 Gallon Minimum
67.9¢ per gal.
24 HR. BURNER SERVICE
Automatic Delivery Available
Fuel assistance accepted at same low prices.
Prices subject to change without notice.
665-3100

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FULL SERVICE. BOSTON & SUBURBS
METROPOLITAN FUEL CORP.
924-8006

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Boys & girls ages 6 to adult
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Tues. - Fri. 12-9
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PLACE YOUR ORDERS NOW!
Live lobsters, lobster meat, live crabs, large and jumbo shrimp, octopus, squid, swordfish steak, salmon steak, tuna steak, halibut steak, and much more!
GIFT CERTIFICATES AVAILABLE

ECUMENICAL MEMORIAL SERVICE
Commemorating the Tragedy in Armenia
SUNDAY, DECEMBER 18, 1988
at 7 pm
ST. JOHN'S UNITED METHODIST CHURCH
80 Mt. Auburn St., Watertown
926-2931
The Service will include participation by the Orthodox, Roman Catholic and Protestant Churches of Watertown, with the three Armenian Churches taking part.
A Special Offering for Armenian Relief will be taken.
Churches responding:
Armenian Memorial Congregational
St. James Armenian Apostolic
Good Shepherd, Episcopal
First Baptist Church
Greek Orthodox Church, Taxiarchae
St. John's United Methodist
St. Patrick's Church
Armenian Apostolic, St. Stephens
Belmont St. Baptist
Community Church of Watertown
First Parish Church, UUA
Phillips Congregational Church
St. Theresa of the Child Jesus

SANTA-LINK!
354-7700


Kids can call Santa—at his North Pole workshop—over a satellite link-up with East Cambridge Savings Bank. Just call 354-7700 Wednesday, December 21st between 6 and 8 PM, and we'll put your call through to the North Pole.
Santa-link is sponsored by the Rotary Club of Cambridge in conjunction with East Cambridge Savings Bank.

Area mental health group thanks solons

The Cambridge-Somerville Mental Health Area Board hosted a legislative breakfast December 1 at the Whitehead Institute at which it honored Dr. Robert C. Reid for his 20 years of service as Cambridge-Somerville Mental Health Center director, a post he holds along with his position as Department of Mental Health Area Director. The Area Board is the citizen advisory board for the Cambridge-Somerville DMH area.

Area Board President Polyxane Cobb welcomed representatives of the legislative delegation, State Sens. Michael Barrett, Sal Albano, Dick Kraus; State Reps. Joe Mackey, Peter Vellucci; new representatives, Somerville's Vinnie Ciampa and Cambridge's Alvin Thompson; Cambridge Mayor Al Vellucci, Somerville Mayor Eugene Brune, Cambridge Vice-Mayor Alice Wolf and Councilor Frank Duehay, Somerville Alderman Helen Corrigan.

"This breakfast," said Cobb "is a 'thank you' to our delegation for its past, present and future support, as you join us to celebrate the first 20 years of Dr. Reid's leadership of the center."

Board member and Whitehead Institute Administrative Director John Pratt's keynote address "Partnerships that Work" cited the collaborative nature of the Cambridge-Somerville Mental Health Center system. Through the Cambridge-Somerville Area Office, the cities and other local partners such as the Cambridge and Somerville Mental Health Associations, and CASCAP work together to provide services to people with mental illness.

Speaking specifically of the center's effectiveness in helping residents in need, Pratt said: "Our partnership model provides coordinated care for those seriously in need, recognizing that only a team approach can pull together all the supports required. Treatment for the person with chronic mental illness means help with housing, help with employment skills, help with social skills, help with crises, and the helpers all have to work together with the client and his or her family."

"The partnership model ensures an integrated approach, which makes for better quality," Pratt continued, "and at the same time costs significantly less than comparable programs cost elsewhere in the Commonwealth. You hear a lot about encouragement of public and private collaboration, but here we worry because the way we do things works so well, but doesn't always fit the most current thinking of how things ought to look to people in DMH."

Barrett and Vellucci and Brune presented citations to Reid, for his commitment to the two communities and for the development of a comprehensive mental health center over the past 33 years. While the center has only been in existence for 20 years, Reid was the original director of the Cambridge Guidance Center, one of the state's first publicly supported child guidance clinics.

Reid thanked all those present as the active citizens and legislators whose participation on boards and task forces over the years has kept the center in touch with the needs of the Cambridge and Somerville communities.

"It is the citizens," Reid said, "who have pushed for services, said what was needed, and what would work here."

Reid added to Pratt's theme of partnership, saying "Citizens working in partnership with DMH are the heart of community-based services here. Collaboratively, we have produced a system which no one group could have managed alone. Collaboratively, we form a network of caring support for people with serious mental illness."

Reid attributed much of the center's success to its dedicated staff, mentioning particularly Assistant Center Director Hilma Unterberger. Reid acknowledged the many citizens who have worked on the Area Board and other citizen boards in the past, and also DMH and the Legislature for their consistent support of the center.

The Cambridge-Somerville Mental Health Center has seven major programs: the Preschool Unit, the Cambridge Guidance Center, the Somerville Mental Health Clinic, CASCAP, the CASPAR Alcoholism Program, the Geriatric Service, and the Cambridge Hospital Department of Psychiatry. DMH works with its partners and also with other funding agencies such as the Department of Public Health, for example, to provide services to people whose needs would fall between the cracks otherwise. Until the recent reorganization which led to the creation of a new Department of Mental Retardation, retardation services were an integral part of the center.

We're Fighting For Your Life.
American Heart Association

NOTICE OF SALE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Richard E. Lenza, Trustee of CHE Trust,** dated February 4, 1987, and recorded with the Middlesex South Registry of Deeds in Book 17841, Page 587, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at public auction at 11:00 o'clock a.m. on the 6th day of January, 1989, on the mortgaged premises in Cambridge/Somerville, Middlesex County, Massachusetts all and singular the premises described in said mortgage.

To wit: A certain parcel of land being numbered 16 Chester Street and situated partly in Somerville and partly in Cambridge and being bounded and described as follows:

Beginning at a point in the Southeasterly line of said Chester Street distant one hundred fifty-nine and one half (159½) feet Southwesterly from the angle formed by the intersection of said Southeasterly line of said Chester Street and the Southwesterly line of Orchard Street in said Somerville thence running from said point:

Southwesterly: on said Chester Street, fifty-nine and one half (59½) feet to land now or formerly of Kingsley, thence turning and running

Southeasterly: on said land now or formerly of said Kingsley, one hundred fifty (150) feet to land now or formerly of Russell; thence turning and running

Northeasterly: on said land now or formerly of said Russell, sixty and one half (60½) feet to land now or formerly of Collins; thence turning and running

Northwesterly: on said land now or formerly of said Collins, one hundred fifty (150) feet to the point of beginning.

Containing 9,000 square feet of land, more or less.

Terms of Sale: Thirty Thousand and 00/100 ($30,000.00) Dollars, shall be paid in cash or by certified or bank cashier's check by the purchaser at the time and place of sale and the balance to be paid in cash or by certified or bank cashier's check at Boroff & Associates, P.C., 55 Summer Street, 9th Floor, Boston, Massachusetts, within fifteen (15) days from the date of sale.

Said sale shall be subject to all taxes, tax liens, municipal betterments and assessments, if any.

Other terms to be announced at the sale.

Dated: December 7, 1988

Guaranty-First Trust Company
By: James D. Corry,
Vice President
Present holder of said mortgage

(C)Dec.15,22,29

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 Wednesday, January 11, 1989 at 5:30 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition of the City Council to amend the Zoning Ordinances of the City of Cambridge by **amending the text of Section 3.14 -** Cambridgeport Interim Planning Overlay District in paragraph 3. The new language is underlined.

3. The maximum height of any building shall be 45 feet;() **inclusive of those structural elements otherwise exempt under the provisions of Section 5.23 of the Zoning Ordinance;**

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 William H. Walsh,
Chairman.

(C)Dec.15,22

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

Notice if 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 Wednesday, January 11, 1989 at 6:30 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition by the **City Council to amend the Zoning Ordinances of the City of Cambridge by establishing a new Section 3.15** - The East Cambridge Interim Planning Overlay District in the area of East Cambridge as shown on the accompanying map, having the following requirements:

1. All requirements of the existing base zoning districts shall apply except as modified and limited by the requirements of this Section's subsections 2-4 below;

2. The floor area ratio applicable on any lot shall be limited to 1.0;

3. The maximum height of any building shall be 45 feet inclusive of those structural elements otherwise exempt under the provisions of Section 5.23 of the Zoning Ordinance;

4. Not withstanding the limitations in subsections 2 and 3 above, any building existing at the time of adoption of this Section may be renovated or restored, changes made to the uses contained therein or additions may be made hereto providing the following conditions are met:

(a) Any additions shall not exceed 10% of the gross floor area of the existing building or 30,000 gross square feet, whichever is greater; and

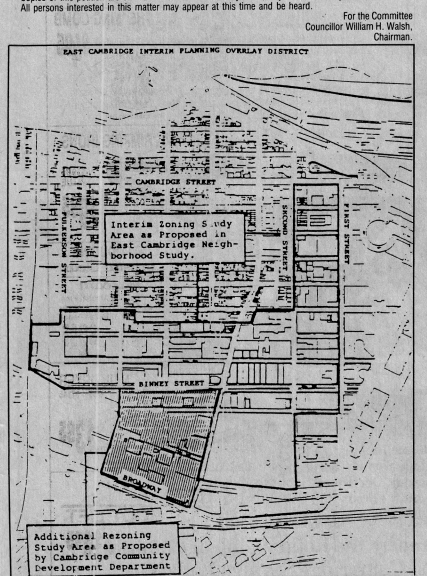
(b) All regulations and limitations of the base district shall be met.

5. This Section 3.15 shall be in effect through December 1, 1989.

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 William H. Walsh,
Chairman.



(C)Dec.15,22

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 Wednesday, January 11, 1989 at 6:00 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition of the City Council to amend the Zoning Ordinances of the City of Cambridge by inserting the following sentences prior to the sentence which begins, "The Trustees, with concurrence of the City Manager..." in paragraph 11.205.3, which reads as follows:

If the City Manager chooses to appoint a representative of the academic community to the Board of Trustees of the Affordable Housing Trust, he will elicit from Harvard University, M.I.T., and Lesley College the names of five (5) mutually agreed upon candidates from whom the City Manager will select the nominee. If the City Manager chooses to nominate a developer to the Board, he/she must having voting residency in the City of Cambridge.

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 William H. Walsh,
Chairman.

(C)Dec.15,22

NOTICE OF MORTGAGEE'S SALE OF REAL ESTATE

By virtue of and in execution of the Power of Sale contained in a certain mortgage given by **A. Douglas Matthews,** and **Robert E. Marlow,** as trustees of **69 Harvey Nominee Trust** as succeeded by **Michael W. Sylvester** and **David J. Washkin,** trustees u/d/t dated **June 13, 1986** to **Heath Management Co., Inc.** d/b/a **Heath Financial Resources** dated March 17, 1987 and recorded with Middlesex County Registry of Deeds, Book 17944, Page 353 of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 10:00 o'clock, A.M. on the 5th day of January, 1989 at 69 Harvey Street, Cambridge, Massachusetts, being the mortgaged premises, all and singular the premises described in said mortgage, to wit:

A certain parcel of land with the buildings thereon, presently known and numbered as 69 Harvey Street, situated in that part of Cambridge, called North Cambridge, Middlesex County, Massachusetts, bounded and described as follows:

Beginning at a point in the Northerly line of said Harvey Street, distant 494½ feet Westerly from the Intersection of said line of Harvey Street with the Westerly line of Cedar Street, and running;

Northerly by land of persons unknown, one hundred sixty-five (165) feet to a point in the line of land of the **Boston and Maine Railroad,** four hundred ninety-one and one half (491½) feet from the intersection of said line with the said Westerly line of Cedar Street; thence turning and running;

Easterly by said Railroad Company's land, seventy-five (75) feet; thence turning and running;

Southerly by land formerly of **Robert Douglass** on a line parallel with the first described boundary line, one hundred sixty-five (165) feet to Harvey Street aforesaid; thence turning and running;

Westerly by said Harvey Street, seventy-five (75) feet to the point of beginning.

Subject to: First Mortgage to **Peter J. Amari, Trustee of Peteram Realty Trust,** dated June 13, 1986 and recorded with said Middlesex South Deeds in Book 17097, Page 27.

Terms of Sale: Said premises will be sold and conveyed subject to and also with the benefit of all, if any rights, rights of way, restrictions, easements, covenants, improvements, outstanding tax titles, municipal or other public assessments, liens or claims in the nature of liens, and existing encumbrances of record, if any there be, insofar as the same are in force and applicable, created prior to the said mortgage which is being foreclosed. A deposit of **thirty two thousand five hundred dollars ($32,500.00)** by certified or bank cashier's check — no cash — will be required to be made at the time and place of the sale. The balance of the purchase price is to be paid in cash or by certified check or bank cashier's check at the offices of Marcus and Associates, 143 Newbury Street, Boston, Massachusetts, within twenty (20) days after the sale, which balance is to be deposited in escrow with the firm of Marcus and Associates, pending approval of said sale by the Land Court. The deed for the sale of the entire premises shall be transferred within ten (10) days from the date of approval of said sale by the Land Court, said approval being the only condition of the escrow. The successful bidder at the sale of the premises shall be required to sign a Memorandum of Terms of Sale containing the above terms at the auction sale. The premises shall be conveyed by the usual foreclosure deed under the statutory power of sale, subject to the foregoing, and in addition, subject to any and all unpaid taxes, tax titles, tax liens, water and sewer rates and any other municipal assessments or liens. Other terms, if any, to be announced at the sale.

Heath Management Co., Inc.
d/b/a Heath Financial Resources
Present Holder of said Mortgage
By: Erica P. Bigelow, Attorney.
Dated: November 30, 1988
From the office:
Marcus and Associates
143 Newbury Street
Boston, Massachusetts 02116
(617) 437-7770

(C)Dec.8,15,22

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Michael A. Nelson** to **Yankee Bank For Finance & Savings FSB** dated August 29, 1986 and recorded with Middlesex South District Registry of Deeds in Book 17352, Page 558 and assigned to The Boston Five Cents Savings Bank FSB by assignment dated March 22, 1988 and recorded with the Middlesex South District Registry of Deeds in Book 18944, Page 414, of which mortgage the undersigned is the present holder for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 10:00 o'clock, A.M. on the 9th day of January, 1989, on the premises hereafter described all and singular the premises and the collateral described in said mortgage.

To Wit:

"Collateral" shall include all and each of the following, whether singly or collectively, whether real property, personal property, or a combination thereof, whether now owned or now due or now existing, or in which the Mortgagor has an interest, or hereafter, at any time in the future, acquired, arising, or to become due, or in which the Mortgagor obtains an interest, and all proceeds, products, substitutions and accessions of or to any of the following:

(a) The land with buildings and improvements whether now existing or hereafter constructed or located thereon situated in Cambridge, Massachusetts, as more particularly described on Exhibit A annexed hereto, and known and numbered as 3-5 Channing Place (hereinafter, the "Mortgaged Premises");

(b) All furnaces, ranges, heaters, plumbing goods, gas and electric fixtures, screens, screen doors, mantels, shades, storm doors and windows, awnings, oil burners and tanks or other equipment, gas or electric refrigerators and refrigerating systems, ventilating and air conditioning apparatus and equipment, door bell and alarm systems, sprinkler and fire extinguishing systems, portable or sectional buildings, and all other fixtures of whatever kind or nature owned by the Mortgagor, now or in the future contained in or on the Mortgage Premises, and any and all similar fixtures hereinafter installed in the Mortgaged Premises in any manner which renders such articles usable in connection therewith;

(c) All easements, covenants, agreements and rights which are appurtenant to or benefit the Mortgaged Premises;

(d) All machinery, equipment, furniture, inventory building supplies, and appliances, owned by the Mortgagor, used or useful in the construction, operation, maintenance, or occupation of the Mortgaged Premises or any portion or unit thereof;

(e) All leases, tenancies, and occupancies, whether written or not, regarding all or any portion of the foregoing (hereinafter the "Leases"), all guarantees and security relating thereto, together with all income and profit arising therefrom or from any of the foregoing Subparagraphs (a) through (f), and all payments due or to become due thereunder (hereinafter, the "Rental Payments") including, without limitation, all rent, additional rent damages, insurance payments, taxes, insurance proceeds, condemnation awards or any payments with respect to options contained therein (including any purchase option);

(f) All funds held by the Mortgagee as tax or insurance escrow payments;

(g) All proceeds received from the sale, exchange collection or other disposition or any of the foregoing Subparagraphs (a) through (f); all insurance proceeds relating to all or any portion of the foregoing subparagraphs, and all awards, damages, proceeds, or refunds from any state, local, federal or other takings of, and all municipal tax abatements relating to, all or any portion of the foregoing Subparagraphs (a) through (f), and

(h) All rights, remedies, representations, warranties, and privileges pertaining to any of the foregoing subparagraphs.

EXHIBIT A

A certain parcel of land with the buildings thereon situated in said Cambridge, being now #3-5 Channing Place assessed as #7 and 9, and being shown as lot containing 16,903 square feet on plan entitled "Plan of Premises in Old Cambridge Belonging to Mrs. Frances B. Newell," dated April 15, 1893, by W.A. Mason & Son Surveyors, recorded with Middlesex South District Deeds in Book of Plans 80, Plan 4, said parcel being bounded and described as follows:

Easterly by Channing Place, 100 feet;

Southerly by the extension westwardly of said place by four lines, 120.46 feet, 10.41 feet, 10.41 feet and 29.72 feet, in all 171 feet;

Westerly by land now or formerly of Piper 95.01 feet;

Southerly by land now or formerly of Merriman 120.83 feet and by other land conveyed to said Merriman by deed dated December 31, 1926, 50 feet;

Or however otherwise said premises may be bounded or described, and being all or any of said measurements and contents more or less.

There is excepted from said conveyance that part shown as Lot D on plan entitled "Plan of Land in Cambridge, Mass. Surveyed for Mrs. Roger B. Merriman" dated May 24, 1947, by W.A. Mason & Son Co., Surveyors, recorded with said Deeds in Book 7147, Page 578.

Terms of Sale:

Said premises will be sold subject to any and all unpaid taxes and assessments, tax sales, tax titles and other municipal liens and water liens, if any there are. **Thirty Thousand ($30,000.00) Dollars** in cash, treasurer's check, or certified check will be required to be paid by the purchaser at the time and place of sale as a non-refundable deposit and the balance will be due in thirty (30) days.

Other terms to be announced at the sale.

Date: November 30, 1988

THE BOSTON FIVE CENTS
SAVINGS BANK FSB
By:
Susan Monahan, Commercial Lending
Asset Manager
PRESENT HOLDER OF SAID MORTGAGE
Harrison & Maguire, P.C.
24 School Street
Boston, MA 02108
(617) 742-3810

(C)Dec.8,15,22

Survey of Cambridge taxicab service

The City of Cambridge and the Cambridge taxicab industry are jointly conducting a survey about taxicabs in Cambridge.

If you are able to assist us in this survey, please answer the following questions and return to

Cambridge License Commission
City Hall
795 Massachusetts Ave.
Cambridge, MA 02139

1. How often do you use cabs?

a. Once a day ☐ d. Almost never ☐
b. Once a week ☐ e. No opinion ☐
c. Once a month ☐

2. What has been your average wait for a cab?

a. 0-15 minutes ☐ d. 60 minutes or longer ☐
b. 15-30 minutes ☐ e. No opinion ☐
c. 30-45 minutes ☐

What is your opinion of the service provided by the Cambridge taxi industry?

a. Excellent ☐ d. Poor ☐
b. Good ☐ e. No opinion ☐
c. Adequate ☐

4. Comments:

_____
_____
_____

Thank you for your assistance. Filling out the section below is optional.

Your name _____
Address _____
City _____ State _____ Zip _____

Don't Forget!

Send your name and address for the latest edition of the free Consumer Information Catalog. Write today:
Consumer Information Center, Department DF
Pueblo, Colorado 81009



Get away from the madding crowds.

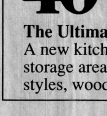
Avoid those long Christmas lines and miles of aisles with no one to help you. At **Cambridge Lumber,** you'll find friendly folks and great savings. Holiday gifts for the hobbiest, home owner, dad and mom.

WRAP-UP KITCHEN SALE



40% off LIST PRICE Merillat

The Ultimate Present for Mom.
A new kitchen with great looks and plenty of storage areas. Quality craftmanship, choice of styles, wood veneers and laminates.



ARROW TACKER GUN $13.95

HOMEOWNER TOOL KIT
Complete with Hammer, Pliers & Screwdrivers.
$9.95

$39.95 SKIL 7 1/4" CIRCULAR SAW





The Friendly Neighborhood Lumber Yard

Cambridge Lumber & Supply
We're right off 2409 Mass. Ave.
135 Harvey St., North Cambridge
Open **Sat.(8-4:30),** Mon.-Fri.(7:30-4:30) **876-4460**

FIRST PUBLICATION NO. 2424.

City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

AN ORDINANCE

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

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

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5.24 *Yards*

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ATTEST:- Joseph E. Connarton,
City Clerk

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Passed to a second reading at the City Council meeting held on January 23, 1989 and on or after February 6, 1989 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton,
City Clerk

In City Council January 23, 1989

The Committee on Ordinances conducted a public hearing on Wednesday, January 11, 1989 beginning at 5:30 p. m. in the Sullivan Chamber, City Hall.

The purpose of the hearing was to review the proposed amendment to the Zoning Ordinances entitled "Cambridgeport Interim Planning Overlay District".

At this time the committee heard from Mr. Michael Rosenberg, Assistant City Manager for Community Development, who outlined the proposed amendment stating that this amendment is a follow up to the previously ordained zoning change in the Cambridgeport area, specifically addressing height limitations. He informed the committee that the previous petition excluded "towers and accessories to buildings exceeding 45'". Should the City Council ordain this petition, he stated, the gap will be closed.

Speaking in opposition to the proposed amendment was Arthur Maringos, 89 Allston Street, who stated that he believed this amendment would prohibit him from building a higher chimney on his premises or erecting a new television antenna.

At this time Councillor Walsh stated that he was concerned with this dilemma and would not want to add an additional burden to property or tax payers.

Mr. Rosenberg responded by stating that section 5.23 of the existing Zoning Ordinances exempts chimneys.

At this time Vice-Mayor Wolf stated that she felt some clarification is needed in relation to the text to address this concern. Consequently, she submitted the following amendment: "nothing in this section shall prevent a property owner from repair and/or replacing a chimney or television antenna".

The amendment - prevailed.

At this time Councillor David Sullivan moved the petition be reported to the full City Council with a favorable recommendation.

The motion - carried.

The hearing was adjourned at 6:09 p. m.

For the Committee,

Councillor William H. Walsh,
Chairman.

In City Council January 23, 1989

The Committee on Ordinances conducted a public hearing on Wednesday, January 11, 1989 beginning at 6:30 p. m. in the Sullivan Chamber, City Hall.

The purpose of the hearing was to review the proposed amendment to the Zoning Ordinances relative to an affordable housing trust fund.

At this time the Chair agreed to withdraw the petition due to technical difficulties of the Planning Board and to refer to the full City Council a new petition as amended by Councillor Duehay at the next regular City Council meeting.

The motion to withdraw - carried.

For the Committee,

Councillor William H. Walsh,
Chairman.

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

January 13, 1989

To the Honorable, the City Council:

SUBJECT: City Council Petition to amend the text of Section 3.14 - Cambridgeport Interim Planning Overlay District in paragraph 3.

Recommendation

The Planning Board recommends that the language of paragraph 3 be amended to include a height restriction which covers structural elements otherwise exempt under the provisions of Section 5.23 of the Zoning Ordinance.

Findings

The Planning Board held a public hearing on the petition on December 6, 1988. At the hearing the Community Development Department staff presented the petition and reviewed the amendment. The height exemptions in Section 5.23 cover a wide and diverse collection of structural elements which could potentially lead to the construction of an edifice not in conformance with the recommendations of the Cambridgeport Interim Planning Overlay District study. The CDD staff is reviewing these height exemptions as part of an overall study of possible changes to the text of the Zoning Ordinance.

No one spoke in opposition to the petition.

Respectfully submitted for the Planning Board,

Paul Dietrich (chm)

Paul Dietrich, Chairman

CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

January 23, 1989

To the Honorable, the City Council:

Enclosed please find copy of the Planning Board's recommendation relative to a City Council Petition to amend the text of Section 3.14 - Cambridgeport Interim Planning Overlay District in paragraph 3.

Very truly yours,

Robert W. Healy
City Manager

RWH/mbf
Enc.

Agenda Item No. 3

Re: Planning Board recommendation on the petition of the City Council to amend the text of Section 3.14 - Cambridgeport Interim Planning Overlay District in paragraph 3.

In City Council,

January 23, 1989

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The purpose of the hearing was to review the proposed amendment to the Zoning Ordinances entitled "Cambridgeport Interim Planning Overlay District".

At this time the committee heard from Mr. Michael Rosenberg, Assistant City Manager for Community Development, who outlined the proposed amendment stating that this amendment is a follow up to the previously ordained zoning change in the Cambridgeport area, specifically addressing height limitations. He informed the committee that the previous petition excluded "towers and accessories to buildings exceeding 45'". Should the City Council ordain this petition, he stated, the gap will be closed.

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At this time Vice-Mayor Wolf stated that she felt some clarification is needed in relation to the text to address this concern. Consequently, she submitted the following amendment: "nothing in this section shall prevent a property owner from repair and/or replacing a chimney or television antenna".

The amendment - prevailed.

At this time Councillor David Sullivan moved the petition be reported to the full City Council with a favorable recommendation.

The motion - carried.

The hearing was adjourned at 6:09 p. m.

For the Committee,

Councillor William H. Walsh,
Chairman.



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 Wednesday, January 11, 1989 at 5:30 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition of the City Council to amend the Zoning Ordinances of the City of Cambridge by **amending the text of Section 3.14** - Cambridgeport Interim Planning Overlay District in paragraph 3. The new language is underlined.

3. The maximum height of any building shall be 45 feet(;) ***inclusive of those structural elements otherwise exempt under the provisions of Section 5.23 of the Zoning Ordinance;***

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 William H. Walsh,
Chairman.

(C)Dec.15,22



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 Wednesday, January 11, 1989 at 5:30 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition of the City Council to amend the Zoning Ordinances of the City of Cambridge by **amending the text of Section 3.14** - Cambridgeport Interim Planning Overlay District in paragraph 3. The new language is underlined.

3. The maximum height of any building shall be 45 feet(;) **inclusive of those structural elements otherwise exempt under the provisions of Section 5.23 of the Zoning Ordinance;**

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 William H. Walsh,
Chairman.

(C)Dec.15,22



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(C)Dec.15,22

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

January 13, 1989

To the Honorable, the City Council:

SUBJECT: City Council Petition to amend the text of Section 3.14 - Cambridgeport Interim Planning Overlay District in paragraph 3.

Recommendation

The Planning Board recommends that the language of paragraph 3 be amended to include a height restriction which covers structural elements otherwise exempt under the provisions of Section 5.23 of the Zoning Ordinance.

Findings

The Planning Board held a public hearing on the petition on December 6, 1988. At the hearing the Community Development Department staff presented the petition and reviewed the amendment. The height exemptions in Section 5.23 cover a wide and diverse collection of structural elements which could potentially lead to the construction of an edifice not in conformance with the recommendations of the Cambridgeport Interim Planning Overlay District study. The CDD staff is reviewing these height exemptions as part of an overall study of possible changes to the text of the Zoning Ordinance.

No one spoke in opposition to the petition.

Respectfully submitted for the Planning Board,

Paul Dietrich (chr)

Paul Dietrich, Chairman

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OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9017

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

January 25, 1989

Mr. Russell B. Higley
City Solicitor
City Hall
Cambridge, MA 02139

Dear Mr. Higley:

Enclosed you will find a copy of a proposed amendment to the General Ordinances regulating the sale and marketing of replica firearms which was passed to a second reading at the City Council meeting of January 23, 1989.

Also enclosed you will find a proposed amendment to the Zoning Ordinances of the City of Cambridge relative to an interim Planning Overlay District for the Cambridgeport area which was passed to a second reading at the City Council meeting held on January 23, 1989.

Would you kindly review these amendments and indicate your approval or disapproval on the bottom and return to this office.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Joseph E. Connarton

Joseph E. Connarton
City Clerk

JEC/dl

Encs. (2) First publication number 2424 and 2425

c.c. Councillor William Walsh, Chairman, Committee on Ordinances
Joseph E. Cellucci, Commissioner, Inspectional Services

FIRST PUBLICATION NO. 2424.

City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

AN ORDINANCE

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

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

The Zone Map accompanying ordinance passed to be ordained September 26, 1979 entitled "The Zoning Ordinances of the City of Cambridge" is hereby amended by deleting paragraph 3 of Section 3.14 - Cambridgeport Interim Planning Overlay District and substituting therefor the following (with new language underlined):

3. The maximum height of any building shall be 45 feet (;) <u>inclusive of those structural elements otherwise exempt under the provisions of Section 5.23 of the Zoning Ordinance</u>;

5.23 *Height Exceptions.* The provisions of this ordinance governing the height of buildings and structures in all districts shall not apply to chimneys, water towers, air conditioning equipment, elevator bulkheads, skylights, ventilators and other necessary features appurtenant to buildings which are usually carried above roofs and are not used for human occupancy, nor to domes, towers or spires above buildings if such features are not used for human occupancy and occupy less than ten percent of the lot area, nor to wireless or broadcasting towers and other like unenclosed structures which occupy less than ten percent of the lot area.

5.24 *Yards*

5.241 Every part of a required yard shall be open to the sky and unobstructed. Awnings, arbors, fences, flagpoles, recreational and laundry drying equipment and similar objects shall not be considered obstructions when located within a required yard. Open or lattice-enclosed fire escapes for emergency use only are permitted to encroach on yard areas.

5.242 Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than three and one-half feet and which are part of a building not more than thirty-five feet in height, and unenclosed steps, unroofed porches and the like which do not project more than ten feet beyond the line of the foundation wall and which are not over four feet above the average level of the adjoining ground, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built.

5.243 On lots abutting streets on more than one side, the front yard requirements of each of the abutting streets shall apply regardless of designated front lot lines. Any remaining sides shall be subject to side yard requirements.

5.244 Measurements for minimum yards which are determined by formula shall be made in the following manner:

(1) "H" is the height of the building. "L" is the length of wall measured parallel to the corresponding lot or street line. The front yard is measured from the street line, or building line where such has been established, except where otherwise indicated herein. For buildings of forty feet or less in height the denominator in the yard formulas in the Tables in Section 5.30 may be increased by two subject to the minimum yard requirements set forth in footnotes a, b and c of Tables 5-1 and 5-2.

(2) Where a building consists of various roof levels an average height, or "H", may be used in the required yard formula. Average height is determined by adding the products of the height of each roof level facing the given lot line, (H_1, H_2, etc.) times the length of each roof level (L_1, L_2, etc.) and dividing the sum by the sum of the length of the levels (L_1, L_2, etc.) (see formula below)

$$\text{AVERAGE HEIGHT} = \frac{(H_1 \times L_1) + (H_2 \times L_2)}{L_1 + L_2}$$

Passed to a second reading at the City Council meeting held on January 23, 1989 and on or after February 6, 1989 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton,
City Clerk

FIRST PUBLICATION NO. 2425.

City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-nine

AN ORDINANCE

In amendment to an ordinance formerly entitled "The General Ordinances of the City of Cambridge as revised in 1972 and now designated as "The Code of the City of Cambridge".

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

SECTION ONE. City of Cambridge Code, Ordinances, Chapter 13 is hereby amended by inserting after Section 13-17 the following new section and caption:

SECTION 13-17a. REGULATING THE SALE AND MARKETING OF REPLICA FIREARMS IN THE CITY OF CAMBRIDGE.

Subsection A. Definitions.

As used herein, the following words shall have the following meanings:

(1) "Chief": The chief of the Cambridge Police Deparment or his designee.

(2) "Department": the Cambridge Police Department.

(3) "Market": to display for sale.

(4) "Replica firearm": any toy, imitation, or facsimilie pistol, revolver, shotgun, rifle, air rifle, B-B gun, pellet gun, machine gun or other similar simulated weapon which because of its color, size, shape or other characteristics, can reasonably be perceived to be a real firearm from which a shot or bullet can be fired and which, pursuant to Subsection D of this ordinance, has been determined to pose a threat to public safety.

(5) "Sell": To exchange or deliver

(a) for money or its equivalent; or

(b) as a promotion or an inducement to buy.

Subsection B. Regulation.

Except as provided in Subsection C herein, no person or entity shall sell or market any replica firearm in the City of Cambridge.

Subsection C. Exceptions.

Notwithstanding the foregoing, the sale of replica firearms shall be permitted if the sale of such replica firearms is solely for purposes of or for transportation in intrastate, interstate or foreign commerce.

Subsection D. Enforcement.

(1) The Chief shall identify those replica firearms which he deems to pose a threat to public safety and shall make a list thereof. Such list shall include, where available, the following information: the product name, the manufacturer and the model number. The Chief shall post the list in the Department and shall make available copies thereof to the general public. The Chief shall update the list from time to time as he deems warranted. Any individual may provide information to the Chief regarding replica firearms to ba added to the list.

(2) Any person who observes the sale or marketing of a replica firearm which he believes to be a violation of this ordinance may register a written or oral complaint with the Department. A Cambridge police officer, in response to each complaint, shall investigate the complaint forthwith in person and determine whether there is such a violation.

(3) Any Cambridge police officer who observes the sale or marketing of a replica firearm which he believes to be a violation of this ordinance shall investigate forthwith and determine whether there is such a violation.

(4) If a Cambridge police officer determines that there is a violation of this ordinance, he shall order the individual or entity to remove immediately from sale or marketing all the replica firearms found to be in violation. In addition, the Department shall impose the following penalties on the individual or entity violating the ordinance:

(a) a written citation or warning for the first violation;

(b) a $100 fine for the second violation; and

(c) a $200 fine for the second and any subsequent violations.

For purposes of penalties to be imposed under this ordinance, if a Cambridge police officer determines that a sale or marketing of replica firearms has occurred, that determination shall constitute one violation, regardless of the number of replica firearms involved. A Cambridge police officer shall return, unannounced, to the site of the violation within the thirty (30) day period following the determination of a violation to ensure that the individual or entity has not resumed the sale or marketing of replica firearms.

Subsection E. Appeal Procedure.

Any individual who is aggrieved by an action taken by a Cambridge police officer under this ordinance may, within ten (10) days of such action, file an appeal, in writing, to the Chief. After notice to such individual, the Chief shall hold a hearing, after which he shall issue a decision in which he affirms, annuls or modifies an action taken by a Cambridge police officer, giving his reasons therefor. The Chief shall send the decision to the individual by first class mail within ten (10) days after the hearing. The decision shall be a final administrative decision. The individual shall have thirty (30) days from the date of the written decision to seek judicial review in the Third District Court of Eastern Middlesex County.

SECTION TWO. This Ordinance shall take effect thirty (30) days after enactment.

Passed to a second reading at the City Council meeting held on January 23, 1989 and on or after February 6, 1989 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton
City Clerk.

Amend the text of the Zoning Ordinance of the City of Cambridge by deleting paragraph 3 of Section 3.14 - Cambrideport Interim Planning Overlay District and substituting therefor the following (with new language underlined):

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CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

November 7, 1988

To the Honorable, the City Council:

Enclosed please find copy of a proposed amendment to paragraph 3, Section 3.14 - Cambridgeport Interim Planning Overlay District, of the Zoning Ordinance of the City of Cambridge

Very truly yours,

Robert W. Healy

Robert W. Healy
City Manager

RWH/mbf

Agenda Item No. 2 O-13

Re: enclosed proposed amendment to the Zoning Ordinances, in paragraph 3, Section 3.14- Cambridgeport Interim Planning Overlay District.

2/6/89- Passed to be ordained as amended 9-0-0

2/9/89 - published- Chronicle

In City Council,

November 7, 1988

Copy sent to Les Barber, Pl. Board 11/9/88. Copy sent to Councillor Walsh, Ord. Comm. Chair 11/10/88