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CAMBRIDGE MA

to: Editor, Cambridge Chronicle
fax #: 617-629-3381
re: Editorial, City Council Citywide Downzoning
date: October 4, 1997
pages: 2, including cover sheet.

I was concerned by your editorial on the recently passed citywide downzoning. I have yet to be able to do a full legal analysis of the language of the legislation, but a few key points are of value with regard to your editorial.

First of all, the city council was faced with a horribly irresponsible petition which was consistently misrepresented to the public. The provisions on page 9 of the petition were never referred to by the core group until one passing response to my comments the night of the city council vote. Failure to publicize page 9 made the core group's entire description of the petition lies by omission. Page 9 threw out the zoning ordinance at the whim of our very bad planning board.

A zoning proposal may not be amended once it is advertised to make the proposal more restrictive than the original advertisement. Page 9 had to be deleted in the name of responsible government. The deletion of page 9 was allowed for by less limitations than those in the original petition with regard to other zoning limits. Higher height limits in Inman Square than proposed in the original petition make it more certain that the proposal will be found legal.

I have problems for other reasons with the Residence C-2B which, through the Business A District is being applied in Inman Square, in East Cambridge, on the old Stop & Shop site, and in other specific parts of the city.

From the desk of...

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First of all, C-2B zoning is more responsible than its predecessor, Residence C-2, however, with one very major exception. The height limit is 45 feet rather than 85 feet. The Inn at Harvard is an excellent example of just how good this zoning is.

However, and a very big however, is fine print that the Inn at Harvard did not take advantage of, fine print which, of course, is kept secret in the usual lies of omission. There is fine print that allows the planning board by special permit to allow a builder to build with smaller yards, 10 or 20 feet depending on the side of the lot. This relaxation is absolutely unnecessary and, in fact, it will result in more harmful buildings if the relaxation is given. The Inn at Harvard played games with the sides of its structure to satisfy zoning requirements. Those games resulted in a much nicer looking, less obtrusive building.

The real irresponsibility of this provision in the zoning, however, is section 10.45 of the zoning ordinance. Section 10.45 of the zoning ordinance allows the planning board to grant variance of all provisions of the zoning ordinance if the planning board has a special permit application before it. Under this section and the planning board's interpretation of this section, if the developer comes in with a request to reduce yards, the planning board can throw out height limits and throw out building size (FAR) limitations. Including planning board special permit in a zoning district is the same as having no zoning limitations at all.

The city council should promptly amend the Residence C-2B provisions to delete the Planning Board Special Permit. If the city council does any less, this new zoning is a threat to East Cambridge, Inman Square, the old Stop & Shop site, and any other part of the city with Business A or Residence C-2B zoning.

cc: City Council

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Consent Communication #8

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Communication was received from Robert
La Tremouille, regarding an editorial
in the Cambridge Chronicle on the
citywide downzoning.

In City Council October 20, 1997

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