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

December 6, 1988

To the Honorable, the City Council,

Subject: Planning Board Recommendation on the Howard Medwed, et al Zoning Petition

Recommendation:

The Planning Board does not recommend adoption of the petition as filed. The Board does, however, recommend modifications to the existing definition of "lot" and "owner" in the Ordinance to clarify ambiguities in the current regulations that were highlighted during the discussions of the petition. The alternate language is enclosed.

Findings:

1. The Petition proposes to do the following:

   (a) to establish a definition of "ownership" for the first time in the Zoning Ordinance which is proposed to be the possession of the fee title to property. That definition differs from that of "owner" which already exists in the Zoning Ordinance.

   (b) to require that, for the calculation of the permitted gross floor area, a lot meeting the required ownership standard must be further "otherwise subdivided" into one or more sublots where other than fee interests differentially apply to one or more portions of the lot.

   (c) to establish a method of calculation of gross floor area on lots having existing buildings which has the effect of reducing to a greater or lesser extent total allowable gross floor area on the lot.

2. The intent of the amendment would appear to be the following:

(a) to prohibit leasehold as a form of ownership in defining a lot under the Zoning Ordinance;

(b) to encourage a more compatible scale relationship between new construction and any pre-existing structure on a lot by defining a mechanism for calculating gross floor area allowed in such circumstances such that total floor area permitted is reduced from that which is permitted on a vacant site; and

(c) to prohibit the shifting of floor area potential from one portion of a lot to another portion where that one portion is distinguished from the other portion by use characteristics or easement restrictions.

3. Leasehold ownership of land is currently permitted in the Zoning Ordinance as a means of assembling and defining a lot. That form of ownership does not permit any development practice which is not equally permitted and possible through fee acquisition of the same lot or portion of a lot. With appropriate safeguards there appears to be no reason to prohibit leasehold as a form of ownership. The Planning Board's alternate recommendations would provide those safeguards by (1) defining the length of time such a leasehold must be in force and (2) making it clear that the lot so defined may be altered or constructed upon only in conformance with the zoning applicable at the time regardless of the terms of the leasehold agreement.

4. Because leasehold ownership of a lot is prohibited as a means of defining the dimensions of a lot the petition proposes extensive restrictions on alternate ownership arrangements which might be used to circumvent that prohibition. Therefore land held in fee but which is in part further modified by easements or other forms of ownership or use restrictions which do not apply to the whole lot must, under this proposed ordinance, be treated as two or more separate lots between which shifting of allowed gross floor area is not permitted. An ad hoc judgement must be made by the Inspectional Services Department or any permit granting authority whether any particular combination of ownership rights triggers this requirement to treat a single lot as two or more lots.

5. In combination the proposed new regulations affecting the calculation of gross floor area when an existing structure sits on the lot and the regulations regarding

ownership interests in a proposed zoning lot would appear to have potentially untoward consequences at least as serious as the perceived problems of shifting of gross floor area on a lot that the amendment is intended to address. The total of new regulations would appear to add additional disincentives to retain old buildings on a lot or to grant desirable easements such as preservation easements on old buildings or conservation easements on open land which serve the public interest. Retention of an old small building on a lot will in most zoning districts reduce the total amount of floor area that would be allowed on that lot; the granting of a preservation easement on that same building to the Historical Commission might have the same result. These consequences might occur even if the lot were held in single ownership, in fee, without the involvement of any leasehold arrangement.

6. The extensive proposed regulations make several assumptions which deserve some discussion.

(1) <u>That the shifting of gross floor area on a lot is not desirable in that it creates large disparities in scale for buildings on that lot or among buildings within the district as a whole.</u> Any development in the City which does not employ a building scheme where the new construction is built out to the property line necessarily involves shifting of the allowed gross floor area within the lot, regardless of the form of ownership of that lot. As an instance, Charles Square is built to a 3.0 FAR; however the density of those areas covered by building is 4.0. That "extra" density on some portions of the four acre site allows other portions of the site to be devoted to open space, extra lanes on Bennett Street and University Road and private drives within the complex. A similar shifting of development at University Green allows the creation of a publicly accessible garden and retention of two small frame historic structures. The amount of such shifting that is possible and the scale of the resulting buildings are a function of the dimensional limitations in the zoning district, i.e. height, required setbacks, total FAR allowed. It is inevitable that new construction is going to be out of scale with existing development patterns (regardless of any shifting of floor area on the lot) where there is a large disparity between what exists on the lot or in the district and what is allowed. That condition, if it is perceived to be a problem, is best dealt with directly through downzoning or modifications of the dimensional standards of an existing district.

(2) that leasehold arrangements facilitate that shifting particularly where there are physical, use or legal constraints to further building (e.g.landmark designation, rent control regulations, etc.) Only to the extent that a property owner is more willing to grant a long term leasehold on his property rather than he is to sell the property in fee simple or by retaining use or other rights through easement is this assumption true. There are indeed circumstances where this is the case but it would appear that market forces and the value of the residual development potential on land is the factor determining the behavior of most property owners and the ultimate disposal of their property for development purposes. Certainly alternate ownership arrangements where the land is sold but certain rights are retained are as simple as leasehold to accomplish and have the same development affect; in recognition of that fact the petition attempts to preclude such ownership options as a means of assembling a lot for zoning purposes. Such a regulation requires that a detailed analysis of the ownership arrangements of a parcel be conducted and requires ad hoc judgements to be made regarding the implications of the ownership arrangements by Inspectional Services as well as the BZA and the Planning Board. The Board finds that the marginal increase in the likelihood of development occurring on a lot because of the leasehold ownership option is not justified by the added complexity of regulation and added level of uncertainty of interpretation imposed by the proposed amendment. One could even alternately argue that in many circumstances (historic structures, low scale buildings, residential uses, private open space) the shifting of the development potential off of those features is one more option available to accomplish a desirable public policy objective in addition to other regulations or current use limitations that may apply.

(3) that leasehold ownership patterns allow more construction to occur than would be the case in the more typical circumstance where the parcel is acquired outright Leasehold or any other form of ownership permitted now in the Zoning Ordinance do not create any new development potential that cannot be realized through direct purchase of fee simple ownership of land. All lots have to conform and the development on them have to conform to the dimensional standards imposed in the zoning district whatever the ownership arrangement. Only to the extent that the circumstances described in paragraph (2) above prevail would leasehold forms of ownership result in potentially more development than would otherwise be possible through direct purchase of

fee interest in property, i.e. some development might occur somewhat sooner than it might otherwise occur.

7. There is no inventory of developments in Cambridge which have utilized ownership arrangements other than fee simple. Two recent examples in Harvard Square, however, have been the catalysts for the current petition. In one case, at the CWT/MBTA parking lot at Brattle Square, a combination of fee ownership and ground lease has been utilized to define a zoning lot which has in addition restrictions as to use (MBTA tunnel). The approved development actually involves little if any shifting of gross floor area among the various parts of the lot although, in an attempt to be sympathetic to the adjacent Brattle Theater and in an attempt to generate a system of public pathways through the lot, such a shifting might have been necessary and desirable in other circumstances

The second proposal, at the Harvard Motor Hotel site, includes a mixture of ownership involving the city, MBTA, Harvard University, and a private development firm. Here significant shifting of gross floor area occurs off of one portion of the site and onto another. Interestingly that shift is only possible if special permit approval is granted for additional height. The implications of the shifting of gross floor area are here appropriately assessed in the context of a discretionary review of the height requirements of the district rather than through an arcane analysis of the ownership arrangements of the underlining zoning lot. While the development has not received approval and there has been no determination by the Planning Board of the appropriateness of the form the development has been proposed to take, the shifting of the gross floor area across the lot may in part permit features which could be argued to have public benefits: retention and restoration of an historic structure, redevelopment of a site in a manner more compatible with the pedestrian character of Harvard Square, retention and improvement of a large area (the MBTA layover lot) of open space between the development and adjacent abutting lots thereby breaking up the potential wall of buildings that might be possible along Mount Auburn Street.

8. In sum, the Planning Board would recommend that the forms of ownership, use restrictions and easements that prevail on any particular lot not be the basis upon which the density of development is best regulated within a district or on a specific. The proposed amendment, which proposes to do that very thing, adds unnecessary complication, ambiguity, and opportunities for inconsistent interpretation to what is now a fairly straightforward aspect of the Zoning Ordinance. Where

there is concern that the allowed densities of development in a district are inappropriate that issue is best addressed directly by modifications to the dimensional standards that apply to the relevant area. The Planning Board has consistently supported such modifications to height or FAR where appropriate and will undoubtly continue to do so in the future.

Respectfully submitted for the Planning Board,

Paul Dietrich (Jm)

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

December 12, 1988

To the Honorable, the City Council:

Enclosed please find copy of the Planning Board's recommendation on the Howard Medwed, et al, Zoning Petition.

Very truly yours,

Robert W. Healy
City Manager

RWH/mbf
Enc.

Agenda Item No. 30

Re: enclosed Planning Board recommendation on the zoning petitionof Howard Medwed, et al.

In City Council,

December 12, 1988

City of Cambridge

In City Council November 7, 1988

The Committee on Ordinances, comprised of the entire membership of the City Council conducted a public hearing on Wednesday, November 2, 1988 beginning at 6:00 p.m. in the Ackermann Room, City Hall. The purpose of the hearing was to continue testimony from the meeting of September 28, 1988 relative to the Howard Medwed, et al petition to amend the Zoning Ordinances by adding a new definition to Article 2.00 entitled "Addition" and by adding to the definition of "Lot" a new description and by adding a new Section 5.28 entitled "Exclusion of Way from Lot Area for the Purpose of Determining Floor Area Ratio".

Councillor Francis Duehay opened the hearing on behalf of the Chairman and stated that this particular hearing was a continuation of an earlier public hearing in an effort to satisfy legal requirements at the hearing of September 28th at which Mr. Medwed outlined his proposal and rationale for the amendments of it, several individuals spoke in opposition and they are as follows: John J. Campbell, Esq., representing St. Paul's Church, John Hall of Carpenter & Company and Molley Lovelock, all of whom were concerned with the impact of such a petition if it were enacted by the City Council.

At the hearing dated November 2nd, Mr. Medwed again briefly outlined his petition, stating that the City should control the future development potential and that such potential should not be controlled by developers. He said the present definition in the Zoning Ordinances of the word "Owner" has no standards.

Speaking in favor of the petition was Ms. Etin Fales, 11 Hilliard St., who stated that this petition, if passed, would help preserve the neighborhood.

Also speaking in favor was Ms. Cathleen Borin of 13 Washburn Avenue.

Speaking in opposition was Eric Wadlinger, Esq. of 10 Craigie St., Robert Heroux, 901 Mass. Ave., representing the Cambridge Chamber of Commerce, K. George Najarian, on behalf of the Athenaeum Group and Jeffrey Hermatson, Esq., representing Carpenter & Company.

Councillor Duehay questioned whether or not the Chamber of Commerce was prepared to submit a proposal which would address the concerns of the neighborhood regarding the borrowing of air rights.

Mr. Heroux responded by stating although the Chamber did not have a specific alternative for this proposal, they were, in fact, working on addressing some prominent concerns raised by various neighborhood groups throughout the City.

Attorney Wadlinger stated that he opposed the petition because he saw this as not a technical change but as a downzoning petition causing tremendous uncertainty with respect to development rights throughout the City.

Councillor Duehay questioned whether or not the Planning Board has had an opportunity to review this proposal.

Mr. Les Barber, Staff-Person to the Planning Board, responded by stating the Planning Board intends to recommend against this petition but they presumably will offer some modifications to existing Zoning Ordinances.

Councillor Duehay moved to refer said petitin to the full City Council without recommendation.

The hearing was adjourned at 6:10 p.m.

For the Committee,

Councillor William H. Walsh
Chairman.

3. Calendar #15

Comm. from Joseph E. Connarton, City Clerk, transmitting the report of Councillor William H. Walsh, Chairman, Committee on Ordinances without recommendation on the petition of Howard Medwed, et al to amend the Zoning Ordinances by adding a new definition to Article 2.00 entitled "Addition" & by adding to the definition of "Lot" a new description & also by adding a new Section 5.28 entitled "Exclusion of Way from Lot Area for the Purpose of Determining Floor Area Ratio".

In City Council,

November 7, 1988

PETITION OF Howard Medved et al

Re: FAR Reform Petition

Petition filed with the City Clerk July 7, 1988

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

6 days - July
31 days - Aug
28 days - Sept
65 days = Sept. 28, 1988 = all hearings

In City Council July 25, 1988

Referred to the Planning Board for report July 25, 1988

Planning Board Hearing Sept. 6, 1988

(CITY COUNCIL must act within 90 days of the ORDINANCE COMMITTEE hearing which would be December 27, 1988.)

2 days Sept.
31 days Oct.
30 days Nov.
27 days Dec
90 days

City Council hearing published Tab. on Sept. 13, 1988
Chronicle and Sept. 22, 1988.

* reconvened public hearing held 11/2/88 published - Chronicle Oct. 13 & 20, 1988

Hearing before the Ordinance Committee Sept 28, 1988 at 6:00 p.m.

Reported to the City Council _____

Passed to a second reading on _____

published in _____ on _____

~~Planning Board report~~ received on December 12, 1988

Ready for ordination on _____

Passed to be ordained on _____

published in _____ on _____

COMPLETION DATE December 27, 1988.

C. C. 106

City of Cambridge

RE: FAR Reform Petition PETITION OF Howard Medford et AL.

Petition filed with the City Clerk July 7, 1988

(all hearing to be completed 65 days from filing date with the City Clerk)

6 days - July, 1988
31 days - August 1988
28 days - September 1988
65 days = September 28, 1988 - all hearings.

In City Council July 25, 1988

Referred to the Planning Board for report July 25, 1988.

Planning Board Hearing

(CITY COUNCIL must act within 90 days of the ~~Planning Board~~ City Council's hearing which would be _____.)

City Council hearing published - The Tab Sept. 13, 1988
The Chronicle - Sept. 22, 1988

Hearing before the City Council - September 28, 1988 - at 6 P.M.

Report to the City Council

Passed to a second reading
published

Ready for Ordination
. published

COMPLETION DATE:

RECEIVED BY
OFFICE OF CITY CLERK
1989 JAN 12 PM 12:06
CAMBRIDGE MA.

COMEnergy

Commonwealth Energy System
One Main Street
Post Office Box 9150
Cambridge, Massachusetts 02142-9150
Telephone (617) 225-4000

January 3, 1989

Logan
we should
talk about this.
I think we need a
response to Com/Energy.
Thanks,
Joe

Mr. Joseph
City Clerk
City Hall
City of Cam
795 Massac
Cambridge,

Dear Mr. Co

The Cambrid changes to the
Cambridge Z ledwed which would affect
any developm dwellings or private ways, and the
joint developm separate lots by altering the method for calculating
allowable floor area ratios.

As such, we do hereby respectfully file a written protest pursuant to Chapter 40A, Section 5 of the Massachusetts General Laws. Massachusetts General Laws Chapter 40A, Section 5, states generally that no zoning ordinance can be adopted except by a two-thirds vote of the City Council. For Cambridge, this would mean six (6) councillors. However, the statute further provideds that if a written protest is filed prior to final approval of a change to the ordinance, stating the reasons for the protest, signed by the owners of twenty percent (20%) or more of the land proposed to be included in such change, or of the area of the land immediately adjacent extending three hundred feet (300') therefrom, then a three-fourths vote (7 councillors) would be necessary for the ordinance to be enacted. As land owners of real estate which will be affected by the proposed changes, we now so file such a protest.

We oppose the proposed amendment to the Cambridge Zoning Ordinance because it does not serve the best interests of the City of Cambridge or the people who live and work here. We believe that the current regulation is sufficient and that the proposed regulation will only decrease the value of our property. Please refer to Schedule A attached for a detailed listing of our land holdings adversely imacted by the proposed zoning petition.

The name "Commonwealth Energy System" means the trustees for the time being (as trustees but not individually) under a Declaration of Trust dated December 31, 1926, as 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 said System binds only the trust estate, and no shareholder, director, trustee, officer or agent assumes, or shall be held to, any liability by reason thereof.

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CAMBRIDGE MA.

COMEnergy

Commonwealth Energy System
One Main Street
Post Office Box 9150
Cambridge, Massachusetts 02142-9150
Telephone (617) 225-4000

January 3, 1989

Mr. Joseph R. Connarton
City Clerk
City Hall
City of Cambridge
795 Massachusetts Avenue
Cambridge, Ma. 02139

Dear Mr. Connarton:

The Cambridge land owners listed below oppose the changes to the Cambridge Zoning Ordinance proposed by Howard Medwed which would affect any development on lots containing multiple dwellings or private ways, and the joint development of separate lots by altering the method for calculating allowable floor area ratios.

As such, we do hereby respectfully file a written protest pursuant to Chapter 40A, Section 5 of the Massachusetts General Laws. Massachusetts General Laws Chapter 40A, Section 5, states generally that no zoning ordinance can be adopted except by a two-thirds vote of the City Council. For Cambridge, this would mean six (6) councillors. However, the statute further provideds that if a written protest is filed prior to final approval of a change to the ordinance, stating the reasons for the protest, signed by the owners of twenty percent (20%) or more of the land proposed to be included in such change, or of the area of the land immediately adjacent extending three hundred feet (300') therefrom, then a three-fourths vote (7 councillors) would be necessary for the ordinance to be enacted. As land owners of real estate which will be affected by the proposed changes, we now so file such a protest.

We oppose the proposed amendment to the Cambridge Zoning Ordinance because it does not serve the best interests of the City of Cambridge or the people who live and work here. We believe that the current regulation is sufficient and that the proposed regulation will only decrease the value of our property. Please refer to Schedule A attached for a detailed listing of our land holdings adversely imacted by the proposed zoning petition.

The name "Commonwealth Energy System" means the trustees for the time being (as trustees but not individually) under a Declaration of Trust dated December 31, 1926, as 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 said System binds only the trust estate, and no shareholder, director, trustee, officer or agent assumes, or shall be held to, any liability by reason thereof.

Please place this written protest into the official records of the City.

Sincerely,

COMMONWEALTH ENERGY SYSTEM

Michael P. Sullivan
Vice President, Clerk and General Attorney

Cambridge Electric Light Company
Commonwealth Gas Company
COM/Energy Research Park Realty
Darvel Realty Trust

Enclosure

SCHEDULE A

COMMONWEALTH ENERGY SYSTEM

Cambridge Land Holdings Impacted
by the
Proposed Zoning Petition

Address	Owner	Square Ft.
364 Third St.	COM/Energy Research Park	397,530
One Main St.	Darvel Realty Trust	68,520
101 Main Street	Darvel Realty Trust	84,784
12 Charles St.	Cambridge Electric Light Co.	3,500
273 First St.	Cambridge Electric Light Co.	168,000
364R Third St.	Cambridge Electric Light Co.	84,784
27 Potter Park	Cambridge Electric Light Co.	4,200
209 Otis St.	Cambridge Electric Light Co.	13,899
179-185 Broadway	Cambridge Electric Light Co.	11,853
187-189 Broadway	Cambridge Electric Light Co.	4,840
315 Vassar St.	Cambridge Electric Light Co.	9,100
1 Waverly St.	Cambridge Electric Light Co.	1,029
126 Amory St.	Cambridge Electric Light Co.	9,131
188-190 Hampshire	Cambridge Electric Light Co.	3,620
259 Prospect St.	Cambridge Electric Light Co.	32,575
330 River St.	Cambridge Electric Light Co.	38,919
379 Putnam Ave	Cambridge Electric Light Co.	91,543
219 Putnam Ave	Cambridge Electric Light Co.	14,717
24 Blackstone St.	Cambridge Electric Light Co.	109,944
45 Blackstone St.	Cambridge Electric Light Co.	29,271
8 Mellen St.	Cambridge Electric Light Co.	2,930
7 Edmunds St.	Cambridge Electric Light Co.	3,377
4 King St.	Cambridge Electric Light Co.	3,788
52 Walden St.	Cambridge Electric Light Co.	2,191
23 Healey	Cambridge Electric Light Co.	5,223
54R-56 Aberdeen	Cambridge Electric Light Co.	2,249
50 Wheeler St.	Cambridge Electric Light Co.	36,173
43 Smith Pl.	Cambridge Electric Light Co.	7,500
503 Concord Ave	Cambridge Electric Light Co.	26,500
112 Sherman St.	Cambridge Electric Light Co.	10,000
199R Concord Turn.	Cambridge Electric Light Co.	3,200

1 Warren F. Roberts	Cambridge Electric Light Co.	7,232
14 Cameron Ave	Commonwealth Gas Co.	2,107
31 Potter Pk.	Commonwealth Gas Co.	142,460
43 Brookford St.	Commonwealth Gas Co.	7,796
330 Third St.	Commonwealth Gas Co.	13,855

PETITION

Jan 3, 1989

~~November 29, 1988~~

Joseph E. Connarton
City Clerk
City of Cambridge
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Dear Mr. Connarton:

The undersigned Cambridge landowners oppose in their entirety the changes in the Cambridge Zoning Ordinance proposed by Howard Medwed, and others which, among other things, would alter the way the ordinance regulates joint development of separate parcels of land, multiple buildings on a lot and property rights associated with private ways.

Massachusetts General Laws Chapter 40A, Section 5, states generally that no zoning ordinance can be adopted except by a two-thirds vote of the City Council. For Cambridge, this would mean six councilors. The statute provides that, prior to final approval of a change to the ordinance, if there is a written protest stating the reasons for the protest, signed by "the owners of twenty percent or more of the area of the land proposed to be included in such change, or of the area of the land immmediately adjacent extending three hundred feet therefrom," then a three-fourths vote (7 councilors) would be necessary to enact the proposed change to the ordinance. The undersigned landowners own real estate which will be affected by the proposed changes and now so file such a protest.

We oppose the proposed amendment to the Cambridge Zoning Ordinance because the amendment will not serve the best interests of the City of Cambridge. We believe that there are benefits in the addition of buildings on already improved but underdeveloped lots, in the cooperation of abutting property owners in development of lots in separate ownership, and in the creation or continuation of private ways for circulation. These are all prohibited or discouraged in the above-referenced petition. Furthermore, the amendment is vague and confusing and would create unpredictability in the application of the ordinance.

Name of Property Owner	Address of Property Owned
_____	_____
_____	_____
_____	_____
_____	_____

NAME OF PROPERTY OWNER	ADDRESS OF PROPERTY OWNED
Allen M. Stanley, Trustee	193-195 Brookline St
R Stanley Brooks, Trustee	"
	16 Chauncy St
	"
	21 Chauncy St
	"
	~~50 Church St~~
	"
276 -	300 Sidney St, 2-40 Chestnut 1-30 Henry St
	"
	15 Elleny St
	"
	60 Elleny St
	"
	105-107 Dove St
	"
	205-211 Harvard St
	"
	288-290 Harvard St
	"
	100A-102 Hampshire St
	"

NAME OF PROPERTY OWNER	ADDRESS OF PROPERTY OWNED
	25 Highland Ave Units 1F, 2R, 2L, 3
	21 Lee St Units 1L, 2R, 4R
	38-40 Lee St
	1800-1802 Mass Ave.
	2-4-6 Arlington St
	115 Pleasant St
	117 Pleasant St
	1245-1271 Cambridge St. 353 Prospect St
	355-365 Prospect St
	6-8 Clary St
	19-25 Market St

NAME OF PROPERTY OWNER	ADDRESS OF PROPERTY OWNED
	266-270 Windsor St
	〃
	237-239 River St
	〃
	245 River St
	〃
	253 River St
	〃
	255 River St
	〃
	241 River St
	〃
	80R Hampshire St
	〃
	183-189 Third St
	〃
	1218-1278 Cambridge St
	〃
	100-116 Willow St
	〃
	452 Windsor St
	〃

PETITION

November 29, 1988

Joseph E. Connarton
City Clerk
City of Cambridge
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Dear Mr. Connarton:

The undersigned Cambridge landowners oppose in their entirety the changes in the Cambridge Zoning Ordinance proposed by Howard Medwed, and others which, among other things, would alter the way the ordinance regulates joint development of separate parcels of land, multiple buildings on a lot and property rights associated with private ways.

Massachusetts General Laws Chapter 40A, Section 5, states generally that no zoning ordinance can be adopted except by a two-thirds vote of the City Council. For Cambridge, this would mean six councilors. The statute provides that, prior to final approval of a change to the ordinance, if there is a written protest stating the reasons for the protest, signed by "the owners of twenty percent or more of the area of the land proposed to be included in such change, or of the area of the land immmediately adjacent extending three hundred feet therefrom," then a three-fourths vote (7 councilors) would be necessary to enact the proposed change to the ordinance. The undersigned landowners own real estate which will be affected by the proposed changes and now so file such a protest.

We oppose the proposed amendment to the Cambridge Zoning Ordinance because the amendment will not serve the best interests of the City of Cambridge. We believe that there are benefits in the addition of buildings on already improved but underdeveloped lots, in the cooperation of abutting property owners in development of lots in separate ownership, and in the creation or continuation of private ways for circulation. These are all prohibited or discouraged in the above-referenced petition. Furthermore, the amendment is vague and confusing and would create unpredictability in the application of the ordinance.

Name of Property Owner	Address of Property Owned
Paul R. Gleason	300 Bent St
George B. Dodge Jr., Trustee	165-181 Cambridge Park Dr.
J + M Realty Trust	

NAME OF PROPERTY OWNER	ADDRESS OF PROPERTY OWNED

NAME OF PROPERTY OWNER	ADDRESS OF PROPERTY OWNED
WILSON-CAMBRIDGE REALTY TRUST	40 SMITH PL. 155875 ☐
Edward B. Wilson	40 SMITH PLR 85689
TRUSTEE	49 SMITH PL 20203
	59 SMITH PL 20694
	35 SMITH PL. 17579
	40 SMITH PL 43659
	75 SMITH PL 60033
	54 MOONEY ST. 43654
	447,386 ☐
Robert L. Jones	
Robert L. Jones, TRUSTEE	60 R ABERDEEN AVE. 63,452 ϕ
Robert L. Jones, TRUSTEE	215 FIRST ST. 109,943 ϕ
Robert L. Jones, TRUSTEE	66 BINNEY ST. 79,956 ϕ
Robert L. Jones, TRUSTEE	725 CONCORD AVE 91,160 ϕ
Robert L. Jones, TRUSTEE	1 KENDALL SQ. 96,499 ϕ
Robert L. Jones, TRUSTEE	1 R KENDALL SQ 167,804 ϕ
Robert L. Jones, TRUSTEE	389-389R BINNEY ST. 112,422 ϕ
Robert L. Jones, TRUSTEE	236-238 HUMBERTO CARD. MEDEIROS AVE. 31,770 ϕ
Robert L. Jones, TRUSTEE	278 HUMBERTO CARD. MED. AVE 31,680 ϕ
Paul H. Campbell Tr.	625 CONCORD AVE. 47,500 ϕ
Robert L. Jones, TRUSTEE	31 SMITH PLACE 18,792 ϕ

7.

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1988 JAN 31 PM 4:17
CAMBRIDGE MA.

PETITION

November 29, 1988

Joseph E. Connarton
City Clerk
City of Cambridge
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Dear Mr. Connarton:

The undersigned Cambridge landowners oppose in their entirety the changes in the Cambridge Zoning Ordinance proposed by Howard Medwed, and others which, among other things, would alter the way the ordinance regulates joint development of separate parcels of land, multiple buildings on a lot and property rights associated with private ways.

Massachusetts General Laws Chapter 40A, Section 5, states generally that no zoning ordinance can be adopted except by a two-thirds vote of the City Council. For Cambridge, this would mean six councilors. The statute provides that, prior to final approval of a change to the ordinance, if there is a written protest stating the reasons for the protest, signed by "the owners of twenty percent or more of the area of the land proposed to be included in such change, or of the area of the land immmediately adjacent extending three hundred feet therefrom," then a three-fourths vote (7 councilors) would be necessary to enact the proposed change to the ordinance. The undersigned landowners own real estate which will be affected by the proposed changes and now so file such a protest.

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Name of Property Owner	Address of Property Owned
Esaten Guvel	13-15 Mt. Auburn St
Esaten Guvel	9-11 Mt. Auburn St
Esaten Guvel	17 Mt Auburn St
Esaten Guvel	4-6 Arrow St.

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1989 JAN 31 PM 4:17
CAMBRIDGE MA.

NAME OF PROPERTY OWNER	ADDRESS OF PROPERTY OWNED
Manuel Uribe	30 Mt. Auburn St
John J. Kizer, Agent	1000, 1033, 1050, 1150 Mass. Ave.
John J. Kizer, Agent	14 Story Street
Michael Lay	1105 Massachusetts Ave
Mr. Chen Lay	1120 Mass Ave.
Peter Grant for [illegible]	1108 Mass Ave
Armando Andrade	1130 MASS AVE.
Grantus H Douse Jr	19 Mt Auburn St
Grantus H Douse Jr for Douse Inc	10, 12, 14 Arrow 25 Mt Auburn St.

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OFFICE OF CITY CLERK
1989 JAN 31 PM 4:17
CAMBRIDGE MA.

HOMEOWNERS, LANDOWNERS, BUSINESS OWNERS

DO YOU KNOW ?

The "MEDWED" petition currently pending before the Cambridge City Council, proposes changes to the city's zoning ordinance which would affect any development on lots containing multiple dwellings or private ways, and the joint development of separate lots. By altering the methods for calculating allowable floor area ratios, the amendments are intended to prevent or minimize development on all such lots in the city.

WHY OPPOSE ?

The proposed changes would discourage---and in some instances prohibit---additions of buildings on underdeveloped parcels, joint developments by cooperating abutters, and the creation or continuation of private ways for circulation. Also, given the vague and confused language of the amendments, application would be unpredictable.

RECEIVED BY
OFFICE OF CITY CLERK
1989 JAN 31 PM 3:54
CAMBRIDGE MA.

PETITION

November 29, 1988

Joseph E. Connarton
City Clerk
City of Cambridge
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Dear Mr. Connarton:

The undersigned Cambridge landowners oppose in their entirety the changes in the Cambridge Zoning Ordinance proposed by Howard Medwed, and others which, among other things, would alter the way the ordinance regulates joint development of separate parcels of land, multiple buildings on a lot and property rights associated with private ways.

Massachusetts General Laws Chapter 40A, Section 5, states generally that no zoning ordinance can be adopted except by a two-thirds vote of the City Council. For Cambridge, this would mean six councilors. The statute provides that, prior to final approval of a change to the ordinance, if there is a written protest stating the reasons for the protest, signed by "the owners of twenty percent or more of the area of the land proposed to be included in such change, or of the area of the land immmediately adjacent extending three hundred feet therefrom," then a three-fourths vote (7 councilors) would be necessary to enact the proposed change to the ordinance. The undersigned landowners own real estate which will be affected by the proposed changes and now so file such a protest.

We oppose the proposed amendment to the Cambridge Zoning Ordinance because the amendment will not serve the best interests of the City of Cambridge. We believe that there are benefits in the addition of buildings on already improved but underdeveloped lots, in the cooperation of abutting property owners in development of lots in separate ownership, and in the creation or continuation of private ways for circulation. These are all prohibited or discouraged in the above-referenced petition. Furthermore, the amendment is vague and confusing and would create unpredictability in the application of the ordinance.

Name of Property Owner	Address of Property Owned
Carl F Olson	209 BROADWAY St. Cambridge, MA 02139

1/3/89 - Said communication of protest NOT transmitted due to receipt date of 1/3/89 with petition having been placed on file due to expiration of time limit on 12/27/88.

RECEIVED BY
OFFICE OF CITY CLERK
1989 JAN -3 PM 1:31
CAMBRIDGE MA.

PETITION

November 29, 1988

Joseph E. Connarton
City Clerk
City of Cambridge
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Dear Mr. Connarton:

The undersigned Cambridge landowners oppose in their entirety the changes in the Cambridge Zoning Ordinance proposed by Howard Medwed, and others which, among other things, would alter the way the ordinance regulates joint development of separate parcels of land, multiple buildings on a lot and property rights associated with private ways.

Massachusetts General Laws Chapter 40A, Section 5, states generally that no zoning ordinance can be adopted except by a two-thirds vote of the City Council. For Cambridge, this would mean six councilors. The statute provides that, prior to final approval of a change to the ordinance, if there is a written protest stating the reasons for the protest, signed by "the owners of twenty percent or more of the area of the land proposed to be included in such change, or of the area of the land immmediately adjacent extending three hundred feet therefrom," then a three-fourths vote (7 councilors) would be necessary to enact the proposed change to the ordinance. The undersigned landowners own real estate which will be affected by the proposed changes and now so file such a protest.

We oppose the proposed amendment to the Cambridge Zoning Ordinance because the amendment will not serve the best interests of the City of Cambridge. We believe that there are benefits in the addition of buildings on already improved but underdeveloped lots, in the cooperation of abutting property owners in development of lots in separate ownership, and in the creation or continuation of private ways for circulation. These are all prohibited or discouraged in the above-referenced petition. Furthermore, the amendment is vague and confusing and would create unpredictability in the application of the ordinance.

Name of Property Owner	Address of Property Owned
Albert M. Worthington	40 Smith Place
	Mooney Street
	75 Moulton Street

NAME OF PROPERTY OWNER	ADDRESS OF PROPERTY OWNED
Frank A Lowitz	323 Broadway
	1923-1925 Mass Ave
	1771 Mass. Ave
	1550-1570 Mass. Ave
	100 Banks St
	91 Montgomery St.
	1A & 1B Forest St.
Helen F. Moulton	9 Lowell St. Cambridge
Ward 1 Ald	19 Follen St., Camb.
Ward 1 Ald	146 Mt. Auburn St., "

December 12, 1988

TO: Joseph E. Connarton
City Clerk

FROM: Sally Powers, Director
Board of Assessors

In reply to your memo dated December 8, 1988, please be advised that we have, this day, forwarded to Joan Lastovica, City Engineer, the written protest to the petition of the Howard Medwed, et al, for the FAR reform petition.

December 12, 1988

TO: Joseph E. Connarton
City Clerk

FROM: Sally Powers, Director
Board of Assessors

In reply to your memo dated November 17, 1988, please be advised that we have, this day, forwarded to Joan Lastovica, City Engineer, the written protest to the petition of Howard Medwed, et al for the FAR reform petition.

December 12, 1988

TO: Joseph E. Connarton
City Clerk

FROM: Sally Powers, Director
Board of Assessors

In reply to your memo dated November 18, 1988, please be advised that we have, this day, forwarded to Joan Lastovica, City Engineer, the written protest to the petition of the Howard Medwed, et al, for the FAR reform petition.

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

December 6, 1988

To the Honorable, the City Council,

Subject: Planning Board Recommendation on the Howard Medwed, et al Zoning Petition

Recommendation:

The Planning Board does not recommend adoption of the petition as filed. The Board does, however, recommend modifications to the existing definition of "lot" and "owner" in the Ordinance to clarify ambiguities in the current regulations that were highlighted during the discussions of the petition. The alternate language is enclosed.

Findings:

1. The Petition proposes to do the following:

   (a) to establish a definition of "ownership" for the first time in the Zoning Ordinance which is proposed to be the possession of the fee title to property. That definition differs from that of "owner" which already exists in the Zoning Ordinance.

   (b) to require that, for the calculation of the permitted gross floor area, a lot meeting the required ownership standard must be further "otherwise subdivided" into one or more sublots where other than fee interests differentially apply to one or more portions of the lot.

   (c) to establish a method of calculation of gross floor area on lots having existing buildings which has the effect of reducing to a greater or lesser extent total allowable gross floor area on the lot.

2. The intent of the amendment would appear to be the following:

(a) to prohibit leasehold as a form of ownership in defining a lot under the Zoning Ordinance;

(b) to encourage a more compatible scale relationship between new construction and any pre-existing structure on a lot by defining a mechanism for calculating gross floor area allowed in such circumstances such that total floor area permitted is reduced from that which is permitted on a vacant site; and

(c) to prohibit the shifting of floor area potential from one portion of a lot to another portion where that one portion is distinguished from the other portion by use characteristics or easement restrictions.

3. Leasehold ownership of land is currently permitted in the Zoning Ordinance as a means of assembling and defining a lot. That form of ownership does not permit any development practice which is not equally permitted and possible through fee acquisition of the same lot or portion of a lot. With appropriate safeguards there appears to be no reason to prohibit leasehold as a form of ownership. The Planning Board's alternate recommendations would provide those safeguards by (1) defining the length of time such a leasehold must be in force and (2) making it clear that the lot so defined may be altered or constructed upon only in conformance with the zoning applicable at the time regardless of the terms of the leasehold agreement.

4. Because leasehold ownership of a lot is prohibited as a means of defining the dimensions of a lot the petition proposes extensive restrictions on alternate ownership arrangements which might be used to circumvent that prohibition. Therefore land held in fee but which is in part further modified by easements or other forms of ownership or use restrictions which do not apply to the whole lot must, under this proposed ordinance, be treated as two or more separate lots between which shifting of allowed gross floor area is not permitted. An ad hoc judgement must be made by the Inspectional Services Department or any permit granting authority whether any particular combination of ownership rights triggers this requirement to treat a single lot as two or more lots.

5. In combination the proposed new regulations affecting the calculation of gross floor area when an existing structure sits on the lot and the regulations regarding

ownership interests in a proposed zoning lot would appear to have potentially untoward consequences at least as serious as the perceived problems of shifting of gross floor area on a lot that the amendment is intended to address. The total of new regulations would appear to add additional disincentives to retain old buildings on a lot or to grant desirable easements such as preservation easements on old buildings or conservation easements on open land which serve the public interest. Retention of an old small building on a lot will in most zoning districts reduce the total amount of floor area that would be allowed on that lot; the granting of a preservation easement on that same building to the Historical Commission might have the same result. These consequences might occur even if the lot were held in single ownership, in fee, without the involvement of any leasehold arrangement.

6. The extensive proposed regulations make several assumptions which deserve some discussion.

(1) <u>That the shifting of gross floor area on a lot is not desirable in that it creates large disparities in scale for buildings on that lot or among buildings within the district as a whole.</u> Any development in the City which does not employ a building scheme where the new construction is built out to the property line necessarily involves shifting of the allowed gross floor area within the lot, regardless of the form of ownership of that lot. As an instance, Charles Square is built to a 3.0 FAR; however the density of those areas covered by building is 4.0. That "extra" density on some portions of the four acre site allows other portions of the site to be devoted to open space, extra lanes on Bennett Street and University Road and private drives within the complex. A similar shifting of development at University Green allows the creation of a publicly accessible garden and retention of two small frame historic structures. The amount of such shifting that is possible and the scale of the resulting buildings are a function of the dimensional limitations in the zoning district, i.e. height, required setbacks, total FAR allowed. It is inevitable that new construction is going to be out of scale with existing development patterns (regardless of any shifting of floor area on the lot) where there is a large disparity between what exists on the lot or in the district and what is allowed. That condition, if it is perceived to be a problem, is best dealt with directly through downzoning or modifications of the dimensional standards of an existing district.

(2) that leasehold arrangements facilitate that shifting particularly where there are physical, use or legal constraints to further building (e.g.landmark designation, rent control regulations, etc.) Only to the extent that a property owner is more willing to grant a long term leasehold on his property rather than he is to sell the property in fee simple or by retaining use or other rights through easement is this assumption true. There are indeed circumstances where this is the case but it would appear that market forces and the value of the residual development potential on land is the factor determining the behavior of most property owners and the ultimate disposal of their property for development purposes. Certainly alternate ownership arrangements where the land is sold but certain rights are retained are as simple as leasehold to accomplish and have the same development affect; in recognition of that fact the petition attempts to preclude such ownership options as a means of assembling a lot for zoning purposes. Such a regulation requires that a detailed analysis of the ownership arrangements of a parcel be conducted and requires ad hoc judgements to be made regarding the implications of the ownership arrangements by Inspectional Services as well as the BZA and the Planning Board. The Board finds that the marginal increase in the likelihood of development occurring on a lot because of the leasehold ownership option is not justified by the added complexity of regulation and added level of uncertainty of interpretation imposed by the proposed amendment. One could even alternately argue that in many circumstances (historic structures, low scale buildings, residential uses, private open space) the shifting of the development potential off of those features is one more option available to accomplish a desirable public policy objective in addition to other regulations or current use limitations that may apply.

(3) that leasehold ownership patterns allow more construction to occur than would be the case in the more typical circumstance where the parcel is acquired outright Leasehold or any other form of ownership permitted now in the Zoning Ordinance do not create any new development potential that cannot be realized through direct purchase of fee simple ownership of land. All lots have to conform and the development on them have to conform to the dimensional standards imposed in the zoning district whatever the ownership arrangement. Only to the extent that the circumstances described in paragraph (2) above prevail would leasehold forms of ownership result in potentially more development than would otherwise be possible through direct purchase of

fee interest in property, i.e. some development might occur somewhat sooner than it might otherwise occur.

7. There is no inventory of developments in Cambridge which have utilized ownership arrangements other than fee simple. Two recent examples in Harvard Square, however, have been the catalysts for the current petition. In one case, at the CWT/MBTA parking lot at Brattle Square, a combination of fee ownership and ground lease has been utilized to define a zoning lot which has in addition restrictions as to use (MBTA tunnel). The approved development actually involves little if any shifting of gross floor area among the various parts of the lot although, in an attempt to be sympathetic to the adjacent Brattle Theater and in an attempt to generate a system of public pathways through the lot, such a shifting might have been necessary and desirable in other circumstances

The second proposal, at the Harvard Motor Hotel site, includes a mixture of ownership involving the city, MBTA, Harvard University, and a private development firm. Here significant shifting of gross floor area occurs off of one portion of the site and onto another. Interestingly that shift is only possible if special permit approval is granted for additional height. The implications of the shifting of gross floor area are here appropriately assessed in the context of a discretionary review of the height requirements of the district rather than through an arcane analysis of the ownership arrangements of the underlining zoning lot. While the development has not received approval and there has been no determination by the Planning Board of the appropriateness of the form the development has been proposed to take, the shifting of the gross floor area across the lot may in part permit features which could be argued to have public benefits: retention and restoration of an historic structure, redevelopment of a site in a manner more compatible with the pedestrian character of Harvard Square, retention and improvement of a large area (the MBTA layover lot) of open space between the development and adjacent abutting lots thereby breaking up the potential wall of buildings that might be possible along Mount Auburn Street.

8. In sum, the Planning Board would recommend that the forms of ownership, use restrictions and easements that prevail on any particular lot not be the basis upon which the density of development is best regulated within a district or on a specific. The proposed amendment, which proposes to do that very thing, adds unnecessary complication, ambiguity, and opportunities for inconsistent interpretation to what is now a fairly straightforward aspect of the Zoning Ordinance. Where

there is concern that the allowed densities of development in a district are inappropriate that issue is best addressed directly by modifications to the dimensional standards that apply to the relevant area. The Planning Board has consistently supported such modifications to height or FAR where appropriate and will undoubtly continue to do so in the future.

Respectfully submitted for the Planning Board,

Paul Dietrich (pm)

Paul Dietrich, Chairman

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

RECEIVED BY
OFFICE OF CITY CLERK
'88 DEC -8 PM 3:57
CAMBRIDGE MA.

December 6, 1988

To the Honorable, the City Council,

Subject: Planning Board Recommendation on the Howard Medwed, et al Zoning Petition

Recommendation:

The Planning Board does not recommend adoption of the petition as filed. The Board does, however, recommend modifications to the existing definition of "lot" and "owner" in the Ordinance to clarify ambiguities in the current regulations that were highlighted during the discussions of the petition. The alternate language is enclosed.

Findings:

1. The Petition proposes to do the following:

   (a) to establish a definition of "ownership" for the first time in the Zoning Ordinance which is proposed to be the possession of the fee title to property. That definition differs from that of "owner" which already exists in the Zoning Ordinance.

   (b) to require that, for the calculation of the permitted gross floor area, a lot meeting the required ownership standard must be further "otherwise subdivided" into one or more sublots where other than fee interests differentially apply to one or more portions of the lot.

   (c) to establish a method of calculation of gross floor area on lots having existing buildings which has the effect of reducing to a greater or lesser extent total allowable gross floor area on the lot.

2. The intent of the amendment would appear to be the following:

(a) to prohibit leasehold as a form of ownership in defining a lot under the Zoning Ordinance;

(b) to encourage a more compatible scale relationship between new construction and any pre-existing structure on a lot by defining a mechanism for calculating gross floor area allowed in such circumstances such that total floor area permitted is reduced from that which is permitted on a vacant site; and

(c) to prohibit the shifting of floor area potential from one portion of a lot to another portion where that one portion is distinguished from the other portion by use characteristics or easement restrictions.

3. Leasehold ownership of land is currently permitted in the Zoning Ordinance as a means of assembling and defining a lot. That form of ownership does not permit any development practice which is not equally permitted and possible through fee acquisition of the same lot or portion of a lot. With appropriate safeguards there appears to be no reason to prohibit leasehold as a form of ownership. The Planning Board's alternate recommendations would provide those safeguards by (1) defining the length of time such a leasehold must be in force and (2) making it clear that the lot so defined may be altered or constructed upon only in conformance with the zoning applicable at the time regardless of the terms of the leasehold agreement.

4. Because leasehold ownership of a lot is prohibited as a means of defining the dimensions of a lot the petition proposes extensive restrictions on alternate ownership arrangements which might be used to circumvent that prohibition. Therefore land held in fee but which is in part further modified by easements or other forms of ownership or use restrictions which do not apply to the whole lot must, under this proposed ordinance, be treated as two or more separate lots between which shifting of allowed gross floor area is not permitted. An ad hoc judgement must be made by the Inspectional Services Department or any permit granting authority whether any particular combination of ownership rights triggers this requirement to treat a single lot as two or more lots.

5. In combination the proposed new regulations affecting the calculation of gross floor area when an existing structure sits on the lot and the regulations regarding

ownership interests in a proposed zoning lot would appear to have potentially untoward consequences at least as serious as the perceived problems of shifting of gross floor area on a lot that the amendment is intended to address. The total of new regulations would appear to add additional disincentives to retain old buildings on a lot or to grant desirable easements such as preservation easements on old buildings or conservation easements on open land which serve the public interest. Retention of an old small building on a lot will in most zoning districts reduce the total amount of floor area that would be allowed on that lot; the granting of a preservation easement on that same building to the Historical Commission might have the same result. These consequences might occur even if the lot were held in single ownership, in fee, without the involvement of any leasehold arrangement.

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(2) that leasehold arrangements facilitate that shifting particularly where there are physical, use or legal constraints to further building (e.g.landmark designation, rent control regulations, etc.) Only to the extent that a property owner is more willing to grant a long term leasehold on his property rather than he is to sell the property in fee simple or by retaining use or other rights through easement is this assumption true. There are indeed circumstances where this is the case but it would appear that market forces and the value of the residual development potential on land is the factor determining the behavior of most property owners and the ultimate disposal of their property for development purposes. Certainly alternate ownership arrangements where the land is sold but certain rights are retained are as simple as leasehold to accomplish and have the same development affect; in recognition of that fact the petition attempts to preclude such ownership options as a means of assembling a lot for zoning purposes. Such a regulation requires that a detailed analysis of the ownership arrangements of a parcel be conducted and requires ad hoc judgements to be made regarding the implications of the ownership arrangements by Inspectional Services as well as the BZA and the Planning Board. The Board finds that the marginal increase in the likelihood of development occurring on a lot because of the leasehold ownership option is not justified by the added complexity of regulation and added level of uncertainty of interpretation imposed by the proposed amendment. One could even alternately argue that in many circumstances (historic structures, low scale buildings, residential uses, private open space) the shifting of the development potential off of those features is one more option available to accomplish a desirable public policy objective in addition to other regulations or current use limitations that may apply.

(3) that leasehold ownership patterns allow more construction to occur than would be the case in the more typical circumstance where the parcel is acquired outright Leasehold or any other form of ownership permitted now in the Zoning Ordinance do not create any new development potential that cannot be realized through direct purchase of fee simple ownership of land. All lots have to conform and the development on them have to conform to the dimensional standards imposed in the zoning district whatever the ownership arrangement. Only to the extent that the circumstances described in paragraph (2) above prevail would leasehold forms of ownership result in potentially more development than would otherwise be possible through direct purchase of

fee interest in property, i.e. some development might occur somewhat sooner than it might otherwise occur.

7. There is no inventory of developments in Cambridge which have utilized ownership arrangements other than fee simple. Two recent examples in Harvard Square, however, have been the catalysts for the current petition. In one case, at the CWT/MBTA parking lot at Brattle Square, a combination of fee ownership and ground lease has been utilized to define a zoning lot which has in addition restrictions as to use (MBTA tunnel). The approved development actually involves little if any shifting of gross floor area among the various parts of the lot although, in an attempt to be sympathetic to the adjacent Brattle Theater and in an attempt to generate a system of public pathways through the lot, such a shifting might have been necessary and desirable in other circumstances

The second proposal, at the Harvard Motor Hotel site, includes a mixture of ownership involving the city, MBTA, Harvard University, and a private development firm. Here significant shifting of gross floor area occurs off of one portion of the site and onto another. Interestingly that shift is only possible if special permit approval is granted for additional height. The implications of the shifting of gross floor area are here appropriately assessed in the context of a discretionary review of the height requirements of the district rather than through an arcane analysis of the ownership arrangements of the underlining zoning lot. While the development has not received approval and there has been no determination by the Planning Board of the appropriateness of the form the development has been proposed to take, the shifting of the gross floor area across the lot may in part permit features which could be argued to have public benefits: retention and restoration of an historic structure, redevelopment of a site in a manner more compatible with the pedestrian character of Harvard Square, retention and improvement of a large area (the MBTA layover lot) of open space between the development and adjacent abutting lots thereby breaking up the potential wall of buildings that might be possible along Mount Auburn Street.

8. In sum, the Planning Board would recommend that the forms of ownership, use restrictions and easements that prevail on any particular lot not be the basis upon which the density of development is best regulated within a district or on a specific. The proposed amendment, which proposes to do that very thing, adds unnecessary complication, ambiguity, and opportunities for inconsistent interpretation to what is now a fairly straightforward aspect of the Zoning Ordinance. Where

there is concern that the allowed densities of development in a district are inappropriate that issue is best addressed directly by modifications to the dimensional standards that apply to the relevant area. The Planning Board has consistently supported such modifications to height or FAR where appropriate and will undoubtly continue to do so in the future.

Respectfully submitted for the Planning Board,

Paul Dietrich (Jm)

Paul Dietrich, Chairman

CITY OF CAMBRIDGE

INTEROFFICE CORRESPONDENCE

To Nancy Carney
Assessors Dept.

Date November 18, 1988

From Joseph E. Connarton
City Clerk

Reference

Subject Written Protest - Howard Medwed, et al - FAR Reform Petition.

Enclosed you will find two copies of the written protest to the petition of Howard Medwed, et al for the FAR Reform petition.

Would you kindly certify the ownership of the property and remit a copy to the Engineering Dept.

Your kind attention in this matter will be greatly appreciated.

RECEIVED BY
OFFICE OF CITY CLERK
1988 NOV 17 PM 12: 19
CAMBRIDGE MA.

PETITION

November 17, 1988

Joseph E. Connarton
City Clerk
City of Cambridge
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Dear Mr. Connarton:

The undersigned Cambridge landowners oppose in their entirety the changes in the Cambridge Zoning Ordinance proposed by Howard Medwed, and others which, among other things, would alter the way the ordinance regulates joint development of separate parcels of land, multiple buildings on a lot and property rights associated with private ways.

Massachusetts General Laws Chapter 40A, Section 5, states generally that no zoning ordinance can be adopted except by a two-thirds vote of the City Council. For Cambridge, this would mean six councilors. The statute provides that, prior to final approval of a change to the ordinance, if there is a written protest stating the reasons for the protest, signed by "the owners of twenty percent or more of the area of the land proposed to be included in such change, or of the area of the land immediately adjacent extending three hundred feet therefrom," then a three-fourths vote (7 councilors) would be necessary to enact the proposed change to the ordinance. Harvard owns real estate which will be affected by the proposed changes and now so files such a protest.

Harvard opposes the proposed amendment to the Cambridge Zoning Ordinance because the amendment will not serve the best interests of the City of Cambridge. We believe that there are benefits in the addition of buildings on already improved but underdeveloped lots, in the cooperation of abutting property owners in development of lots in separate ownership, and in the creation or continuation of private ways for circulation. These are all prohibited or discouraged in the above-referenced petition. Furthermore, the amendment is vague and confusing and would create unpredictability in the application of the ordinance

PRESIDENT AND FELLOWS
OF HARVARD COLLEGE

By _____
Sally Zeckhauser

By _____
Sheldon Tandler

Attached is a list of property owned by Harvard.

HARVARD OWNED PROPERTY IN CAMBRIDGE

Address	Area	Assesors Map Number	Lot
6 APPIAN WAY	7,480	169	26
8 APPIAN WAY	3,995	169	27
9 APPIAN WAY	28,148	170	35
12 APPIAN WAY	5,117	169	87
14 APPIAN WAY	5,655	169	30
18 APPIAN WAY	5,512	169	31
22 APPIAN WAY	4,385	169	70
13 ATHENS	4,797	132	8
25 ATHENS	6,000	132	10
27 ATHENS	6,750	132	11
2 ATHENS TER.	1,867	132	133
3 ATHENS TER.	1,300	132	134
4 ATHENS TER.	3,750	132	14
30 BANKS	5,640	132	65
35 BANKS	3,708	132	24
37 BANKS	10,636	132	25
43 BANKS	2,794	132	112
49 BANKS	2,130	132	113
132 BANKS	1,800	130	84
200 BANKS	3,625	130	113
203 BANKS	7,707	130	131
204 BANKS	2,730	130	109
9 BOW	6,355	133	3
13 BOW	11,552	133	4
13 BOW	7,967	133	5
31 BOW	3,210	133	7
31 BOW	11,707	133	6
47 BOW	47,036	160	60
19 BRATTLE ST	3,987	170	28
51 BRATTLE ST	14,951	169	14
55 BRATTLE ST	11,605	169	23
59 BRATTLE ST	8,200	169	24
63 BRATTLE ST	6,340	169	25
64 BRATTLE ST	24,541	167	11
67 BRATTLE ST	7,483	170	19
69 BRATTLE ST	6,247	170	20
70 BRATTLE ST	40,084	167	96
77 BRATTLE ST	10,224	170	22
82 BRATTLE ST	53,419	167	97
83 BRATTLE ST	4,486	170	29
468 BROADWAY	13,379	136	15
469 BROADWAY	5,500	137	13
472 BROADWAY	6,802	136	23
9 BRYANT	16,602	147	35
13 BRYANT	18,291	147	24
1730 CAMBRIDGE	28,130	137	41
1737 CAMBRIDGE	20,180	143	11
1746 CAMBRIDGE	4,183	137	4
1750 CAMBRIDGE	4,420	137	3
21 CHURCH	1,536	169	8
32 CHURCH	5,072	169	82
35 CHURCH	31,774	169	10

11/16/88

HARVARD OWNED PROPERTY IN CAMBRIDGE

Address	Area	Assesors Map Number	Lot
239 CONCORD AVE	38,458		
8 COWPERTHWAITE	105,726	131	70
13 COWPERTHWAITE	4,000	132	84
13 COWPERTHWAITE	4,000	132	85
13 COWPERTHWAITE	4,000	132	87
13 COWPERTHWAITE	4,000	132	83
13 COWPERTHWAITE	3,370	132	82
13 COWPERTHWAITE	5,583	132	81
15 COWPERTHWAITE	4,000	132	86
24 COWPERTHWAITE	72,913	131	65
39 COWPERTHWAITE	69,100	132	137
42 DEWOLFE	884	132	158
22 DEWOLFE ST	14,269	132	39
48 DEWOLFE ST	95,637	161	85
2 DIVINITY	24,700	145	2
3 DIVINITY	18,000	145	3
10 DIVINITY	229,309	145	44
13 DIVINITY	16,695	144	20
14 DIVINITY	10,000	145	33
51 DUNSTER	4,138	162	7
52 DUNSTER	6,075	162	49
69 DUNSTER	7,165	162	32
9A ELIOT	31,811	164	6
9 ELIOT	93,384	164	5
27 ELMER	2,550	130	60
33 ELMWOOD	113,300	246	9
8 EVERETT	8,354	157	38
15 EVERETT	26,994	157	51
23 EVERETT	13,500	157	20
27 EVERETT	13,712	157	19
4 FARRAR	31,386	145	110
16 FARRAR	8,027	146	125
12 FARWELL	2,386	169	16
15 FARWELL	3,797	169	92
11 FARWELL PL	2,062	169	22A
13 FARWELL PL	1,909	169	22
2 FERNALD	175,375	208	2
11 FLAGG	4,000	131	43
22 FLAGG	3,600	130	86
25 FLAGG	2,350	131	67
28 FLAGG	1,800	130	85
29 FRANCIS	209,921	145	41
49 FRANCIS	209,921	147	11
50 FRANCIS	7,100	147	46
54 FRANCIS	23,119	147	47
56 FRANCIS	6,780	147	56
60 FRANCIS	7,786	147	55
64 FRANCIS	9,870	147	50
FRISBIE	4,080	144	17
6 FRISBIE	8,498	144	23
8 FRISBIE	6,450	144	14
9 FRISBIE	14,820	144	16

HARVARD OWNED PROPERTY IN CAMBRIDGE

Address	Area	Assesors Map Number	Lot
10 FRISBIE	6,525	144	19
3 GARDEN	2,600	169	69
8 GARDEN	136,155	170	37
20 GARDEN	8,529	216	35
29 GARDEN	27,816	172	60
39 GARDEN	8,749	214	49
50 GARDEN	9,530	215	22
53 GARDEN	28,134	213	8
55 GARDEN	23,351	213	9
57 GARDEN	46,669	213	10
61 GARDEN	20,294	213	11
63 GARDEN	28,642	213	12
66 GARDEN	376,198	227	90
81 GARDEN	34,275	208	3
87 GARDEN	5,795	208	4
20 GARFIELD	6,600	155	2
32 GARFIELD	6,600	155	4
36 GARFIELD	6,600	155	5
44 GARFIELD	7,700	155	6
54 GARFIELD	7,150	155	7
28 GORAM	5,053	149	101
4 GRANT ST	5,000	132	78
5 GRANT ST	4,200	132	28
6 GRANT ST	2,000	132	77
7 GRANT ST	4,000	132	29
8 GRANT ST	2,000	132	76
9 GRANT ST	4,000	132	30
10 GRANT ST	4,000	132	75
12 GRANT ST	4,000	132	74
13 GRANT ST	4,000	132	31
15 GRANT ST	3,200	132	109
17 GRANT ST	3,993	132	33
3 HAMMOND	3,281	149	107
74 HAMMOND	9,137	149	38
87 HAMMOND	6,876	149	41
90 HAMMOND	4,805	149	31
94 HAMMOND	6,398	149	42
97 HAMMOND	6,157	149	29
100 HAMMOND	2,964	149	87
397 HARVARD ST	8,700	136	21
3 HILLIARD	6,125	167	12
5 HILLIARD	4,368	167	13
28 HINGHAM	6,420	130	106
12 HOLDEN	29,897	146A	129
12 HOLYOKE	9,356	160	38
16 HOLYOKE	6,997	160	37
28 HOLYOKE	3,640	161	1
31 HOLYOKE	5,091	162	63
39 HOLYOKE	35,778	162	61
1 HOLYOKE PL	6,239	161	3
9 HOLYOKE PL	7,410	161	4
30 HOLYOKE PL	115,932	161	76

HARVARD OWNED PROPERTY IN CAMBRIDGE

Address	Area	Assesors Map Number	Lot
HOLYOKE ST	10,741		
10 HOWLAND	4,900	149	33
125 IRVING	19,800	147	54
127 IRVING	8,239	147	58
129 IRVING	8,873	147	57
134 IRVING	222,732	147	41
136 IRVING	7,773	147	60
60 JFK	3,552	162	35
72 JFK	210,271	163	39
100 JFK	110,120	163	40
3 KIRKLAND	5,700	143	10
7 KIRKLAND	5,385	143	15
14 KIRKLAND	133,211	143	17
15 KIRKLAND	3,218	143	6
17 KIRKLAND	28,953	144	1
17 KIRKLAND	5,907	143	5
21 KIRKLAND	48,875	144	8
25 KIRKLAND	27,502	144	22
27 KIRKLAND	32,560	145	19
33 KIRKLAND	24,320	145	21
34 KIRKLAND	17,378	143	13
37 KIRKLAND	12,708	145	30
38 KIRKLAND	19,000	143	4
43 KIRKLAND	23,341	145	36
6 KIRKLAND PL	11,803	145	37
9 KIRKLAND PL	14,674	145	38
5 LINDEN	5,970	160	54
45 LINNAEAN	19,297	209	61
58 LINNAEAN	46,711	213	14
2 MADISON ST	3,796	227	43
10 MADISON ST	8,792	227	44
12 MADISON ST	4,825	227	45
16 MADISON ST	4,828	227	46
20 MADISON ST	4,811	227	76
MASS. AVE	981,136	159	1
1201 MASS. AVE	30,902	134	1
1256 MASS. AVE	9,347	133	53
1304 MASS. AVE	9,116	160	27
1328 MASS. AVE	2,029	160	23
1350 MASS. AVE	74,913	160	14
1521 MASS. AVE	10,067	158	23
1529 MASS. AVE	656,309	158	26
1557 MASS. AVE	19,865	158	11
1563 MASS. AVE	15,771	158	12
1569 MASS. AVE	13,837	158	15
1571 MASS. AVE	31,355	158	24
1571 MASS. AVE	3,513	158	14
1575 MASS. AVE	42,530	158	21
1579 MASS. AVE	1,030	157	58
1581 MASS. AVE	11,970	157	57
1587 MASS. AVE	10,916	157	33
1591 MASS. AVE	3,087	157	48

11/16/88

HARVARD OWNED PROPERTY IN CAMBRIDGE

Address	Area	Assesors Map Number	Lot
1593 MASS. AVE	10,093	157	47
1599 MASS. AVE	3,685	157	35
1601 MASS. AVE	2,531	157	36
1603 MASS. AVE	4,349	157	28
1607 MASS. AVE	8,430	157	26
1705 MASS. AVE	21,528	155	33
8 MELLEN	4,149	157	49
10 MELLEN	5,310	157	3
12 MELLEN	5,274	157	4
14 MELLEN	7,056	157	5
18 MELLEN	7,080	157	6
20 MELLEN	5,310	157	7
880 MEMORIAL DR	48,794	130	1
890 MEMORIAL DR	18,102	130	116
890 MEMORIAL DR	18,102	130	116.5
MILL ST.	15,536	161	87
MILL ST.	8,150	161	89
8 MILL ST.	38,970	161	73
32 MILL ST.	49,000	161	77
60 MOONEY ST	299,871	267	3271
4a MT. AUBURN	14,067	132	128
2 MT. AUBURN	14,870	132	138
6 MT. AUBURN	4,493	132	122
8 MT. AUBURN	9,947	132	135
10 MT. AUBURN	7,759	132	97
20 MT. AUBURN	4,887	132	19
24 MT. AUBURN	4,218	132	6
56 MT. AUBURN	15,865	161	81
63 MT. AUBURN	14,347	160	30
78 MT. AUBURN	4,000	162	11
90 MT. AUBURN	3,212	162	68
92 MT. AUBURN	2,335	162	5
110 MT. AUBURN	17,578	165	34
122 MT. AUBURN	18,750	165	38
124 MT. AUBURN	65,338	165	53
134 MT. AUBURN	3,312	166	35
140 MT. AUBURN	5,203	166	24
80 MUSEUM	10,745	147	30
2 NUTTING	2,760	166	73
5 OXFORD	28,438	158	5
7 OXFORD	59,350	158	6
9 OXFORD	13,272	158	4
12 OXFORD	57,987	144	21
15 OXFORD	25,400	158	3
19 OXFORD	11,440	158	19
20 OXFORD	18,550	144	6
24 OXFORD	262,428	144	18
36 OXFORD	23,377	144	15
38 OXFORD	18,000	144	10
39 OXFORD	223,155	157	30
48 OXFORD	177,213	148	2

HARVARD OWNED PROPERTY IN CAMBRIDGE

Address	Area	Assesors Map Number	Lot
64 OXFORD	5,685	149	106
12 PLYMPTON	507	133	56
12 PLYMPTON	507	133	54
22 PLYMPTON	4,616	133	8
61 PLYMPTON	2,617	161	83
103 PLYMPTON	4,421	161	57
107 PLYMPTON	4,129	161	58
4 PRESCOTT	16,990	136	39
8 PRESCOTT	7,492	136	9
11 PRESCOTT	7,700	136	27
12 PRESCOTT	15,060	136	34
16 PRESCOTT	6,300	136	11
18 PRESCOTT	6,300	136	12
20 PRESCOTT	14,853	136	13
22 PRESCOTT	8,395	136	22
94 PRESCOTT	4,997	137	17
95 PRESCOTT	18,180	137	35
96 PRESCOTT	3,201	137	27
23 PUTNAM	4,880	132	51
33 PUTNAM	2,600	132	106
39 PUTNAM	4,556	132	107
89 PUTNAM	4,010	130	92
111 PUTNAM	257,503	130	144
10 QUINCY	50,826	136	26
14 QUINCY	11,060	136	2
20 QUINCY	22,387	136	3
24 QUINCY	22,379	136	4
28 QUINCY	70,572	136	36
40 QUINCY	20,488	137	42
42 QUINCY	79,701	143	20
RIDGELY COURT	2,863	160	36
RIVERVIEW	8,549	161	90
15 ROBINSON	5,015	208	12
27 ROBINSON	3,468	208	8
29 ROBINSON	5,141	208	7
17 SACRAMENTO COURT	3,836	155	41
21 SACRAMENTO COURT	2,436	155	40
23 SACRAMENTO COURT	2,057	155	20
3 SACRAMENTO STREET	9,506	155	43
7 SACRAMENTO STREET	4,761	155	30
7 SACRAMENTO STREET	20,000	155	30
13 SACRAMENTO STREET	16,786	155	26
20 SACRAMENTO STREET	20,000	156	67
22 SACRAMENTO STREET	5,000	156	7
24 SACRAMENTO STREET	11,287	156	8
26 SACRAMENTO STREET	5,075	156	58
48 SHEPARD	5,857	214	6
51 SHEPARD	152,624	213	16
57 SHEPARD	10,005	213	18
61 SHEPARD	19,415	213	17
2 SOUTH	4,029	163	41
17 SOUTH	4,387	162	53

11/16/88

HARVARD OWNED PROPERTY IN CAMBRIDGE

Address	Area	Assesors Map Number	Lot
19 SOUTH	1,590	162	51
20 SOUTH	5,702	163	11
21 SOUTH	2,040	162	52
12 STORY	15,382	168	56
3 SUMNER	4,459	143	16
9 SUMNER	4,500	143	8
11 SUMNER	3,218	143	7
18 SUMNER	16,546	142	18
50 TROWBRIDGE	9,000	135	44
12 WALKER	5,158	214	45
18 WALKER	6,870	214	16
34 WALKER	7,878	214	13
60 WALKER	3,435	214	51
91 WALKER	23,370	212	29
103 WALKER	9,167	212	35
107 WALKER	9,138	212	31
118 WALKER ST	8,950	213	3
124 WALKER ST	8,950	213	2A
130 WALKER ST	93,953	213	15
7 WARE	8,700	136	20
11 WARE	30,949	136	37
15 WARE	6,330	136	19
17 WARE	6,522	136	18
19 WARE	12,491	136	29
23 WENDELL	2,928	156	93
25 WENDELL	3,570	156	95
27 WENDELL	3,462	156	94
84 WENDELL	6,543	149	23
381 WESTERN	2,641	130	3
387 WESTERN	6,420	130	103
41 WINTHROP	4,800	162	14
65 WINTHROP	2,489	162	48
67 WINTHROP	2,489	162	47
98 WINTHROP	3,405	162	18
TOTAL	9,600,311		

9,944,712 - Sq. Ft.

11/16/88

CITY OF CAMBRIDGE

INTEROFFICE CORRESPONDENCE

To Nancy Carney
Assessors Dept.

Date November 17, 1988

From Joseph E. Connarton
City Clerk

Reference

Subject Written Protest - Howard Medwed, et al - FAR Reform Petition.

Enclosed you will find two copies of the written protest to the petition of Howard Medwed, et al for the FAR Reform petition.

Would you kindly certify the ownership of the property and remit a copy to the Engineering Dept.

Your kind attention in this matter will be greatly appreciated.

RECEIVED BY
OFFICE OF CITY CLERK
1988 NOV 16 AM 10: 31
CAMBRIDGE MA. PETITION

November 1, 1988

Joseph E. Connarton
City Clerk
City of Cambridge
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Dear Mr. Connarton:

We, the undersigned Cambridge landowners and/or residents oppose in its entirety the changes in the Cambridge Zoning Ordinance proposed by Howard Medwed and others which, among other things, would harshly regulate joint development of abutting parcels of land and the construction of additional or multiple buildings on a lot, and would diminish the property rights associated with private ways.

Massachusetts General Laws Chapter 40A, Section 5, states generally that no zoning ordinance can be adopted except by a two-thirds vote of the City Council. For Cambridge, this would mean six councilors. The statute provides that prior to final approval of a change to the ordinance, if there is a written protest stating the reason for the protest, signed by "the owners of twenty percent or more of the area of the land proposed to be included in such change, or of the area of the land

CITY OF CAMBRIDGE

NOTICE OF PUBLIC HEARING

The Planning Board of the City of Cambridge will hold a public hearing on Tuesday, September 6, 1988 at 8:00 p.m. at the Community Development Conference Room, third floor, City Hall Annex, 57 Inman Street, Cambridge, Massachusetts on a petition of Howard Medwed, et al to amend the text of the Zoning Ordinance as follows:

(1) adding a new definition to Article 2.00 entitled "Addition. New construction which is connected to an existing structure above grade at any point by construction which contributes to gross floor area.",

(2) adding to the definition of Lot the following: "For purposes of determining whether a parcel of land is in identical ownership throughout, any those persons who, alone or jointly or severally with others, have legal title to such parcel shall be considered to have an ownership interest. The interests of lessees and others who have care, charge or control of such parcel, but who do not have legal title shall be disregarded.", and

(3) adding to the Ordinance following Section 5.272 new sections 5.28 entitled "Exclusion of way from Lot Area for purposes of determining Floor Area Ratio"; 5.29 entitled "Computation of lot area for purposes of determining FAR on Multiple Structure lots" and Section 5.30 entitled "Computation of lot area for purposes of determining FAR".

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts. Questions concerning the petition may be addressed to Lester Barber or Liza Malenfant at 498-9034. (TM.23.30)

Joseph E. Connarton
November 1, 1988

immediately adjacent extending three hundred feet therefrom," then a three-fourths vote (7 councilors) would be necessary to enact the proposed change to the ordinance. We owners or residents of real estate which will be affected by the proposed changes and we now so file such a protest.

We oppose the proposed amendment to the Cambridge Zoning Ordinance because the amendment will not serve the best interests of the City of Cambridge. The amendment is defectively vague and confusing, and would permit the Ordinance to be applied in an unpredictable and inconsistent manner. The amendment will also dramatically increase the administrative burden upon the Department of Inspectional Services, which will be required to interpret the amendment's confusing provisions in the course of issuing building permits.

BRATTLE SQUARE ASSOCIATES

CITY OF CAMBRIDGE

INTEROFFICE CORRESPONDENCE

To Nancy Carney
Assessors Dept.

Date December 8, 1988

From Joseph E. Connarton
City Clerk

Reference

Subject Written protest - Howard Medwed, et al - FAR Reform Petition.

Enclosed you will find two copies of the written protest to the petition of Howard Medwed, et al for the FAR Reform petition.

Would you kindly certify the ownership of the propety and remit a copy to the Engineering Department.

Your kind attention in this matter will be greatly appreciated.

RECEIVED BY
OFFICE OF CITY CLERK
1988 DEC -8 AM 10: 53
CAMBRIDGE MA.

PETITION

November 1, 1988

Joseph E. Connarton
City Clerk
City of Cambridge
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Dear Mr. Connarton:

We, the undersigned Cambridge landowners and/or residents oppose in its entirety the changes in the Cambridge Zoning Ordinance proposed by Howard Medwed and others which, among other things, would harshly regulate joint development of abutting parcels of land and the construction of additional or multiple buildings on a lot, and would diminish the property rights associated with private ways.

Massachusetts General Laws Chapter 40A, Section 5, states generally that no zoning ordinance can be adopted except by a two-thirds vote of the City Council. For Cambridge, this would mean six councilors. The statute provides that prior to final approval of a change to the ordinance, if there is a written protest stating the reason for the protest, signed by "the owners of twenty percent or more of the area of the land proposed to be included in such change, or of the area of the land

CITY OF CAMBRIDGE

NOTICE OF PUBLIC HEARING

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(1) adding a new definition to Article 2.00 entitled "Addition. New construction which is connected to an existing structure above grade at any point by construction which contributes to gross floor area.",

(2) adding to the definition of Lot the following: "For purposes of determining whether a parcel of land is in identical ownership throughout, only those persons who, alone or jointly or severally with others, have legal title to such parcel shall be considered to have an ownership interest. The interests of lessees and others who have care, charge or control of such parcel, but who do not have legal title shall be disregarded.", and

(3) adding to the Ordinance following Section 5.272 new sections 5.28 entitled "Exclusion of way from Lot Area for purposes of determining Floor Area Ratio"; 5.29 entitled "Computation of lot area for purposes of determining FAR on Multiple Structure lots" and Section 5.30 entitled "Computation of lot area for purposes of determining FAR".

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts. Questions concerning the petition may be addressed to Lester Barber or Liza Malenfant at 498-9034. (T)8.23.30

Joseph E. Connarton
November 1, 1988

immediately adjacent extending three hundred feet therefrom," then a three-fourths vote (7 councilors) would be necessary to enact the proposed change to the ordinance. We owners or residents of real estate which will be affected by the proposed changes and we now so file such a protest.

We oppose the proposed amendment to the Cambridge Zoning Ordinance because the amendment will not serve the best interests of the City of Cambridge. The amendment is defectively vague and confusing, and would permit the Ordinance to be applied in an unpredictable and inconsistent manner. The amendment will also dramatically increase the administrative burden upon the Department of Inspectional Services, which will be required to interpret the amendment's confusing provisions in the course of issuing building permits.

Date	Name of Owner/Agent or Resident	Property Address(es)
11/9/88	Richard H Getz - AGENT	1-8 BRATTLE ST.
11/9/88	Richard H Getz - AGENT	18 BRATTLE ST.
11/9/88	Richard H Getz - AGENT	17-41A BRATTLE ST.
11/9/88	Richard H Getz - AGENT	1-7 JFK ST.
11/9/88	Richard H Getz - AGENT	9-23 JFK ST.
11/9/88	Richard H Getz - AGENT	18-24 BRATTLE ST.
11/9/88	[illegible] - resident	14A ELIOT ST.
11/10/88	Robert Bixler owner	106 Winthrop St.
11/10/88	Robert Bixler owner	8 + 8½ Eliot St
11/10/88	Robert Bixler owner	12-14-14A Eliot St.
11/10/88	Robert Bixler owner	16-18 Eliot St.
11/11/88	Edward P. VanBlarcom owner	20 Brattle Road

Date	Name of Owner/Agent or Resident	Property Addresses
11/11/88	Alexander M. Schulz owner	31-33 Church St.
11/14/88	Louis F. DiBiasio	50 Church St
	" "	36 JFK
	" "	65 JFK
	" "	119-123 Mt. Auburn St 19 Thelma Rd
		11-13 Story St.
Edward H. Avedesian		22 Harden St
"		24 Harden St
" "	"	26 Harden St
" "	"	28 Harden St
" "	"	10 Concord Ave
Edward H. Avedesian	d/b/a Commander Properties and Sheraton Commander	12-14-16 Harden St
William J. Brown		44 Brattle Street
"	"	48 Brattle Street
"	"	40 Brattle Street
"	"	12-14 Mifflin Place
"	"	125 Mt. Auburn Street
"	"	11-15 Mifflin Place
		35 JFK St.
"	"	39 JFK St
"	"	37 JFK St.

Joseph E. Connarton
November 1, 1988

immediately adjacent extending three hundred feet therefrom," then a three-fourths vote (7 councilors) would be necessary to enact the proposed change to the ordinance. We owners or residents of real estate which will be affected by the proposed changes and we now so file such a protest.

We oppose the proposed amendment to the Cambridge Zoning Ordinance because the amendment will not serve the best interests of the City of Cambridge. The amendment is defectively vague and confusing, and would permit the Ordinance to be applied in an unpredictable and inconsistent manner. The amendment will also dramatically increase the administrative burden upon the Department of Inspectional Services, which will be required to interpret the amendment's confusing provisions in the course of issuing building permits.

Date	Name of Owner/Agent or Resident	Property Address(es)
11-14	Charles Davidson	22 Holyoke St.
11/22	Frank J Kramer	15 Ellery Square
		7 Avon Street

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

November 30, 1988

TO: Nancy Carney
Assessors Dept.

FROM: Joseph E. Connarton, City Clerk JEC

SUBJECT: Written Protest/Howard Medwed Zoning Petition

Enclosed you will find two copies of a written protest from Charles Square Associates to the Howard Medwed, et al petition to amend the Zoning Ordinances in Article 2.00, Definitions by adding a new definition entitled "Addition" and adding to the definition of "Lot".

Would you kindly certify the ownership of the property and remit a copy to the Engineering Dept.

Your kind attention in this matter will be greatly appreciated.

JEC/mh

Enclosure

RECEIVED BY
OFFICE OF CITY CLERK
1988 NOV 23 AM 11:45
CAMBRIDGE MA.

Charles Square Associates
Suite 2100
600 Atlantic Avenue
Boston, MA 02210
617 367-2300

November 16, 1988

Mr. Joseph E. Connarton
City Clerk
City of Cambridge
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Dear Mr. Connarton:

The undersigned Cambridge landowner opposes in their entirety the changes in the Cambridge Zoning Ordinance proposed by Howard Medwed, and others which, among other things, would alter the way the ordinance regulates joint development of separate parcels of land, multiple buildings on a lot and property rights associated with private ways.

Massachusetts General Law Chapter 40A, Section 5, states generally that no zoning ordinance can be adopted except by a two-thirds vote of the City Council. For Cambridge, this would mean six councilors. The statute provides that, prior to final approval of a change to the ordinance, if there is ja written protest stating the reasons for the protest, signed by "the owners of twenty percent or more of the area of the land proposed to be included in such change, or of the area of the land immediately adjacent extending three hundred feet therefrom," then a three-fourts vote (7 councilors) would be necessary to enact the proposed change to the ordinance. Charles Square Associates owns real estate which will be affected by the proposed changes and now so files such a protest.

Charles Square Associates opposes the proposed amendment to the Cambridge Zoning Ordinance because the amendment will not serve the best interests of the City of Cambridge. We believe that there are benefits in the addition of buildings on already improved but underdeveloped lots, in the cooperation of abutting property owners in development of lots in separate ownership, and in the creation or continuation of private ways for circulation.

These are all prohibited or discouraged in the above-referenced petition. Furthermore, the amendment is vague and confusing and would create unpredictability in the application of the ordinance.

Very truly yours,

CHARLES SQUARE ASSOCIATES

By: _____

RECEIVED BY
OFFICE OF CITY CLERK
1988 NOV 23 AM 11:45
CAMBRIDGE MA.

Charles Square Associates
Suite 2100
600 Atlantic Avenue
Boston, MA 02210
617 367-2300

November 16, 1988

Mr. Joseph E. Connarton
City Clerk
City of Cambridge
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Dear Mr. Connarton:

The undersigned Cambridge landowner opposes in their entirety the changes in the Cambridge Zoning Ordinance proposed by Howard Medwed, and others which, among other things, would alter the way the ordinance regulates joint development of separate parcels of land, multiple buildings on a lot and property rights associated with private ways.

Massachusetts General Law Chapter 40A, Section 5, states generally that no zoning ordinance can be adopted except by a two-thirds vote of the City Council. For Cambridge, this would mean six councilors. The statute provides that, prior to final approval of a change to the ordinance, if there is ja written protest stating the reasons for the protest, signed by "the owners of twenty percent or more of the area of the land proposed to be included in such change, or of the area of the land immediately adjacent extending three hundred feet therefrom," then a three-fourts vote (7 councilors) would be necessary to enact the proposed change to the ordinance. Charles Square Associates owns real estate which will be affected by the proposed changes and now so files such a protest.

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These are all prohibited or discouraged in the above-referenced petition. Furthermore, the amendment is vague and confusing and would create unpredictability in the application of the ordinance.

Very truly yours,

CHARLES SQUARE ASSOCIATES

By: _____

C. C. 106

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 reconvened public hearing on Wednesday, November 2, 1988 at 5:30 p.m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition of Howard Medwed, et al to amend the text of the Zoning Ordinance as follows:

1. adding a new definition to Article 2.00 entitled "Addition. New construction which is connected to an existing structure above grade at any point by construction which contributes to gross floor area.",

2. adding to the definition of Lot the following: "For the purposes of determining whether a parcel of land is in identical ownership throughout, only those persons who, alone or jointly or severally with others, have legal title to such parcel shall be considered to have an ownership interest. The interests of lessees and others who have care, charge or control of such parcel, but who do not have legal title shall be disregarded.", and

3. adding to the Ordinance following Section 5.272 new sections 5.28 entitled "Exclusion of way from Lot Area for purposes of determining Floor Area Ratio; 5.29 entitled "Computation of lot area for purposes of determining FAR on Multiple Structure lots and Section 5.30 entitled "Computation of lot area for purposes of determing FAR".

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. C. 108

City of Cambridge

In City Council November 7, 1988

The Committee on Ordinances, comprised of the entire membership of the City Council conducted a public hearing on Wednesday, November 2, 1988 beginning at 6:00 p.m. in the Ackermann Room, City Hall. The purpose of the hearing was to continue testimony from the meeting of September 28, 1988 relative to the Howard Medwed, et al petition to amend the Zoning Ordinances by adding a new definition to Article 2.00 entitled "Addition" and by adding to the definition of "Lot" a new description and by adding a new Section 5.28 entitled "Exclusion of Way from Lot Area for the Purpose of Determining Floor Area Ratio".

Councillor Francis Duehay opened the hearing on behalf of the Chairman and stated that this particular hearing was a continuation of an earlier public hearing in an effort to satisfy legal requirements at the hearing of September 28th at which Mr. Medwed outlined his proposal and rationale for the amendments of it, several individuals spoke in opposition and they are as follows: John J. Campbell, Esq., representing St. Paul's Church, John Hall of Carpenter & Company and Molley Lovelock, all of whom were concerned with the impact of such a petition if it were enacted by the City Council.

At the hearing dated November 2nd, Mr. Medwed again briefly outlined his petition, stating that the City should control the future development potential and that such potential should not be controlled by developers. He said the present definition in the Zoning Ordinances of the word "Owner" has no standards.

Speaking in favor of the petition was Ms. Etin Fales, 11 Hilliard St., who stated that this petition, if passed, would help preserve the neighborhood.

Also speaking in favor was Ms. Cathleen Borin of 13 Washburn Avenue.

Speaking in opposition was Eric Wadlinger, Esq. of 10 Craigie St., Robert Heroux, 901 Mass. Ave., representing the Cambridge Chamber of Commerce, K. George Najarian, on behalf of the Athenaeum Group and Jeffrey Hermatson, Esq., representing Carpenter & Company.

Councillor Duehay questioned whether or not the Chamber of Commerce was prepared to submit a proposal which would address the concerns of the neighborhood regarding the borrowing of air rights.

Mr. Heroux responded by stating although the Chamber did not have a specific alternative for this proposal, they were, in fact, working on addressing some prominent concerns raised by various neighborhood groups throughout the City.

Attorney Wadlinger stated that he opposed the petition because he saw this as not a technical change but as a downzoning petition causing tremendous uncertainty with respect to development rights throughout the City.

Councillor Duehay questioned whether or not the Planning Board has had an opportunity to review this proposal.

Mr. Les Barber, Staff-Person to the Planning Board, responded by stating the Planning Board intends to recommend against this petition but they presumably will offer some modifications to existing Zoning Ordinances.

Councillor Duehay moved to refer said petitin to the full City Council without recommendation.

The hearing was adjourned at 6:10 p.m.

For the Committee,

Councillor William H. Walsh
Chairman.

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For the Committee,

Councillor William H. Walsh
Chairman.

(7)

6 p.m. Howard Medwed

John J. Campbell, Esq. — Spoke in opposition to petition. Thinks adversely effects the development of St. Paul's Church. (See Fr. Boles letter)

C. Durham — Clear. Supports petition prospectively

John Hall
Carpenter Clerk — Spoke in opposition to petition. Adversely effects our development.

Molly Lovelace
YWCA — Opposed to project due to adverse impact on financing of our proposed development.

C. Wolf — Which section would apply.

It would depend on total structure of final project.

" — Commitment by YWCA is laudatory and I commend them

Howard Medwed — Spoke in favor of the petition

* — Stated he had not received notification of public hearing

C. Dreher — Wants Planning Board report on petition(s) A.S.A.P.

memo to Planning Board

& C. W. Sullivan — Opinion of C. Solicitor re: that empt re: non-profit can be exercised on petition

Recess to future date ~~7:00~~ 6:35 P.M.

6:42 P.M. Planning Board - North Point

Recess @ 6:44 P.M.
Reconvened @ 6:48 P.M.

M. Rosenberg — Spoke re: in support of this petition. Many issues are being worked out and both petitions are coming

5

together.

Quer. of access to (T) station and pedestrian crossing are "bottom line" issues w/ this petition.

Process: open to many neighborhood people developers etc.

Key Features:

C-1 base should remain w/in proposed area.

C. Wolf — Quer. roadway survey vs. pedestrian activity re: new station. What about a tunnel

M. Rosenberg — City has requested (T) move this station

7:17 P.M.

Les Barber — Outlined area effected; will be divided into 3 sub areas:

(1) Boston Sand and Gravel to Ind.-A. District F.A.R. of 2.0

(2) Mfg.- O'Brien Highway

LB3
to ~~Ind. 3B~~ District
Height to 45'

(3) Lechmere Canal Ind. 3B
District
PUD to 80' by SP

Proposing 2 new industrial districts
w/ reduced FAR to .25 w/ height
limit of 35'
New I.R. District F.A.R. .75

C. Wolf — Ques. density w/in new district (LB3)

Mayor — Ques. Superior ~~Court~~ Not use.

Anthony Dantona
East Cambr. Stab. — MBTA will not put an overpass over highway w/ existing zoning

Hug Salemme
Ward 5: — Was on working group which met on these proposals.
Supports this proposal

The property owners petition makes assumptions which I find difficult to accept.
Too much light weld in Lib'd for new development

Maybe you should even down-grade this some more.

C. D. Sullivan — Ques. was invitation extended to City to attend East Cambl. Planning Team

Salemme — No

C. D. Sullivan — How many times did develop appear

Salemme — 3 times

Mayor — Ques. did Museum of Science ever come before Planning Team

C. Dunlap — Suggested a series of informational meetings for neighborhood

Show of Hands

Four in favor

8 people against

Anthony Sansosea — East Camb. isn't getting fair share from city. Costa-Lopes Park not done. Lack of communication w/ city. I don't trust the city.

Nick Grisgraber, Pres. East Planning Team — ~~Supports~~ opposed

Frank Magnelli — Necessary for overpass.

John Gargano, 149 Cambridge St. — (I) is not a good neighbor.

Paul Dodd, 83 Third St. — Opposed to both petitions. Board has not allowed for fair hearing on each petition.

John Maddalo
111 Thorndike St.
— opposed to petition

Dorothy Petrano
49 Gore St.
" "

Adam
~~Stein~~ Weinberg Esq.
19 Garden St.
Goodwin, Procter
(Federal Outdoor)
" "
Is representing land owners.
Concerned w/ height limitation FAR
etc.

We have offered amendments
to Planning Board for our petition

C. Wolf
Adam
Stein
Ques. Talucci's approval

We feel this could be granted
law may have to be tested

John J. Campbell, Esq. — 50% owners effected
Opposed to petition

Harry Hartkan
Superior Nut
Opposed to petition

Quality of life is primary focus of our concern.

I B-3 is my concern.

C-D Dubbay Ref N C/C w/o recommendation

Bdy 9:35 a.m.
(Russ for medical)

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, November 2, 1988 at 7:00 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition by **Webb Nichols,** et al to amend the Zoning Ordinances of the City of Cambridge in Article 10.000 entitled "Appeals, Variances, and Special Permits", as follows:

A. Renumber Section 10.50: Repetitive Petitions to 10.60.

B. Delete Subsections 10.471 and 10.472, and renumber subsequent subsections accordingly.

C. Insert following the existing Section 11.40 a new Section 11.50: Required Documentation, reading as follows:

"10.50 Required Project Documentation Threshold Criteria. Any applicant for a special permit or variance for a construction or development project which (a) includes more than three dwelling units, or (b) proposes the construction of more than 5,000 new square feet of gross floor area, or (c) proposes construction in excess of 35 feet of height, shall provide a Project Documentation Report as further described herein.

10.52 Procedures

(a) Timing: Submit required documentation with the application for special permit or variance.

(b) Format: Submit required documentation in an 8½ x 11 inch Report or binder. Reduce oversize drawings, maps and plans to 11 x 17 inches maximum, and fold to fit within. Photographs may be presented as black-and-white photocopies.

(c) Number of Copies: Provide nine (9) copies of the Project Documentation Report—2 for public record copies, and the remainder for distribution to members of the permit- or variance-granting Board. Additionally, submit one (1) set of full-size drawings, maps and plans, and of color photographs.

(d) Changes and Resubmissions: Any changes in the applicant's proposal following submittal of the application, except for changes negotiated at the public hearing, shall require resubmittal of the application and the Project Documentation Report.

10.53 Documentation Required

(a) Existing conditions documents:

(1) A certified survey of the project parcel at a scale of 1 in = 20 ft or 40 ft, including property lines, existing structures and drives, trees in excess of 3" caliper, public utilities serving the parcel, existing grades (topographic contours at 2 ft intervals), and edges of structures within 100 feet on other lots immediately abutting, or facing across streets and ways.

(2) Photographs of the project parcel and its surroundings.

(3) For both the project parcel, and for immediately abutting or facing lots, information specifying existing zoning classification, existing land uses (including number of dwelling units), approximate building heights and FAR's.

(b) Project proposal documents:

(1) Site plan of the proposed project at a scale of 1 in = 20 ft or 40 ft, showing retained and proposed structures; walkways, drives, curb cuts and parking/loading areas; proposed grading and site drainage; required usable open space; trees, shrubs and other landscape elements; and treatments of the parcel edges (fences, screens, etc.).

(2) Schematic elevations (front, side, and rear) of project structures, indicating position and height of structures on adjacent lots within 100 ft.

(3) Quantitative information regarding gross floor areas allocated to the various uses or components of the proposed project; total FAR; on-site parking and loading counts; number, floor area(s), and bedroom counts for dwelling units; and areas of usable open space allocated to units, and/or assigned to common areas.

(c) Project impact documents:

(1) Shadow impact studies showing shadows cast on the ground plane by project structures at 9 am, noon, and 3 pm for the summer solstice, the winter solstice, and the vernal/autumnal equinox.

(2) Traffic impact study prepared by a registered transportation engineer describing capacities, volumes and levels of service at adjacent streets and key intersections both as currently existing, and as resulting from development as proposed.

(3) The scope of the traffic impact study shall be established by negotiations between the applicant and the Community Development Department. Either or both impact studies may be waived by unanimous consent of the Board upon receipt of the written recommendation of the Assistant City Manager for Community Development, stating that the small scale or specific location of the project will result in no impacts worth further study.

(d) Project legal and financial information, including: site acquisition terms and arrangements, with explanations of any residual leases, easements, or other encumbrances; development costs, including itemized construction costs, professional fees, and other hard and soft costs of the project; anticipated finance arrangements, including anticipated mortgages, interest rates, payment schedules, and equity participation; anticipated annual management and operating costs of the completed project; anticipated project income, including sales or rental rates or prices for the various components of the project; and anticipated return on investment."

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)Oct.13,20

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 reconvened public hearing on Wednesday, November 2, 1988 at 5:30 p.m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition of **Howard Medwed,** et al to amend the text of the Zoning Ordinance as follows:

1. adding a new definition to Article 2.00 entitled "**Addition.** New construction which is connected to an existing structure above grade at any point by construction which contributes to gross floor area.",

2. adding to the definition of **Lot** the following: "For the purposes of determining whether a parcel of land is in identical ownership throughout, only those persons who, alone or jointly or severally with others, have legal title to such parcel shall be considered to have an ownership interest. The interests of lessees and others who have care, charge or control of such parcel, but who do not have legal title shall be disregarded.", and

3. adding to the Ordinance the following Section 5.272 new sections 5.28 entitled "Exclusion of way from Lot Area for purposes of determining Floor Area Ratio; 5.29 entitled "Computation of lot area for purposes of determining FAR on Multiple Structure lots and Section 5.30 entitled "Computation of lot area for purposes of determining FAR".

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

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For the Committee
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Chairman.

(C)Oct.13,20

CHARLES F. CHOATE, JR.
1899-1927
JOHN L. HALL
1899-1960
RALPH A. STEWART
1904-1926

CHOATE, HALL & STEWART
EXCHANGE PLACE
53 STATE STREET
BOSTON, MASSACHUSETTS 02109
TELEPHONE (617) 227-5020
TELECOPIER (617) 227-7566
TELEX 289374

November 1, 1988

Committee on Ordinances
Cambridge City Council
City Hall
Cambridge, MA

Planning Board
City of Cambridge
City Hall Annex
57 Inman Street
Cambridge, MA 02139

Re: Zoning Petition of Howard D. Medwed, et al

Dear Board Members:

As a resident of Cambridge and as one who often works with the City's Zoning Ordinance, I respectfully submit the following comments regarding the above-referenced zoning petition (the "Petition") which I understand is currently being considered.

I believe that adoption of the so-called "FAR Reform Petition" would create tremendous uncertainty with respect to development rights on virtually all Cambridge properties, create poor land use planning incentives, and interfere unreasonably with the creation and transfer of private property rights. In addition it is so badly drafted and ill conceived, that it would prove a minefield to the building inspector, the Board of Appeals and the Planning Board, as well as to lenders and property owners. Accordingly, I strongly urge the Committee on Ordinances and the Planning Board to recommend in their reports to the City Council that the Petition be denied.

The Petition is objectionable in at least the following respects:

1. The proposed redefinition of "lot," in conjunction with the proposed Section 5.30, "Computation of Lot Area for Purposes of Determining FAR", would permit the Building Inspector, Planning Board and Board of Appeals to ignore the actual legal ownership of land and to merge or bifurcate lots on a highly discretionary basis. For instance, zoning officials are instructed to treat as two or more lots a lot whose title is held in single ownership where "the actual nature of the economic interests in such lot is such that such lot should be [so] treated." Conversely, the section dictates that two or more lots in separate legal ownership be treated as a single lot where the "actual nature of the economic interests in such lots" so indicates.

   The "rules" which proportedly clarify the application of these vague directives are similarly open to highly discretionary application. The provisions of proposed Section 5.30(a) provide for the dismemberment of legal unitary lots where "the ownership interests of the holders of legal title are not congruent throughout all portions of a lot," that is, where such interests are not "identical in extent, kind and character in exactly the same proportions" throughout the lot. Proposed Section 5.30(c) qualifies application of these vague rules still further by dictating that if any "contract or other arrangement in respect to a parcel" "has the effect of circumventing the purpose or intent of this Section... by creating interests which are not ownership interests hereunder but have the effects of ownership interests," then the parcel shall be treated consistently with those "effects".

   In sum, proposed Section 5.30 would create tremendous uncertainty among property owners in the City as to their rights under the zoning code by subjecting those rights to the necessarily discretionary interpretation of this section.

2. Proposed Section 5.30(d) creates financial disclosure requirements which would require joint venturers and others holding fractional undivided interests in land to fully disclose the nature and the amount of their ownership interests so that the zoning authorities can make their own determinations as to the appropriate division of lots. Thus, the amendment would destroy

the privacy rights traditionally afforded to land owners with respect to their specific financial interests in property or property-owning entities.

Moreover, the "full disclosure" defense which would be provided to land owners under this Section depends upon the ownership, contracts, and "other arrangements in respect to such lot or structure" not being "altered in any material respect" subsequent to such disclosure. Insofar as this defense provision creates any protection for landowners, it operates as a restraint upon alienation of property and of interests in property and further inhibits even contractual arrangements affecting property.

3. The FAR computation guidelines of proposed Section 5.29 require that, when a building is proposed for a lot upon which an existing building already stands, the lot must be treated as two lots and the dimensional and setback requirements of the zoning ordinance applied to each lot individually unless either (1) the proposed new construction meets the vague definition of an "addition" under section 5.29(b), or (2) a special permit is obtained. By requiring any new construction which does not constitute an "addition" to independently meet setback requirements as well as FAR requirements, the general rule of this proposed section produces an irrational incentive to build higher in order to take advantage of available FAR and still comply with setback requirements. The exception for "additions," on the other hand, will unreasonably encourage the enlargement of single buildings on lots which might be better suited to division of the allowable floor area among several buildings from an urban design standpoint.

4. The criteria set out under proposed Section 5.29(c) for the granting of a "special permit" to treat several structures on a lot as a single structure seem closer to those under which variances are given than to typical special permit conditions. The enumerated requirements would throw a landowner completely at the mercy of the Planning Board in requesting such a special permit. Thus, the designation of this approval as a "special permit" misleads property owners to believe that the approval will be more easily obtained than in fact it will be.

I hope that the Committee on Ordinances and the Planning Board will carefully consider the above defects in the Petition and recommend to the City Council that the petition be denied.

Yours very truly,

Eric W. Wodlinger

EWW/cjf/4530M

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November 1, 1988

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Cambridge, MA

Planning Board
City of Cambridge
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Eric W. Wodlinger

EWW/cjf/4530M

GLENN P. STREHLE
VICE PRESIDENT AND TREASURER

RECEIVED BY
CITY CLERK
1988 NOV -1 PM 5:00
CAMBRIDGE MA.

77 MASSACHUSETTS AVENUE
CAMBRIDGE, MA 02139

November 1, 1988

Joseph E. Connarton
City Clerk
City of Cambridge
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Mr. Connarton:

MIT opposes the change in the Cambridge Zoning Ordinance proposed by Howard Medwed and others, known as the "FAR Reform Petition," which would negatively affect the development of abutting parcels as well as limit the construction of additions or multiple buildings on a lot. In addition, the proposed amendment would add confusion to the present Zoning Ordinance rather than clarification and will not serve the best interest of MIT or the City of Cambridge.

Sincerely,

Glenn P. Strehle
Vice President and Treasurer

NORTH POINT

Continued from page 1

development at North Point. Last spring, property owners set out to create their own rezoning proposal after negotiations with city planners broke down. Their revised petition recently won endorsements from the East Cambridge community and Cambridge Planning Department.

The current zoning for North Point — the "no-man's land" of railroad yards, old warehouses and the city's garbage transfer station — allows unlimited height and a four FAR (floor area ratio). This means that the size of a project can be four times larger than the lot on which it is built.

The landowners' new petition would create a base zone with a one FAR, representing a 75 percent reduction in development rights, and a height limit of 50 feet.

Each project would fall within the Planned Unit Development process. This means that each project would be subject to review by the planning board and, if a proposal exceeds the base zoning, it would require a PUD, or special permit, from the board.

With special permits, developers could build up to a 2.5 FAR, which translates into 1.5 to 2 million square feet of possible commercial space. With permits, they could also build to heights of 85, 115 and 145 feet, depending on where projects go up.

"This is the first time the developers have agreed to do less than two million square feet of commercial space," Rosenberg said. "It establishes the limit of development."

The planning board would have control over the extent of all future construction at North Point. However, the council won't vote Monday night on actual guidelines for reviewing building designs; it will do so later this fall.

The landowners' revised petition would also include traffic controls. Developers could build up to 3,000 parking spaces at North Point, but that figure could be reduced if the planning board rules over time that the traffic capacity in the area has been exceeded. The city's own petition calls for a limit of 1,800 parking spaces.

The city and property owners have also agreed on a pedestrian crosswalk connecting Monsignor O'Brien Highway to East Way, one of two roads at North Point. A pedestrian bridge leading to the proposed MBTA Green Line station at Lechmere will offer another alternative for reaching North Point.

The landowners' petition also features the city's new linkage policy, which would require developers needing special permits for commercial projects in excess of 30,000 square feet to pay $2 per square foot above that level. Also, the petition includes an inclusionary zoning plan that would require developers of residential projects to set aside 15 percent of the units for low- to moderate-income residents.

The landowners' petition also provides significant zoning bonuses for residential construction.

"The result is a structure of checks and balances and failsafe points where the city is protected against development," said Dean Stratouly, president of Congress Group, a Cambridge developer. "And it provides the developers with enough incentive to move ahead and create a whole new environment out there."

Congress Group owns the Federal Distillers, Inc. property in the heart of North Point and, if the rezoning petition is approved, it plans to knock down the liquor warehouse and put up a pair of office buildings. The two buildings would flank Industrial Way, rise 10 and 12 stories, and offer 438,000 square feet of office space.

Unihab Inc., which has the rights to buy a parcel of land along the Charles River, is exploring whether to build office space or condominiums on the site.

Asked about the landowners' revised petition, City Councilor David Sullivan said, "My sense is that it's heading in the right direction. I think the Guilford petition has made a lot of progress regarding the city's concerns. Whether the landowners have made enough, I don't know yet. I want to wait and see what they've come up with."

The city's petition, on the other hand, covers 20 more acres in North Point that are not included in the landowners' petition. Crafted by the community development department, the proposal also includes the northern part of Monsignor O'Brien Highway and the Boston Sand and Gravel Co. site.

Rosenberg said that if the council approves the Guilford petition Monday, it will then turn its attention to new zoning for the extra 20 acres in the city's petition.

Matignon, NCC set blood drive

North Cambridge Catholic High School and Matignon High School will sponsor a blood drive on Thursday, Oct. 13, at NCC, 40 Norris St, from 8 am to 1pm.

Anyone interested in donating at that time should contact David Paskind at NCC, 876-6068, for an appointment.

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Rindge Tech continues day classes for adults

The Rindge Technical Vocational Program at Cambridge Rindge and Latin School broke precedent two years ago and offered adults the opportunity to attend classes with teens during the regular school day.

"The concept of mixing adults and teens in day-time classes was considered for years an educational taboo. This was based on theories ranging from 'maturity dissonance' to 'attitude polarization' and a number of other negative concepts perceived by educational authorities," said Rindge Tech Director Karen Prentice.

"The initial program was a pilot study to evaluate its potential. Its success prompted expansion of the program last fall and is the reason for its reintroduction this school year," she said.

She explained that adults are offered free instruction in areas including: auto-body, auto mechanics, carpentry, computer technology, culinary arts, graphic arts, drafting, electrical, machine, sheet metal and welding in scheduled classes during the regular school day. "In addition, we provide job placement services without charge to those who complete the one to one and a half year course," Prentice said.

School Committee Occupational Education Subcommittee chairman Fred Fantini recalled that two decades ago the school department offered courses to adults in a day time setting but separate from teen students.

"During the '60s courses were offered to adults in medical stenography. However, adults and students did not attend classes together," he said. "To my knowledge, this program marks the first time the school department has offered courses bringing adults and students together in the same classes during the regular school day."

Interim schools' Superintendent Mary Lou McGrath said that the venture is a new opportunity for the community. "It is an occasion to open the doors of public schools to adults in a way that will further benefit the community and individuals beyond high school age who are seeking to develop new skills," McGrath said.

McGrath explained that the traditional Evening Adult Education Program will continue to offer courses for those who prefer to attend that program from October to March. "The day-time adult courses are more than a supplement to the evening program," she said, "since they offer a full-time, five-day-a-week schedule, as opposed to the evening school offering of two nights a week."

Adults interested in the program can call 498-9280. She said that applicants should have a high school degree or GED. Some courses offer community college credit in addition to skill training.

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Cambridge Chronicle
VOL. 142, NO. 41
THURSDAY, OCTOBER 13, 1988
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CITY CLERKS OFFICE
CITY HALL 795 MASS AVENUE
CAMBRIDGE, MA 02138
C OCT 13
ATTN: DONNA LOPEZ
LEGAL NOTICE TEARSHEET

Teachers get 19 percent hike over three years

By LAURA BECK
Chronicle staff

Most teachers in the Cambridge public schools will receive a 19 percent pay boost over the next three years according to terms of a tentative three-year contract worked out this week by the school committee and the Cambridge Teachers Association.

The 829-member CTA is expected to ratify the contract Monday. A majority vote from the CTA is needed before the contracts become official.

Retroactive to Sept. 1, 1988, school employees will receive a 4 percent salary increase across the board and teachers with at least 11 years experience will get an additional 2 percent salary increase for the current year. This 2 percent increase is based on the veteran teachers' educational degrees and additional academic credits.

For example, a teacher with a bachelor's degree and five years experience will now make $26,900, up from the last year's salary of $24,712. A teacher with a master's degree plus 30 academic credits and 11 years experience will now make $39,211 compared to last year's salary of $36,741, according to School Department Spokesman Albert Giroux.

The city always sets money aside to use for contract settlements. Hopefully there will be money for the school contract.
Robert Healy
City manager

The second year proposal calls for a 5 percent across the board salary increase in September 1989 with 1 additional percent for teachers with at least 11 years experience.

Please see CONTRACT, page 9

Brattle street neighbors battle primary school

By JOHN PERRY
Chronicle staff

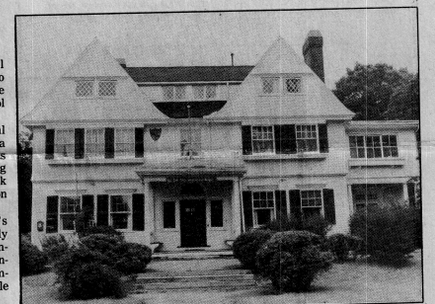
Brattle street neighbors will regroup tonight in their effort to force the closing of a private kindergarten and primary day school serving mainly minority students.

Although the large Colonial revival house at 113 Brattle St. has housed a school for almost 50 years, opponents are using a highly technical reading of the city's zoning ordinance to block the new institution from operating on the site.

Commonwealth Day School's (CDS) 40 young students have clearly settled into the building. 225 Cambridge residents, however, have signed a petition and launched a campaign to force the school off Brattle street.

David Barrett, who lives across the street from the school, called CDS "an institution looking for a home,

Please see SCHOOL, page 8



RESIDENTS of the Brattle street area near the former New Preparatory School are fighting a special permit application which would enable the building to be used as a school for children from low- and moderate-income families. (Staff photo by Carolyn Hine)

SWING YOUR PARTNER — Karen Heiman swirls around the dance floor at the Mt. Auburn Post VFW's weekly square and contra dance session last Thursday. Her partner is Lon Hocker. (Staff photo by Carolyn Hine)

Cops set to appear at review board tonight

By LAURA BECK
Chronicle staff

The weight of the Cambridge Police Review and Advisory Board's subpoena powers will be tested Thursday night, when five police officers are scheduled to face two public hearings.

Thursday's hearings will mark the first test of the subpoena since the Middlesex Superior Court upheld the civilian review board's subpoena powers last month.

Police ignored several subpoenas to appear at hearings in the past, prior to the court ruling.

"We don't like issuing the subpoenas," said William Golon, executive director of the CRB board. "But the chances of an officer showing up to a hearing is very small."

The CRB was established four years ago to investigate public charges about police misconduct and brutality. A city ordinance gave the CRB the power to issue subpoenas requiring police officers to appear during case investigations or at public hearings, but this has been virtually ignored by many police officers in the past, according to Golon.

Three patrol officers, Roger Folger, John Callinan and Louis Neal, as well as Lt. Thomas Benson, are scheduled for Thursday night's

Please see REVIEW, page 9

Council votes on North Point Monday

By JAY WEAVER
Staff writer

It has taken more than two years, but city planners, residents and property owners have finally found a common ground for the future of North Point.

It is now up to the Cambridge City Council to decide the fate of the landowners' rezoning petition for the 50-acre industrial district north of Monsignor O'Brien Highway. The council meeting is set for Monday, at 5 pm, in the Sullivan Chamber at City Hall.

It represents the last opportunity the city council will have to vote on the so-called Guilford petition, named after the major property owner at North Point, Guilford Transportation Co. If the council takes no action, the petition will automatically die. But considering how the landowners have amended their petition to reflect development restrictions in the city's own rezoning plan, the odds for its success are promising.

"This petition clearly incorporates the key points of the city's petition," said Michael Rosenberg, assistant city manager for community development. "Though it approaches the problem of development a little differently, it does the job we're looking for. I see it as an acceptable alternative to our petition."

This outlook represents a dramatic shift in the city's attitude toward the landowners. For the past two years, there has been a moratorium on

Please see NORTH POINT, page 12

This petition clearly incorporates the key points of the city's petition.... I see it as an acceptable alternative.
Michael Rosenberg
CDD director

FOUR-ALARM BLAZE — Cambridge firefighters responded to a four-alarm fire at Elliott and Winthrop streets at 7:09 Wednesday morning. The fire damaged two buildings, 16-18 Elliott St. and 98 Winthrop St. The Elliott street building, a four-story commercial and residential structure which houses the Ta Chien and Roka restaurants, sustained the greater damage. Residents were evacuated. The Winthrop street building includes the Henry IV restaurant. The fire department is conducting an investigation into the source of the blaze. (Staff photo by Cheryl Miller)

Schochet denied crucial UDAG funds

By JAY WEAVER
Staff writer

For almost two years, inertia and graffiti have enveloped the buildings wrapped around the corner of Mass. Avenue and Essex street.

What was supposed to have been the site of a lively commercial and residential development that would give Central Square an economic lift has remained its same scruffy self.

In recent weeks, almost all of the critical permits for the mixed-use project have been approved; however, a federal grant that is considered the linchpin for development of the corner site has been turned down for the second time.

The federal government last week rejected the application for a $2.2 million urban development action grant (UDAG) for the project. A spokesperson for the U.S. Department of Housing and Urban Development (HUD) said the developer, Schochet Associates, failed to provide enough details in the application about private financing for the $14 million project.

The project's inability to qualify for the UDAG funds could hold up progress on the development of the corner site. Furthermore, without the UDAG and the low-interest loan it would yield, Schochet Associates could end up building fewer affordable apartments than it promised in an agreement with the city.

"The UDAG was a critical juncture; it would have made the project happen now," said Joseph Kellogg, the city's director of economic development. "But I feel confident the project will move forward."

Jack Flynn, the HUD spokesperson, said the city's UDAG application on behalf of Schochet Associates will be reconsidered next September. "There has to be an unequivocal

Please see SCHOCHET, page 9

ON THE INSIDE

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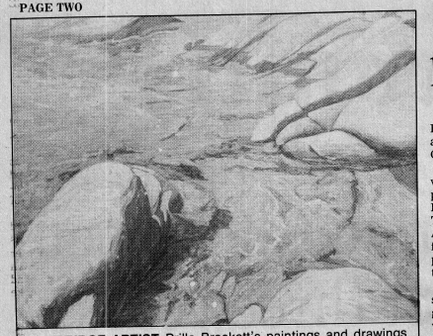
Talking to the animals

A day in the life of a 'dog catcher'

See page 2A in The Weekender

Fitzgerald School hosts arts group



CAMBRIDGE ARTIST Prilla Brackett's paintings and drawings from New England and Greece will be on view at the Cambridge Arts Council's Gallery 57, 57 Inman St., from Oct. 18 through Nov. 4. There will be a reception for the arts on Tuesday, Oct. 18, from 5 to 7 pm. Gallery hours are 9 am to 6 pm, Monday through Friday.

For the second year, Underground Railway Theatre will be in residence at the Fitzgerald School in North Cambridge.

The residency begins in October with a performance of the company's peace parable, "The Vision of Dreaming Branch," for Grades 3-8. The play is based on Native American folklore, and will be featured at the Pan-American Puppetry Festival in Atlanta, GA, later this year.

Following the initial performance, students of the fourth and fifth grades will participate in a series of workshops on how to create their own puppet performance. Inspired by the theme of "dreams," the students will write journals, poetry, and scripts that eventually will be made into shadow-puppet plays. The culminating performance by the students for their peers and members of the community is tentatively planned for the week of December 11. Last year, Underground Railway designer David Fichter created a mural with the Fitzgerald School students also on the subject of dreams. This mural is currently on view in the lobby of the school.

Funding for this Events Program is provided by the Cambridge Public Schools and the Cultural Education Collaborative which is funded in part by the Massachusetts Council on the Arts and Humanities. The Cultural Education Collaborative is a statewide not-for-profit arts-in-education agency.

For further information, call Underground Railway Theatre Co-Director, Debra Wise, at 497-6136.

IN FOCUS — Two Cambridge residents won prizes in the annual Boston Globe Photo Contest this year. Andrew Lipnick won a $500 third place award for a color photo and Renan Flores won a $100 honor award for a black and white photo. From the left are contest judge and former Globe camera columnist Walter Frost, Lipnick and Flores.

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Fever blisters, also known as "cold sores," are caused by the virus type 1 herpes simplex. Exposure to the virus may result in blister formation on the lips or around the outside of the mouth. Blisters may appear in the same location several times during a person's lifetime. Initial exposure to the virus is thought to occur most frequently during childhood. The virus can be spread from one person to another in saliva or by other means.
Fever blister flare-ups seem to occur with episodes of fever, emotional stress, menstruation, or sunburn. Blisters may be more prevelant during the winter months because the lips may be more vulnerable to infection at this time of the year. Itching and numbness may be noticed before blisters actually appear.
Fever blister relief consists of promoting blister healing by keeping the affected area moist and soft. This can be accomplished through the use of nonprescription creams, lotions, or gels that are applied directly to the skin. Fever blister products often contain a local anesthetic such as benzocaine or menthol to help relieve pain. Oral nonprescription medicines may also provide blister pain relief. Sunscreen lip balms will help prevent excessive lip exposure to sunlight.
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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, October 27, 1988 at which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge.

Patient Kits
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Removal of Refactory Tiles

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)Oct.13,20

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, November 2, 1988 at 6:30 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on the petition by **Mary Conlan**, et al to amend the Zoning Ordinances as follows:

A. Create a new subsection 11.542 (renumbering existing Sections 11.542 through 11.545 accordingly) which shall read:

"11.542 Floor Area Ratio Limitations. The maximum floor area ratio permitted on any lot in the Harvard Square Overlay District shall be governed by the requirements of this subsection 11.542; however, at locations where the base zoning district establishes a more restrictive FAR limitation, the more restrictive shall apply.

a. All Residence and Business Districts: The maximum FAR applicable to any lot shall be no greater than 3.0.

b. 0-3 Districts: The maximum FAR applicable to any lot shall be no greater than 2.0 for permitted business and commercial uses. A density bonus of additional FAR of 0.5 may be granted by special permit, provided said additional floor area is developed for a permitted residential use.

B. Reduce maximum height limits established by the present subsection 11.542 (renumbered to 11.543 pursuant to above), by making changes as follows:

1. Throughout the subsection, at each occurrence of "eighty" or "80", substitute "seventy", or "70", and at each occurrence of "sixty" or "60", substitute "fifty-five" or "55";

2. Add to the end of 11.542 a new paragraph "c" which shall read:

"c. Maximum heights in the Overlay District shall be inclusive of, and measured to, the uppermost limit of mechanical equipment, enclosures and/or visual screens for said equipment, and also any roof accessories and/or appurtenances."

C. Amend requirements for waiver or reduction of parking requirements by deleting subsection formerly 11.544 (but renumbered 11.545 pursuant to A above) in its entirety, and replacing it with new section 11.545 reading as follows:

"11.545 Parking and Loading Requirements.

Uses in the Harvard Square Overlay District may be exempted by special permit from the parking and loading requirements of subsection 6.36, provided that:

(a) the use is contained in a structure, or portion of a structure, in existence, on or before 1 June 1940, or if constructed later, is identified as a National Register or contributing building; or else

(b) the subject lot is less that 10,000 square feet in area, and development thereof, without parking and loading as required in subsection 6.36, would contribute to a pattern of civerse, small scale new structures, and/or help promote the retention of existing structures.

But if the use does not satisfy the conditions of either (a) or (b) above, or else if the use is part of a project which demolishes a National Register or contributing building, or alters an existing building so as to preclude its designation as a National Register or contributing building, or which has so demolished or so altered said building(s) within 5 years of the date of the special permit application, then said use may be exempted by special permit from the parking and loading requirements of subsection 6.36 only if the following conditions are met:

(c) Issue of special permit conforms to the requirements of subsection 6.35; and also

(d) The applicant provides satisfactory evidence of his intent to implement an appropriate parking demand mitigation program of proven effectiveness, which might include, but not be limited to: participation in the **Caravan** sponsored program; in-house ridesharing matching; preferential parking or reduced parking costs for high occupancy vehicles; operation of vans and carpool services; employer subsidized transit passes; implementation of flexible work hours; or other methods as may be effective and appropriate; and also

(e) The applicant, by deeded easement or other acceptable written instrument, permanently waives the right to develop the subject lot to an FAR in excess of 80% of that allowed by the Overlay District or the underlying base zoning, whichever shall be the lesser amount. Or as an alternative,

(f) The requirements of (e) above may be waived, provided that the applicant pays to the Harvard Square Improvement Fund (described following (an amount approximately equal to half the cost of providing below-grade parking in the Harvard Square area for each parking space which would otherwise be required by subsection 6.36. Said amount (the amount to be paid by the applicant per space so waived) is hereby established as ten thousand dollars ($10,000.00), and shall be increased or decreased each year on the anniversary date of this Ordinance amendment in proportion to increases or decreases in the construction price index applicable to the Harvard Square area as published by R.S. Means or comparable industry source.

11.546 The Harvard Square Improvement Fund

The City of Cambridge shall establish a Harvard Square Improvement Fund to receive the cash contributions mandated in 11.545 (f) above, or other funds as may become available subsequently. This Fund shall be used by the City of Cambridge for one or more of the following capital improvements in the Harvard Square Overlay District:

(a) Provision of public parking, preferably for short term users, which, opportunities available, shall be the first priority of any expenditure; or

(b) Improvements to public parks, or restoration of historic structures, monuments, and other features owned by the City, other public agency, or non-profit organization; or

(c) Extension throughout the Harvard Square Overlay District of the surface improvements (brick walks, lampposts, street furniture, etc) installed by the MBTA as part of the Red Line subway extension.

The Harvard Square Advisory Committee shall make proposal for, or receive and make comment on any proposal for, expenditure of monies within the Fund. Funds shall not be used for ordinary maintenance activities normally undertaken by the City.

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)Oct.13,20

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. **Probate Court**

To all persons interested in a petition for adoption of **Shawn David Sharry** of Cambridge in said County.

A petition has been presented to said Court by **William P. Fitzgibbon** and **Virginia M. Sharry Fitzgibbon** his wife, of Cambridge in said County, praying for leave to adopt said Shawn David Sharry a child of Virginia M. Sharry of Cambridge in the County of Middlesex and the alleged father of parts unknown and that the name of said child be changed to **Shawn Michael Fitzgibbon.**

If you desire to object thereto you or your attorney should file a written appearance in said Court at Cambridge before 10 o'clock in the forenoon on the sixteenth day of December 1988, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this twenty-eighth day of September, 1988.

Paul J. Cavanaugh
Register

(C)Oct.13,20,27

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given pursuant to General Laws, Chapter 148, that **Modern Continental Enterprises** has applied for a parking garage for 176 cars and the keeping and storage of 1,760 gals. of gasoline in tanks of cars only at 258 Monsignor O'Brien Highway.

The hearing on this application will be held on Tuesday evening, October 25, 1988, at 6:30 o'clock, in the Barbara Ackermann Room, Room 200, City Hall.

James Thaddeus McDavitt
Anthony G. Paolillo
Thomas V. Scott
License Commission

(C)Oct.13

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, November 2, 1988 at 7:00 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition by **Webb Nichols**, et al to amend the Zoning Ordinances of the City of Cambridge in Article 10.000 entitled "Appeals, Variances, and Special Permits", as follows:

A. Renumber Section 10.50: Repetitive Petitions to 10.60.

B. Delete Subsections 10.471 and 10.472, and renumber subsequent subsections accordingly.

C. Insert following the existing Section 11.40 a new Section 11.50: Required Documentation, reading as follows:

"10.50 Required Project Documentation

Threshold Criteria. Any applicant for a special permit or variance for a construction or development project which (a) includes more than three dwelling units, or (b) proposes the construction of more than 5,000 new square feet of gross floor area, or (c) proposes construction in excess of 35 feet of height, shall provide a Project Documentation Report as further described herein.

10.50 Procedures

(a) Timing: Submit required documentation with the application for special permit or variance.

(b) Format: Submit required documentation in an 8½ x 11 inch Report or binder. Reduce oversize drawings, maps and plans to 11 x 17 inches maximum, and fold to fit within. Photographs may be presented as black-and-white photocopies.

(c) Number of Copies: Provide nine (9) copies of the Project Documentation Report—2 for public record copies, and the remainder for distribution to members of the permit- or variance-granting Board. Additionally, submit one (1) set of full-size drawings, maps and plans, and of color photographs.

(d) Changes and Resubmissions: Any changes in the applicant's proposal following submittal of the application, except for changes negotiated at the public hearing, shall require resubmittal of the application and the Project Documentation Report.

10.53 Documentation Required

(a) Existing conditions documents:

(1) A certified survey of the project parcel at a scale of 1 in. = 20 ft or 40 ft, including property lines, existing structures and drives, trees in excess of 3" caliper, public utilities serving the parcel, existing grades (topographic contours at 2 ft intervals), and edges of structures within 100 feet on other lots immediately abutting, or facing across streets and ways.

(2) Photographs of the project parcel and its surroundings.

(3) For both the project parcel, and for immediately abutting or facing lots, information specifying existing zoning classification, existing land uses (including number of dwelling units), approximate building heights and FAR's.

(b) Project proposal documents:

(1) Site plan of the proposed project at a scale of 1 in = 20 ft or 40 ft, showing retained and proposed structures; walkways, drives, curb cuts and parking/loading areas; proposed grading and site drainage; required usable open space; trees, shrubs and other landscape elements; and treatments of the parcel edges (fences, screens, etc.).

(2) Schematic elevations (front, side, and rear) of project structures, indicating position and height of structures on adjacent lots within 100 ft.

(3) Quantitative information regarding gross floor areas allocated to the various uses or components of the proposed project; total FAR; on-site parking and loading counts; number, floor area(s), and bedroom counts for dwelling units; and areas of usable open space allocated to units, and/or assigned to common areas.

(c) Project impact documents:

(1) Shadow impact studies showing shadows cast on the ground plane by project structures at 9 am, noon, and 3 pm for the summer solstice, the winter solstice, and the vernal/autumnal equinox.

(2) Traffic impact study prepared by a registered transportation engineer describing capacities, volumes and levels of service at adjacent streets and key intersections both as currently existing, and as resulting from development as proposed.

(3) The scope of the traffic impact study shall be established by negotiations between the applicant and the Community Development Department. Either or both impact studies may be waived by unanimous consent of the Board upon receipt of the written recommendation of the Assistant City Manager for Community Development, stating that the small scale or specific location of the project will result in no impacts worth further study.

(d) Project legal and financial information, including: site acquisition terms and arrangements, with explanations of any residual leases, easements, or other encumbrances; development costs, including itemized construction costs, professional fees, and other hard and soft costs of the project; anticipated finance arrangements, including anticipated mortgages, interest rates, payment schedules, and equity participation; anticipated annual management and operating costs of the completed project; anticipated project income, including sales or rental rates or prices for the various components of the project; and anticipated return on investment.

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)Oct.13,20

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that **Santino Ferrante** has applied for an Open Air Parking license at 4-6 Ashton Place, for 12 cars.

The hearing on this application will be held on Tuesday evening, October 25, 1988, at 6:30 o'clock in the Barbara Ackermann Room, Room 200, City Hall.

James Thaddeus McDavitt
Anthony G. Paolillo
Thomas V. Scott
License Commission

(C)Oct.13

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Edell Johnnie Hicks** and **Gwendolyn O. Hicks** to **The Boston Five Cents Savings Bank** now known as **The Boston Five Cents Savings Bank FSB** dated December 30, 1977, and recorded with Middlesex South District Registry of Deeds, Book 13366, Page 131, 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 1st day of November, 1988, on the mortgaged premises hereinafter described all and singular the premises described in said mortgage.

To wit: Being shown as Lot 59 on a plan made by E.F. Bowker, Engineer and Surveyor, dated December 17, 1875 and recorded with Middlesex South District Deeds, Plan Book 29, Plan 9, to which plan reference is hereby made for a more particular description, and containing 1201.4 square feet of land according to said Plan.

With the right to use the passageway, as shown on said plan, in the rear and on each side of the block of six brick houses (now numbered 205, 207, 209, 211, 213, and 215), now or formerly of Clara B. Woolls.

The property has an address of 213 Green Street, Cambridge, Massachusetts.

Including all rents, issues and profits thereof (provided, however, that the Mortgagor shall be entitled to collect and retain the said rents, issues and profits until default hereunder), and all fixtures now or hereafter attached to or used in connection with the premises herein described, and in addition thereto the following described household appliances, which are, and shall be deemed to be, fixtures and a part of the realty, and are a portion of the security for the indebtedness herein mentioned.

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. Other terms to be announced at the sale.

Date: September 22, 1988
The Boston Five Cents Savings Bank FSB
By: Ann Daly, Vice President
and Assistant Treasurer
Present holder of said mortgage
Harrison & Maguire, P.C.
24 School Street
Boston, MA 02108

(C)Oct.6,13,20

ANNIVERSARY WALTZ — The Cambridge Center for Adult Education recently marked its 50th anniversary. Featured at the event was the presentation of an award for distinction to former executive director Lydia Weare, the first director of the center. From the left are Board President William Truslow, current Director James Smith and Lydia Weare.

Adult ed. center marks 50th

More than 300 people from the Cambridge Center for Adult Education's past and present gathered Sept. 30 to celebrate the center's 50th year in Harvard Square.

The Friday evening activities began with a champagne reception at 42 Brattle St. to allow those who had not visited for some time to reminisce in the familiar classrooms of the Brattle House.

The party continued until 12 midnight at the Charles Hotel, where people danced to the 1930's sounds of the fine Ken Hadley Orchestra, a local 17-piece band.

James Smith, the center's executive director, and William Truslow, president of the board of directors, turned the spotlight on five honored guests at an award ceremony for their contribution to the center over the years.

The honorees were: Lydia Weare, who was recognized for her tremendous accomplishments as the center's first executive director from 1938 to 1970; Alida O'Laughlin, who was recognized for her innovative ideas as executive director from 1970 to 1986, one of the center's greatest periods of growth; Jere Dykema, who was recognized for his long service on the board of directors since 1966 and for the center's acquisition of the Black House while he was board president from 1971 to 1974; Ken English, who was recognized for his 30 years of tireless involvement with the center's volunteer committees, the backbone of successful community events such as the Holly Fair, open house and the winetasting benefit; and Klaus Goetze, a dedicated faculty member who has been teaching music appreciation courses at the center since it began in 1938.

This fall marks the culmination of the Cambridge Center for Adult Education's 50th anniversary celebration. Since 1938 the center has provided educational services and acted as an important symbol for community spirit.

The center has grown enormously over the years, and now more than 40,000 greater Boston residents take part in its diverse program of courses, lectures, poetry readings, movies, concerts, theater and special events each year.

The center serves as the definitive resource for self-motivated continuing education in the area.

Eyemobile sets diabetic exam visit

The Cambridge Lions Club and the Department of Public Health will sponsor an Eyemobile visit to 40 Thorndike St., East Cambridge, on Friday, Oct. 14, from 9am to 4 pm.

The visit will provide free diabetic eye examinations.

Research saves lives.
American Heart Association
WE'RE FIGHTING FOR YOUR LIFE

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

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James Thaddeus McDavitt
Anthony G. Paolillo
Thomas V. Scott
License Commission

(C)Oct.13

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, November 2, 1988 at 6:00 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition by the City Council to extend the effective date of the existing section 3.13 Central Square Temporary Moratorium on **Fast Order Food and Automobile Oriented Fast Order Food Establishment until December 31, 1988.**

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)Oct.13,20

PUBLIC NOTICE
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Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a reconvened public hearing on Wednesday, November 2, 1988 at 5:30 p.m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition of **Howard Metwed**, et al to amend the text of the Zoning Ordinance as follows:

1. adding a new definition to Article 2.00 entitled "**Addition.** New construction which is connected to an existing structure above grade at any point by construction which contributes to gross floor area."

2. adding to the definition of **Lot** the following: "For the purposes of determining whether a parcel of land is in identical ownership throughout, only those persons who, alone or jointly or severally with others, have legal title to such parcel shall be considered to have an ownership interest. The interests of lessees and others who have care, charge or control of such parcel, but who do not have legal title shall be disregarded.", and

3. adding to the Ordinance the following Section 5.272 new sections 5.28 entitled "Exclusion of way from Lot Area for purposes of determining Floor Area Ratio. 5.29 entitled "Computation of lot area for purposes of determining FAR or Multiple Structure lots and Section 5.30 entitled "Computation of lot area for purposes of determining FAR".

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)Oct.13,20

Developer aids St. Paul AME housing plan

Newton-based developer Johnathan Davis, president of H.J. Davis Development Co., last week presented a $10,000 check to St. Paul AME Church. The Church, in partnership with the Cambridge Department of Human Services, has been renovating its parsonage on Biship Allen Drive, converting the structure into transitional housing for six homeless Cambridge families.

"We'd been following the progress of the project, offering some technical assistance, when it became apparent that the renovations on the 100-year-old building required some capital funds," Davis said. "Knowing the need in the community for this kind of program for homeless families, we decided to step forward."

Not only did Davis "step forward" with the check, but he's challenged other Cambridge developers to help with the project. "There's a public perception that development adds to the problem of housing in this community," he said. "As developers we need to be sensitive to that issue and prepared to aid projects such as St. Paul's."

The project has received little public funding. Relying almost solely on private contributions, the transitional housing project has moved forward but at a slow, deliberate pace.

"We've taken the step of faith," said Rev. Leroy Attles, senior minister at St. Paul AME, "to help feed the hungry, clothe the poor and house the homeless. In many ways the housing project is out of our hands and in the hands of the community and, of course, God's. We are trusting all things will work together for good."

Philip Mangano, director of Emergency Services for the city, sees the good that will be done. "We've still got families in welfare motels far outside Cambridge. The St. Paul project will bring those families back and give us a better opportunity to find them permanent housing here in the city."

As far as developer Davis's challenge goes, Mangano is hopeful. "We're preparing a proposal for developers to show them how they can be directly involved," he said.

Rev. Richard Richardson, St. Paul's administrative minister, points out that the greatest need now is to finish the renovation. "We still have about a $30,000 gap in completing the work and getting the house ready for the families. Hopefully, others will take up the challenge and the families will be here for the holidays.

Square extended on National Register list

Secretary of State Michael J. Connolly, chairman of the Massachusetts Historical Commission announced the extension of the Harvard Square National Register District as an amendment to the Cambridge Multiple Resource Area on the National Register of Historic Places.

"Harvard Square's unique association with events, people, and architecture is clearly worthy of recognition. I am pleased to announce the extension of the Harvard Square National Register District," said Connolly.

Cambridge was the first English fortified town plan in North America, laid out in 1630 on a grid plan with strong building regulations, and is one of the few consciously planned towns in 17th century New England. Historically, Harvard Square was the civic, commercial and residential area of old Cambridge.

During the 17th and 18th centuries, the meetinghouse, the courthouse, the jail, and the marketplace of Cambridge were located in Harvard Square. After 1832, the prestige and influence of Harvard College grew and transportation improvements were introduced.

Architecturally the Harvard Square Historic District is a mixed commercial, institutional, and residential district, whose character was derived from the vernacular Georgian, Federal, and Greek Revival styles. Many of the houses in the district have survived intense commercial and institutional development. Some examples of the Federal style are the Cox-Hicks House at Winthrop street (circa 1800), the Augustus Wyeth House at 69 Dunster St., and the Samuel Stedman House.

The potential for significant archaeological sites within the densely structured district is good. One prehistoric site has already been reported adjacent to the district, and due to the Harvard Square Historic District's location on high land adjacent to tidal marshes along the Charles River, it is very likely the native people frequented this area.

The National Register of Historic Places is the federal government's official list of important buildings, sites, structures, and objects, as well as districts which are worthy of preservation and recognition. The benefits of National Register listing are fourfold: 1) it recognizes that the individual properties and district are important to the history of the community, state or nation; 2) it allows the owners of income-producing properties certain federal tax incentives for renovation; 3) it provides limited protection from adverse effects by federally assited projects; and 4) it provides limited protection from state actions through automatic inclusion in the State Register of Historic Places.

Listing on the National Register does not allow the federal government to acquire your property, place restrictions on your land, dictate the color or materials used on the buildings, or require that it be open to the public. If your property is listed on the Register, you may do anything with it you wish, unless you are using public funds.

Nominations to the National Register are made in the Commonwealth by the Massachusetts Historical Commission, a division of the Office of Secretary of State.

After School program to begin

"After School" has a number of meanings to students. For some it indicates punishment for missing homework or talking in class, for others it means taking part in sports or the school play.

But in Cambridge, the "After School Program," means taking extra courses that can't be squeezed into a busy school day or were eliminated by Proposition 2½ cutbacks.

At the Rindge Technical Vocational Program, over 300 middle school aged children are offered the opportunity to spend after school hours (from 3 to 5 pm) each Tuesday and Thursday taking one or more of 19 courses. The classes range from radio broadcasting to auto body repair and include welding, computers, baking, commercial art, music, electronics, health occupations, and photography.

Rindge Tech. Executive Director Karen Prentice said that 300 sixth, seventh, and eighth grade pupils took part in the program last year.

Prentice said that the program is free of charge to students enrolled in the Cambridge public schools and is open to children in parochial or private schools if space is available.

Transportation is provided to the high school from the elementary school where the child is registered. Children are returned by school bus to the elementary school nearest their home.

Information regarding the "After School" program is available by calling 498-9200 or the school Public Information Office.

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MASSACHUSETTS
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Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on Wednesday, November 2, 1988 at 7:00 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition by **Webb Nichols**, et al to amend the Zoning Ordinances of the City of Cambridge in Article 10.000 entitled "Appeals, Variances, and Special Permits", as follows:

A. Renumber Section 10.50: Repetitive Petitions to 10.60.

B. Delete Subsections 10.471 and 10.472, and renumber subsequent subsections accordingly.

C. Insert following the existing Section 11.40 a new Section 11.50: Required Documentation, reading as follows:

"10.50 Required Project Documentation

Threshold Criteria. Any applicant for a special permit or variance for a construction or development project which (a) includes more than three dwelling units, or (b) proposes the construction of more than 5,000 new square feet of gross floor area, or (c) proposes construction in excess of 35 feet of height, shall provide a Project Documentation Report as further described herein.

10.50 Procedures

(a) Timing: Submit required documentation with the application for special permit or variance.

(b) Format: Submit required documentation in an 8½ x 11 inch Report or binder. Reduce oversize drawings, maps and plans to 11 x 17 inches maximum, and fold to fit within. Photographs may be presented as black-and-white photocopies.

(c) Number of Copies: Provide nine (9) copies of the Project Documentation Report—2 for public record copies, and the remainder for distribution to members of the permit- or variance-granting Board. Additionally, submit one (1) set of full-size drawings, maps and plans, and of color photographs.

(d) Changes and Resubmissions: Any changes in the applicant's proposal following submittal of the application, except for changes negotiated at the public hearing, shall require resubmittal of the application and the Project Documentation Report.

10.53 Documentation Required

(a) Existing conditions documents:

(1) A certified survey of the project parcel at a scale of 1 in. = 20 ft or 40 ft, including property lines, existing structures and drives, trees in excess of 3" caliper, public utilities serving the parcel, existing grades (topographic contours at 2 ft intervals), and edges of structures within 100 feet on other lots immediately abutting, or facing across streets and ways.

(2) Photographs of the project parcel and its surroundings.

(3) For both the project parcel, and for immediately abutting or facing lots, information specifying existing zoning classification, existing land uses (including number of dwelling units), approximate building heights and FAR's.

(b) Project proposal documents:

(1) Site plan of the proposed project at a scale of 1 in = 20 ft or 40 ft, showing retained and proposed structures; walkways, drives, curb cuts and parking/loading areas; proposed grading and site drainage; required usable open space; trees, shrubs and other landscape elements; and treatments of the parcel edges (fences, screens, etc.).

(2) Schematic elevations (front, side, and rear) of project structures, indicating position and height of structures on adjacent lots within 100 ft.

(3) Quantitative information regarding gross floor areas allocated to the various uses or components of the proposed project; total FAR; on-site parking and loading counts; number, floor area(s), and bedroom counts for dwelling units; and areas of usable open space allocated to units, and/or assigned to common areas.

(c) Project impact documents:

(1) Shadow impact studies showing shadows cast on the ground plane by project structures at 9 am, noon, and 3 pm for the summer solstice, the winter solstice, and the vernal/autumnal equinox.

(2) Traffic impact study prepared by a registered transportation engineer describing capacities, volumes and levels of service at adjacent streets and key intersections both as currently existing, and as resulting from development as proposed.

(3) The scope of the traffic impact study shall be established by negotiations between the applicant and the Community Development Department. Either or both impact studies may be waived by unanimous consent of the Board upon receipt of the written recommendation of the Assistant City Manager for Community Development, stating that the small scale or specific location of the project will result in no impacts worth further study.

(d) Project legal and financial information, including: site acquisition terms and arrangements, with explanations of any residual leases, easements, or other encumbrances; development costs, including itemized construction costs, professional fees, and other hard and soft costs of the project; anticipated finance arrangements, including anticipated mortgages, interest rates, payment schedules, and equity participation; anticipated annual management and operating costs of the completed project; anticipated project income, including sales or rental rates or prices for the various components of the project; and anticipated return on investment.

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)Oct.13,20

Review board head to speak

William Golon, executive director of the Police Review and Advisory Board, will speak at the Roberts/Maynard Neighborhood Council meeting on Monday, October 17.

All residents of Area IV are invited to attend this meeting in the Parents' Lounge of the Maynard (formerly Roberts) Community School, 225 Windsor St. The meeting will begin at 7 pm.

With sufficient notice, child care can be provided.

For more information, contact Deborah Lerme Goodman at 498-9067.

Ceremony honors Ukrainian dissident

On October 23, the Cambridge Public Library and Amnesty International USA Group 24 planted a tree and dedicated a plaque in honor of Hanna Mykhaylenko, a Ukrainian teacher and librarian arrested and interned in the Kazian Special Psychiatric Unit in the Soviet Union.

As a Ukrainian nationalist, she tried to preserve the Ukrainian language and culture. As a public school librarian, Hanna Mykhaylenko encouraged children to read, speak, and write in Ukrainian by giving them books to read in that language.

A reception to celebrate Hanna Mykhaylenko's release on June 19, 1988 and to acknowledge the help and support of those who wrote letters asking for her release will be held at the Cambridge Public Library, 449 Broadway, on Tuesday, October 18, at 7 pm. The public is cordially invited. For more information, call the Library at 498-9080.

C. C. 106

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 reconvened public hearing on Wednesday, November 2, 1988 at 5:30 p.m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition of Howard Medwed, et al to amend the text of the Zoning Ordinance as follows:

1. adding a new definition to Article 2.00 entitled "Addition. New construction which is connected to an existing structure above grade at any point by construction which contributes to gross floor area.",

2. adding to the definition of Lot the following: "For the purposes of determining whether a parcel of land is in identical ownership throughout, only those persons who, alone or jointly or severally with others, have legal title to such parcel shall be considered to have an ownership interest. The interests of lessees and others who have care, charge or control of such parcel, but who do not have legal title shall be disregarded.", and

3. adding to the Ordinance following Section 5.272 new sections 5.28 entitled "Exclusion of way from Lot Area for purposes of determining Floor Area Ratio; 5.29 entitled "Computation of lot area for purposes of determining FAR on Multiple Structure lots and Section 5.30 entitled "Computation of lot area for purposes of determing FAR".

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

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For the Committee,

Councillor William H. Walsh,
Chairman.

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

October 6, 1988

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Your attention in this matter will be greatly appreciated.

Very truly yours,

Joseph E. Connarton

Joseph E. Connarton
City Clerk.

JEC/dl

Enc. (1)

C. C. 106

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3. adding to the Ordinance following Section 5.272 new sections 5.28 entitled "Exclusion of way from Lot Area for purposes of determining Floor Area Ratio; 5.29 entitled "Computation of lot area for purposes of determining FAR on Multiple Structure lots and Section 5.30 entitled "Computation of lot area for purposes of determing FAR".

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2. adding to the definition of Lot the following: "For the purposes of determining whether a parcel of land is in identical ownership throughout, only those persons who, alone or jointly or severally with others, have legal title to such parcel shall be considered to have an ownership interest. The interests of lessees and others who have care, charge or control of such parcel, but who do not have legal title shall be disregarded.", and

3. adding to the Ordinance following Section 5.272 new sections 5.28 entitled "Exclusion of way from Lot Area for purposes of determining Floor Area Ratio; 5.29 entitled "Computation of lot area for purposes of determining FAR on Multiple Structure lots and Section 5.30 entitled "Computation of lot area for purposes of determing FAR".

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.

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

October 6, 1988

To Whom It May Concern:

Enclosed you will find a copy of a reconvened hearing scheduled before the Committee on Ordinances for Wednesday, November 2, 1988 at 5:30 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition by Howard Medwed, et al to amend the Zoning Ordinances by adding a new definition to Article 2.00 entitled "Addition"; by adding to the existing definition of "Lot" and also relating to the determination of floor area ratio "FAR".

Your attention in this matter will be greatly appreciated.

Very truly yours,

Joseph E. Connarton

Joseph E. Connarton
City Clerk.

JEC/dl

Enc. (1)

C. C. 106

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 reconvened public hearing on Wednesday, November 2, 1988 at 5:30 p.m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition of Howard Medwed, et al to amend the text of the Zoning Ordinance as follows:

1. adding a new definition to Article 2.00 entitled "Addition. New construction which is connected to an existing structure above grade at any point by construction which contributes to gross floor area.",

2. adding to the definition of Lot the following: "For the purposes of determining whether a parcel of land is in identical ownership throughout, only those persons who, alone or jointly or severally with others, have legal title to such parcel shall be considered to have an ownership interest. The interests of lessees and others who have care, charge or control of such parcel, but who do not have legal title shall be disregarded.", and

3. adding to the Ordinance following Section 5.272 new sections 5.28 entitled "Exclusion of way from Lot Area for purposes of determining Floor Area Ratio; 5.29 entitled "Computation of lot area for purposes of determining FAR on Multiple Structure lots and Section 5.30 entitled "Computation of lot area for purposes of determing FAR".

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.

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

October 6, 1988

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Your attention in this matter will be greatly appreciated.

Very truly yours,

Joseph E. Connarton

Joseph E. Connarton
City Clerk.

JEC/dl

Enc. (1)

C. C. 106

PUBLIC NOTICE
RELATIVE TO ZONING

City of Cambridge

MASSACHUSETTS

OFFICE OF THE CITY CLERK

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1. adding a new definition to Article 2.00 entitled "Addition. New construction which is connected to an existing structure above grade at any point by construction which contributes to gross floor area.",

2. adding to the definition of Lot the following: "For the purposes of determining whether a parcel of land is in identical ownership throughout, only those persons who, alone or jointly or severally with others, have legal title to such parcel shall be considered to have an ownership interest. The interests of lessees and others who have care, charge or control of such parcel, but who do not have legal title shall be disregarded.", and

3. adding to the Ordinance following Section 5.272 new sections 5.28 entitled "Exclusion of way from Lot Area for purposes of determining Floor Area Ratio; 5.29 entitled "Computation of lot area for purposes of determining FAR on Multiple Structure lots and Section 5.30 entitled "Computation of lot area for purposes of determing FAR".

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.

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

October 6, 1988

To Whom It May Concern:

Enclosed you will find a copy of a reconvened hearing scheduled before the Committee on Ordinances for Wednesday, November 2, 1988 at 5:30 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition by Howard Medwed, et al to amend the Zoning Ordinances by adding a new definition to Article 2.00 entitled "Addition"; by adding to the existing definition of "Lot" and also relating to the determination of floor area ratio "FAR".

Your attention in this matter will be greatly appreciated.

Very truly yours,

Joseph E. Connarton

Joseph E. Connarton
City Clerk.

JEC/dl

Enc. (1)

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

September 30, 1988

TO THE HONORABLE THE CITY COUNCIL

FROM: JOSEPH E. CONNARTON, CITY CLERK.

SUBJECT: NOTIFICATION PROCESS - ZONING ORDINANCE AMENDMENTS.

As a follow up to the discussion on Wednesday,September 28, 1988 before the Committee on Ordinances, please be advised I have concluded my review of the complaints of non notice relative to the Yanow and Medwed petitions.

As you know the notification process is outlined by Chapter 40A Section 5 MGLA and has been augmented by a previously adopted City Council resolution submitted by Councillor Duehay on April 25, 1977.

The statute calls for the publication not less than fourteen days prior to the public hearing and must be published once in each of two successive weeks. Notice of these hearings was also sent by mail to the Department of Community Affairs and the Regional Planning Agency of the Commonwealth as well as to the Planning Board of every abutting city and town.

In addition to the statute, Councillor Duehay's resolution requested the City Manager to direct the Planning Board to notify all property owners and residents of the immediate area which would be affected by the zoning change .This office has also followed the intent of the above resolution and historically has notified property owners of affected area.

In addition to the above a meeting notice is posted on the bulletin board adjacent to the City Clerk's Office, notice is placed on the City Council Hearing Schedule and of course, since the inception of Cable TV it appears on Channel 37.

Relative to the petitions in question the process as outlined above was complied with and I am enclosing for your review copies of the notification letter to the petitioners as well as copies of the list of those notified. It should be noted that these petitions constitute a city-wide change therefore no specific abutters would be notified.

I hope this information will be beneficial to you and although I cannot explain the lack of notice to the petitioners I have confidence in the process and feel the Ordinance Committee was in fact conducting a proper meeting.

Thank you for your continued support.

Encs. Copy of Chapter 40A Section 5.
Resolution of Councillor Duehay dated April 25, 1977
Letters sent to Agencies.
Letters and list of notification of the Yanow Petition.

lations on sectarian educational uses or other religious uses which were not intrinsically accessory to a church. Bible Speaks v. Board of Appeals of Lenox (1979) 391 N.E.2d 279, 8 Mass. App. 19.

Provisions of municipality bylaw were invalid as going beyond scope of bulk, dimensional, and parking regulations permitted to be imposed on educational uses under this section and placed board of zoning appeals in position to act impermissibly to impede reasonable use of institution's land for educational purposes. Id.

Nonsectarian educational institution was not exempt by reason of § 6 of this chapter from town's application of restrictions adopted under this section which permits educational land or structures to be subject to reasonable regulations concerning bulk and height of structures and determining yard sizes, lot area, setbacks, open space parking and building coverage requirements. Id.

309.5. —— Nonprofit educational corporations, religious or educational purposes, exemptions

Nonprofit mental health corporation was "nonprofit educational corporation" within meaning of this section, which prohibits zoning ordinances that bar use of land for educational purposes by nonprofit educational corporation; corporation's articles of organization stated that corporate purposes were to cooperate with private association and governmental agencies to promote program of mental health education and to aid in restoration of mental health and to aid in rehabilitation of mentally handicapped. Gardner-Athol Area Mental Health Ass'n, Inc. v. Zoning Bd. of Appeals of Gardner (1987) 513 N.E.2d 1272, 401 Mass. 12.

"Educational," in phrase "nonprofit educational corporation," means that proposed educational activities must be within corporate purposes of nonprofit corporation referred to in this section, which prohibits zoning ordinances that bar use of land for educational purposes by nonprofit educational corporation. Gardner-Athol Area Mental Health Ass'n, Inc. v. Zoning Bd. of Appeals of Gardner (1987) 513 N.E.2d 1272, 401 Mass. 12.

310. —— Public purpose, religious or educational purposes, exemptions

Harbor Schools Inc. v. Board of Appeals of Haverhill (1977) 366 N.E.2d 764 [main volume] 5 Mass.App. 600.

312.5. —— Radio stations, religious or educational purposes, exemptions

Intended use of radio station to provide a listening audience with programs which the station perceived to be of greater intellectual and inspirational value than those currently available would not be a religious or educational use within meaning of zoning regulation exemption, M.G. L.A. c. 40A, § 3. Worcester County Christian Communications, Inc. v. Board of Appeals of Spencer (1986) 491 N.E.2d 634, 22 Mass.App. 83.

321. Evidence, exemptions

Harbor Schools Inc. v. Board of Appeals of Haverhill (1977) 366 N.E.2d 764 [main volume] 5 Mass.App. 600.

§ 4. Uniform districts

Notes of Decisions

1. In general

Basic assumption underlying division of a municipality into zoning districts is that, in general, each land use will have a predictable character and that the uses of land can be sorted out into compatible groupings, and based upon this assumption, certain uses are permitted as of right within each district, without the need for a landowner or developer first to seek permission which depends upon the discretion of local zoning authorities. SCIT, Inc. v. Planning Bd. of Braintree (1984) 472 N.E.2d 269, 19 Mass.App. 101.

2. Density regulations

McCausland v. Board of Appeals of Salisbury (1978) 375 N.E.2d 335 [main volume] 6 Mass. App. 287.

3. Commercial districts

Provision in zoning ordinance purporting to make all uses in a business district dependent on grant of a special permit, despite fact that another provision in the ordinance identified and authorized specific uses as of right in the business district, was unlawful, since the former provision conflicted with uniformity and special permit provisions of the Zoning Act. SCIT, Inc. v. Planning Bd. of Braintree (1984) 472 N.E.2d 269, 19 Mass.App. 101.

5. Residential districts

Zoning uniformity requirement does not prevent town from determining that use of residential land for access to industrial land presents special and often singular considerations; board of appeals may be given authority to weigh in particular case whether access over residential land would impinge unreasonably upon existing and prospective residential and other permitted uses. Shea v. Town of Danvers (1986) 490 N.E. 2d 806, 21 Mass.App. 996.

§ 5. Adoption or change of zoning ordinances or by-laws; procedure

Zoning ordinances or by-laws may be adopted and from time to time changed by amendment, addition or repeal, but only in the manner hereinafter provided. Adoption or

change of zoning ordinances or by-laws may be initiated by the submission to the city council or board of selectmen of a proposed zoning ordinance or by-law by a city council, a board of selectmen, a board of appeals, by an individual owning land to be affected by change or adoption, by request of registered voters of a town pursuant to section ten of chapter thirty-nine, by ten registered voters in a city, by a planning board, by a regional planning agency or by other methods provided by municipal charter. The board of selectmen or city council shall within fourteen days of receipt of such zoning ordinance or by-law submit it to the planning board for review.

No zoning ordinance or by-law or amendment thereto shall be adopted until after the planning board in a city or town, and the city council or a committee designated or appointed for the purpose by said council has each held a public hearing thereon, together or separately, at which interested persons shall be given an opportunity to be heard. Said public hearing shall be held within sixty-five days after the proposed zoning ordinance or by-law is submitted to the planning board by the city council or selectmen or if there is none, within sixty-five days after the proposed zoning ordinance or by-law is submitted to the city council or selectmen. Notice of the time and place of such public hearing, of the subject matter, sufficient for identification, and of the place where texts and maps thereof may be inspected shall be published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of said hearing, and by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of said hearing. Notice of said hearing shall also be sent by mail, postage prepaid to the department of community affairs, the regional planning agency, if any, and to the planning board of each abutting cities and towns.[1] The department of community affairs, the regional planning agency, the planning boards of all abutting cities and towns and nonresident property owners who may not have received notice by mail as specified in this section may grant a waiver of notice or submit an affidavit of actual notice to the city or town clerk prior to town meeting or city council action on a proposed zoning ordinance, by-law or change thereto. Zoning ordinances or by-laws may provide that a separate, conspicuous statement shall be included with property tax bills sent to nonresident property owners, stating that notice of such hearings under this chapter shall be sent by mail, postage prepaid, to any such owner who files an annual request for such notice with the city or town clerk no later than January first, and pays a reasonable fee established by such ordinance or by-law. In cases involving boundary, density or use changes within a district, notice shall be sent to any such nonresident property owner who has filed such a request with the city or town clerk and whose property lies in the district where the change is sought. No defect in the form of any notice under this chapter shall invalidate any zoning ordinances or by-laws unless such defect is found to be misleading.

No vote to adopt any such proposed ordinance or by-law or amendment thereto shall be taken until a report with recommendations by a planning board has been submitted to the town meeting or city council, or twenty-one days after said hearing has elapsed without submission of such report. After such notice, hearing and report, or after twenty-one days shall have elapsed after such hearing without submission of such report, a city council or town meeting may adopt, reject, or amend and adopt any such proposed ordinance or by-law. If a city council fails to vote to adopt any proposed ordinance within ninety days after the city council hearing or if a town meeting fails to vote to adopt any proposed by-law within six months after the planning board hearing, no action shall be taken thereon until after a subsequent public hearing is held with notice and report as provided.

No zoning ordinance or by-law or amendment thereto shall be adopted or changed except by a two-thirds vote of all the members of the town council, or of the city council where there is a commission form of government or a single branch, or of each branch where there are two branches, or by a two-thirds vote of a town meeting; provided, however, that if in a city or town with a council of fewer than twenty-five members there is filed with the clerk prior to final action by the council a written protest against such change, stating the reasons duly signed by owners of twenty per cent or more of the area of the land proposed to be included in such change or of the area of the land immediately

adjacent extending three hundred feet therefrom, no such change of any such ordinance shall be adopted except by a three-fourths vote of all members.

No proposed zoning ordinance or by-law which has been unfavorably acted upon by a city council or town meeting shall be considered by the city council or town meeting within two years after the date of such unfavorable action unless the adoption of such proposed ordinance or by-law is recommended in the final report of the planning board.

When zoning by-laws or amendments thereto are submitted to the attorney general for approval as required by section thirty-two of chapter forty, he shall also be furnished with a statement which may be prepared by the planning board explaining the by-laws or amendments proposed, which statement may be accompanied by explanatory maps or plans.

The effective date of the adoption or amendment of any zoning ordinance or by-law shall be the date on which such adoption or amendment was voted upon by a city council or town meeting; if in towns, publication in a town bulletin or pamphlet and posting is subsequently made or publication in a newspaper pursuant to section thirty-two of chapter forty. If, in a town, said by-law is subsequently disapproved, in whole or in part, by the attorney general, the previous zoning by-law, to the extent that such previous zoning by-law was changed by the disapproved by-law or portion thereof, shall be deemed to have been in effect from the date of such vote.

After approval of zoning by-laws by the attorney general, or adoption of zoning ordinances by the city council, a copy of the latest effective zoning ordinances or by-laws shall be sent by the city or town clerk to the department of community affairs. A true copy of the zoning ordinance or by-law with any amendments thereto shall be kept on file available for inspection in the office of the clerk of such city or town.

No claim of invalidity of any zoning ordinance or by-law arising out of any possible defect in the procedure of adoption or amendment shall be made in any legal proceedings and no state, regional, county or municipal officer shall refuse, deny or revoke any permit, approval or certificate because of any such claim of invalidity unless legal action is commenced within the time period specified in sections thirty-two and thirty-two A of chapter forty and notice specifying the court, parties, invalidity claimed, and date of filing is filed together with a copy of the petition with the town or city clerk within seven days after commencement of the action.

Amended by St.1984, c. 189, § 47; St.1987, c. 685, § 3.

[1] So in original.

1984 Amendment. St.1984, c. 189, § 47, an emergency act, approved July 12, 1984, in the first paragraph, substituted "changed by amendment" for "change by amendment" in the first sentence and "pursuant to section ten" for "pursuant of section ten" in the second sentence.

1987 Legislation.

St.1987, c. 685, § 3, approved Jan. 6, 1988, in the first sentence of the second paragraph, inserted "each" preceding "held a public hearing", and inserted ", together or separately,"; in the second sentence, inserted the second "or by-law"; inserted the fifth sentence; and in the seventh sentence, inserted ", density"; in the first sentence of the third paragraph, inserted "or amendment thereto", and deleted "or recommendations" following "such report"; in the second sentence, inserted "and adopt"; in the third sentence, substituted "the city council" for "such" and "the planning board" for "such", and deleted "above" preceding "provided"; in the fourth paragraph, inserted "or amendment thereto" and ", however,"; in the eighth paragraph, added the second sentence; and in the last paragraph, deleted "within one hundred and twenty days after adoption of an ordinance or by-law" preceding "legal action is commenced", and inserted "within the time period specified in sections thirty-two and thirty-two A of chapter forty".

Law Review Commentaries.

Condominium conversion legislation: Limitation on use or deprivation of rights? (1979–1980) 15 New England L.Rev. 815.

Massachusetts low and moderate income housing act. (1981) 4 Western New Eng.L.Rev. 105.

Massachusetts zoning practice under the amended Zoning Enabling Act. Martin R. Healy (1979) 64 Mass.L.Rev. 157.

Notes of Decisions

6. Interpretation of by-laws

Town of Foxborough v. Bay State Harness Horse Racing and Breeding Ass'n, Inc. (1977) 366 N.E.2d 773 [main volume] 5 Mass.App. 613.

CCM-101

City of Cambridge

7.
IN CITY COUNCIL
April 25, 1977

COUNCILLOR DUEHAY

ORDERED: That the City Manager be and hereby is requested to direct the Planning Board to notify all property owners and residents of any area which is subject to or affected by any proposed zoning change; and be it further

ORDERED: That said notice be sent postage prepaid at least 14 days prior to the hearing date set by the Planning Board and that said notice shall be in addition to the legal advertisements required by the law of this Commonwealth.

In City Council April 25, 1977
Adopted by the affirmative vote of 9 members.
Attest: Paul E. Healy, City Clerk

A true copy,

ATTEST:

Paul E. Healy

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

September 14, 1988

Belmont Planning Board
Belmont Town Hall
455 Concord Ave.
Belmont, MA 02178

To Whom It May Concern:

Enclosed you will find three copies of hearings scheduled before the Committee on Ordinances for Wednesday, September 28, 1988 in the Sullivan Chamber, City Hall, Cambridge, Massachusetts as follows:

5:30 P.M. Petition of Susan Yanow, et al relative to amending the Zoning Ordinances as it relates to Industrial A and Industrial B Districts.

6:00 P.M. Petition of Howard Medwed, et al relative to amending the Zoning Ordinances by adding a new definition to Article 2.00 by adding to the definition of "Lot" a new interpretation and by adding a Section 5.272 several amendments.

6:30 P.M. Petition of the Planning Board relative to amending the Zoning Ordinances by creating a new Article entitled "13.70-P.U.D.-6 District" regarding the development of the North Point Area.

Your Kind attention in this matter will be greatly appreciated.

Sincerely yours,

Joseph E. Connarton

Joseph E. Connarton
City Clerk

JEC/dl

Encs. (3)

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

September 14, 1988

Metropolitan Area Planning Council
110 Tremont Street
Boston, MA 02108

To Whom It May Concern:

Enclosed you will find three copies of hearings scheduled before the Committee on Ordinances for Wednesday, September 28, 1988 in the Sullivan Chamber, City Hall, Cambridge, Massachusetts as follows:

5:30 P.M. Petition of Susan Yanow, et al relative to amending the Zoning Ordinances as it relates to Industrial A and Industrial B Districts.

6:00 P.M. Petition of Howard Medwed, et al relative to amending the Zoning Ordinances by adding a new definition to Article 2.00 by adding to the definition of "Lot" a new interpretation and by adding a Section 5.272 several amendments.

6:30 P.M. Petition of the Planning Board relative to amending the Zoning Ordinances by creating a new Article entitled "13.70-P.U.D.-6 District" regarding the development of the North Point Area.

Your Kind attention in this matter will be greatly appreciated.

Sincerely yours,

Joseph E. Connarton

Joseph E. Connarton
City Clerk

JEC/dl

Encs. (3)

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

September 14, 1988

Arlington Planning Board
Arlington Town Hall
730 Mass. Avenue
Arlington, MA 02174

To Whom It May Concern:

Enclosed you will find three copies of hearings scheduled before the Committee on Ordinances for Wednesday, September 28, 1988 in the Sullivan Chamber, City Hall, Cambridge, Massachusetts as follows:

5:30 P.M. Petition of Susan Yanow, et al relative to amending the Zoning Ordinances as it relates to Industrial A and Industrial B Districts.

6:00 P.M. Petition of Howard Medwed, et al relative to amending the Zoning Ordinances by adding a new definition to Article 2.00 by adding to the definition of "Lot" a new interpretation and by adding a Section 5.272 several amendments.

6:30 P.M. Petition of the Planning Board relative to amending the Zoning Ordinances by creating a new Article entitled "13.70-P.U.D.-6 District" regarding the development of the North Point Area.

Your Kind attention in this matter will be greatly appreciated.

Sincerely yours,

Joseph E. Connarton

Joseph E. Connarton
City Clerk

JEC/dl

Encs. (3)

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

September 14, 1988

Watertown Planning Board
Town Hall
Main Street
Watertown, MA 02172

To Whom It May Concern:

Enclosed you will find three copies of hearings scheduled before the Committee on Ordinances for Wednesday, September 28, 1988 in the Sullivan Chamber, City Hall, Cambridge, Massachusetts as follows:

5:30 P.M. Petition of Susan Yanow, et al relative to amending the Zoning Ordinances as it relates to Industrial A and Industrial B Districts.

6:00 P.M. Petition of Howard Medwed, et al relative to amending the Zoning Ordinances by adding a new definition to Article 2.00 by adding to the definition of "Lot" a new interpretation and by adding a Section 5.272 several amendments.

6:30 P.M. Petition of the Planning Board relative to amending the Zoning Ordinances by creating a new Article entitled "13.70-P.U.D.-6 District" regarding the development of the North Point Area.

Your Kind attention in this matter will be greatly appreciated.

Sincerely yours,

Joseph E. Connarton

Joseph E. Connarton
City Clerk

JEC/dl

Encs. (3)

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

September 14, 1988

Somerville Planning Board
Soemrville City Hall
93 Highland Avenue
Somerville, MA 02143

To Whom It May Concern:

Enclosed you will find three copies of hearings scheduled before the Committee on Ordinances for Wednesday, September 28, 1988 in the Sullivan Chamber, City Hall, Cambridge, Massachusetts as follows:

5:30 P.M. Petition of Susan Yanow, et al relative to amending the Zoning Ordinances as it relates to Industrial A and Industrial B Districts.

6:00 P.M. Petition of Howard Medwed, et al relative to amending the Zoning Ordinances by adding a new definition to Article 2.00 by adding to the definition of "Lot" a new interpretation and by adding a Section 5.272 several amendments.

6:30 P.M. Petition of the Planning Board relative to amending the Zoning Ordinances by creating a new Article entitled "13.70-P.U.D.-6 District" regarding the development of the North Point Area.

Your Kind attention in this matter will be greatly appreciated.

Sincerely yours,

Joseph E. Connarton

Joseph E. Connarton
City Clerk

JEC/dl

Encs. (3)

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

September 14, 1988

Department of Community Affairs
Room 904
100 Cambridge Street
Boston, MA 02202

To Whom It May Concern:

Enclosed you will find three copies of hearings scheduled before the Committee on Ordinances for Wednesday, September 28, 1988 in the Sullivan Chamber, City Hall, Cambridge, Massachusetts as follows:

5:30 P.M. Petition of Susan Yanow, et al relative to amending the Zoning Ordinances as it relates to Industrial A and Industrial B Districts.

6:00 P.M. Petition of Howard Medwed, et al relative to amending the Zoning Ordinances by adding a new definition to Article 2.00 by adding to the definition of "Lot" a new interpretation and by adding a Section 5.272 several amendments.

6:30 P.M. Petition of the Planning Board relative to amending the Zoning Ordinances by creating a new Article entitled "13.70-P.U.D.-6 District" regarding the development of the North Point Area.

Your Kind attention in this matter will be greatly appreciated.

Sincerely yours,

Joseph E. Connarton

Joseph E. Connarton
City Clerk

JEC/dl

Encs. (3)

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

September 14, 1988

Boston Redevelopment Authority
City Hall
9th Floor
Boston, MA 02201

To Whom It May Concern:

Enclosed you will find three copies of hearings scheduled before the Committee on Ordinances for Wednesday, September 28, 1988 in the Sullivan Chamber, City Hall, Cambridge, Massachusetts as follows:

5:30 P.M. Petition of Susan Yanow, et al relative to amending the Zoning Ordinances as it relates to Industrial A and Industrial B Districts.

6:00 P.M. Petition of Howard Medwed, et al relative to amending the Zoning Ordinances by adding a new definition to Article 2.00 by adding to the definition of "Lot" a new interpretation and by adding a Section 5.272 several amendments.

6:30 P.M. Petition of the Planning Board relative to amending the Zoning Ordinances by creating a new Article entitled "13.70-P.U.D.-6 District" regarding the development of the North Point Area.

Your Kind attention in this matter will be greatly appreciated.

Sincerely yours,

Joseph E. Connarton

Joseph E. Connarton
City Clerk

JEC/dl

Encs. (3)

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

September 14, 1988

Les Barber
Community Development Department
57 Inman Street
Cambridge, MA 02139

To Whom It May Concern:

Enclosed you will find three copies of hearings scheduled before the Committee on Ordinances for Wednesday, September 28, 1988 in the Sullivan Chamber, City Hall, Cambridge, Massachusetts as follows:

5:30 P.M. Petition of Susan Yanow, et al relative to amending the Zoning Ordinances as it relates to Industrial A and Industrial B Districts.

6:00 P.M. Petition of Howard Medwed, et al relative to amending the Zoning Ordinances by adding a new definition to Article 2.00 by adding to the definition of "Lot" a new interpretation and by adding a Section 5.272 several amendments.

6:30 P.M. Petition of the Planning Board relative to amending the Zoning Ordinances by creating a new Article entitled "13.70-P.U.D.-6 District" regarding the development of the North Point Area.

Your Kind attention in this matter will be greatly appreciated.

Sincerely yours,

Joseph E. Connarton
City Clerk

JEC/dl

Encs. (3)

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

September 14, 1988

Zoning/Building Inspector
Inspectional Services Dept.
795 Massachusetts Avenue
Cambridge, MA 02139

To Whom It May Concern:

Enclosed you will find three copies of hearings scheduled before the Committee on Ordinances for Wednesday, September 28, 1988 in the Sullivan Chamber, City Hall, Cambridge, Massachusetts as follows:

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Sincerely yours,

Joseph E. Connarton

Joseph E. Connarton
City Clerk

JEC/dl

Encs. (3)

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

September 14, 1988

Mr. Joseph Cellucci
Commissioner of Inspectional Services
795 Massachusetts Avenue
Cambridge, MA 02139

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Sincerely yours,

Joseph E. Connarton

Joseph E. Connarton
City Clerk

JEC/dl

Encs. (3)

C. C. 106

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, September 28, 1988 at 5:30 p.m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition by Susan Yanow, et al to amend the text of the Zoning Ordinance by adding a new footnote (d) to Section 5.43, Industrial Districts:

> (d) Where an Industrial A and B zone abuts any residential district, any structure or portion thereof erected within 100 feet of said abutting residential district shall conform to the minimum yard and maximum height requirements applicable to structures within said residential district.

and add a new footnote indication "(d)" to the word "none", where it appears in columns (5) (Minimum Yard in Feet", inclusive of subcolumns "Front", "Side", and "Rear") and (6) (Maximum Height in Feet") of the lines labeled "Ind. A" and "Ind. B" of Table 5-4, Table of Dimensional Requirements - Industrial Districts.

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. C. 106

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, September 28, 1988 at 6:00 p.m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition of Howard Medwed, et al to amend the text of the Zoning Ordinance as follows:

1. adding a new definition to Article 2.00 entitled "Addition. New construction which is connected to an existing structure above grade at any point by construction which contributes to gross floor area.",

2. adding to the definition of Lot the following: "For the purposes of determining whether a parcel of land is in identical ownership throughout, only those persons who, alone or jointly or severally with others, have legal title to such parcel shall be considered to have an ownership interest. The interests of lessees and others who have care, charge or control of such parcel, but who do not have legal title shall be disregarded.", and

3. adding to the Ordinance following Section 5.272 new sections 5.28 entitled "Exclusion of way from Lot Area for purposes of determining Floor Area Ratio; 5.29 entitled "Computation of lot area for purposes of determining FAR on Multiple Structure lots and Section 5.30 entitled "Computation of lot area for purposes of determing FAR".

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. C. 106

PUBLIC NOTICE
RELATIVE TO ZONING.

City of Cambridge

MASSACHUSETTS

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Wednesday, September 28, 1988 at 6:30 p. m.

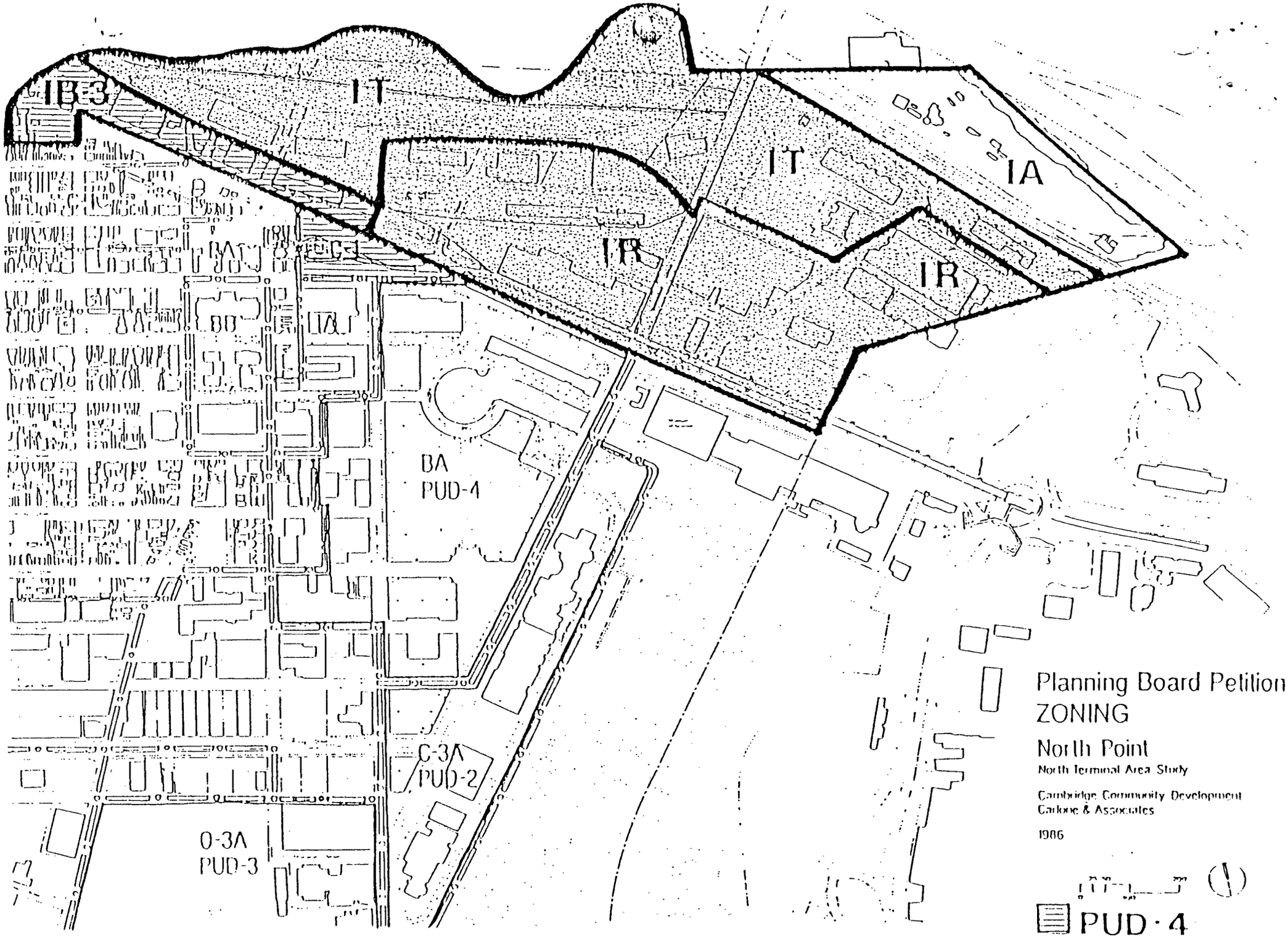
in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on the petition by the Planning Board of the City of Cambridge to amend the Zoning Ordinance of the City of Cambridge by creating a new Article 13.70 - PUD-6 District: Development Controls and amends various articles to create three new industrial zoning districts: Industry T, Industry R and Industry B-3. Further the petition would amend the Zoning Map of the City of Cambridge by rezoning an area of land known as North Point and its abutting area from Industrial B to an Industry A district; a new Industry T, a new Industry R with the new PUD-6 Overlay; and a new Industry B-3 District with the existing PUD-4 District Overlay as shown on the accompanying map. The new Industry T zone would have a Floor Area Ratio of .75, and a height limit of 35 feet, the new Industry T zone would have a Floor Area Ratio of .25 and a height limit of 35 feet, and the new Industry B-3 zone would have a Floor ARea Ratio of 1.0 and a height limit of 45 feet. The Industry A District would be amended to restrict the height requirement to 85 feet with a limit of up to 130 feet with a Special Permit. It would also amend the use regulations to allow the heavy industry category with a Special Permit. The PUD-6 Overlay District would permit substantial shifts in development potential between development parcels, increase the height and FAR limits to 85 feet and 1.25 (2.5 for residential) through a public special permit process before the Planning Board.

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.


IB3
IT
IT
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IR
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BA
PUD-4
C-3A
PUD-2
O-3A
PUD-3
Planning Board Petition
ZONING
North Point
North Terminal Area Study
Cambridge Community Development
Cadoux & Associates
1986
PUD-4
PUD-6

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

September 13, 1988

To Whom It May Concern:

Enclosed you will find a copy of a hearing scheduled before the Committee on Ordinances for Wednesday, September 28, 1988 at 5:30 p. m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition by Susan Yanow, et al to amend the Zoning Ordinances in Section 5.34, Industrial Districts by adding a new footnote (d) to paragraph 2 concerning Industrial A & B zones where they abut any residential district and structures erected within 100 feet of said abutting residential district conforming to minimum yard and maximum height requirements applicable to structures in said residential district.

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)

C. C. 10e

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, September 28, 1988 at 5:30 p.m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition by Susan Yanow, et al to amend the text of the Zoning Ordinance by adding a new footnote (d) to Section 5.43, Industrial Districts:

> (d) Where an Industrial A and B zone abuts any residential district, any structure or portion thereof erected within 100 feet of said abutting residential district shall conform to the minimum yard and maximum height requirements applicable to structures within said residential district.

and add a new footnote indication "(d)" to the word "none", where it appears in columns (5) (Minimum Yard in Feet", inclusive of subcolumns "Front", "Side", and "Rear") and (6) (Maximum Height in Feet") of the lines labeled "Ind. A" and "Ind. B" of Table 5-4, Table of Dimensional Requirements - Industrial Districts.

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.

Susan Yanow
221 Norfolk St.
Cambridge, MA

John R. Pitkin
18 Fayette St.
Cambridge, MA

Priscilla J. McMillan
12 Hilliard St.
Cambridge, MA

James M. Williamson
17 Perry St.
Cambridge, MA

Robert Owen Edbrooke, Jr.
20 Prescott St.
Cambridge, MA

Peter D. Kinder
7 Dana St.
Cambridge, MA

Julia O. Gregory
11 Market St.
Cambridge, MA

Norah Dooley
358 Washington St.
Cambridge, MA

Rose Hanig
29 Essex St.
Cambridge, MA

Benjamin Banks
151 Clark St.
Cambridge, MA

Betty Luther
47 Jefferson St.
Cambridge, MA

Jean Seigel
219 Harvard St.
Cambridge, MA

Deborah Bridge
271 Washington St.
Cambridge, MA

Jack E. Donduff
271 Washington St.
Cambridge, MA

Nancy M. Ryan
4 Ashburton Pl.
Cambridge, MA

R. Philip Dowds
48 Banks St.
Cambridge, MA

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

September 13, 1988

To Whom It May Concern:

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Your attention in this matter will be greatly appreciated.

Very truly yours,

Joseph E. Connarton

Joseph E. Connarton
City Clerk

JEC/dl

Enc. (1)

C. C. 106

PUBLIC NOTICE
RELATIVE TO ZONING

City of Cambridge

MASSACHUSETTS

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1. adding a new definition to Article 2.00 entitled "Addition. New construction which is connected to an existing structure above grade at any point by construction which contributes to gross floor area.",

2. adding to the definition of Lot the following: "For the purposes of determining whether a parcel of land is in identical ownership throughout, only those persons who, alone or jointly or severally with others, have legal title to such parcel shall be considered to have an ownership interest. The interests of lessees and others who have care, charge or control of such parcel, but who do not have legal title shall be disregarded.", and

3. adding to the Ordinance following Section 5.272 new sections 5.28 entitled "Exclusion of way from Lot Area for purposes of determining Floor Area Ratio; 5.29 entitled "Computation of lot area for purposes of determining FAR on Multiple Structure lots and Section 5.30 entitled "Computation of lot area for purposes of determing FAR".

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.

Howard D. Medwed
58 Washington Ave.
Cambridge,MA

R. Philip Dowds
48 Banks St.
Cambridge, MA

Mameoe S. Medwed
58 Washington Ave.
Cambridge,MA

Elizabeth R. Moynihan
58 Washington Ave.
Cambridge, MA

Priscilla J. McMillan
12 Hilliard St.
Cambridge, MA

John R. Pitkin
18 Fayette St.
Cambridge, MA

Jonathan S. Miers
5 Hollis St.
Cambridge, MA

Sarah A. Wolfinsohn
11 ½ Hilliard St.
Cambridge, MA

Mary Conlan
26 Chauncy
Cambridge, MA

Caroline F. Wadhams
14 Holly Ave.
Cambridge, MA

C. Denison Makepeace
23 Collidge Hill Rd.
Cambridge, MA

Daniel S. Medwed
58 Washington Ave.
Cambridge, MA

Eliza McCormickfeld
42 Arlington St.,
Cambridge, MA

PUBLIC NOTICE
RELATIVE TO ZONING

CITY OF CAMBRIDGE
MASSACHUSETTS
OFFICE OF THE CITY CLERK

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Copies of this petition are on file in the Office of the City Clerk, 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)Sept.22

PUBLIC NOTICE
RELATIVE TO ZONING

CITY OF CAMBRIDGE
MASSACHUSETTS
OFFICE OF THE CITY CLERK

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

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For the Committee,
Councillor William H. Walsh,
Chairman.

(C)Sept.22

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RELATIVE TO ZONING

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MASSACHUSETTS
OFFICE OF THE CITY CLERK

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

For the Committee,
Councillor William H. Walsh,
Chairman.

(C)Sept.22

CITY OF CAMBRIDGE

INTEROFFICE CORRESPONDENCE

To Nancy Carney
Assessors Department

Date September 26, 1988

From Joseph E. Connarton
City Clerk

Reference

Subject Written Protest - Howard Medwed, et al - FAR Reform Petition

Enclosed you will find two copies of the written protest to the Howard Medwed zoning petition for the FAR Reform petititon.

Would you kindly certify the ownership of the property and remit a copy to the Engineering Dept.

Your kind attention in this matter will be greatly appreciated.

RECEIVED
OFFICE OF CITY CLERK
1988 SEP 23 AM 11:36
CAMBRIDGE MA.

SAINT PAUL CHURCH
RECTORY
34 MOUNT AUBURN STREET
CAMBRIDGE, MASSACHUSETTS 02138

September [illegible], 1988

Joseph E. Connarton
City Clerk
City of Cambridge
795 Mass. Ave.
Cambridge, MA 02139

Dear Mr. Connarton:

The undersigned Cambridge landowner opposes in its entirety the changes in the Cambridge Zoning Ordinance proposed by Howard Medwed and others which, among other things, would harshly regulate the joint development of abutting parcels of land and the construction of additional or multiple buildings on a lot.

The Roman Catholic Archbishop of Boston, a corporation sole owns real estate which will be affected by the proposed changes and therefore files objection to its passage. The property of St. Paul's Parish is located at 34 Mt. Auburn Street, 8-12 DeWolfe Street, 25-29 Mt. Auburn Street and 20 Arrow Street, Cambridge.

St. Paul's objects because the proposal will seriouly affect the proposed new Parish facilities at 29 Mt. Auburn Street which has been in planning for over two years; and will further affect the development of the rectory site at Mt. Auburn and DeWolfe Streets upon which the Parish depends for financial support.

Very truly yours,

Roman Catholic Archbishop of
Boston, a Corporation Sole,

By: _____
Rev. john P. Boles, Pastor

JPB:mm

HARVARD UNIVERSITY

SALLY ZECKHAUSER
VICE PRESIDENT FOR ADMINISTRATION

MASSACHUSETTS HALL
CAMBRIDGE, MASSACHUSETTS 02138
617-495-1512

RECEIVED BY
OFFICE OF CITY CLERK
1988 SEP 22 AM 10:35
CAMBRIDGE MA.

PETITION

September 14, 1988

Joseph E. Connarton
City Clerk
City of Cambridge
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Dear Mr. Connarton:

The undersigned Cambridge landowner opposes in its entirety the changes in the Cambridge Zoning Ordinance proposed by Howard Medwed and others which, among other things, would harshly regulate the joint development of abutting parcels of land and the construction of additional or multiple buildings on a lot, and would diminish the property rights associated with private ways.

Massachusetts General Laws Chapter 40A, Section 5, states generally that no zoning ordinance can be adopted except by a two-thirds vote of the City Council. For Cambridge, this would mean six councilors. The statute provides that prior to final approval of a change to the ordinance, if there is a written protest stating the reasons for the protest, signed by "the owners of twenty percent or more of the area of the land proposed to be included in such change, or of the area of the land immediately adjacent extending three hundred feet therefrom," then a three-fourths vote (7 councilors) would be necessary to enact the proposed change to the ordinance. Harvard owns real estate which will be affected by the proposed changes and now so files such a protest.

Harvard opposes the proposed amendment to the Cambridge Zoning Ordinance because the amendment will not serve the best interests of the City of Cambridge. The amendment is defectively vague and confusing, and would permit the Ordinance to be applied in an

unpredictable and inconsistent manner. The concern of building density, which the proposed amendment seeks to address, is covered by the floor area ratio provisions of the Ordinance and is more appropriately handled through an amendment to those provisions.

PRESIDENT AND FELLOWS
OF HARVARD COLLEGE

By _____

By _____

Attached is a list of property owned by Harvard.

Parcels Owned by PFHC in the Harvard Square Overlay District

Address	Owner(s)	Area	Assesors Map Number	Block	Lot
9 Bow	PFHC	6355	133	C	3
13 Bow	PFHC	11552	133	C	4
13 Bow	PFHC	7967	133	C	5
31 Bow	PFHC	3210	133	C	7
31 Bow	PFHC	11707	133	C	6
47 Bow	PFHC	47036	160	B	60
51 Brattle	PFHC	14951	169	C	14
21 Church	PFHC	1536	169	C	8
32 Church	PFHC	5072	169	B	82
35 Church	PFHC	31774	169	C	10
51 Dunster	PFHC	4138	162	C	7
52 Dunster	PFHC	6075	162	E	49
69 Dunster	PFHC	7165	162	D	32
12 Holyoke	PFHC	9356	160	C	38
16 Holyoke	PFHC	6997	160	C	37
28 Holyoke	PFHC	3640	161	A	1
31 Holyoke	PFHC	5091	162	E	63
1 Holyoke Pl	PFHC	6239	161	A	3
9 Holyoke Pl	PFHC	7410	161	A	4
60 JFK	PFHC	3552	162	D	35
5 Linden	PFHC	5970	160	C	54
1328 Mass. Ave	PFHC	2029	160	C	23
1350 Mass. Ave	PFHC	74913	160	D	14
1201 Mass. Ave	PFHC	30902	134	B	1
1256 Mass. Ave	PFHC	9347	133	C	53
1304 Mass. Ave	PFHC	9116	160	C	27
2 Mt. Auburn	PFHC	14810	132	A	138
6 Mt. Auburn	PFHC	4493	132	A	122
8 Mt. Auburn	PFHC	9947	132	A	135
10 Mt. Auburn	PFHC	7759	132	A	97
56 Mt. Auburn	PFHC	15865	161	B	81
63 Mt. Auburn	PFHC	14347	160	C	30
78 Mt. Auburn	PFHC	4000	162	E	11
90 Mt. Auburn	PFHC	3212	162	C	68
92 Mt. Auburn	PFHC	2335	162	C	5
110 Mt. Auburn	PFHC	17578	165	B	34
122 Mt. Auburn	PFHC	18750	165	B	41
124 Mt. Auburn	PFHC	65338	165	B	38
134 Mt. Auburn	PFHC	3312	166	B	35
2 Nutting	PFHC	2760	166	B	73
12 Plympton	PFHC	507	133	C	56
12 Plympton	PFHC	507	133	C	54
22 Plympton	PFHC	4616	133	C	8
61 Plympton	PFHC	2617	161	B	83
Ridgely Court	PFHC	2863	160	C	36
17 South	PFHC	4387	162	D	53
19 South	PFHC	1590	162	D	51
21 South	PFHC	2040	162	D	52
12 Story	PFHC	15382	168	B	56
41 Winthrop	PFHC	4800	162	E	14
65 Winthrop	PFHC	2489	162	C	48
67 Winthrop	PFHC	2489	162	C	47
98 Winthrop	PFHC	3405	162	A	19

C.C. 106

PUBLIC NOTICE
RELATIVE TO ZONING

City of Cambridge

MASSACHUSETTS

OFFICE OF THE CITY CLERK

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

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

For the Committee,

Councillor William H. Walsh,
Chairman.

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 public hearing on Wednesday, September 28, 1988 at 6:00 p.m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition of Howard Medwed, et al to amend the text of the Zoning Ordinance as follows:

1. adding a new definition to Article 2.00 entitled "Addition. New construction which is connected to an existing structure above grade at any point by construction which contributes to gross floor area.",

2. adding to the definition of Lot the following: "For the purposes of determining whether a parcel of land is in identical ownership throughout, only those persons who, alone or jointly or severally with others, have legal title to such parcel shall be considered to have an ownership interest. The interests of lessees and others who have care, charge or control of such parcel, but who do not have legal title shall be disregarded.", and

3. adding to the Ordinance following Section 5.272 new sections 5.28 entitled "Exclusion of way from Lot Area for purposes of determining Floor Area Ratio; 5.29 entitled "Computation of lot area for purposes of determining FAR on Multiple Structure lots and Section 5.30 entitled "Computation of lot area for purposes of determing FAR".

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. C. 106

PUBLIC NOTICE
RELATIVE TO ZONING

City of Cambridge

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06/23/88

CITY OF CAMBRIDGE
FAR REFORM PETITION

CAMBRIDGE MA

WHEREAS the City of Cambridge is threatened by massive development; and

WHEREAS developers and their architectural and legal advisors now scrutinize the Cambridge Zoning Ordinance so as to maximize the development potential of property beyond the potential anticipated by the framers of the Ordinance; and

WHEREAS increasingly massive structures are being built in the City of Cambridge with a consequent increase in noise and congestion, strain on the City's infrastructure and impairment of the City's ability to provide essential services; and

WHEREAS there is controversy and uncertainty over the interpretation of the provisions of the Cambride Zoning Ordinance relating to the determination of floor area ratio ("FAR"); and

WHEREAS there is increasing concern that persons may seek to take advantage of uncertainties in the Cambridge Zoning Ordinance relating to the determination of FAR; and

WHEREAS arrangements between owners of contiguous parcels to share development potential by combining lots so as to enable a lot to borrow FAR from a contiguous lot threaten the City with overdevelopment and excessively concentrated development;

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

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For purposes of determining whether a parcel of land is in identical ownership throughout, only those persons who, alone or jointly or severally with others, have legal title to such parcel shall be considered to have an ownership interest. The interests of lessees and others who have care, charge or control of such parcel, but who do not have legal title shall be disregarded.

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a. If a lot contains one or more structures, the portion of such lot occupied by each structure, together with sufficient lot area to enable each such structure to conform to the floor area ratio and the other dimensional requirements of the district in which it is located (to the greatest extent possible given the then existing structures and lot boundaries), shall be treated as a separate lot for purposes of determining the allowable floor area ratio of any additional structure to be built upon the remaining portion of such lot. Each such additional structure must conform to the floor area ratio and other dimensional requirements of the district in which it is located based on the portion of the lot allotted to it under this Section. Notwithstanding the foregoing, if the owners of a lot so designate when applying for a building permit, all structures in existence on a lot on the effective date of this Section shall be regarded as a single structure for purposes of the preceding sentence.

b. Each application for a permit to build a structure on a lot which will result in such lot having two or more structures shall be accompanied by a plan showing the area and location of the portions of the lot allotted to each then existing structure for purposes of meeting the requirements of this Section and the area and location of the portion of the lot proposed to be allotted to each additional structure proposed to be built upon such lot. An addition shall be regarded as a separate structure for purposes of this Section in respect to determining allowable floor area ratio unless (i) it is connected to an existing structure by construction which serves one or more functions in addition to being a connector or passageway between the existing and new construction and (ii) it is an integral part of the existing structure both in function and design. For all other purposes of this Section an addition shall be regarded as part of the structure or structures to which it is connected.

c. The Planning Board may upon application grant a special permit allowing a lot owner to treat all or some of the existing structures on a lot and any additional structure or structures proposed to be built upon such lot as a single

structure for purposes of this Section. The Planning Board may grant such special permit only if the criteria of Section 10.43 are met and the Planning Board finds that the granting of such special permit will not be in derogation of any master plan adopted for the City of Cambridge for the development of the neighborhood in which the lot is located and the planning objectives of the Planning Board for such neighborhood and further makes one of the following findings-

(i) The denial of the special permit will result in a hardship, financial or otherwise, whether or not such hardship would serve as the basis for granting a variance, to the lot owner which has been demonstrated by clear and convincing evidence as the result of circumstances which relate to the lot for which the special permit is sought or the existing structures thereon; or

(ii) The granting of the special permit will result in the preservation of one or more existing structures, which contribute to the character of the neighborhood in which the lot is located or result in a beneficial diversity of scale of structures; or

(iii) The granting of the special permit will contribute to the rehabilitation and preservation of an existing structure identified as significant and preferably preserved by the Cambridge Historic Commission; or

(vi) The granting of the special permit will enable the lot owner to integrate the proposed additional structure or structures as part of a planned use of the lot as a whole which results in a significant, objectively verifiable, benefit to the neighborhood in which the lot is located; or

(v) The granting of the special permit will contribute one or more significant, objectively verifiable, public benefits which are otherwise unavailable.

Section 5.30. Computation of Lot Area for Purposes of Determining FAR. In order to determine lot area for purposes of computing allowable floor area ratio and in order to prevent the transfer of development potential in the form of unused allowable floor area ratio from one lot to another lot where such lots have been merged or separated as the result of, or in conjunction with, a contract or other arrangement- (i) which derogates from the purposes or intent of this Zoning Ordinance, (ii) where legal title creates a single lot although the actual nature of the economic interests in such lot is such that such lot should be treated as two or more lots, or (iii) where legal title creates two or more lots although the actual nature of the economic interests in such lots is such that such lots should be treated as

a single lot, when determining floor area ratio in regard to lots in where legal title does not reflect actual ownership or is used to transfer development potential and in all other cases, the following rules shall apply:

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b. For purposes of determining ownership under this Section, all interests shall be disregarded except the ownership interests which are taken into account for purposes of defining a lot.

c. Notwithstanding the foregoing, if, in administering, enforcing and construing these provisions and in considering any application, appeal or other matter pending, the Commissioner of Buildings, the Planning Board or the Board of Zoning Appeal (as the case may be) finds that any contract or other arrangement in respect to a parcel, including without limitation a partnership agreement, mortgage, condominium, trust, easement, option or other agreement relating to the use, income, profit or benefit of a lot, structure or portion of a lot or structure, has the effect of circumventing the purpose or intent of this Section with respect to a lot by creating interests which are not ownership interests hereunder but have the effects of ownership interests, then the Commissioner of Buildings, the Planning Board or the Board of Zoning Appeal shall treat such contract or other arrangement as creating ownership interests which are consistent with the provisions and effects thereof.

d. Any person applying for a building permit, special permit or variance in respect to a lot, or defending against a request for enforcement of this Ordinance in respect to a lot, shall disclose all such information as is necessary to determine (i) the ownership interests of all persons in such lot (including all such information as is necessary to determine if any contract or other arrangement should create ownership interests in respect to

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e. In no event shall the provisions of this Section be applied (i) to merge lots which would be separate but for this Section or (ii) to separate a lot or lots which would be merged but for this Section if the effect of such merger or separation is to increase the development potential of any lot created as the result of the application of this Section.

FAR REFORM PETITION

PAGE 1 OF 2.

We the Undersigned respectfully petition the Honorable, the City Council of the City of Cambridge, to clarify interpretations of the Zoning Ordinance, and to prevent inappropriate development patterns within and between lots, by amending the Zoning Ordinance in conformance with the Petition attached hereto.

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✓	Mamese S. Medwed	MAMESE S MEDWED	58 WASHINGTON AVE	868-8805
✓	Elizabeth R. Moynihan	ELIZABETH R MOYNIHAN	58 Washington Ave.	354-7309
✓	Priscilla J. McMillan	Priscilla J. McMillan	12 Hilliard St.	547-6260
✓	John R. Pitkin	JOHN R. PITKIN	18 FAYETTE ST.	492-4035
✓	Jonathan S Myers	JONATHAN S. MYERS	5 HOLLIS ST	491 8745
✓	Sarah A. Wolfinsohn	SARAH A WOLFINSOHN	11½ Hilliard St	876-5316
✓	Mary Conlan	MARY CONLAN	26 Channing	547-0965
✓	Caroline F. Wadhams	CAROLINE F. WADHAMS	14 Holly Ave.	491-0787
✓	C. Dennison Makepeace	C. DENISON MAKEPEACE	23 COLLEGE HILL RD	497-0311
✓	Daniel S. Medwed	Daniel S. Medwed	58 Washington Ave	868-8805
✓	Elizabeth Conrad Reed	ELIZA McCORMICK REED 42 Arlington St	Cambridge 02140	~~868-4~~ 354-5895

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[signature]	WEBB NICHOLS	201 HURON AVE	491-4298

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RECEIVED &
OFFICE OF CITY CLERK
1988 SEP 23 AM 11:36
CAMBRIDGE MA.

SAINT PAUL CHURCH
RECTORY
34 MOUNT AUBURN STREET
CAMBRIDGE, MASSACHUSETTS 02138

September 22, 1988

Joseph E. Connarton
City Clerk
City of Cambridge
795 Mass. Ave.
Cambridge, MA 02139

Dear Mr. Connarton:

The undersigned Cambridge landowner opposes in its entirety the changes in the Cambridge Zoning Ordinance proposed by Howard Medwed and others which, among other things, would harshly regulate the joint development of abutting parcels of land and the construction of additional or multiple buildings on a lot.

The Roman Catholic Archbishop of Boston, a corporation sole owns real estate which will be affected by the proposed changes and therefore files objection to its passage. The property of St. Paul's Parish is located at 34 Mt. Auburn Street, 8-12 DeWolfe Street, 25-29 Mt. Auburn Street and 20 Arrow Street, Cambridge.

St. Paul's objects because the proposal will seriouly affect the proposed new Parish facilities at 29 Mt. Auburn Street which has been in planning for over two years; and will further affect the development of the rectory site at Mt. Auburn and DeWolfe Streets upon which the Parish depends for financial support.

Very truly yours,

Roman Catholic Archbishop of
Boston, a Corporation Sole,

By: _____
Rev. John P. Boles, Pastor

JPB:mm

YWCA CAMBRIDGE
7 Temple Street · Cambridge · Massachusetts · 02139 · (617)491·6050

September 23, 1988

Counselor William Walsh, Chair
Ordinance Committee
City Hall
Cambridge, MA 02139

Dear Mr. Walsh,

The Cambridge YWCA would like to register opposition to the petition of Howard Medwed, et. al. to amend the text of the Zoning Ordinance by changing the way the Zoning Ordinance regulates joint development projects and multiple buildings on a lot.

The Cambridge YWCA has recently selected Unihab to act as development partner on our site at 7 Temple Street. The Unihab proposal would provide the YWCA with renovated program space in our historic main building, new space for 50 additional single room occupancy units, and replacement space for our daycare program. Unihab will apply to the City for permission to build a moderate-priced hotel on a portion of the site. This proposal is only feasible if Unihab is able to use the development potential which is allowed by zoning but is not used by the YWCA.

We spent several years reviewing our options for much needed improvement of our Cambridge facility. The under-utilization of our property offers us an excellent opportunity to secure the means for renovation without necessitating cutbacks in our core programs. We are opposed to any change in the Zoning Ordinance which would jeopardize the permitting or financing of the proposed joint development of our property.

We imagine that there might be other non-profit agencies and organizations which have real estate assets that could also be affected by this petition. The Ordinance Committee might want to solicit comments from them as well.

Sincerely,

Amy Schectman
President
Cambridge YWCA

RECEIVED AT ROSTRUM 9/23/88

HARVARD UNIVERSITY

SALLY ZECKHAUSER
VICE PRESIDENT FOR ADMINISTRATION

MASSACHUSETTS HALL
CAMBRIDGE, MASSACHUSETTS 02138
617-495-1512

RECEIVED BY
OFFICE OF CITY CLERK
1988 SEP 22 AM 10:35
CAMBRIDGE MA.

PETITION

September 14, 1988

Joseph E. Connarton
City Clerk
City of Cambridge
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Dear Mr. Connarton:

The undersigned Cambridge landowner opposes in its entirety the changes in the Cambridge Zoning Ordinance proposed by Howard Medwed and others which, among other things, would harshly regulate the joint development of abutting parcels of land and the construction of additional or multiple buildings on a lot, and would diminish the property rights associated with private ways.

Massachusetts General Laws Chapter 40A, Section 5, states generally that no zoning ordinance can be adopted except by a two-thirds vote of the City Council. For Cambridge, this would mean six councilors. The statute provides that prior to final approval of a change to the ordinance, if there is a written protest stating the reasons for the protest, signed by "the owners of twenty percent or more of the area of the land proposed to be included in such change, or of the area of the land immediately adjacent extending three hundred feet therefrom," then a three-fourths vote (7 councilors) would be necessary to enact the proposed change to the ordinance. Harvard owns real estate which will be affected by the proposed changes and now so files such a protest.

Harvard opposes the proposed amendment to the Cambridge Zoning Ordinance because the amendment will not serve the best interests of the City of Cambridge. The amendment is defectively vague and confusing, and would permit the Ordinance to be applied in an

unpredictable and inconsistent manner. The concern of building density, which the proposed amendment seeks to address, is covered by the floor area ratio provisions of the Ordinance and is more appropriately handled through an amendment to those provisions.

PRESIDENT AND FELLOWS
OF HARVARD COLLEGE

By _____

By _____

Attached is a list of property owned by Harvard.

Harvard Owned Property in the Harvard Square Overlay District

Address	Owner(s)	Area	Assesors Map Number	Block	Lot
9 Bow	PFHC	6355	133	C	3
13 Bow	PFHC	11552	133	C	4
13 Bow	PFHC	7967	133	C	5
31 Bow	PFHC	3210	133	C	7
31 Bow	PFHC	11707	133	C	6
47 Bow	PFHC	47036	160	B	60
51 Brattle	PFHC	14951	169	C	14
21 Church	PFHC	1536	169	C	8
32 Church	PFHC	5072	169	B	82
35 Church	PFHC	31774	169	C	10
51 Dunster	PFHC	4138	162	C	7
52 Dunster	PFHC	6075	162	E	49
69 Dunster	PFHC	7165	162	D	32
12 Holyoke	PFHC	9356	160	C	38
16 Holyoke	PFHC	6997	160	C	37
28 Holyoke	PFHC	3640	161	A	1
31 Holyoke	PFHC	5091	162	E	63
1 Holyoke Pl	PFHC	6239	161	A	3
9 Holyoke Pl	PFHC	7410	161	A	4
60 JFK	PFHC	3552	162	D	35
5 Linden	PFHC	5970	160	C	54
1328 Mass. Ave	PFHC	2029	160	C	23
1350 Mass. Ave	PFHC	74913	160	D	14
1201 Mass. Ave	PFHC	30902	134	B	1
1256 Mass. Ave	PFHC	9347	133	C	53
1304 Mass. Ave	PFHC	9116	160	C	27
2 Mt. Auburn	PFHC	14810	132	A	138
6 Mt. Auburn	PFHC	4493	132	A	122
8 Mt. Auburn	PFHC	9947	132	A	135
10 Mt. Auburn	PFHC	7759	132	A	97
56 Mt. Auburn	PFHC	15865	161	B	81
63 Mt. Auburn	PFHC	14347	160	C	30
78 Mt. Auburn	PFHC	4000	162	E	11
90 Mt. Auburn	PFHC	3212	162	C	68
92 Mt. Auburn	PFHC	2335	162	C	5
110 Mt. Auburn	PFHC	17578	165	B	34
122 Mt. Auburn	PFHC	18750	165	B	41
124 Mt. Auburn	PFHC	65338	165	B	38
134 Mt. Auburn	PFHC	3312	166	B	35
2 Nutting	PFHC	2760	166	B	73
12 Plympton	PFHC	507	133	C	56
12 Plympton	PFHC	507	133	C	54
22 Plympton	PFHC	4616	133	C	8
61 Plympton	PFHC	2617	161	B	83
Ridgely Court	PFHC	2863	160	C	36
17 South	PFHC	4387	162	D	53
19 South	PFHC	1590	162	D	51
21 South	PFHC	2040	162	D	52
12 Story	PFHC	15382	168	B	56
41 Winthrop	PFHC	4800	162	E	14
65 Winthrop	PFHC	2489	162	C	48
67 Winthrop	PFHC	2489	162	C	47
98 Winthrop	PFHC	3405	162	A	18

6/20/88

September 26, 1988

TO: Joseph E. Connarton
City Clerk

FROM: Sally Powers, Director
Board of Assessors

In reply to your memo of September 26, 1988, please be advised that we have, this day, forwarded to Joan Lastovica, City Engineer, the written protest to the Howard Medwed zoning petition for the FAR Reform petition.

RECEIVED
OFFICE OF CITY CLERK
1988 SEP 23 AM 11:36
CAMBRIDGE MA.

SAINT PAUL CHURCH
RECTORY
34 MOUNT AUBURN STREET
CAMBRIDGE, MASSACHUSETTS 02138

September [illegible], 1988

Joseph E. Connarton
City Clerk
City of Cambridge
795 Mass. Ave.
Cambridge, MA 02139

Dear Mr. Connarton:

The undersigned Cambridge landowner opposes in its entirety the changes in the Cambridge Zoning Ordinance proposed by Howard Medwed and others which, among other things, would harshly regulate the joint development of abutting parcels of land and the construction of additional or multiple buildings on a lot.

The Roman Catholic Archbishop of Boston, a corporation sole owns real estate which will be affected by the proposed changes and therefore files objection to its passage. The property of St. Paul's Parish is located at 34 Mt. Auburn Street, 8-12 DeWolfe Street, 25-29 Mt. Auburn Street and 20 Arrow Street, Cambridge.

St. Paul's objects because the proposal will seriouly affect the proposed new Parish facilities at 29 Mt. Auburn Street which has been in planning for over two years; and will further affect the development of the rectory site at Mt. Auburn and DeWolfe Streets upon which the Parish depends for financial support.

Very truly yours,

Roman Catholic Archbishop of
Boston, a Corporation Sole,

By: _____
Rev. John P. Boles, Pastor

JPB:mm

HARVARD UNIVERSITY

SALLY ZECKHAUSER
VICE PRESIDENT FOR ADMINISTRATION

MASSACHUSETTS HALL
CAMBRIDGE, MASSACHUSETTS 02138
617-495-1512

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98 Winthrop NRD	PFHC	3405	161	A	18

TEACHERS

Continued from page 1

response: "Looking at the time line, we really need to come to resolution. I expect we will get together sometime next week."

At "Chronicle" press time, however, no meeting between the city and the union had been set.

"The school department has not heard from the CTA since its last discussion on Sept. 8," Giroux said. "The school department is prepared to resume negotiations. We feel we've made an offer that is consistent with the city's finances."

Each percentage point increase in teacher salaries costs the city $370,000, according to James Conry, the school department's director of management services. This year, the city budgeted $1.1 million for salary increases throughout the the entire school department, or a raise of 3 percent across the board.

As long as salary disputes block the contract negotiations, other items under mediation, such as early retirement incentives, cannot be considered. The school committee has 12 additional issues awaiting discussion, while the teachers' union has 10, Orben said.

Orben, who shuttled from picket line to picket line Tuesday morning, said teachers' morale is "excellent." Sporting a "Teachers Together" button on her red jumpsuit, Orben was busy Tuesday morning outside the Cambridge Rindge and Latin School, passing out coffee, fielding questions and organizing her troops for the next day.

"Please make signs for the morning," she laughed. "And don't use school materials."

PROP. 1-2-3

Continued from page 1

tion," said Elliot Savitz, the Waltham consultant who was hired by the Cambridge Home Ownership Association to coordinate Thursday's signature drive.

Savitz said that half of the 75 Proposition 1-2-3 workers were hired for the day from Cambridge and Boston temporary agencies, and the other half were volunteers.

The workers themselves were trained early Thursday morning at the Cambridge Chamber of Commerce before and after the polls opened at 7 am. Although the chamber's real estate committee has worked with the Cambridge Home Ownership Association on the signature drive, the chamber's board has yet to endorse Proposition 1-2-3, according to Chamber Executive Director Robert Heroux. The board is expected to do so in October.

It was widely rumored at the polls on Thursday that the temporary workers were paid about $6 per hour and received $1 for every signature. But neither Savitz nor other members of the association would comment on the pay arrangement. They did say the association has paid for all expenses relating to the signature campaign, including ads taken out in the "Cambridge Chronicle" in early September that alerted residents to Thursday's drive.

Meyer says the drive itself has already drawn about 3,500 signatures, the number needed for the proposition to be brought before the Cambridge City Council. If the council takes no action on the petition, which is likely considering the current 5-4 vote alignment in favor of rent control, it would end up on the ballot in the November 1989 municipal election.

Proposition 1-2-3 would give tenants who have lived in their apartments for at least two years the opportunity to buy them. It would also allow owners living in single-family homes or condominiums for at least two years to rent them outside rent control.

Lastly, two-thirds of the additional property tax revenues derived from the conversion of rental units into condominiums would be used to subsidize needy tenants and produce new rental housing.

"What they're talking about is vacancy decontrol," said City Councilor David Sullivan, who has written much of the significant rent control legislation prohibiting condo-conversions. "They're bribing tenants by telling them that they're improving their own situation, at the expense of the public's welfare."

Rent control was adopted by the city council in 1970. Since then, rent control board officials and tenant activists estimate the number of regulated units has declined from 17,000 to 13,000. Today, only tenants who have lived in their apartments since before Aug. 10, 1979 can buy them.

Stuart Rothman, one of the city's largest landlords, takes offense at Sullivan's claim. "There are a lot of tenants out there who want to own their own home," he said. "How can you argue against home ownership?"

Cambridge voters will probably be deciding that question in November 1989.

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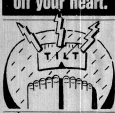

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CITY OF CAMBRIDGE
PURCHASING DEPARTMENT

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, September 29, 1988 at which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge.

Blood Gas Controls
X-Ray Folders
Printing of Monthly Newsletter
Custom Millwork at Branch Libraries
Removal of Miscellaneous Debris
Microfilm Equipment
Sale of Used Police Vehicles
Replacement of Refuse Packer Body

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)Sept.15,22

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. **Superior Court**
L.S. **No. 88-5432**

To **Robert E. Marlow, Trustee of REM Realty Trust, Harvard Baybank Trust Company,** and **G & H Enterprises, Inc.,** and to all persons entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended.

Heath Management Co., Inc., d/b/a **Heath Financial Resources,** claiming to be the present holder of a second mortgage covering the land with the buildings thereon, now known and numbered 1900-1910 Massachusetts Avenue, Cambridge, Middlesex County, Massachusetts given by Robert E. Marlow, Trustee of REM Realty Trust, to the Plaintiff, dated March 17, 1987, and recorded in the Middlesex South District Registry of Deeds, Book 17944, Page 338, as amended by Amendment to Mortgage dated July 16, 1987 and recorded with Middlesex South District Deeds in Book 18385, Page 91, 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 should file a written appearance and answer in the office of the clerk of said court at Cambridge on or before the seventeenth day of October, A.D. 1988, or you may be forever barred from claiming that such foreclosure is invalid under said act.

Witness: Robert L. Steadman, Esq.,
Chief Justice of said Court,
this seventh day of September, A.D. 1988.

A true copy attest.

Edward J. Sullivan
Clerk

(C)Sept.22

COMMONWEALTH OF MASSACHUSETTS
PROBATE COURT
Middlesex, ss. **No. 88P4747GI**

To **Rina Bowlby** of Cambridge in the County of Middlesex, and to her heirs apparent or presumptive.

A petition has been presented to said Court alleging that said Rina Bowlby is a mentally ill person and praying that **Geraldine M. Foley** of Cambridge in the County of Middlesex, or some other suitable person, be appointed her guardian.

If you desire to object thereto you or your attorney should file a written appearance in said Court at Cambridge on or before ten o'clock in the forenoon on the fifth day of October 1988, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this eighth day of September 1988.

Paul J. Cavanaugh
Register

(C)Sept.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, September 28, 1988 at 5:30 p.m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition by **Susan Yanow,** et al to amend the text of the Zoning Ordinance by adding a new footnote (d) to Section 5.43, Industrial Distrticts:

(d) Where an Industrial A and B zone abuts any residential district, any structure or portion thereof erected within 100 feet of said abutting residential district shall conform to the minimum yard and maximum height requirements applicable to structures within said residential district.

and add a new footnote indication "(d)" to the word "none," where it appears in columns (5) ("Minimum Yard in Feet," inclusive of subcolumns "Front," "Side," and "Rear") and (6) ("Maximum Height in Feet") of the lines labeled "Ind. A" and "Ind. B" of Table 5-4, Table of Dimensional Requirements — Industrial Districts.

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)Sept.22

NOTICE

Annual Report of the **Leo L. Beranek Foundation** for period 1 July, 1987 to 30 June, 1988 is available for inspection at the office of the administrators, Grants Management Associates, 230 Congress Street, Boston, MA 02110 during business hours for 180 days after this date. Please telephone 426-7172 for appointment.

Leo L. Beranek
Trustee

(C)Sept.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, September 28, 1988 at 6:00 p.m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition of **Howard Medwed,** et al to amend the text of the Zoning Ordinance as follows:

1. adding a new definition to Article 2.00 entitled "**Addition.** New Construction which is connected to an existing structure above grade at any point by construction which contributes to gross floor area.",

2. adding to the definition of **Lot** the following: "For the purposes of determining whether a parcel of land is in identical ownership throughout, only those persons who, alone or jointly or severally with others, have legal title to such parcel shall be considered to have an ownership interest. The interests of lessees and others who have care, charge or control of such parcel, but who do not have legal title shall be disregarded.", and

3. adding to the Ordinance following Section 5.272 new sections 5.28 entitled "Exclusion of way from Lot Area for purposes of determining Floor Area Ratio; 5.29 entitled "Computation of lot area for purposes of determining FAR on Multiple Structure lots and Section 5.30 entitled "Computation of lot area for purposes of determining FAR."

Copies of this petition are on file in the Office of the City Clerk, 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)Sept.22

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. **Probate Court**
No. 88D-3060-D1

Summons by Publication
Marina C. Cornejo, Plaintiff
vs.
Alcides Hernandez, Defendant

To the above-named Defendant:

A complaint has been presented to this Court by your spouse, Marina C. Cornejo, seeking a Divorce for Desertion and refusal to provide support for her and her child.

You are required to serve upon Jose R. Vargas, Esq., plaintiff's attorney, whose address is 16 Copley Street, Boston, Mass. 02119 your answer on or before December 5, 1988. 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.
August 23, 1988

Paul J. Cavanaugh
Register of Probate

Sept.8,15,22

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. **Superior Court**
L.S. **No. 88-5433**

To **Michael W. Sylvester,** and **David J. Washken,** Trustees of 69 Harvey Street Nominee Trust, **Peter J. Amari,** Trustee of Peteram Realty Trust, **National Bank of Greece, S.A.** and **Robert E. Marlow,** and to all persons entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended.

Heath Management Co., Inc., d/b/a **Heath Financial Resources,** claiming to be the owner and holder of a second mortgage covering buildings thereon, now known and numbered as 69 Harvey Street, Cambridge, Middlesex County, Massachusetts given by Robert E. Marlow and A. Douglas Matthews, Trustees of 69 Harvey Street Nominee Trust, to the Plaintiff, dated March 17, 1987, and recorded in the Middlesex South District Registry of Deeds, Book 17944, Page 353, as amended by Amendment to Mortgage dated July 16, 1987 and recorded with said Middlesex South District Deeds in Book 18385, Page 94 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 should file a written appearance and answer in the office of the clerk of said court at Cambridge on or before the seventeenth day of October, A.D. 1988, or you may be forever barred from claiming that such foreclosure is invalid under said act.

Witness: Robert L. Steadman, Esq., Chief Justice of said Court, this seventh day of September, A.D. 1988.

A true copy attest.

Edward J. Sullivan
Clerk

(C)Sept.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. 88-21

Regulation No. 66-1 Schedule 7B **"Parking Prohibited During Certain Hours On Certain Sides Of Certain Streets" (Resident Parking)** is hereby amended by adding the following:

Washington Street, south side, from Windsor Street to Portland Street, All Hours, Except Sunday.

This regulation shall take effect 26 September 1988.

PROMULGATED
DATE
Sept. 1, 1988

George Teso
Traffic Director

(C)Sept.8,15,22

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND
FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division **Docket No. 88P4744E**
Estate of **Ruth D. Sanderson**
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 **BayBank Harvard Trust Company** of Burlington, in the County of Middlesex 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 October 11, 1988.

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 September in the year of our Lord one thousand nine hundred and eighty-eight.

Paul J. Cavanaugh
Register of Probate

(C)Sept.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. 88-19

Regulation No. 66-1 Schedule 7B **"Parking Prohibited During Certain Hours On Certain Sides Of Certain Streets" (Resident Parking)** is hereby amended by adding the following:

Prospect Street, east side, from 134'N of Cambridge Street to 358'N of Cambridge Street, All Hours, Except Sunday.

This regulation shall take effect 26 September 1988.

PROMULGATED
DATE
August 30, 1988

George Teso
Traffic Director

(C)Sept.8,15,22

REQUEST FOR PROPOSAL
MOVING SERVICES
CAMBRIDGE RENT CONTROL DEPARTMENT
CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

Sealed proposals will be received at the Office of the Purchasing Agent, Room 303, City Hall, 795 Massachusetts Avenue, until 11:00 A.M., Thursday, September 29, 1988 at which time and place they will be publicly opened and read aloud for furnishing the following to the Cambridge Rent Control Department:

The Cambridge Rent Control Board is seeking **proposals for packing and moving services for its offices from 678 Mass. Avenue to 831 Mass. Avenue.**

Copies of the Request for Proposal may be obtained at the Office of the Purchasing Agent on and after September 15, 1988, between the hours of 8:30 A.M. and 5:00 P.M.

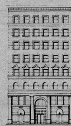
The successful offerer must be an Equal Opportunity Employer.

The City of Cambridge reserves the right to reject any or all proposals, waive any informalities in the proposal process, or accept the proposal deemed to be in the best interest of the city.

Each proposal must be delivered, along with two (2) additional proposal summaries in a sealed package, plainly marked, "Proposal for Moving Services" and addressed to Barbara L. Duffy, Purchasing Agent, Room 303, City Hall, 795 Massachusetts Avenue, Cambridge, Ma. 02139.

Barbara L. Duffy
Purchasing Agent

(C)Sept.15,22



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Tuesday, September 27 **"TAX FREE INCOME"**
Guest speaker: Stan Gaffin, CPA, Director of Boston Office of Mann, Judd, Landau - Maximizing after tax income by investing in tax free bonds issued by various state and governmental agencies.

Tuesday, October 4 **"HOME EQUITY LOANS"**
Guest speaker: Jim Papadonis, Assistant Vice President Consumer Lending, First Mutual Bank of Boston - Mortgage choices now available to the homeowner, what to consider when refinancing your home and whether or not to switch from a variable rate to a fixed rate.

Tuesday, October 25 **"AGGRESSIVE INVESTING"**
Guest speakers: Rajni Banker, Vice President, Merrill Lynch and Jerry Astramowicz, Financial Consultant, Merrill Lynch - Options and commodities trading, the appeal and danger of these investment strategies.

Cocktails and hors d'oeuvres 6-7 p.m.

Seminars 7 p.m.

ROOTS

419 Boylston St., Boston

RSVP please and for more information: Susan Benson 247-0700

LETTERS, *from page 12*

Unfortunately, I have become aware that not everyone shares this goal. A small but vocal minority apparently believes that some medical research should be stopped, that is, research that uses animals. Some of these individuals have attempted to restrict research using animals. They have tried to do this through legislation and regulation, through the courts and in some cases by break-ins and vandalism.

Animal research should be carried out respectfully and humanely and the state and federal governments should regulate it strictly, as they do. It is my constant prayer that through research a cure will be found for cancer and the many other incurable diseases. It is my hope that on September 14, and on every day of the year, we will support medical progress and honor the scientists who have contributed so much to the fight against diseases and misery through research using animals.

Rita O'Connor Corkery
Cambridge

Mail Call.
The Tab welcomes letters from its readers.
Please send yours to:
The Tab • "Letters to the Editor"
1254 Chestnut Street • Newton, MA • 02164

LEGAL NOTICES

CITY OF CAMBRIDGE

PUBLIC NOTICE RELATIVE TO ZONING

Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council will hold a public hearing on Wednesday, September 28, 1988 at 6:30 p.m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on the petition by the Planning Board of the City of Cambridge to amend the Zoning Ordinance of the City of Cambridge by creating a new Article 13.70 — PUD-6 District: Development Controls and amends various articles to create three new industrial zoning districts: Industry T, Industry R and Industry B-3. Further the petition would amend the Zoning Map of the City of Cambridge by rezoning an area of land known as North Point and its abutting area from Industrial B to an Industry A district; a new Industry T, a new Industry R with the new PUD-6 Overlay; and a new Industry B-3 District with the existing PUD-4 District Overlay as shown on the accompanying map. The new Industry T zone would have a Floor Area Ratio of .75, and a height limit of 35 feet, the new Industry T zone would have a Floor Area Ratio of .25 and a height limit of 35 feet, and the new Industry B-3 zone would have a Floor Area Ratio of 1.0 and a height limit of 45 feet. The Industry A District would be amended to restrict the height requirement to 85 feet with a limit of up to 130 feet with a Special Permit. It would also amend the use regulations to allow the heavy industry category with a Special Permit. The PUD-6 Overlay District [illegible] ment potential between development parcels, increase the height and FAR limits to 85 feet and 1.25 (2.5 for residential) through a public special permit process before the Planning Board.
Copies of this petition & area map 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

(T)9/13

CITY OF CAMBRIDGE

PUBLIC NOTICE
RELATIVE TO ZONING
Office of the City Clerk

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(d) Where an Industrial A and B zone abuts any residential district, any structure or portion thereof erected within 100 feet of said abutting residential district shall conform to the minimum yard and maximum height requirements applicable to structures within said residential district.
and add a new footnote indication "(d)" to the word "none", where it appears in columns (5) (Minimum Yard in Feet", inclusive of subcolumns "Front", "Side", and "Rear") and (6) (Maximum Height in Feet") of the lines labeled "Ind. A" and "Ind. B" of Table 5-4, Table of Dimensional Requirements — Industrial Districts.
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

(T)9/13

CITY OF CAMBRIDGE

PUBLIC NOTICE RELATIVE TO ZONING
OFFICE OF THE CITY CLERK

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1. adding a new definition to Article 2.00 entitled "Addition. New construction which is connected to an existing structure above grade at any point by construction which contributes to gross floor area.",
2. adding to the definition of Lot the following: "For the purposes of determining whether a parcel of land is in identical ownership throughout, only those persons who, alone or jointly or severally with others, have legal title to such parcel shall be considered to have an ownership interest. The interests of lessees and others who have care, charge or control of such parcel, but who do not have legal title shall be disregarded.", and
3. adding to the Ordinance following Section 5.272 new sections 5.28 entitled "Exclusion of way from Lot Area for purposes of determining Floor Area Ratio; 5.29 entitled "Computation of lot area for purposes of determining FAR on Multiple Structure lots and Section 5.30 entitled "Computation of lot area for purposes of determining FAR".
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

(T)9/13

RECOVERING ALCOHOLICS

Applications now being accepted for Fall Training Workshop

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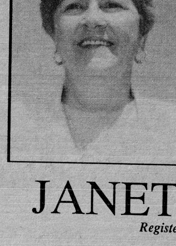

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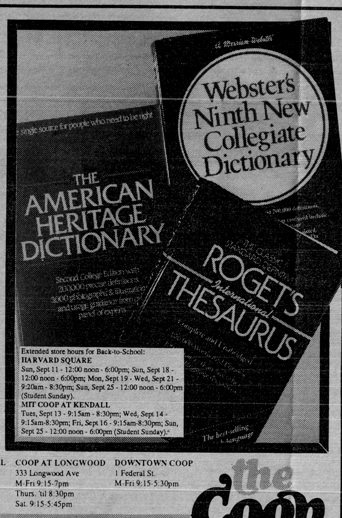

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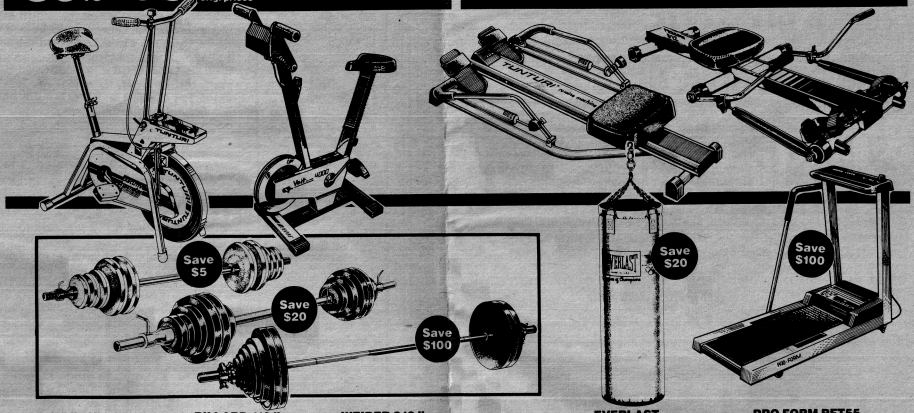

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TEACHERS

Continued from page 1

response: "Looking at the time line, we really need to come to resolution. I expect we will get together sometime next week."

At "Chronicle" press time, however, no meeting between the city and the union had been set.

"The school department has not heard from the CTA since its last discussion on Sept. 8," Giroux said. "The school department is prepared to resume negotiations. We feel we've made an offer that is consistent with the city's finances."

Each percentage point increase in teacher salaries costs the city $370,000, according to James Conry, the school department's director of management services. This year, the city budgeted $1.1 million for salary increases throughout the the entire school department, or a raise of 3 percent across the board.

As long as salary disputes block the contract negotiations, other items under mediation, such as early retirement incentives, cannot be considered. The school committee has 12 additional issues awaiting discussion, while the teachers' union has 10, Orben said.

Orben, who shuttled from picket line to picket line Tuesday morning, said teachers' morale is "excellent." Sporting a "Teachers Together" button on her red jumpsuit, Orben was busy Tuesday morning outside the Cambridge Rindge and Latin School, passing out coffee, fielding questions and organizing her troops for the next day.

"Please make signs for the morning," she laughed. "And don't use school materials."

PROP. 1-2-3

Continued from page 1

tion," said Elliot Savitz, the Waltham consultant who was hired by the Cambridge Home Ownership Association to coordinate Thursday's signature drive.

Savitz said that half of the 75 Proposition 1-2-3 workers were hired for the day from Cambridge and Boston temporary agencies, and the other half were volunteers.

The workers themselves were trained early Thursday morning at the Cambridge Chamber of Commerce before and after the polls opened at 7 am. Although the chamber's real estate committee has worked with the Cambridge Home Ownership Association on the signature drive, the chamber's board has yet to endorse Proposition 1-2-3, according to Chamber Executive Director Robert Heroux. The board is expected to do so in October.

It was widely rumored at the polls on Thursday that the temporary workers were paid about $6 per hour and received $1 for every signature. But neither Savitz nor other members of the association would comment on the pay arrangement. They did say the association has paid for all expenses relating to the signature campaign, including ads taken out in the "Cambridge Chronicle" in early September that alerted residents to Thursday's drive.

Meyer says the drive itself has already drawn about 3,500 signatures, the number needed for the proposition to be brought before the Cambridge City Council. If the council takes no action on the petition, which is likely considering the current 5-4 vote alignment in favor of rent control, it would end up on the ballot in the November 1989 municipal election.

Proposition 1-2-3 would give tenants who have lived in their apartments for at least two years the opportunity to buy them. It would also allow owners living in single-family homes or condominiums for at least two years to rent them outside rent control.

Lastly, two-thirds of the additional property tax revenues derived from the conversion of rental units into condominiums would be used to subsidize needy tenants and produce new rental housing.

"What they're talking about is vacancy decontrol," said City Councilor David Sullivan, who has written much of the significant rent control legislation prohibiting condo-conversions. "They're bribing tenants by telling them that they're improving their own situation, at the expense of the public's welfare."

Rent control was adopted by the city council in 1970. Since then, rent control board officials and tenant activists estimate the number of regulated units has declined from 17,000 to 13,000. Today, only tenants who have lived in their apartments since before Aug. 10, 1979 can buy them.

Stuart Rothman, one of the city's largest landlords, takes offense at Sullivan's claim. "There are a lot of tenants out there who want to own their own home," he said. "How can you argue against home ownership?"

Cambridge voters will probably be deciding that question in November 1989

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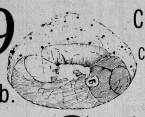
COOK'S CRYOVAC
Water Added
89¢ lb.

N.Y. Sirloin

LEAN BEEF
Boneless Shell Steak
2.69 lb.

Cube Steak

Boneless Beef Round
USDA CHOICE
1.99 lb.

DELI
Turkey Breast

3.59 lb.

Pork Chops

Boneless Center Cut
Recipe Ready
3.49 lb.

Chicken Pie

Mrs. Budd's Original Light & Dark
3.49 36 oz. PIE

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•Perk
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5 10¾ oz. CANS $1

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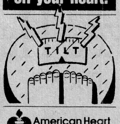

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CITY OF CAMBRIDGE
PURCHASING DEPARTMENT

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, September 29, 1988 at which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge.

Blood Gas Controls
X-Ray Folders
Printing of Monthly Newsletter
Custom Millwork at Branch Libraries
Removal of Miscellaneous Debris
Microfilm Equipment
Sale of Used Police Vehicles
Replacement of Refuse Packer Body

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)Sept.15,22

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. **Superior Court**
L.S. **No. 88-5432**

To **Robert E. Marlow, Trustee of REM Realty Trust, Harvard Baybank Trust Company,** and **G & H Enterprises, Inc.,** and to all persons entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended.

Heath Management Co., Inc., d/b/a **Heath Financial Resources,** claiming to be the present holder of a second mortgage covering the land with the buildings thereon, now known and numbered 1900-1910 Massachusetts Avenue, Cambridge, Middlesex County, Massachusetts given by Robert E. Marlow, Trustee of REM Realty Trust, to the Plaintiff, dated March 17, 1987, and recorded in the Middlesex South District Registry of Deeds, Book 17944, Page 338, as amended by Amendment to Mortgage dated July 16, 1987 and recorded with Middlesex South District Deeds in Book 18385, Page 91, 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 should file a written appearance and answer in the office of the clerk of said court at Cambridge on or before the seventeenth day of October, A.D. 1988, or you may be forever barred from claiming that such foreclosure is invalid under said act.

Witness: Robert L. Steadman, Esq.,
Chief Justice of said Court,
this seventh day of September, A.D. 1988.
A true copy attest.

Edward J. Sullivan
Clerk

(C)Sept.22

COMMONWEALTH OF MASSACHUSETTS
PROBATE COURT
Middlesex, ss. **No. 88P4747GI**

To **Rina Bowlby** of Cambridge in the County of Middlesex, and to her heirs apparent or presumptive.

A petition has been presented to said Court alleging that said Rina Bowlby is a mentally ill person and praying that **Geraldine M. Foley** of Cambridge in the County of Middlesex, or some other suitable person, be appointed her guardian.

If you desire to object thereto you or your attorney should file a written appearance in said Court at Cambridge on or before ten o'clock in the forenoon on the fifth day of October 1988, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this eighth day of September 1988.

Paul J. Cavanaugh
Register

(C)Sept.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, September 28, 1988 at 5:30 p.m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition by **Susan Yanow,** et al to amend the text of the Zoning Ordinance by adding a new footnote (d) to Section 5.43, Industrial Distrticts:

(d) Where an Industrial A and B zone abuts any residential district, any structure or portion thereof erected within 100 feet of said abutting residential district shall conform to the minimum yard and maximum height requirements applicable to structures within said residential district.

and add a new footnote indication "(d)" to the word "none," where it appears in columns (5) ("Minimum Yard in Feet," inclusive of subcolumns "Front," "Side," and "Rear") and (6) ("Maximum Height in Feet") of the lines labeled "Ind. A" and "Ind. B" of Table 5-4, Table of Dimensional Requirements — Industrial Districts.

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)Sept.22

NOTICE

Annual Report of the **Leo L. Beranek Foundation** for period 1 July, 1987 to 30 June, 1988 is available for inspection at the office of the administrators, Grants Management Associates, 230 Congress Street, Boston, MA 02110 during business hours for 180 days after this date. Please telephone 426-7172 for appointment.

Leo L. Beranek
Trustee

(C)Sept.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, September 28, 1988 at 6:00 p.m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition of **Howard Medwed,** et al to amend the text of the Zoning Ordinance as follows:

1. adding a new definition to Article 2.00 entitled "**Addition.** New Construction which is connected to an existing structure above grade at any point by construction which contributes to gross floor area.",

2. adding to the definition of **Lot** the following: "For the purposes of determining whether a parcel of land is in identical ownership throughout, only those persons who, alone or jointly or severally with others, have legal title to such parcel shall be considered to have an ownership interest. The interests of lessees and others who have care, charge or control of such parcel, but who do not have legal title shall be disregarded.", and

3. adding to the Ordinance following Section 5.272 new sections 5.28 entitled "Exclusion of way from Lot Area for purposes of determining Floor Area Ratio; 5.29 entitled "Computation of lot area for purposes of determining FAR on Multiple Structure lots and Section 5.30 entitled "Computation of lot area for purposes of determining FAR."

Copies of this petition are on file in the Office of the City Clerk, 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)Sept.22

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. **Probate Court**
No. 88D-3060-D1

Summons by Publication
Marina C. Cornejo, Plaintiff
vs.
Alcides Hernandez, Defendant

To the above-named Defendant:

A complaint has been presented to this Court by your spouse, Marina C. Cornejo, seeking a Divorce for Desertion and refusal to provide support for her and her child.

You are required to serve upon Jose R. Vargas, Esq., plaintiff's attorney, whose address is 16 Copley Street, Boston, Mass. 02119 your answer on or before December 5, 1988. 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.
August 23, 1988

Paul J. Cavanaugh
Register of Probate

Sept.8,15,22

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. **Superior Court**
L.S. **No. 88-5433**

To **Michael W. Sylvester,** and **David J. Washken,** Trustees of 69 Harvey Street Nominee Trust, **Peter J. Amari,** Trustee of Peteram Realty Trust, **National Bank of Greece, S.A.** and **Robert E. Marlow,** and to all persons entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended.

Heath Management Co., Inc., d/b/a **Heath Financial Resources,** claiming to be the owner and holder of a second mortgage covering buildings thereon, now known and numbered as 69 Harvey Street, Cambridge, Middlesex County, Massachusetts given by Robert E. Marlow and A. Douglas Matthews, Trustees of 69 Harvey Street Nominee Trust, to the Plaintiff, dated March 17, 1987, and recorded in the Middlesex South District Registry of Deeds, Book 17944, Page 353, as amended by Amendment to Mortgage dated July 16, 1987 and recorded with said Middlesex South District Deeds in Book 18385, Page 94 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 should file a written appearance and answer in the office of the clerk of said court at Cambridge on or before the seventeenth day of October, A.D. 1988, or you may be forever barred from claiming that such foreclosure is invalid under said act.

Witness: Robert L. Steadman, Esq., Chief Justice of said Court, this seventh day of September, A.D. 1988.
A true copy attest.

Edward J. Sullivan
Clerk

(C)Sept.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. 88-21

Regulation No. 66-1 Schedule 7B **"Parking Prohibited During Certain Hours On Certain Sides Of Certain Streets" (Resident Parking)** is hereby amended by adding the following:

Washington Street, south side, from Windsor Street to Portland Street, All Hours, Except Sunday.

This regulation shall take effect 26 September 1988.

PROMULGATED
DATE
Sept. 1, 1988

George Teso
Traffic Director

(C)Sept.8,15,22

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND
FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division **Docket No. 88P4744E**
Estate of **Ruth D. Sanderson**
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 **BayBank Harvard Trust Company** of Burlington, in the County of Middlesex 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 October 11, 1988.

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 September in the year of our Lord one thousand nine hundred and eighty-eight.

Paul J. Cavanaugh
Register of Probate

(C)Sept.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. 88-19

Regulation No. 66-1 Schedule 7B **"Parking Prohibited During Certain Hours On Certain Sides Of Certain Streets" (Resident Parking)** is hereby amended by adding the following:

Prospect Street, east side, from 134'N of Cambridge Street to 358'N of Cambridge Street, All Hours, Except Sunday.

This regulation shall take effect 26 September 1988.

PROMULGATED
DATE
August 30, 1988

George Teso
Traffic Director

(C)Sept.8,15,22

REQUEST FOR PROPOSAL
MOVING SERVICES
CAMBRIDGE RENT CONTROL DEPARTMENT
CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

Sealed proposals will be received at the Office of the Purchasing Agent, Room 303, City Hall, 795 Massachusetts Avenue, until 11:00 A.M., Thursday, September 29, 1988 at which time and place they will be publicly opened and read aloud for furnishing the following to the Cambridge Rent Control Department:

The Cambridge Rent Control Board is seeking **proposals for packing and moving services for its offices from 678 Mass. Avenue to 831 Mass. Avenue.**

Copies of the Request for Proposal may be obtained at the Office of the Purchasing Agent on and after September 15, 1988, between the hours of 8:30 A.M. and 5:00 P.M.

The successful offerer must be an Equal Opportunity Employer.

The City of Cambridge reserves the right to reject any or all proposals, waive any informalities in the proposal process, or accept the proposal deemed to be in the best interest of the city.

Each proposal must be delivered, along with two (2) additional proposal summaries in a sealed package, plainly marked, "Proposal for Moving Services" and addressed to Barbara L. Duffy, Purchasing Agent, Room 303, City Hall, 795 Massachusetts Avenue, Cambridge, Ma. 02139.

Barbara L. Duffy
Purchasing Agent

(C)Sept.15,22

CITY OF CAMBRIDGE
FAR REFORM PETITION

WHEREAS the City of Cambridge is threatened by massive development; and

WHEREAS developers and their architectural and legal advisors now scrutinize the Cambridge Zoning Ordinance so as to maximize the development potential of property beyond the potential anticipated by the framers of the Ordinance; and

WHEREAS increasingly massive structures are being built in the City of Cambridge with a consequent increase in noise and congestion, strain on the City's infrastructure and impairment of the City's ability to provide essential services; and

WHEREAS there is controversy and uncertainty over the interpretation of the provisions of the Cambride Zoning Ordinance relating to the determination of floor area ratio ("FAR"); and

WHEREAS there is increasing concern that persons may seek to take advantage of uncertainties in the Cambridge Zoning Ordinance relating to the determination of FAR; and

WHEREAS arrangements between owners of contiguous parcels to share development potential by combining lots so as to enable a lot to borrow FAR from a contiguous lot threaten the City with overdevelopment and excessively concentrated development;

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

1. By adding a new definition to Article 2.00 of said Ordinance the following:

Addition. New construction which is connected to an existing structure above grade at any point by construction which contributes to gross floor area.

2. By adding to the definition of Lot at the end thereof in Article 2.00 of said Ordinance the following:

For purposes of determining whether a parcel of land is in identical ownership throughout, only those persons who, alone or jointly or severally with others, have legal title to such parcel shall be considered to have an ownership interest. The interests of lessees and others who have care, charge or control of such parcel, but who do not have legal title shall be disregarded.

3. By adding to the Ordinance following Section 5.272 the following:

Section 5.28. Exclusion of Ways from Lot Area for Purposes of Determining FAR. For purposes of determining allowable floor area ratio, there shall be excluded from the lot area of a lot all portions of such lot which are, or are used as, public or private ways.

Section 5.29. Computation of Lot Area for Purposes of Determining FAR on Multiple Structure Lots. In order to prevent the area of a lot which is used for an existing structure from being included in determining the allowable floor area ratio of another structure on the same lot, the following rules shall apply:

a. If a lot contains one or more structures, the portion of such lot occupied by each structure, together with sufficient lot area to enable each such structure to conform to the floor area ratio and the other dimensional requirements of the district in which it is located (to the greatest extent possible given the then existing structures and lot boundaries), shall be treated as a separate lot for purposes of determining the allowable floor area ratio of any additional structure to be built upon the remaining portion of such lot. Each such additional structure must conform to the floor area ratio and other dimensional requirements of the district in which it is located based on the portion of the lot allotted to it under this Section. Notwithstanding the foregoing, if the owners of a lot so designate when applying for a building permit, all structures in existence on a lot on the effective date of this Section shall be regarded as a single structure for purposes of the preceding sentence.

b. Each application for a permit to build a structure on a lot which will result in such lot having two or more structures shall be accompanied by a plan showing the area and location of the portions of the lot allotted to each then existing structure for purposes of meeting the requirements of this Section and the area and location of the portion of the lot proposed to be allotted to each additional structure proposed to be built upon such lot. An addition shall be regarded as a separate structure for purposes of this Section in respect to determining allowable floor area ratio unless (i) it is connected to an existing structure by construction which serves one or more functions in addition to being a connector or passageway between the existing and new construction and (ii) it is an integral part of the existing structure both in function and design. For all other purposes of this Section an addition shall be regarded as part of the structure or structures to which it is connected.

c. The Planning Board may upon application grant a special permit allowing a lot owner to treat all or some of the existing structures on a lot and any additional structure or structures proposed to be built upon such lot as a single

structure for purposes of this Section. The Planning Board may grant such special permit only if the criteria of Section 10.43 are met and the Planning Board finds that the granting of such special permit will not be in derogation of any master plan adopted for the City of Cambridge for the development of the neighborhood in which the lot is located and the planning objectives of the Planning Board for such neighborhood and further makes one of the following findings-

(i) The denial of the special permit will result in a hardship, financial or otherwise, whether or not such hardship would serve as the basis for granting a variance, to the lot owner which has been demonstrated by clear and convincing evidence as the result of circumstances which relate to the lot for which the special permit is sought or the existing structures thereon; or

(ii) The granting of the special permit will result in the preservation of one or more existing structures, which contribute to the character of the neighborhood in which the lot is located or result in a beneficial diversity of scale of structures; or

(iii) The granting of the special permit will contribute to the rehabilitation and preservation of an existing structure identified as significant and preferably preserved by the Cambridge Historic Commission; or

(vi) The granting of the special permit will enable the lot owner to integrate the proposed additional structure or structures as part of a planned use of the lot as a whole which results in a significant, objectively verifiable, benefit to the neighborhood in which the lot is located; or

(v) The granting of the special permit will contribute one or more significant, objectively verifiable, public benefits which are otherwise unavailable.

Section 5.30. Computation of Lot Area for Purposes of Determining FAR. In order to determine lot area for purposes of computing allowable floor area ratio and in order to prevent the transfer of development potential in the form of unused allowable floor area ratio from one lot to another lot where such lots have been merged or separated as the result of, or in conjunction with, a contract or other arrangement- (i) which derogates from the purposes or intent of this Zoning Ordinance, (ii) where legal title creates a single lot although the actual nature of the economic interests in such lot is such that such lot should be treated as two or more lots, or (iii) where legal title creates two or more lots although the actual nature of the economic interests in such lots is such that such lots should be treated as

a single lot, when determining floor area ratio in regard to lots in where legal title does not reflect actual ownership or is used to transfer development potential and in all other cases, the following rules shall apply:

a. If the ownership interests of the holders of legal title are not congruent throughout all portions of a lot, for purposes of determining whether the floor area ratio and other dimensional requirements of the district in which such lot is located are met, the lot shall include only those contiguous portions as to which the ownership interests are congruent. Ownership of a portion of a lot shall be congruent with the ownership of another portion of such lot only if the same persons own interests which are identical in extent, kind and character in exactly the same proportions in both portions.

b. For purposes of determining ownership under this Section, all interests shall be disregarded except the ownership interests which are taken into account for purposes of defining a lot.

c. Notwithstanding the foregoing, if, in administering, enforcing and construing these provisions and in considering any application, appeal or other matter pending, the Commissioner of Buildings, the Planning Board or the Board of Zoning Appeal (as the case may be) finds that any contract or other arrangement in respect to a parcel, including without limitation a partnership agreement, mortgage, condominium, trust, easement, option or other agreement relating to the use, income, profit or benefit of a lot, structure or portion of a lot or structure, has the effect of circumventing the purpose or intent of this Section with respect to a lot by creating interests which are not ownership interests hereunder but have the effects of ownership interests, then the Commissioner of Buildings, the Planning Board or the Board of Zoning Appeal shall treat such contract or other arrangement as creating ownership interests which are consistent with the provisions and effects thereof.

d. Any person applying for a building permit, special permit or variance in respect to a lot, or defending against a request for enforcement of this Ordinance in respect to a lot, shall disclose all such information as is necessary to determine (i) the ownership interests of all persons in such lot (including all such information as is necessary to determine if any contract or other arrangement should create ownership interests in respect to

such lot or any portion thereof) and (ii) whether the floor area ratio and other dimensional requirements of the district in which such lot is located have been met. Full and complete disclosure of the information required pursuant to the preceding sentence shall be a defense to any proceeding to enforce the Zoning Ordinance, to the extent such proceeding is based on lot ownership, in respect to a structure built in accordance with building permit, special permit or variance if the ownership, contracts or other arrangements in respect to such lot or structure have not been altered in any material respect.

e. In no event shall the provisions of this Section be applied (i) to merge lots which would be separate but for this Section or (ii) to separate a lot or lots which would be merged but for this Section if the effect of such merger or separation is to increase the development potential of any lot created as the result of the application of this Section.

FAR REFORM PETITION PAGE 1 OF 2.

We the Undersigned respectfully petition the Honorable, the City Council of the City of Cambridge, to clarify interpretations of the Zoning Ordinance, and to prevent inappropriate development patterns within and between lots, by amending the Zoning Ordinance in conformance with the Petition attached hereto.

Signature	Printed Name	Address	Phone
Howard D. Medwed	HOWARD D. MEDWED	58 WASHINGTON AVE.	868-8805
R Philip Dowds	R PHILIP DOWDS	48 BANKS ST.	354-6024
Mameus S. Medwed	MAMEUS S MEDWED	58 WASHINGTON AVE	868-8805
Elizabeth R Moynihan	ELIZABETH R MOYNIHAN	58 Washington Ave.	354-7309
Priscilla J. McMillan	Priscilla J. McMillan	12 Hilliard St.	547-6260
John R. Pitkin	JOHN R. PITKIN	18 FAYETTE ST.	492-4035
Jonathan S Myers	JONATHAN S. MYERS	5 HOLLIS ST	491 8745
Sarah A. Wolfinsohn	SARAH A WOLFINSOHN	11½ Hilliard St	876-5316
Mary Conlan	MARY CONLAN	26 Channing	547-0965
Caroline F. Williams	CAROLINE F. WILLIAMS	14 Holly Ave.	491-0787
C. Denison Makepeace	C. DENISON MAKEPEACE	23 COOLIDGE HILL RD	497-0311
Daniel S. Medwed	Daniel S. Medwed	58 Washington Ave	868-8805
Elizabeth Comm ck Sec	ELIZA McCORMICK FELD 42 Arlington St	Cambridge 02140	354-5895

I, the above signed, am a registered voter in the City of Cambrige, MA

FAR REFORM PETITION

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Robert Owen Edbrooke, Jr.	Robert Owen Edbrooke, Jr.	20 Prescott St #5	492-8267
W Nichols	WEBB NICHOLS	201 HURON AVE	491-4298

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

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

September 13, 1988

To Whom It May Concern:

Enclosed you will find a copy of a hearing scheduled before the Committee on Ordinances for Wednesday, September 28, 1988 at 6:00 p. m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition by Howard Medwed, et al to amend the Zoning Ordinances by adding a new definition to Article 2.00 entitled "Addition"; by adding to the existing definition of "Lot" and also relating to the determination of floor area ration "FAR".

Your attention in this matter will be greatly appreciated.

Very truly yours,

Joseph E. Connarton

Joseph E. Connarton
City Clerk

JEC/dl

Enc. (1)

C. C. 106

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, September 28, 1988 at 6:00 p.m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition of Howard Medwed, et al to amend the text of the Zoning Ordinance as follows:

1. adding a new definition to Article 2.00 entitled "Addition. New construction which is connected to an existing structure above grade at any point by construction which contributes to gross floor area.",

2. adding to the definition of Lot the following: "For the purposes of determining whether a parcel of land is in identical ownership throughout, only those persons who, alone or jointly or severally with others, have legal title to such parcel shall be considered to have an ownership interest. The interests of lessees and others who have care, charge or control of such parcel, but who do not have legal title shall be disregarded.", and

3. adding to the Ordinance following Section 5.272 new sections 5.28 entitled "Exclusion of way from Lot Area for purposes of determining Floor Area Ratio; 5.29 entitled "Computation of lot area for purposes of determining FAR on Multiple Structure lots and Section 5.30 entitled "Computation of lot area for purposes of determing FAR".

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.

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

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3. adding to the Ordinance following Section 5.272 new sections 5.28 entitled "Exclusion of way from Lot Area for purposes of determining Floor Area Ratio; 5.29 entitled "Computation of lot area for purposes of determining FAR on Multiple Structure lots and Section 5.30 entitled "Computation of lot area for purposes of determing FAR".

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. C. 106

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2. adding to the definition of Lot the following: "For the purposes of determining whether a parcel of land is in identical ownership throughout, only those persons who, alone or jointly or severally with others, have legal title to such parcel shall be considered to have an ownership interest. The interests of lessees and others who have care, charge or control of such parcel, but who do not have legal title shall be disregarded.", and

3. adding to the Ordinance following Section 5.272 new sections 5.28 entitled "Exclusion of way from Lot Area for purposes of determining Floor Area Ratio; 5.29 entitled "Computation of lot area for purposes of determining FAR on Multiple Structure lots and Section 5.30 entitled "Computation of lot area for purposes of determing FAR".

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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CAMBRIDGE MA.

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

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1988 AUG 18 PM 12:07
CAMBRIDGE MASS.

NOTICE OF PUBLIC HEARING

The Planning Board of the City of Cambridge will hold a public hearing on Tuesday, September 6, 1988 at 8:00 p.m. at the Community Development Conference Room, third floor, City Hall Annex, 57 Inman Street, Cambridge, Massachusetts on a petition of Howard Medwed, et al to amend the text of the Zoning Ordinance as follows;

(1) adding a new definition to Article 2.00 entitled "Addition. New construction which is connected to an existing structure above grade at any point by construction which contributes to gross floor area.",

(2) adding to the definition of Lot the following: "For purposes of determining whether a parcel of land is in identical ownership throughout, only those persons who, alone or jointly or severally with others, have legal title to such parcel shall be considered to have an ownership interest. The interests of lessees and others who have care, charge or control of such parcel, but who do not have legal title shall be disregarded.", and

(3) adding to the Ordinance following Section 5.272 new sections 5.28 entitled "Exclusion of way from Lot Area for purposes of determining Floor Area Ratio; 5.29 entitled "Computation of lot area fro purposes of determining FAR on Multiple Structure lots and Section 5.30 entitled "Computation of lot area for purposes of determining FAR".

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts. Questions concerning the petition may be addressed to Lester Barber or Liza Malenfant at 498-9034.

06/23/88

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CAMBRIDGE MA

CITY OF CAMBRIDGE
FAR REFORM PETITION

WHEREAS the City of Cambridge is threatened by massive development; and

WHEREAS developers and their architectural and legal advisors now scrutinize the Cambridge Zoning Ordinance so as to maximize the development potential of property beyond the potential anticipated by the framers of the Ordinance; and

WHEREAS increasingly massive structures are being built in the City of Cambridge with a consequent increase in noise and congestion, strain on the City's infrastructure and impairment of the City's ability to provide essential services; and

WHEREAS there is controversy and uncertainty over the interpretation of the provisions of the Cambride Zoning Ordinance relating to the determination of floor area ratio ("FAR"); and

WHEREAS there is increasing concern that persons may seek to take advantage of uncertainties in the Cambridge Zoning Ordinance relating to the determination of FAR; and

WHEREAS arrangements between owners of contiguous parcels to share development potential by combining lots so as to enable a lot to borrow FAR from a contiguous lot threaten the City with overdevelopment and excessively concentrated development;

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

1. By adding a new definition to Article 2.00 of said Ordinance the following:

Addition. New construction which is connected to an existing structure above grade at any point by construction which contributes to gross floor area.

2. By adding to the definition of Lot at the end thereof in Article 2.00 of said Ordinance the following:

For purposes of determining whether a parcel of land is in identical ownership throughout, only those persons who, alone or jointly or severally with others, have legal title to such parcel shall be considered to have an ownership interest. The interests of lessees and others who have care, charge or control of such parcel, but who do not have legal title shall be disregarded.

3. By adding to the Ordinance following Section 5.272 the following:

Section 5.28. Exclusion of Ways from Lot Area for Purposes of Determining FAR. For purposes of determining allowable floor area ratio, there shall be excluded from the lot area of a lot all portions of such lot which are, or are used as, public or private ways.

Section 5.29. Computation of Lot Area for Purposes of Determining FAR on Multiple Structure Lots. In order to prevent the area of a lot which is used for an existing structure from being included in determining the allowable floor area ratio of another structure on the same lot, the following rules shall apply:

a. If a lot contains one or more structures, the portion of such lot occupied by each structure, together with sufficient lot area to enable each such structure to conform to the floor area ratio and the other dimensional requirements of the district in which it is located (to the greatest extent possible given the then existing structures and lot boundaries), shall be treated as a separate lot for purposes of determining the allowable floor area ratio of any additional structure to be built upon the remaining portion of such lot. Each such additional structure must conform to the floor area ratio and other dimensional requirements of the district in which it is located based on the portion of the lot allotted to it under this Section. Notwithstanding the foregoing, if the owners of a lot so designate when applying for a building permit, all structures in existence on a lot on the effective date of this Section shall be regarded as a single structure for purposes of the preceding sentence.

b. Each application for a permit to build a structure on a lot which will result in such lot having two or more structures shall be accompanied by a plan showing the area and location of the portions of the lot allotted to each then existing structure for purposes of meeting the requirements of this Section and the area and location of the portion of the lot proposed to be allotted to each additional structure proposed to be built upon such lot. An addition shall be regarded as a separate structure for purposes of this Section in respect to determining allowable floor area ratio unless (i) it is connected to an existing structure by construction which serves one or more functions in addition to being a connector or passageway between the existing and new construction and (ii) it is an integral part of the existing structure both in function and design. For all other purposes of this Section an addition shall be regarded as part of the structure or structures to which it is connected.

c. The Planning Board may upon application grant a special permit allowing a lot owner to treat all or some of the existing structures on a lot and any additional structure or structures proposed to be built upon such lot as a single

structure for purposes of this Section. The Planning Board may grant such special permit only if the criteria of Section 10.43 are met and the Planning Board finds that the granting of such special permit will not be in derogation of any master plan adopted for the City of Cambridge for the development of the neighborhood in which the lot is located and the planning objectives of the Planning Board for such neighborhood and further makes one of the following findings-

(i) The denial of the special permit will result in a hardship, financial or otherwise, whether or not such hardship would serve as the basis for granting a variance, to the lot owner which has been demonstrated by clear and convincing evidence as the result of circumstances which relate to the lot for which the special permit is sought or the existing structures thereon; or

(ii) The granting of the special permit will result in the preservation of one or more existing structures, which contribute to the character of the neighborhood in which the lot is located or result in a beneficial diversity of scale of structures; or

(iii) The granting of the special permit will contribute to the rehabilitation and preservation of an existing structure identified as significant and preferably preserved by the Cambridge Historic Commission; or

(vi) The granting of the special permit will enable the lot owner to integrate the proposed additional structure or structures as part of a planned use of the lot as a whole which results in a significant, objectively verifiable, benefit to the neighborhood in which the lot is located; or

(v) The granting of the special permit will contribute one or more significant, objectively verifiable, public benefits which are otherwise unavailable.

Section 5.30. Computation of Lot Area for Purposes of Determining FAR. In order to determine lot area for purposes of computing allowable floor area ratio and in order to prevent the transfer of development potential in the form of unused allowable floor area ratio from one lot to another lot where such lots have been merged or separated as the result of, or in conjunction with, a contract or other arrangement- (i) which derogates from the purposes or intent of this Zoning Ordinance, (ii) where legal title creates a single lot although the actual nature of the economic interests in such lot is such that such lot should be treated as two or more lots, or (iii) where legal title creates two or more lots although the actual nature of the economic interests in such lots is such that such lots should be treated as

a single lot, when determining floor area ratio in regard to lots in where legal title does not reflect actual ownership or is used to transfer development potential and in all other cases, the following rules shall apply:

a. If the ownership interests of the holders of legal title are not congruent throughout all portions of a lot, for purposes of determining whether the floor area ratio and other dimensional requirements of the district in which such lot is located are met, the lot shall include only those contiguous portions as to which the ownership interests are congruent. Ownership of a portion of a lot shall be congruent with the ownership of another portion of such lot only if the same persons own interests which are identical in extent, kind and character in exactly the same proportions in both portions.

b. For purposes of determining ownership under this Section, all interests shall be disregarded except the ownership interests which are taken into account for purposes of defining a lot.

c. Notwithstanding the foregoing, if, in administering, enforcing and construing these provisions and in considering any application, appeal or other matter pending, the Commissioner of Buildings, the Planning Board or the Board of Zoning Appeal (as the case may be) finds that any contract or other arrangement in respect to a parcel, including without limitation a partnership agreement, mortgage, condominium, trust, easement, option or other agreement relating to the use, income, profit or benefit of a lot, structure or portion of a lot or structure, has the effect of circumventing the purpose or intent of this Section with respect to a lot by creating interests which are not ownership interests hereunder but have the effects of ownership interests, then the Commissioner of Buildings, the Planning Board or the Board of Zoning Appeal shall treat such contract or other arrangement as creating ownership interests which are consistent with the provisions and effects thereof.

d. Any person applying for a building permit, special permit or variance in respect to a lot, or defending against a request for enforcement of this Ordinance in respect to a lot, shall disclose all such information as is necessary to determine (i) the ownership interests of all persons in such lot (including all such information as is necessary to determine if any contract or other arrangement should create ownership interests in respect to

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e. In no event shall the provisions of this Section be applied (i) to merge lots which would be separate but for this Section or (ii) to separate a lot or lots which would be merged but for this Section if the effect of such merger or separation is to increase the development potential of any lot created as the result of the application of this Section.

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1988 JUL -7 PM 1:47
CAMBRIDGE, MA

FAR REFORM PETITION PAGE 1 OF 2.

We the Undersigned respectfully petition the Honorable, the City Council of the City of Cambridge, to clarify interpretations of the Zoning Ordinance, and to prevent inappropriate development patterns within and between lots, by amending the Zoning Ordinance in conformance with the Petition attached hereto.

	Signature	Printed Name	Address	Phone
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✓	Daniel S. Medwed	Daniel S. Medwed	58 Washington Ave	868-8805
✓	Elizabeth Comick Fred	ELIZA McCORMICK FENN 42 Arlington St	Cambridge 02140	354-5895

I, the above signed, am a registered voter in the City of Cambrige, MA

V = Registered Voters

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CAMBRIDGE

FAR REFORM PETITION PAGE 2 OF 2.

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[signature]	WEBB NICHOLS	201 HURON AVE	491-4298

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7. O-69

Petition of Howard Medwed, et al to amend the Zoning Ordinances by adding a new definition to Article 2.00 entitled "Addition"; by adding to the existing definition of "Lot" and also relating to the determination of floor area ratio "FAR".

12/27/88 - Placed on File Due to Expiration of Time Limit

In City Council,

July 25, 1988

Referred to the Planning Board and Ordinance Committee for hearing and report. Copy sent to Planning Board & Ord. Comm. 7/27/88 (dd)