ON CABLE

Continued from page 15
19) Pride Time
54) P.A.C.T.v
66) Spirit Alive
7:30 - 03) New England Environmental News
19) CCTV Capsules
8:00 - 03) El Corazon Sangrante
19) The Humanist Connec.
54) P.E.N.
66) Way to Wisdom
9:00 - 03) Our WomenTalk - AIDS Fortification
19) Female Trouble
54) Haiti Vision
55) Energy Advances
9:30 - 03) Tourism in New England

TUESDAY DEC. 10

5:00 - 19) Videorama
37) Exploring Cultural Diversity - Caribbean & Cent. America
54) Tele-Lumiere
66) Aleph Network
5:30 - 19) Forum-Institute Politics
55) Paper Tiger TV
6:00 - 03) Fitness Connection
54) Tele-Soley
55) Deep Dish TV
66) Mr Wonderful/Friends
6:30 - 03) Planet Earth, Part #10
19) YMCA Talent Show
37) The Author Series - guest George Packer
7:00 - 03) American Art Forum: The American Frontier
54) Tele - Kreyol
55) Reebok Human Rights Awards - taped earlier today
66) No Dogs or Philospophers Allowed - new
7:30 - 03) Cambridge InsideOut: 19) Nguzo Saba Network
37) Alewife - Where Do We Go From Here - history & present day status of Alewife development
8:00 - 03) Under Millwood, Part 1
19) How to Win a Beauty Pagent - Miss Latin America
37) Messiah - encore presentation of Handel's Messiah taped December 1990 in Cent. Square
54) Portuguese Network
66) Destroying Myths About Deaf People
9:00 - 03) Video Visions
19) Deep Dish TV
54) Haitian Wink
55) Female Trouble
66) Noise Party
9:30 - 55) SCOLA

Photos of multi-racial families on exhibit

Continued from page 15

Through the exhibit, which has also appeared in Boston City Hall and in the Harriet Tubman House in Boston's South End, Chiong hopes to reach out to other interracial families in the Cambridge and Boston area and introduce them to the Multiracial Family Network.

Whether they have come together through marriage or through adoption, one problem most interracial families face is isolation, said Chiong. "They don't have a way to connect" with other multiracial families. Chiong's Multiracial Family Network offers a way for those families to get to know one another.

Like the photo exhibit, the network does not focus on the problems multiracial families face. Instead, it's supposed to be a positive social outlet. "This is positively not a support group," Chiong said of the network, dispelling images of a group of forlorn people sitting around and talking about their problems. "This is a group to celebrate the creation of a new multiculture."

The photo exhibit, said Chiong, "is part of a campaign to say, 'mixed is, indeed, more — and something to be very merry about."

"Interracial Families: A Growing Mulitculture" opens tonight, Dec. 5, with a reception from 6 pm to 8 pm at the Cambridge Multicultural Arts Center, 41 Second St. The exhibit will run through Jan. 3. CMAC gallery hours are Monday through Friday, 10 am to 4 pm.

In conjunction with the exhibit, Culture Sharing Inc. offers a family workshop at CMAC this Sunday, Dec. 8, from 2 pm to 4 pm. For more information, call 577-1400.

GET A JOB!
Check our Employment Opportunities pages to find that perfect job you've been looking for.

Alewife entrance stays shut

Continued from page 1

open, some said, the detour and dangerous situations could be avoided.

Councilor Ed Cyr, a resident of North Cambridge, said residents have told him they would rather walk the considerably longer distance to T stops at Davis Square in Somerville or in Porter Square than risk walking through the Alewife station.

Recent violent crimes in that area, including "stabbings, holdups at gunpoint, rape and muggings," have frightened people enough to change their habits, Cyr said.

Since they embarked on plans to build the Alewife Station in 1981, T officials "promised" access into the station through the east headhouse. Many residents accepted the project on those conditions, he said.

Ed Swisher of Clifton Street told the council that during construction of the Alewife T, the neighborhood was bombarded with noise, "relentless" dirt, dust and trash generated. "We put up with all of this," Swisher said, "because we had the promise of our own station."

Barbara Glick of Jackson Street, a member of Community United for Better Safety (CUBS), a group of neighbors who organized last spring, said the group has more than 600 signatures from residents who favor opening the headhouse.

"We feel we have been betrayed by the MBTA," Glick said. "We've been promised that the T will open its door and we want to know when."

Sam Seidel, 13, also of Jackson Street, said the closing of the headhouse made the Alewife station dangerous for young children like himself. While Seidel was in the 5th grade, he and his parents felt it was safe for him to take the T alone to visit his friends. Now, three years later, he no longer feels he has this option.

"I don't think that's fair or good," Seidel said. "It's a shame that I don't feel comfortable using it."

Not only has Alewife become a risk for children, but for women as well, said Nancy Ryan, director of the Cambridge Women's Commission. "It is exactly the type of nightmare that an instructor of women's safety would tell women to avoid," Ryan said.

For instance, not only is Russell Field dark and dangerous at night, but the pond area just across from the east headhouse is bordered with high reeds and is "a perfect place to abduct people into," Ryan said.

After a woman was raped last spring next to station, Mayor Alice Wolf and CUBS members met with T officials, who agreed to make changes to improve safety in the station, Wolf said.

One of the agreements included opening the headhouse, which T officials said would cost about $125,000, she said. In the meantime, MBTA administration changed, the agreement "receded into the background" and communication with Haley, was scant at best, she said.

Senator Robert Havern (D-Arlington), who represents North Cambridge, has also had difficulty contacting Haley, said Sue Hyde, editor of the *North Cambridge News*. Havern, chair of the Joint Transportation Committee, met with members of CUBS in early November. After taking up the headhouse cause, he was unsuccessful in attempts to reach Haley.

Tom Furmaniak, deputy director for operations for the MBTA, made it clear he had no hopeful message from Haley, but said the MBTA had several plans for improving safety in the station. Police "talk back" boxes would be installed both in and outside the station; lighting level would increase around the station and more police patrols in the garage and the headhouse area. However, the T's plans for the area do not currently include opening the headhouse, Furmaniak said.

"We came here tonight to listen. We knew that we did not have an answer that would be satisfactory to you," said Furmaniak. "We are committed to making that a safe area and we are working as best as we can with limited resources."

Cyr noted the city is the the second highest contributor of all the cities on the MBTA system. "It costs us a lot of money from the T and it seems it would be quite reasonable for the T to do this one little thing," he said.

The city pays for a service and is "not getting the benefit of that service," said Councilor William Walsh, who moved to conduct a "tax payers revolt" where the city would simply withhold from the MBTA the money needed to open the entrance and increase security at Alewife.

The east headhouse is not the only blocked door at Alewife, noted Councilor Tim Toomey. An fire exit, which was habitually propped open, is now permanently bolted shut to prevent people from getting into the station without paying. He proposed an order requesting Cambridge Fire Chief Kevin Fitzgerald to check to see if the block door is a fire hazard.

If the blocked door posed a violation of the fire code, Toomey said, then "we might have to close down that station for a while."

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CAMBRIDGE WATER DEPARTMENT
CROSS CONNECTION PROGRAM

The Cambridge Water Department announces the implementation of an $85.00 fee to support it's "Cross Connection Control" Program. The fee, effective on March 1, 1992, will be charged each time the Water Department performs an inspection or test of a backflow prevention device. This fee will cover the costs of the Cross Connection Control Program which is mandated by Massachusetts General Law, Chapter 111 Section 160A and implemented under the Department of Environmental Protection Regulation 310 CMR 22.22. This program will ensure the increased safety of our water supply.

"Cross Connections" are any point where a public water supply line is connected to any equipment or system containing chemicals, dangerous substances, or water of questionable quality. These connections are illegal unless properly protected with a "backflow" prevention device. For further information please contact Tony Ippolito of the Water Department at 617/349-4778

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CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that **Algiers Corp. d/b/a Algiers Coffee House, Emile Durzi, manager** holder of a common victualer license for 49, first floor at 40 Brattle Street.

This applicant is applying for use of the second floor and an increase in capacity from 49 to 95.

The hearing on this application will be held on Tuesday evening, December 10, 1991, at six o'clock, Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge, Mass., 02139.

Alex Rodriguez
Kevin Fitzgerald
Henry Breen
License Commission

(C)Dec.5

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND
FAMILY COURT DEPARTMENT
Middlesex Division Docket No. 86P5670
NOTICE OF FIDUCIARY'S ACCOUNT

To all persons interested in the estate of **Marden L. Perry**, late of Cambridge, in said County, deceased.

You are hereby notified pursuant to Mass. R.Civ.P. Rule 72 that the First and Final Account of **Harley H. Anderson,** Administrator (the fiduciary) of said estate has been presented to said Court for allowance.

If you desire to preserve your right to file an objection to said account, you or your attorney must file a written appearance in said Court at Cambridge on or before the 23rd day of December, 1991, the return day of this citation. You may upon written request by registered or certified mail to the fiduciary, or to the attorney for the fiduciary, obtain without cost a copy of said account. If you desire to object to any item of said account, you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciary pursuant to Mass. R.Civ.P. Rule 5.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 20th day of November, 1991.

Donna M. Lambert
Register

(C)Dec.5

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND
FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division Docket No. 91P5421E
Estate of **Eva M. Goostray**
also known as **Eva Goostray**
died October 7, 1991
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 **Margaret R. Goostray** of Cambridge in the County of Middlesex be appointed executrix without giving surety on her 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 December 20, 1991.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twenty first day of November in the year of our Lord one thousand nine hundred and ninety one.

Donna M. Lambert
Register of Probate

(C)Dec.5

CITY OF CAMBRIDGE
AMENDMENT TO REGULATION 61-04

The fair value of a controlled rental unit, pursuant to Regulation 61-03, shall be determined in accordance with the following schedule by reducing the **contract rent level** by the percentage indicated. The contract rent level shall be prorated based on thirty (30) days per month. Contract rent is defined as the rent agreed to by the landlord and tenant which does not exceed the legal maximum rent.

Approved by the Board 4-0 on November 13, 1991.

Effective as of November 13, 1991.

(C)Dec.5

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND
FAMILY COURT DEPARTMENT
PROBATE OF Will WITHOUT SURETIES
Middlesex Division Docket No. 91P5050E
Estate of **Veronica B. Tiaza**
died on October 5, 1991
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 **Helen Raisz** of Farmington in the State of Connecticut be appointed executrix without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on February 5, 1992.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the fourteenth day of November in the year of our Lord one thousand nine hundred and ninety one.

Donna M. Lambert
Register of Probate

(C)Dec.5

THE COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT
(Seal) Case No. 170768

To **Martha R. Singer,** Trustee of 16 Putnam Avenue Trust of Boston, Suffolk County, Massachusetts; **Stacy John Thomas,** Trustee of 161 Putnam Avenue Trust of Boston, Suffolk County, Massachusetts; Stacey John Thomas, Trustee of 9-9A Cottage Street Trust of Boston, Suffolk County, Massachusetts and all persons entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended:

Progressive Consumers Federal Credit Union, a duly existing corporation having a usual place of business in Malden, Middlesex County, Massachusetts, claiming to be the holder of a mortgage covering real property in Cambridge, Middlesex County at **9-9A Cottage Street and 161 Putnam Avenue** given by Stacy John Thomas and Martha R. Singer, Trustees of 161 Putnam Avenue Trust, u/d/t dated February 9, 1982, and Stacey John Thomas, Trustee of 9-9A Cottage Street Trust, u/d/t dated December 11, 1987, to Progressive Consumers Federal Credit Union, dated December 11, 1987, recorded with Middlesex Registry of Deeds (Southern District) at Book 18752, Page 315 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 said court at Boston on or before the 6th day of January 1992, or you may be forever barred from claiming that such foreclosure is invalid under said act.

Witness, John E. Fenton, Jr., Chief Justice of said Court this 20th day of November, 1991.

Charles W. Trombly, Jr.
Recorder

(C)Dec.5

CITY OF CAMBRIDGE

Ordered: That $1,200,000 is appropriated for remodeling or making extraordinary repairs to **City school buildings;** and that to meet this appropriation the Treasurer with the approval of the City Manager is authorized to borrow $1,200,000 under G.L. c.44 s7(3A).

Passed to a second reading at the City Council meeting held on November 25, 1991 and on or after December 16, 1991 the question comes on adoption.

ATTEST:-

John E. Flynn,
Deputy City Clerk

(C)Dec.5

COMMONWEALTH OF MASSACHUSETTS
Middlesex ss. Probate Court
No. 9101045
SUMMONS BY PUBLICATION
Mary T. Carvalho, Plaintiff
vs.
Durval Carvalho, Defendant

To the above-named Defendant:

A complaint has been presented to this Court by your spouse, Mary T. Carvalho, seeking a divorce for cruel and abusive treatment and custody.

You are required to serve upon Mary T. Carvalho, plaintiff, whose address is 9 Marney St., Cambridge, Mass. 02141 your answer on or before February 18, 1992. 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, Third and Cambridge Street, Cambridge, Mass. 02141.

Witness, Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.
November 25, 1991

Donna M. Lambert
Register of Probate

(C)Dec.5,12,19

COMMONWEALTH OF MASSACHUSETTS
Middlesex ss. Probate Court
No. 91D4083D1
SUMMONS BY PUBLICATION
Gloria Cunningham, Plaintiff
vs.
Jake Bancroft, Defendant

To the above-named Defendant:

A complaint has been presented to this Court by your spouse, Gloria Cunningham, seeking a divorce on the grounds of irretrievable breakdown.

You are required to serve upon Gloria Cunningham, plaintiff, whose address is 7 Temple Street, Cambridge, Mass. 02139 your answer on or before January 13, 1992. 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 3rd and Cambridge Street, Cambridge, MA. 02141.

Witness, Sheila E. McGovern. Esq., First Judge of said Court at Cambridge.
November 25, 1991

Donna M. Lambert
Register of Probate

(C)Dec.5,12,19

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, December 19, 1991 at which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge:

Outside MRI Diagnostic Exame
Professional Recruitment Services
Traffic Control Signal Installation
Patient Security Monitoring System
Cahill House Furniture

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)Dec.5

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND
FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division Docket No. 91P5359E

Estate of **Margaret J. Luddy**
Died on **October 10, 1991**
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 **Paul F. Mahoney** of Cambridge in the County of Middlesex be appointed executor without giving surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on December 20, 1991.

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.

And it is further ordered that notice be given to the Attorney General of said Commonwealth by delivering or by mailing postpaid a copy thereof to him fourteen days at least before the return day.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the nineteenth day of November in the year of our Lord one thousand nine hundred and ninety one.

Donna M. Lambert
Register of Probate

(C)Dec.5

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Alvaro Cordero and Maria Clara De Cordero** to Home Owners Federal Savings and Loan Association dated September 22, 1978 and recorded with the Middlesex Registry of Deeds (Southern District) at Book 13546, Page 492, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing same will be sold at Public Auction at 10:00 a.m. on the 15th day of January, 1992 at **Unit 204, 321 Harvard Street Condominium, 321 Harvard Street, Cambridge, Massachusetts** all and singular the premises described is said mortgage to wit:

Condominium Unit No. 204 (the Unit) in the Condominium known as 321 Harvard Street Condominium (the Condominium), situate at 321 Harvard Street, Cambridge, Massachusetts, created by a Master Deed (the Master Deed) dated September 12, 1978, recorded with the Middlesex South District Registry of Deeds in Book 13537 Page 113.

The Unit is more particularly described (1) in the Master Deed (2) such site and floor plans as have been recorded or filed therewith, (3) in the first Unit Deed thereof and (4) copies of portions of such site and floor plans filed therewith. The Unit is conveyed together with an undivided 3.08% interest in the common areas and facilities of the Condominium and the same 3.08% interest in the Organization of Unit Owners known as The 321 Harvard Street Condominium Trust (the Unit Owners Organization). The Unit and said undivided interests are together hereinafter referred to as the Mortgaged Premises.

The Mortgaged Premises are conveyed subject to and together with the benefit of (1) the provisions of Chapter 183A of the General Laws (Ter.Ed.) of the Commonwealth of Massachusetts, (2) the provisions and matters set forth and/or referred to in the Master Deed, (3) the provisions of the instrument creating the Unit Owners Organization and the By-Laws thereunder as recorded or filed with the Master Deed and such Rules and Regulations as may be promulgated thereunder and (4) the provisions set forth and referred to in the Unit Deed of Antaramian Realty and Construction, Inc. to Mortgagor to be herewith recorded with said Middlesex South District Registry Deeds, to which Unit Deed reference is herein made for the title of Mortgagor.

The premises are to be sold subject to and with the benefit of all easements, restrictions, building and zoning laws, unpaid taxes, tax titles, water bills, municipal liens and assessments, rights of tenants and parties in possession.

Terms of Sale: A deposit of Five Thousand Dollars and 00 Cents ($5,000.00) Dollars shall be required to be paid to the mortgagee in cash, by certified or bank cashier's check at the time and place of the sale. The balance of the purchase price is to be paid in cash, by certified check or by bank's cashier's check in or within thirty (30) days from the date of the sale. Time will be of the essence.

Other terms if any, to be announced at the sale.

Resolution Trust Corporation As Receiver for
Home Owners Savings Bank F.S.B.
Present Holder of said Mortgage,
By Its Attorneys,
Barron & Stadfeld, P.C.
Gina Birmingham
Two Center Plaza
3rd Floor
Boston, Massachusetts 02108
(617) 723-9800

(C)Nov.21,28,Dec.5

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 Tuesday, December 17, 1991 at 5:30 p.m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition by Jerone Bürke, et al, **to amend the text of the Zoning Ordinance of the City of Cambridge** by creating the following new sections, Special Districts, Cambridgeport Overlay Districts, Traffic Mitigation Measures, and Construction Management Program. Also this petition would **amend the Zoning Map of the City of Cambridge** by deleting the existing zoning districts in the Cambridgeport Interim Planning Overlay District and replacing them with Residence C, Residence C-1, Residence C-3, Business B, Industry A-1, the new zoning districts the Special Districts V, VI, VII and VIII, in that area generally bounded by Brookline and Vassar Streets, Massachusetts Avenue and Memorial Drive as shown on the accompany map.

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

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

For the Committee,
Councillor Francis H. Duehay,
Chairman

(C)Nov.28,Dec.5

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC WORKS
NOTICE OF A PUBLIC HEARING

A Design Public Hearing will be held by the Massachusetts Department of Public Works to discuss the proposed replacement of the **Alewife Brook Parkway Bridge over the MBTA** located in the City of Cambridge.

Where: **Fitzgerald School Auditorium, 70 Rindge Avenue, Cambridge, MA 02140**

When: Wednesday, December 18, 1991, at 7:00 p.m.

Purpose: The purpose of this hearing is to comply with Chapter 159, Section 59 and Chapter 160, Section 104 of the General Laws regarding the alteration of railroad crossings.

It is also being held to provide the public with the opportunity of becoming fully acquainted with the proposed bridge and related improvements. All views and comments made at the hearing will be reviewed and considered to the maximum extent possible.

Proposal: The proposed project consists of replacing the Alewife Brook Parkway bridge in its present location with improvements to the approach roadways.

Written views received by the Department subsequent to the date of this notice and up to five (5) days prior to the date of the hearing shall be displayed for public inspection & copying at the time and date listed above.

Written statements and other exhibits in place of, or in addition to, oral statements at the public hearing regarding the proposed undertaking are to be submitted to Michael W. Swanson, P.E. Chief Engineer, Massachusetts Department of Public Works, Ten Park Plaza, Boston, Massachusetts, 02116. Such submissions will also be accepted at the hearing. The final date for receipt of these statements and exhibits will be ten (10) days after the public hearing. Plans will be on display for one hour before the hearing, with an Engineer in attendance to answer questions in regard to same.

James J. Kerasiotes
Commissioner
Michael W. Swanson, P.E.
Chief Engineer

(C)Nov.21,Dec.5

MORTGAGEE'S NOTICE OF
SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Robert W. Hoag** and **Ruth C. Hoag** to **Lion Funding Corp.**, dated November 25, 1987, recorded with Middlesex County (Southern District) Registry of Deeds, Book 18729, Page 394, now held by the undersigned by assignment, of which mortgage the undersigned is the present holder, for breach of conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 12:00 p.m. on Tuesday, December 17, 1991, on the mortgaged premises as below described, all and singular the premises described in said mortgage being known as **21 Cottage Park Avenue, Cambridge, Massachusetts,** and being described as follows, to wit:

A certain parcel of land with the buildings thereon situated in Cambridge, Middlesex County, Massachusetts, being shown as Lot 37 on a plan entitled "Plan of Land in North Cambridge" belonging to Francis R. Henderson, J.O. Goodwin, Surveyor, dated May 1890, recorded with Middlesex South District Deeds, Book of Plans 63, Plan 9, and bounded and described as shown on said plan, as follows:

Beginning at a point on the Westerly side of Cottage Park Avenue two hundred one and 69/100 (201.69) feet from the Southwesterly side of Massachusetts Avenue, formerly North Avenue, thence running

Westerly by Lot 36, one hundred thirteen (113) feet more or less;

Southerly by Lot 27, forty (40) feet more or less;

Easterly by Lot 38, one hundred thirteen (113) feet to said Cottage Park Avenue, thence running Northerly by said Cottage Park Avenue forty (40) feet to the point of beginning.

Containing 4,520 square feet of land more or less.

For title see Deed of Arthur J. Verrier et ux dated December 21, 1966 recorded at Book 11270, Page 028.

The above premises will be sold subject to all outstanding tax titles, municipal or other public taxes, assessments, betterments, or liens, if any.

Terms of Sale: Ten Thousand ($10,000.00) Dollars will be required to be paid in cash or by Bank Cashiers Check or Bank Treasurers Check by the Purchaser at the time and place of sale as earnest money. The balance of the purchase price is to be paid in cash or by Bank Cashiers Check or Bank Treasurers Check within thirty (30) days from the date of the sale to Perlman, Rubin & Stein, P.C., 25 Braintree Hill Office Park, Suite 204, Braintree, Massachu-setts. Other terms will be announced at the sale.

Date: November 13, 1991

Federal Home Loan
Mortgage Corporation
Present Holder of Said Mortgage
By its Attorney
Robert A. Crompton, Esquire
Perlman, Rubin & Stein, P.C.
25 Braintree Hill Office Park
P.O. Box 9183
Braintree, MA 02184
(617) 848-8411

(C)Nov.21,28,Dec.5



COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
Case No. 91A0634-TI

To **Sherry Jean Leonard** of Marlborough, in said County and to the alleged father of parts unknown represented to be the parents of **Desirae Elizabeth Leonard,** a minor child received by the Department of Social Services under the provisions of General Laws, Chapter 119, Section 23.

A petition has been presented to said Court by Gerald Robinson, Commissioner of Cambridge praying that said Court establish that the consent of said Sherry Jean Leonard and the alleged father shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, Chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 13th day of January 1992, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 28th day of October 1991.

Donna M. Lambert
Register

(C)Nov.21,28,Dec.5

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 87P6523

NOTICE OF FIDUCIARY'S ACCOUNT

To all persons interested in the estate of **Hyman Levine** -late- of Cambridge, in said County, deceased.

You are hereby notified pursuant to Mass. R.Civ.P. Rule 72 that the 1st and final account of **Alfred S. Levine** as Executor (the fiduciary) of said estate under the will of said deceased has been presented to said Court for allowance.

If you desire to preserve your right to file an objection to said account, you or your attorney must file a written appearance in said Court at Cambridge on or before the 23rd day of December, 1991, the return day of this citation. You may upon written request by registered or certified mail to the fiduciary, or to the attorney for the fiduciary, obtain without cost a copy of said account.

If you desire to object to any item of said account, you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciary pursuant to Mass. R.Civ.P. Rule 5.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 20th day of November, 1991.

Donna M. Lambert
Register

(C)Dec.5

PUBLIC NOTICE
TAXICAB COMPLAINTS

Any citizen of Cambridge or any visitor to our community who is: 1) refused a short ride or harassed in any manner by a Cambridge Taxi driver who refuses to transport you a short distance; or 2) is taken a long way from point of hire to destination is requested to write with details including Medallion #, RMV plate if possible, the date and time to: **Cambridge Hackney Division,** 831 Massachusetts Avenue, Cambridge, MA 02139 (617) 349-6140. The Overwhelming majority of our owners and drivers are hard working family people who abhor other drivers discourtesies to the PUBLIC they service.

(C)Dec.5

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 36360

NOTICE OF FIDUCIARY'S ACCOUNT

To all persons interested in the estate of **Charles Blaney** -late- of Cambridge, in said County, deceased.

You are hereby notified pursuant to Mass. R.Civ.P. Rule 72 that the 72nd thru 76th accounts of **Boston Safe Deposit and Trust Company** as Trustee (the fiduciary) of the will of said deceased or the benefit of **Antoinette H. Blaney** and others have been presented to said Court for allowance.

If you desire to preserve your right to file an objection to said accounts, you or your attorney must file a written appearance in said Court at Cambridge on or before the 23rd day of December, 1991, the return day of this citation. You may upon written request by registered or certified mail to the fiduciary, or to the attorney for the fiduciary, obtain without cost a copy of said accounts, you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciary pursuant to Mass. R.Civ.P. Rule 5.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 19th day of November, 1991.

Donna M. Lambert
Register

(C)Dec.5

NOTICE OF SALE
TO GAYLE KOCH
10 LANCASTER ST.
CAMBRIDGE, MA. 02140

Pat's Tow Service, Inc. of 112 Sidney Street, Cambridge, Ma. 02139 has in its possession a **1988 Honda Civic,** Vehicle ID #JHMED6355JS016154, and last registered in 1990 as **765PAA Ma.**

This vehicle has been in the possession of Pat's Tow Service since Feb. 7, 1990, and has not been claimed after due notice.

This vehicle will be sold at public sale at Pat's Tow Service, Inc., 112 Sidney St., Cambridge, Ma. 02139 on **December 16, 1991.**

Walter Tauro
Pat's Tow Service, Inc.

(C)Nov.21,28,Dec.5

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 91D4095D1

Summons by Publication
Jean C. Felix, Plaintiff
vs.
Mariera Phanie Jean Baptiste, Defendant

To the above-named Defendant:

A complaint has been presented to this Court by your spouse, Jean C. Felix, seeking to dissolve the bonds of matrimony.

You are required to serve upon Harvey Alford, Esquire, plaintiff's attorney, whose address is 600 Pleasant St., Watertown, MA 02172 your answer on or before January 27, 1992. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also requested 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.
November 15, 1991

Donna M. Lambert
Register of Probate

(C)Dec.5,12,19

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND
FAMILY COURT DEPARTMENT
Middlesex Division Docket No.
91P5357GI

NOTICE OF
GUARDIANSHIP - MENTALLY ILL -
WITH DISPETIES
NOTICE

To **Kate C. Welker** of Cambridge in said County Middlesex and heirs apparent or presumptive:

A petition has been presented in the above-captioned matter alleging that said Kate C. Welker is a mentally ill person and praying that **Alfred Welker** of Jamestown in the state of New York or some other suitable person be appointed her guardian.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court et Cambridge on or before December 24, 1991.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge the nineteenth of November, in the year of our Lord one thousand nine hundred and ninety-one.

Donna M. Lambert
Register of Probate

(C)Dec.5

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 89P1758E

NOTICE OF FIDUCIARY'S ACCOUNT

To all persons interested in the estate of **Juliana Painter** -late- of Cambridge, in said County, deceased.

You are hereby notified pursuant to Mass. R.Civ.P. Rule 72 that the 1st and final account of **Hans F. Loeser** as executor (the fiduciary) of said estate under the will of said deceased has been presented to said Court for allowance.

If you desire to preserve your right to file an objection to said account, you or your attorney must file a written appearance in said Court at Cambridge on or before the 23rd day of December, 1991, the return day of this citation. You may upon written request by registered or certified mail to the fiduciary, or to the attorney for the fiduciary, obtain without cost a copy of said account.

If you desire to object to any item of said account, you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciary pursuant to Mass. R.Civ.P. Rule 5.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 20th day of November, 1991.

Donna M. Lambert
Register

(C)Dec.5

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of a power of sale contained in a certain mortgage deed given by **Sean Hughes** and **Josephine Hughes** a/k/a **Josephine Farrell Hughes** to Northwestern Mortgage Company, Inc. of 185 Alewife Brook Parkway, Cambridge, MA, dated November 17, 1989, recorded with Middlesex South District Registry of Deeds, in Book 20216, Page 353, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at public auction, on Monday, December 30, 1991, at 10:00 o'clock A.M., on the mortgaged premises, all and singular the premises conveyed by said mortgage deed, sale to be held on the premises located at **13-15 Lopez Street, Cambridge, MA,** to wit:

The land in Cambridge, Middlesex, Massachusetts, with the buildings thereon, known as and numbered 13-15 Lopez Street, and bounded and described as follows, to wit: Beginning at a point on Lopez Street and the southeasterly corner of the premises, thence running Northeasterly by land now or formerly of Charles Adams, sixty-five (65) feet; thence running Westerly by land now or formerly of A.P. Rollings, thirty-eight (38) feet; thence running Southwesterly by other land now or formerly of A.P. Rollins sixty-five (65) feet to said Lopez Street; thence running Southeasterly by said Lopez Street thirty-eight (38) feet to the point of beginning. Containing approximately two thousand four hundred seventy (2,470) square feet of land.

Terms of Sale: Said premises will be sold subject to any and all taxes and assessments, tax sales, tax titles and other municipal liens and water liens, if any there are. A deposit of $15,000.00 and 00/100 dollars ($15,000.00) in cash, certified check or bank check will be required to be paid by the purchaser at the time and place of sale, with the balance of the purchase price to be paid within thirty (30) days thereafter.

Other terms to be announced at the sale.

Dated: November 21, 1991

Federal Home Loan Mortgage Corporation
Present Holder of said Mortgage
By its Attorneys,
Marvin W. Kushner,
Cohen & Kushner, P.C.
55 William Street
Wellesley, MA 02181
(617) 431-1400

(C)Nov.28,Dec.5,12

First Publication No. 2568.
CITY OF CAMBRIDGE
In the Year One Thousand,
Nine Hundred Ninety-One
AN ORDINANCE

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

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

That Section 8.22 in Article 8.000 entitled **"Nonconformity" of the Zoning Ordinances** of the City of Cambridge is hereby amended as follows:

8.22 As provided in Section 6, Chapter 40A, G.L. permits for the change, extension or alteration of a pre-existing nonconforming structure or use may be granted in the following cases. Such a permit may be granted only if the permit granting authority specified below finds that such change, extension or alteration will not be substantially more detrimental to the neighborhood than the existing nonconforming use.

8.22.1 The following alterations, reconstructions, extensions, and/or enlargements of nonconforming structures, which do not result in a use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent than the existing use, shall be permitted after the issuance of a building permit by the Superintendent of Buildings.

a. Any conforming construction to a structure located on a lot which is nonconforming due to its lot size or lot width, but which meets the requirements of section 5.21.1.

b. Conforming construction where only the requirements of Article 6.000 are nonconforming and where no change to those elements regulated by Article 6.000 are required or proposed.

c. Any construction occurring entirely within a structure including structural changes, provided there is no increase or additional violation of Article 5.000.

d. Relocation, enlargement or addition of windows, doors or similar openings to the exterior of a building provided the facade of the building upon which such relocation, enlargement or addition is occuring conforms to the yard requirements of Article 5.000, or faces a public street.

e. Demolition of a structure of portions of a structure which reduces the extent of an existing nonconformity, or does not increase or effect any nonconformity, and which does not result in a further increase in the extent of any other violation or create a new violation.

f. Conforming additions, under Article 5.000, to a structure that is not conforming to the requirements of Article 5.000 provided no nonconforming element or aspect of the nonconforming structure is extended or increased and further provided that the nonconforming structure is not thereby increased in area or volume by more than ten (10) percent since the structure first became nonconforming.

g. Repair, reconstruction or replacement of any lawfully established non-conforming portions of a building including but not limited to porches, decks, balconies, bay windows and building additions, provided the repair, reconstruction or replacement does not exceed the original in foot print, volume, area or volume of the entire building.

***h. Construction of a dormer or an addition to a nonconforming one or two family dwelling which will further violate the yard and height requirements of Article 5.000, but no other requirement of Article 5.000 including FAR, in the following cases:

1. A dormer or addition to the second story which does not extend beyond the existing first story of the structure.

2. A dormer on the third story no longer than 15 feet which does not extend beyond the existing second story not above the existing ridge line provided the total linear length of all dormer on the third story of the building does not exceed fifteen (15) feet.

Section h paragraphs 1 and 2 were formally section 8.22 d paragraphs 1 and 2 of the ordinance except for the indicated changes.

****8.22.2 The following changes, extensions, or alterations of a pre-existing nonconforming structure or use may be granted in the following cases after the issuance of a special permit. Such a permit shall be granted only if the permit granting authority specified below finds that such change, extension, or alteration will not be substantially more detrimental to the neighborhood than the existing nonconforming use.

a. In an Office, Business or Industrial district the Board of Zoning Appeal may issue a special permit for the alteration or enlargement of a nonconforming structure, not otherwise permitted in Section 8.22.1 above, or the enlargement (but not the alteration) of a nonconforming use, provided any alteration or enlargement of such nonconforming use or structure is not further in violation of the dimensional requirements in Article 5.000 or the off-street parking and loading requirements in Article 6.000 for the district in which such structure or use is located and provided such nonconforming structure or use not be increased in area or volume by more than twenty-five (25) percent since it first began to be nonconforming.

b. In an Office, Business or industrial district the Board of Zoning Appeal may grant a special permit for the issuance of a certificate of occupancy for the occupancy of an existing building designed and built for nonresidential use by any use permitted as of right in a Business or Industrial district in Article 4.000 of this Ordinance, provided such new use will be carried out entirely within the existing building and provided the off street parking and loading requirements in Article 6.000 for the district in which such building is located will not be further violated.

c. In a Residence District the Board of Zoning Appeal may grant a special permit for the alteration or enlargement of a nonconforming structure, not otherwise permitted in Section 8.22.1 above, but not the alteration or enlargement of a nonconforming use, provided any enlargement or alteration of such nonconforming structure is not further in violation of the dimensional requirements in Article 5.000 or the off street parking and loading requirements in Article 6.000 for the district in which such structure is located and provided such nonconforming structure will not be increased in area or volume by more than twenty-five (25) percent since it first began to be nonconforming.

8.22.3 Any alteration or enlargement or a nonconforming structure or of a nonconforming use not otherwise permitted in Section 8.22.1 and 8.22.2 above shall be a variance.

****Sections 8.22.2 and 8.22.3 were formally sections 8.22 a, b, c, d, and e, except for those revisions so indicated.****

Passed to a second reading at the City Council meeting held on December 2, 1991 and on or after December 16, 1991 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton,
City Clerk.

(C)Dec.5

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that **Mahmoud Kassar,** doing business as **Moody's Falafel Palace, Manager** has applied for a common victualer's license to be exercised on the 1st floor at 25 Central Square. Said license if granted would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises, and to have a total occupancy of 18 persons. Said license if granted would be exercised from 11:00 a.m. to Midnight daily.

A hearing on said application will be held on Tuesday, December 10, 1991 at 6:00 p.m., in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue. Any person wishing to comment on said application may attend the hearing, or such person may prior to the hearing submit a written statement to the License Commission, Michael J. Lombardi Municipal Building, 1st floor, 831 Massachusetts Avenue, Cambridge, Mass. 02139.

Alex Rodriguez
Kevin Fitzgerald
Henry Breen
License Commission

(C)Dec.5

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT
(Seal) Case No. 170814

To **Richard Valente** and **Elizabeth A. Valente,** both of Arlington, MA. and to all persons entitled to the benefit of the Soldiers' and Sailors Civil Relief Act of 1940 as amended:

Federal Deposit Insurance Corporation as Liquidating Agent.of Bank Five for Savings claiming to be the holder of a mortgage covering real property in **Cambridge, MA., Middlesex County at 74-76 Putnam Avenue** given by Richard Valente and Elizabeth A. Valente, husband and wife dated October 2, 1968, and recorded with Middlesex South District Deeds in Book 11580, Page 634 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 shall file a written appearance and answer in said court at Boston on or before the 6th day of January 1992, or you may be forever barred from claiming that such foreclosure is invalid under said act.

Witness, John E. Fenton, Jr., Chief Justice of said Court this 20th day of November 1991.

Charles W. Trombly, Jr.
Recorder

(C)Dec.5

CITY OF CAMBRIDGE
MASSACHUSETTS
BOARD OF ZONING APPEAL

The Board of Zoning Appeal will hold a Public Meeting, Thursday, December 19, 1991 in Room 200, City Hall, Cambridge, Massachusetts, the following cases will be heard:

7:00 P.M. Case No. 6380

26 Trowbridge Street, Residence C-1 Zone, Real Colegio Complutense, Inc. - Daniel Crane, Attorney. Special Permit: To reduce parking for the proposed use of the premises as a non-profit corporation. Art. 6.000, Sec. 6.35 (Reduction of Parking).

7:15 P.M. Case No. 6381

27 Wood Street, Residence C-1 Zone, Charlotte Kuelzer & Herbert Kuelzer. Special Permit: To add porches to 2nd and 3rd floor in front of house. Art. 8.000, Sec. 8.22c (Non-Conforming Structure).

7:30 P.M. Case No. 6382

4, 10-14, 16-42 Fernald Drive, Residence C-1 Zone, President & Fellows of Harvard College-Peter Riley. Special Permit: To add and alter entries to existing building. Art. 8.000, Sec. 8.22c (Non-Conforming Structure).

7:45 P.M. Case No. 6383

12, 18, 22 Robinson St./5-15 Fernald Dr., Residence C-1 Zone, President & Fellows of Harvard College-Peter Riley. Special Permit: To alter building entries to provide accessibilities. Art. 8.000, Sec. 8.22 (Non-Conforming Structure).

8:00 P.M. Case 6384

5 Longfellow Park, Residence A-2 Zone, Friends Meeting at Cambridge-Emily Jones Sander. Variance: To increase floor area to accommodate storage space. Art. 5.000, Sec. 5.31 (Table of Dimensional Requirements). Sec. 5.11 (Floor Area).

8:15 P.M. Case 6385

25 East Street, NP/PUD-6, Ogden Realty Limited Partnership-Gerald Silverstein, President. Variance: To use lot for storage of towed vehicles. Art. 16.000, Sec. 16.23 (North Point Special District).

8:30 P.M. Case No. 6386

36 Essex Street, Residence C-1 Zone, Ethan Cascio. Special Permit: To lower the basement floor. Art. 8.000, Sec. 8.22C (Non-Conforming Structure).

(C)Dec.5,12

First Publication No. 2567.
CITY OF CAMBRIDGE
In the Year One Thousand,
Nine Hundred Ninety-One
AN ORDINANCE

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

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

That the Zoning Ordinances of the City of Cambridge be amended by rezoning an area currently zoned **Business C-1 to Business A-2 as follows:**

1.01 An area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Massachusetts Avenue and the southwesterly extension of the centerline of Washburn Avenue;

1.02 Thence proceeding in a northeasterly direction along the centerline of Washburn Avenue to a point 100 feet distant from the northeasterly sideline of Massachusetts Avenue for a distance of approximately 125 feet;

1.03 Thence turning and proceeding in a southeasterly direction along a line 100 feet distant from, and parallel to, the northeasterly sideline of Massachusetts Avenue for a distance of approximately 120 feet to a point 100 feet distant from the northwesterly sideline of Gold Star Road;

1.04 Thence turning and proceeding in a southwesterly direction along a line perpendicular to the northeasterly sideline of Massachusetts Avenue and crossing that sideline at a point 120 feet from the northeasterly sideline of Gold Star Road and continuing to its intersection with the centerline of Massachusetts Avenue, a distance of approximately 150 feet;

1.05 Thence turning and proceeding in a northwesterly direction along the centerline of Massachusetts Avenue to the point of origin for a distance of approximately 125 feet.

2.00 Said area includes all or parts of the following parcels of land:

2.01 Premises shown on Assessor's Plat #184; Lots #159 and #160; inclusive of 2467-2475 Massachusetts Avenue.

Passed to a second reading at the City Council meeting held on December 2, 1991 and on or after December 16, 1991 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton,
City Clerk.

(C)Dec.5

The Ordinance Committee conducted a public hearing on Wednesday, November 20, 1991 beginning at 7:21 p.m. in the Sullivan Chamber, City Hall.

Councillor Francis H. Duehay, Chair of the above referenced Committee convened the hearing and stated that the purpose was to discuss a petition by Robert Sheketoff, et al to amend the Zoning Map of the City of Cambridge by rezoning an area of North Massachusetts Avenue from the existing Business C-1 to Business A-2. Present at the hearing were Councillor Ed Cyr, Councillor Jonathan S. Myers, Councillor Sheila T. Russell, Councillor William H. Walsh and Deputy City Clerk John E. Flynn.

To begin the proceedings, the petitioner, Mr. Robert Sheketoff, classified to the Committee the proposed amendment as a technical correction to the previously ordained Herman Petition (ordained on November 4, 1991) to include Assessors Plat #184: Lots #159 and #160; inclusive of 2467-2475 Massachusetts Avenue. Mr. Sheketoff stated that at the time of the drafting and submission of the Herman Petition, the Community Development Department omitted the above referenced plat and lots in defining the boundaries of the petition. He further stated that the adoption of his petition would correct the zoning for Northern Massachusetts Avenue.

Councillor Walsh inquired of the petitioner if the proposed zoning amendments if ordained would now make Marino's Restaurant a non-conforming use.

Mr. Sheketoff responded in the affirmative but stated that due to a provision of the 1986 Overlay District Ordinance, Marino's could rebuild if a catastrophic incident occurred to its present feature.

Councillor Walsh further inquired of Mr. Lester Barber of the Community Development Department if this petition constituted Spot Zoning.

Mr. Barber stated that the petition represented a reasonable rezoning plan.

The Committee then heard from the following who indicated their support for the petition:

- Mr. Michael Brandon
  27 Seven Pines Avenue

- Ms. Irene Herman
  21 Cedar Street

Upon conclusion of the proponents testimony the Committee then heard from the opponents of the petition. Mr. Steve Harrington, General Manager of Modern Continental Construction Co., Inc., stated his opposition to the petition saying that the petition caught his firm by surprise and that Mr. Les Marino, owner of the property, had worked closely with the neighborhood in all facets of construction and operation of the establishment.

Attorney David B. Connolly, 38 Matignon Road, representing the property owner stated that the zoning amendment if ordained would place the present structure in a status of non-conforming use and in the event of catastrophic incident, financing for reconstruction and improvements would be difficult. Attorney Connolly further cited page 51 of the North Cambridge Study, authored by The Community Development Department, as opposing any zoning changes at this time to Northern Massachusetts Avenue.

Upon conclusion of Attorney Connolly's testimony, Councillor Duehay requested of the Deputy City Clerk to read into the record the communication of Modern Continental Construction Co., Inc. dated November 20, 1991 stating its opposition to the petition. (A copy of the communication is attached.)

Councillor Cyr moved the petition to the full City Council without recommendation.

On a roll call vote the petition was forwarded.

The hearing was adjourned at 7:59 p.m.

For the Committee,

Councillor Francis H. ~~Due~~hay,
Chair

COMMITTEE REPORTS

Report from the Ordinance Committee for a hearing held on Wednesday, November 20, 1991 relative to a proposed amendment to the Zoning Ordinances of the City of Cambridge on the petition of Paul M. Doty, et al to rezone an area of Kirkland Place.

In City Council,

December 2, 1991

Report accepted
Passed to a second reading

The Ordinance Committee conducted a public hearing on Wednesday, November 20, 1991 beginning at 7:21 p.m. in the Sullivan Chamber, City Hall.

Councillor Francis H. Duehay, Chair of the above referenced Committee convened the hearing and stated that the purpose was to discuss a petition by Robert Sheketoff, et al to amend the Zoning Map of the City of Cambridge by rezoning an area of North Massachusetts Avenue from the existing Business C-1 to Business A-2. Present at the hearing were Councillor Ed Cyr, Councillor Jonathan S. Myers, Councillor Sheila T. Russell, Councillor William H. Walsh and Deputy City Clerk John E. Flynn.

To begin the proceedings, the petitioner Mr. Robert Sheketoff classified to the Committee the proposed amendment as a technical correction to the previously ordained Herman Petition (Ordained on November 4, 1991) to include Assessors Plat #184: Lots #159 and #160; inclusive of 2467-2475 Massachusetts Avenue. Mr. Sheketoff stated that at the time of the drafting and submission of the Herman Petition the Community Development Department omitted the above referenced plat and lots in defining the boundaries of the petition. He further stated that adoption of his petition would correct the zoning for Northern Massachusetts Avenue.

Councillor Walsh inquired of the petitioner if the proposed zoning amendments (if ordained) would now make Marino's Restaurant a non-conforming use.

Mr. Sheketoff responded in the affirmative but stated that due to a provision of the 1986 Overlay District ordinance, Marino's could rebuild if a catastrophic incident occured to its present feature.

Councillor Walsh further inquired of Mr. Lester Barber of the Community Development Department if this petition constituted Spot zoning.

Mr. Barber stated that the petition represented a ~~probably~~ reasonable rezoning plan.

The Committee then heard from the following who indicated their support for the petition:

- Mr. Michael Brandon
  27 Sedan Pines Avenue
- Mrs. Irene Herman
  21 Cedar Street.

Upon conclusion of the proponents testimony the Committee then heard from the opponents of the petition. Mr. Steve Harrington, General Manager of Modern Continental Construction Co., Inc., stated his opposition to the petition saying that the petition caught his firm by surprise and that Mr. Nes Marino owner of the property had worked closely with the neighborhood in all facets of construction and operation of the establishment.

Attorney David B. Connolly, 38 Matignon Road, representing the property owner stated that the zoning amendment if ordained would place the present structure in a status of non-conforming use and in the event of a catastrophic incident financing for reconstruction and improvements would be difficult. Attorney Connolly further cited page 51 of the North Cambridge Study, authored by the Community Development Department, as opposing any zoning changes at this time to Northern Massachusetts Avenue.

Upon conclusion of Attorney Connolly's testimony, Councillor Duehay requested of the

Deputy City Clerk to read into the record the communication of Modern Continental Construction Co., Inc. dated November 20, 1991 stating its opposition to the petition. (A copy of the communication is attached.)

Councillor Cyr moved the petition to the full City Council without recommendation.

On a roll call vote the petition was forwarded.

The hearing was adjourned at 7:59 p.m.

For the Committee

C.F.H.D. Chair.

C. C. 106

City of Cambridge

MASSACHUSETTS

In City Council _____ 199

C. Cyr. - Sheketoff Petition - Moved Forward W/o Recommendation

	YEA	NAY	ABSENT	PRESENT	
Mr. Ed Cyr	✓				
Mr. Francis H. Duehay	✓				
Mr. Jonathan S. Myers	✓				
Mr. Kenneth E. Reeves			✓		
Mrs. Sheila T. Russell	✓				
Mr. Walter J. Sullivan			✓		
Mr. Timothy J. Toomey, Jr.			✓		
Mr. William H. Walsh		✓			
Mayor Alice K. Wolf			✓		
	4	1	4	0	

Northern Mass Ave Stabilization Companion Petition

We the undersigned respectfully petition the honorable, the City Council of the City of Cambridge, to help protect the residential neighborhoods of North Cambridge from inappropriate commercial development along Massachusetts Avenue by supplementing the zoning reforms of our prior petition (the "Herman Petition") with amendments to the Zoning Ordinance in conformance with the companion petition attached hereto.

Signature	PRINTED NAME	ADDRESS	PHONE
√ Robert Sheketoff	Robert Sheketoff	13½ Cedar St.	876-1585
√ Kathleen C. Leman	KATHLEEN LEMAN	2 NOTRE DAME AVE	864-5983
√ Nancy F. Winston	Nancy F. Winston	51 Harvey St	864-5934
√ Irene Herman	Irene Herman	21 Cedar St.	354-1685
Madeline M. Rosatto	MADELINE ROSATTO	13 Cedar St.	354-2582
Phyllis A. McCabe	Phyllis A. McCabe	11 Cedar St.	864-3073
√ TERESITA Ayo	[illegible]	8 ALBERTA TER	864-0152
√ Jeanne Fong	Jeanne Fong	13½ Cedar St.	876-1585
√ Nathaniel B. Cary	Nathaniel B. Cary	24-1 Alberta Ter. Camb	354-4066
~~Irene M. Herman~~	~~Irene M. Herman~~	~~21 Cedar St.~~	~~354-1685~~
√ Victoria Jane Brandon	Victoria Jane Brandon	27 Seven Pines Ave	864-3520
~~Victoria Jane~~	~~Victoria Jane~~	~~27 Seven Pines Ave~~	~~864-3520~~
√ Michael J. Brandon	Michael J. Brandon	27 Seven Pines Ave	864-3520
√ Robert Chester	ROBERT CHESTER	24 CAMP ST	497-1575
~~Lynn S. Chester~~	~~Lynn S. Chester~~	~~24 Camp Street~~	~~497-1575~~
√ Lynn Scovel Chester	Lynn Scovel Chester	24 Camp Street	497-1575
√ Wanda L. Chester	WANDA L. CHESTER	20 Camp St	354-0065

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

NORTHERN MASS AVE STABILIZATION "COMPANION" PETITION
FINAL AS FILED • 10/1/91

WHEREAS a certain portion of northern Massachusetts Avenue, sometimes called Trolley Square, is presently zoned Business C-1; and

WHEREAS concerned residents of North Cambridge filed, in July of 1991, a petition to change this portion from Business C-1 to Business A-2 zoning, said petition now in due process; but

WHEREAS the July petition did not describe the existing Business C-1 district in its entirety, inadvertently omitting certain lots and/or parts thereof from the description of affected properties;

NOW THEREFORE, we the Undersigned respectfully petition the Honorable, the City Council of the City of Cambridge, to perfect and complete the zoning change intended by the July petition, and to amend the Zoning Ordinance and Map by doing the following:

A Rezone an area currently zoned Business C-1 to Business A-2, said area defined as follows:

1.01 An area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Massachusetts Avenue and the southwesterly extension of the centerline of Washburn Avenue;

1.02 Thence proceeding in a northeasterly direction along the centerline of Washburn Avenue to a point 100 feet distant from the northeasterly sideline of Massachusetts Avenue for a distance of approximately 125 feet;

1.03 Thence turning and proceeding in a southeasterly direction along a line 100 feet distant from, and parallel to, the northeasterly sideline of Massachusetts Avenue for a distance of approximately 120 feet to a point 100 feet distant from the northwesterly sideline of Gold Star Road;

1.04 Thence turning and proceeding in a southwesterly direction along a line perpendicular to the northeasterly sideline of Massachusetts Avenue and crossing that sideline at a point 120 feet from the northeasterly sideline of Gold Star Road and continuing to its intersection with the centerline of Massachusetts Avenue, a distance of approximately 150 feet;

1.05 Thence turning and proceeding in a northwesterly direction along the centerline of Massachusetts Avenue to the point of origin for a distance of approximately 125 feet.

2.00 Said area includes all or parts of the following parcels of land:

2.01 Premises shown on Assessor's Plat #184:

Lots #159 and #160; inclusive of 2467-2475 Massachusetts Avenue.

— END OF PETITION —

Sheketoff Petition

Speaking Against

Name	Address
David Connolly	38 Matignon Rd CAMBRIDGE
STEVE Harrington	389 Merrimack St Norwood

Sheketoff Petition

Speaking for

Name	Address
Robert Sheketoff	13½ Cedar St.
Michael Brandon	27 Seven Pines Ave.
Irene Herman	21 Cedar St.

Northern Mass Ave Stabilization Companion Petition

We the undersigned respectfully petition the honorable, the City Council of the City of Cambridge, to help protect the residential neighborhoods of North Cambridge from inappropriate commercial development along Massachusetts Avenue by supplementing the zoning reforms of our prior petition (the "Herman Petition") with amendments to the Zoning Ordinance in conformance with the companion petition attached hereto.

Signature	PRINTED NAME	ADDRESS	PHONE
Robert Sheketoff	Robert Sheketoff	13½ Cedar St.	876-1585
Kathleen C. Leman	KATHLEEN LEMAN	2 NOTRE DAME AVE	864-5983
Nancy F. Winston	Nancy F. Winston	51 Harvey St.	864-5934
Irene Herman	Irene Herman	21 Cedar St.	354-1685
Madeline M. Rosatto	MADELINE ROSATTO	13 Cedar St.	354-2582
Phyllis A. McCabe	Phyllis A. McCabe	11 Cedar St.	864-3023
Teresita Ayo	Teresita Ayo	8 Alberta Ter	864-0152
Jeanne Fong	Jeanne Fong	13½ Cedar St.	876-1585
Nathaniel B. Cary	Nathaniel B. Cary	24-1 Alberta Ter. Camb	354-4066
~~Irene M. Herman~~	~~Irene M. Herman~~	~~21 Cedar St.~~	~~354-1685~~
Victoria Jane Brandon	Victoria Jane Brandon	27 Seven Pines Ave	864-3520
~~Victoria Jane~~	~~Victoria Jane~~	~~27 Seven Pines Ave~~	~~864-3520~~
Michael J. Brandon	Michael J. Brandon	27 Seven Pines Ave	864-3520
Robert Chester	ROBERT CHESTER	24 CAMP ST	497-1575
~~Lynn S. Chester~~	~~Lynn S. Chester~~	~~24 Camp Street~~	~~497-1575~~
Lynn Scovel Chester	Lynn Scovel Chester	24 Camp Street	497-1575
Wanda L. Chester	WANDA L. CHESTER	20 Camp St	354-0065

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

NORTHERN MASS AVE STABILIZATION "COMPANION" PETITION

FINAL AS FILED • 10/1/91

WHEREAS a certain portion of northern Massachusetts Avenue, sometimes called Trolley Square, is presently zoned Business C-1; and

WHEREAS concerned residents of North Cambridge filed, in July of 1991, a petition to change this portion from Business C-1 to Business A-2 zoning, said petition now in due process; but

WHEREAS the July petition did not describe the existing Business C-1 district in its entirety, inadvertently omitting certain lots and/or parts thereof from the description of affected properties;

NOW THEREFORE, we the Undersigned respectfully petition the Honorable, the City Council of the City of Cambridge, to perfect and complete the zoning change intended by the July petition, and to amend the Zoning Ordinance and Map by doing the following:

A Rezone an area currently zoned Business C-1 to Business A-2, said area defined as follows:

1.01 An area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Massachusetts Avenue and the southwesterly extension of the centerline of Washburn Avenue;

1.02 Thence proceeding in a northeasterly direction along the centerline of Washburn Avenue to a point 100 feet distant from the northeasterly sideline of Massachusetts Avenue for a distance of approximately 125 feet;

1.03 Thence turning and proceeding in a southeasterly direction along a line 100 feet distant from, and parallel to, the northeasterly sideline of Massachusetts Avenue for a distance of approximately 120 feet to a point 100 feet distant from the northwesterly sideline of Gold Star Road;

1.04 Thence turning and proceeding in a southwesterly direction along a line perpendicular to the northeasterly sideline of Massachusetts Avenue and crossing that sideline at a point 120 feet from the northeasterly sideline of Gold Star Road and continuing to its intersection with the centerline of Massachusetts Avenue, a distance of approximately 150 feet;

1.05 Thence turning and proceeding in a northwesterly direction along the centerline of Massachusetts Avenue to the point of origin for a distance of approximately 125 feet.

2.00 Said area includes all or parts of the following parcels of land:

2.01 Premises shown on Assessor's Plat #184:

Lots #159 and #160; inclusive of 2467-2475 Massachusetts Avenue.

— END OF PETITION —

C. C. 106

PUBLIC NOTICE

RELATIVE TO ZONING

City of Cambridge

MASSACHUSETTS

Office of the City Clerk

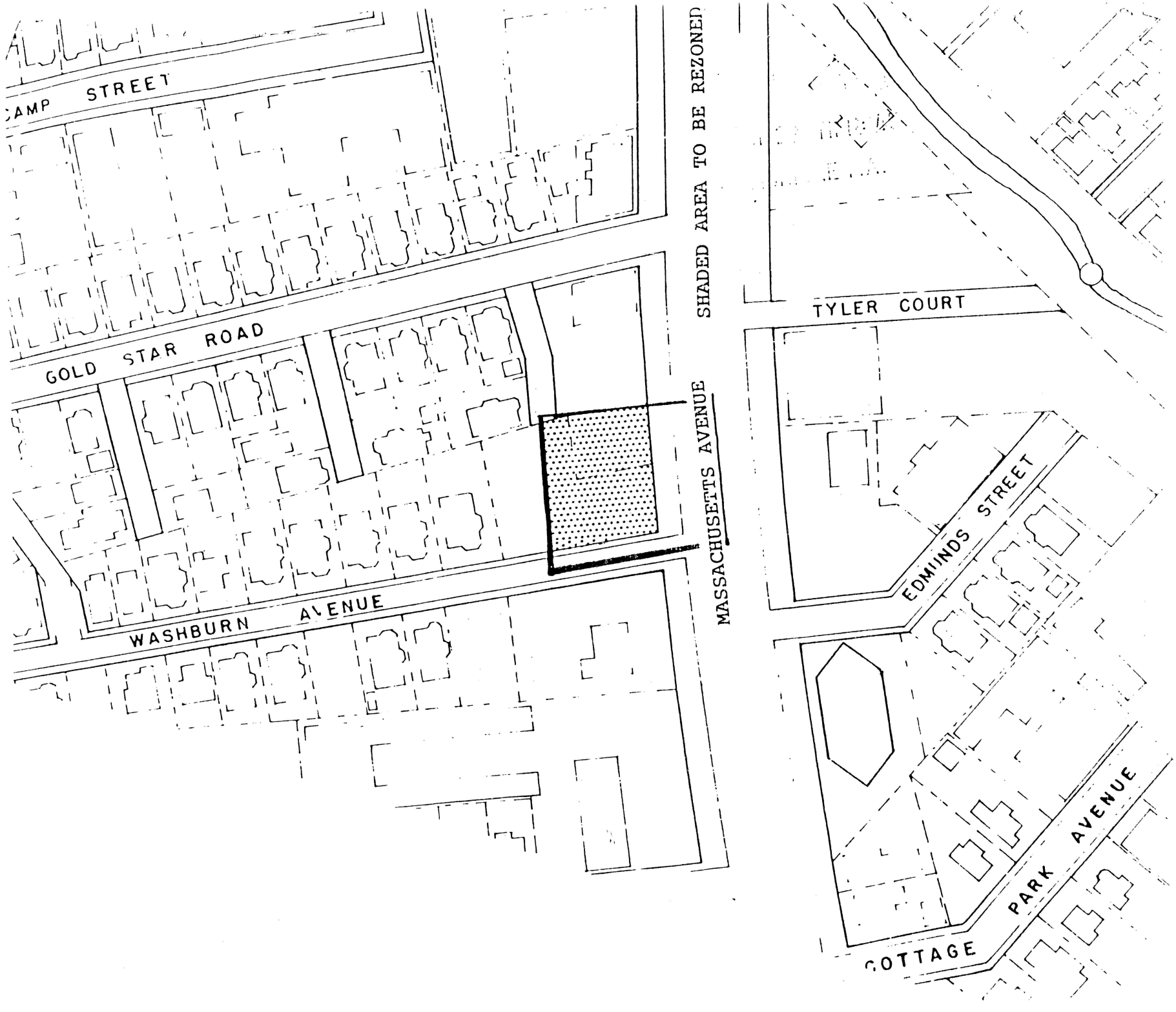
Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on Wednesday, November 20, 1991 at 7:00 p. m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition by Robert Sheketoff, et al to amend the Zoning Map of the City of Cambridge by rezoning an area of North Massachusetts Avenue from the existing Business C-1 to Business A-2. This change would reduce the Floor Area Ratio from 3.0 to 1.75, of which up to 1.0 could be nonresidential uses in the portion to be rezoned to Business A-2; the maximum height allowed would decrease from 50 feet to 45 feet. Both of the Business Districts have further height restrictions when abutting residential districts. This petition would supplement the Herman, et al petition. The rezoning area is shown on the accompanying map.

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

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

For the Committee,

Councillor Francis H. Duehay,
Chairman


CAMP STREET
GOLD STAR ROAD
WASHBURN AVENUE
MASSACHUSETTS AVENUE
SHADED AREA TO BE REZONED
TYLER COURT
EDMUNDS STREET
PARK AVENUE
COTTAGE

C. C. 106

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RELATIVE TO ZONING

City of Cambridge

MASSACHUSETTS

Office of the City Clerk

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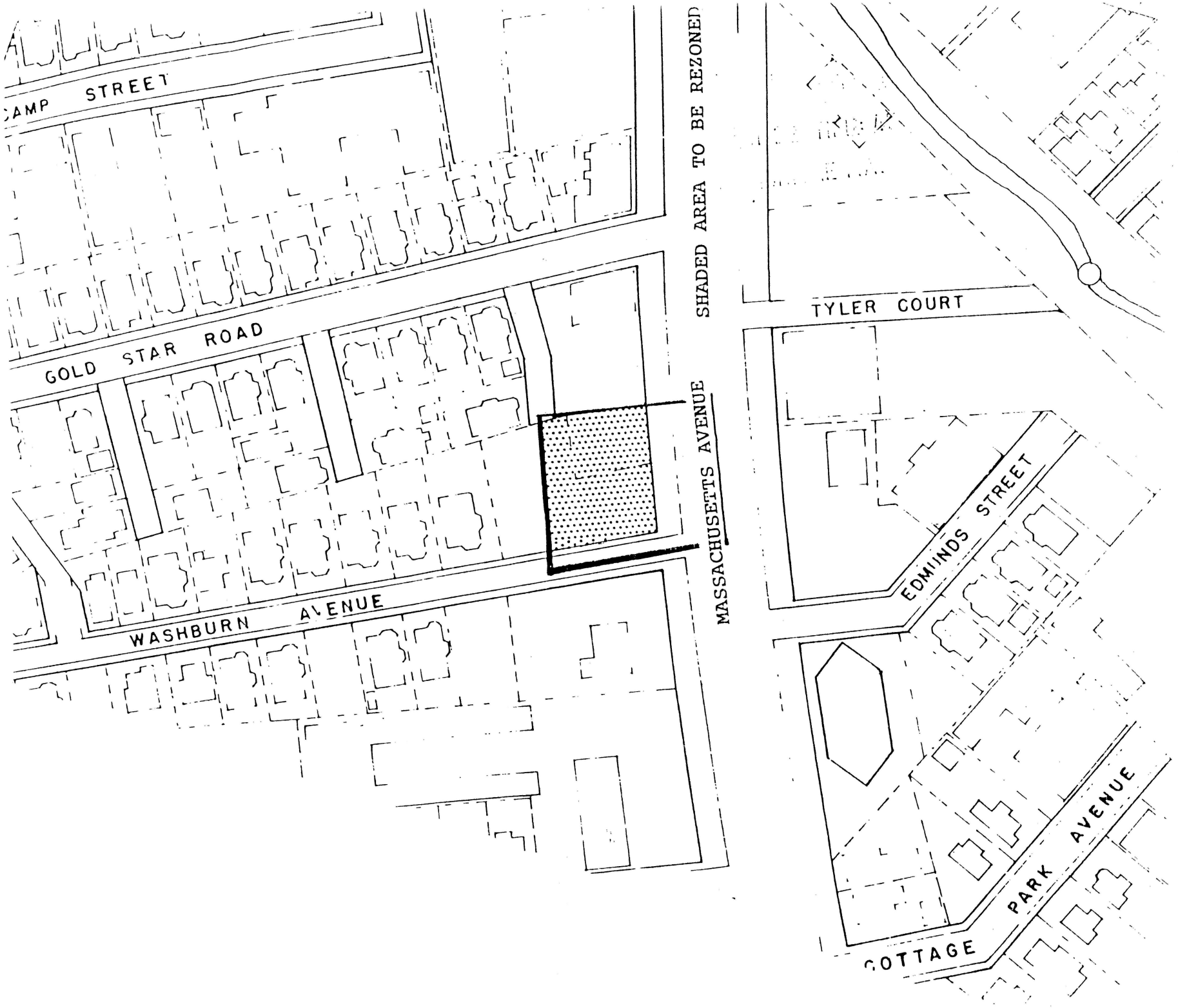
Copies of this petition are on file in the office of the City Clerk, City Hall, Cambridge, Massachusetts.

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

For the Committee,

Councillor Francis H. Duehay,
Chairman


CAMP STREET
GOLD STAR ROAD
WASHBURN AVENUE
MASSACHUSETTS AVENUE
SHADED AREA TO BE REZONED
TYLER COURT
EDMINDS STREET
PARK AVENUE
COTTAGE

THE MODERN CONTINENTAL CONSTRUCTION CO., INC.
2277 Massachusetts Avenue ▲ Cambridge, Mass. 02140 ▲ (617) 864-6300

November 20, 1991

City Council of the City of Cambridge
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Att: Joseph Connarton, City Clerk

RE: Petition to rezone premises shown on Assessors Plat #184: Lots #159 and #160; inclusive of 2467-2475 Massachusetts Avenue, Cambridge, Massachusetts

Dear Mr. Connarton:

The Modern Continental Construction Co., Inc. ("Modern Continental") is the sole owner of the land that would be rezoned by the above-referenced zoning petition, a copy of which is attached hereto. Said petition is commonly known as the Sheketoff Petition. In accordance with the provisions of M.G.L. c. 40A, § 5, Modern Continental hereby protests this proposed zoning change on the grounds that the change, if adopted, would be arbitrary and capricious, would impose substantial hardship, and would constitute illegal spot zoning.

Very truly yours,

THE MODERN CONTINENTAL CONSTRUCTION CO., INC.

By: C F Madden
Charles F. Madden
Its: Senior Vice President

wp[gos]mc110580-.aa4

wp:connolly:mc110749.ab2

AN EQUAL OPPORTUNITY EMPLOYER

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-One

AN ORDINANCE

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

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

That the Zoning Ordinances of the City of Cambridge be amended by rezoning an area currently zoned Business C-1 to Business A-2 as follows:

1.01 An area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Massachusetts Avenue and the southwesterly extension of the centerline of Washburn Avenue;

1.02 Thence proceeding in a northeasterly direction along the centerline of Washburn Avenue to a point 100 feet distant from the northeasterly sideline of Massachusetts Avenue for a distance of approximately 125 feet;

1.03 Thence turning and proceeding in a southeasterly direction along a line 100 feet distant from, and parallel to, the northeasterly sideline of Massachusetts Avenue for a distance of approximately 120 feet to a point 100 feet distant from the northwesterly sideline of Gold Star Road;

1.04 Thence turning and proceeding in a southwesterly direction along a line perpendicular to the northeasterly sideline of Massachusetts Avenue and crossing that sideline at a point 120 feet from the northeasterly sideline of Gold Star Road and continuing to its intersection with the centerline of Massachusetts Avenue, a distance of approximately 150 feet;

1.05 Thence turning and proceeding in a northwesterly direction along the centerline of Massachusetts Avenue to the point of origin for a distance of approximately 125 feet.

2.00 Said area includes all or parts of the following parcels of land:

2.01 Premises shown on Assessor's Plat #184:

Lots #159 and #160; inclusive of 2467-2475 Massachusetts Avenue.

PETITION OF Robert Sheketoff

re: supplement amendment to North Mass. Ave.

Petition filed with the City Clerk October 7, 1991

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

24 days Oct.
30 days Nov.
11 days Dec
65 days = December 11, 1991 = all hearings

In City Council October 7, 1991

Referred to the Planning Board for report Oct. 7, 1991

Planning Board Hearing Nov. 19, 1991

(CITY COUNCIL must act within 90 days of the ORDINANCE COMMITTEE hearing which would be Feb. 18, 1992.)

10 days Nov.
31 days Dec.
31 days Jan.
18 days Feb.
90 days = February 18, 1992

City Council hearing published Chronicle on Oct. 31, 1991

and Nov. 7, 1991

Hearing before the Ordinance Committee Nov. 20, 1991 at 7:00 p.m.

Reported to the City Council Dec. 2, 1991

Passed to a second reading on Dec. 2, 1991

published in Chronicle on Dec. 5, 1991

Planning Board report received on Jan. 13, 1992

Ready for ordination on Dec 16, 1991

Passed to be ordained on failed of ordination on 1/13/92 - 6-3-0 - Reconsideration filed by C. Duchaj 1/27/92 Reconsideration carried 6-3-0- Failed by C. Duchaj 1/27/92.

published in _____ on _____

COMPLETION DATE February 18, 1992

Placed on file due to expiration of time limit 2/18/92

C. C. 106

City of Cambridge

MASSACHUSETTS

In City Council January 27 1991

C. Duehay Reconsideration

	YEA	NAY	ABSENT	PRESENT	
Mr. Ed Cyr	✓				
Mr. Francis H. Duehay	✓				
Mr. Jonathan S. Myers	✓				
Mrs. Sheila T. Russell		✓			
Mr. Walter J. Sullivan		✓			
Mr. Timothy J. Toomey, Jr.	✓				
Mr. William H. Walsh		✓			
Ms. Alice K. Wolf	✓				
Mayor Kenneth E. Reeves	✓				
	6	3			

Reconsideration Carried
C. Duehay moved to Table Petition
Tabled 6/V

RECEIVED BY
OFFICE OF CITY CLERK
1992 JAN 14 PM 3:30
CAMBRIDGE MA.

MOTION FOR RECONSIDERATION SUBMITTED BY COUNCILLOR Duehay

January 14, 1992

Date

Councillor Duehay has notified the City Clerk of his intention to move reconsideration of the vote taken by the City Council on January 13, 1992 failing to pass to be ordained the proposed amendment to the Zoning Ordinances of the City of Cambridge on the petition of Robert Sheketoff, et al to rezone land in the North Massachusetts Avenue area.

Signature

Cal #1

Reconsideration filed by Councillor Duehay of the vote taken by the City Council on January 13, 1992 failing to pass to be ordained the proposed amendment to the Zoning Ordinances of the City of Cambridge on the petition of Robert Sheketoff, et al to rezone land in the North Mass. Avenue area.

In City Council,

January 27, 1992

1/27/92 Reconsideration Carried 6-3-0.

Councillor Duehay Tabled.

2/18/92 Placed on file due to expiration of time limit

C. C. 106

City of Cambridge

MASSACHUSETTS

In City Council Jan 13 199

C. Duehay moved Unfinished Bus. 3

	YEA	NAY	ABSENT	PRESENT	
Mr. Ed Cyr	✓				
Mr. Francis H. Duehay	✓				
Mr. Jonathan S. Myers	✓				
Mrs. Sheila T. Russell		✓			
Mr. Walter J. Sullivan		✓			
Mr. Timothy J. Toomey, Jr.	✓				
Mr. William H. Walsh		✓			
Ms. Alice K. Wolf	✓				
Mayor Kenneth E. Reeves	✓				
	6	3	0		

Failed of ordination - 7 votes being required

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

December 17, 1991

To the Honorable, the City Council:

SUBJECT: Planning Board Recommendation on the Sheketoff, et al Rezoning Petition. Business C-1 to Business A2

Recommendation

The Planning Board recommends adoption of the petition as filed.

Findings

1. The area subject to this petition was rezoned as part of the North Massachusetts Avenue Rezoning (the Laverty Petition) in 1986. At that time the area was in part a Business B District, with a floor area ratio (FAR) of 4.0 with no height limit imposed, and in part a Business A District with an FAR of 1.0 for commercial uses and 1.75 for residential uses. The respective Business A heights were 35 feet and 85 feet. The Laverty Petition, with the rezoning of the area to the newly created Business C-1 district, capped the height at 50 feet, reduced the commercial floor area ratio to 2.75, and retained the 3.0 floor area ratio for residential uses that existed in the Business B district.

2. The petitioners have indicated that this small area was inadvertently left out of the Herman, et al Petition which was adopted by the City Council in November. That rezoning affected the majority of the Business C-1 District in Trolley Square but left this small site unaffected. There is, in fact, no reason to treat this small area any differently than the other areas rezoned to Business A2 through the adoption of the Herman Petition; indeed, the area would really be an anomalous spot of Business C-1 in a long stretch of Massachusetts Avenue from Porter Square north which is now uniformly zoned Business A2.

3. The site as developed conforms to almost all requirements of the proposed Business A2 District including height and floor area ratio. There is, in fact, residual development potential on the affected lot on the order of 3500 square

feet of gross floor area. (see accompanying chart and diagram)

3. In fact, of the many possible development sites in the Trolley Square area presently or previously zoned Business C-1, this limited area is perhaps one of the least suited to higher density development as the commercial district is only one hundred feet wide and directly abuts low density residential development in a Residence B District. Indeed, part of the lot now used as a driveway serving the restaurant use is in the adjacent Residence B District.

4. The findings otherwise made for the Herman Petition generally apply to this proposed rezoning as well.

Public Hearing

A public hearing was held on the petition on November 19, 1991. Mr. Robert Shekatoff, representing the petitioners, indicated that this small area had been unintentionally left out of the Herman Petition, recently adopted by the City Council. It was suggested that the many reasons in support of the Herman Petition rezoning apply equally here. Mr. Steve Harrington, representing of Modern Continental, owners of the property principally affected by the petition indicated objection to the proposed change, suggesting that the proposal constitutes spot zoning. It was argued that the Herman Petition and this proposal should have been considered simultaneously.

Members of the Board inquired as to the extent to which the existing development on the site conformed to the requirements of the proposed district. At the hearing it was indicated by the property owner that the restaurant on the site had an FAR of 1.75 (upon subsequent investigation by the CDD staff, and confirmed by Modern Continental at a subsequent meeting, it was determined that the original FAR estimate was in error and that the actual FAR figure of ca. 0.75 was below that permitted in the proposed BA2 District, i.e. 1.0). The only other potentially nonconforming aspect of the building was determined to be the front yard setbacks. It was noted, however, that the Massachusetts Avenue Overlay District would permit total reconstruction as of right should the current building be totally destroyed. Modern Continental indicated that the twelve month time limit for that reconstruction would severely limit the usefulness of the provision.

Respectfully submitted for the Planning Board,

Paul Dietrich, Chairman

MARINO'S RESTAURANT SITE - Analysis of FAR

Residence B

Lot area ca.1900 s.f. x .5 FAR = 950 s.f. GFA

Proposed
Business A2

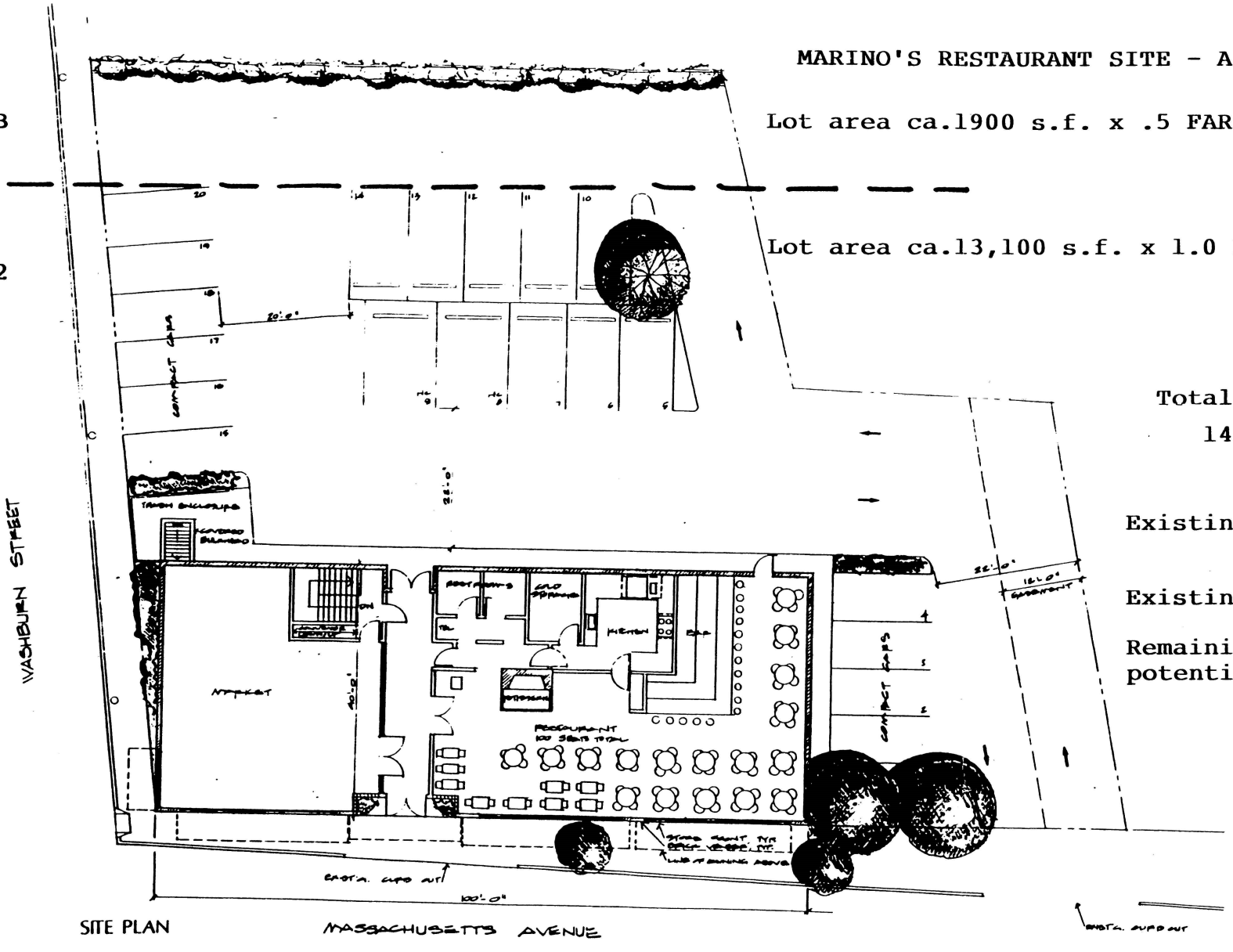
Lot area ca.13,100 s.f. x 1.0 FAR = 13,100 s.f GFA

Total Permitted GFA
14,050 s.f.

Existing GFA: 10,700 s.f.

Existing FAR: 0.76

Remaining development potential: 3,350 s.f.



SITE PLAN

MARKET / RESTAURANT
MODERN CONTINENTAL ENTERPRISES, INC.

7.

CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

January 13, 1992

To The Honorable, The City Council:

I am hereby transmitting the Planning Board's Recommendation on the Sheketoff, et al Rezoning Petition. Business C-1 to Business A2, for your consideration.

Very truly yours,

Robert W. Healy
City Manager

RWH/mev
attachment

CONSENT AGENDA # 7

Planning Board Recommendation on the Sheketoff, et al Rezoning Petition.

In City Council,

January 13, 1992

Referred to the petition

CAMBRIDGE DEPARTMENT OF PUBLIC THE WORKS

David A. Haley
Commissioner

147 Hampshire Street
Cambridge
Massachusetts 02139
617-349-4800

RECEIVED BY
OFFICE OF CITY CLERK
1992 JAN 13 PM 2:05
CAMBRIDGE MA.

TO: Joseph E. Comparton
City Clerk

FROM: David A. Haley
Commissioner

DATE: January 10, 1992

RE: Northern Massachusetts Avenue/ Sheketoff

The area of this petition is comprised of two lots, 184/159 and 184/160 with a total area of 12,384 square feet.

The Modern Continental Construction Co., Inc., owner of of both 184/159 and 184/160 has filed a protest.

100% of the petition area is owned by protesters.

Please call me if you need any additional information.

RECEIVED BY
OFFICE OF CITY CLERK
1992 JAN -8 AM 11:22
CAMBRIDGE MA.

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

December 17, 1991

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2. The petitioners have indicated that this small area was inadvertently left out of the Herman, et al Petition which was adopted by the City Council in November. That rezoning affected the majority of the Business C-1 District in Trolley Square but left this small site unaffected. There is, in fact, no reason to treat this small area any differently than the other areas rezoned to Business A2 through the adoption of the Herman Petition; indeed, the area would really be an anomalous spot of Business C-1 in a long stretch of Massachusetts Avenue from Porter Square north which is now uniformly zoned Business A2.

3. The site as developed conforms to almost all requirements of the proposed Business A2 District including height and floor area ratio. There is, in fact, residual development potential on the affected lot on the order of 3500 square

feet of gross floor area. (see accompanying chart and diagram)

3. In fact, of the many possible development sites in the Trolley Square area presently or previously zoned Business C-1, this limited area is perhaps one of the least suited to higher density development as the commercial district is only one hundred feet wide and directly abuts low density residential development in a Residence B District. Indeed, part of the lot now used as a driveway serving the restaurant use is in the adjacent Residence B District.

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Paul Dietrich, Chairman

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Proposed
Business A2

Lot area ca.13,100 s.f. x 1.0 FAR = 13,100 s.f GFA

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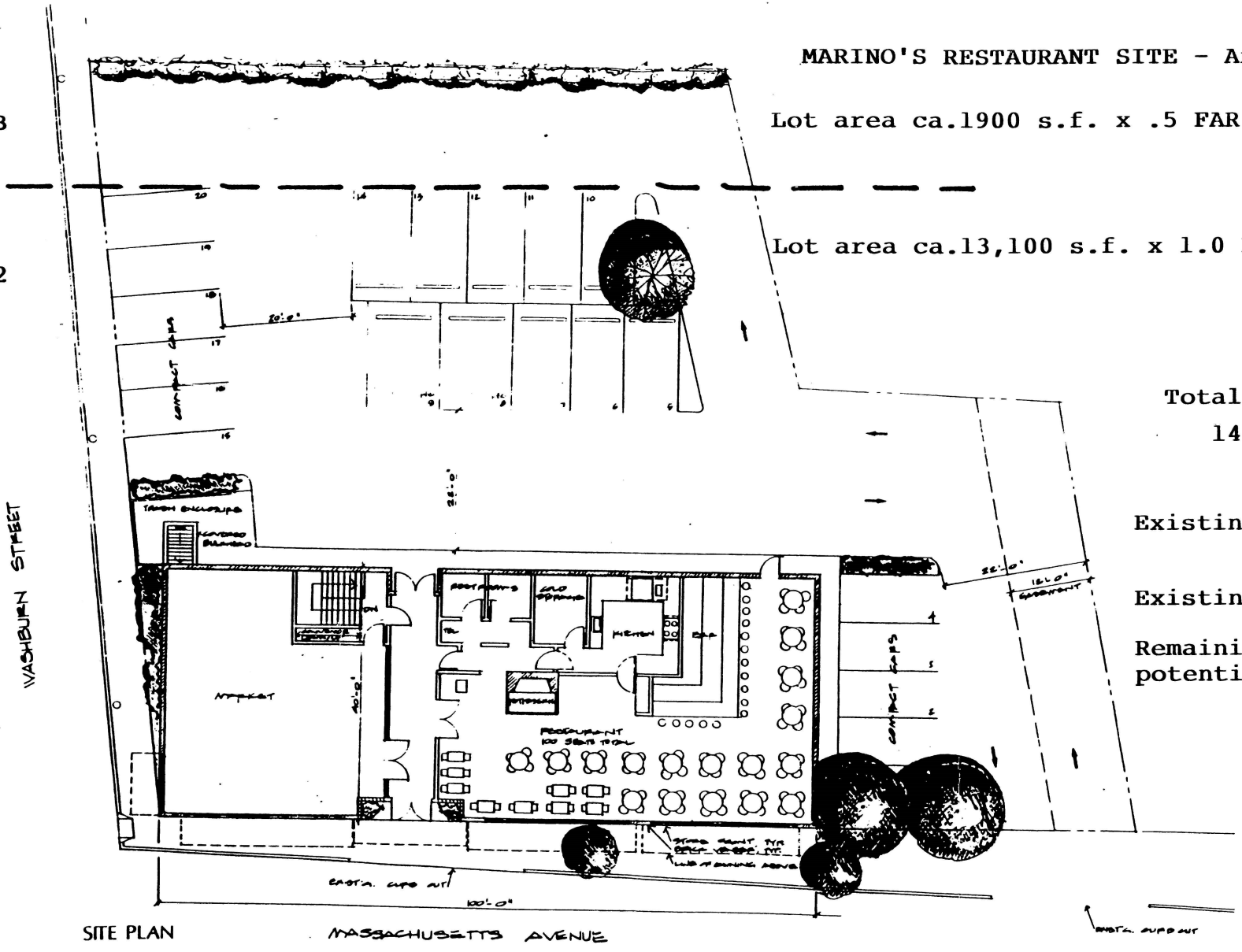
14,050 s.f.

Existing GFA: 10,700 s.f.

Existing FAR: 0.76

Remaining development potential: 3,350 s.f.



SITE PLAN

MARKET / RESTAURANT
MODERN CONTINENTAL ENTERPRISES, INC.

TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED: — TORT — MOTOR VEHICLE TORT — CONTRACT — EQUITABLE RELIEF — OTHER

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT CIVIL ACTION

MIDDLESEX, ss
[seal]

No. 91-8661

JOHN L. DANEHY, TRUSTEE, Plaintiff(s)

v.

CITY OF CAMBRIDGE, Defendant(s)

A TRUE COPY ATTEST
J. J. Shanahan
CONSTABLE OF BOSTON

RECEIVED BY
OFFICE OF CITY CLERK
1991 DEC 23 AM 8 55
CAMBRIDGE MA.

NOTICE TO DEFENDANT — You need not appear personally in court to answer the complaint but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's Office.

SUMMONS

To the above-named Defendant:

You are hereby summoned and required to serve upon Walter K. McDonough, plaintiff's attorney, whose address is Hinckley, Allen, Snyder & Comen, One Financial Center Boston, MA 02111-2625, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the comp aint in the office of the Clerk of this court at Cambridge either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Thomas R. Morse Jr., Esquire, at Robert L. Steadman Chief Justice

the 20th day of December

in the year of our Lord one thousand nine hundred and ninety-one

Edward J. Sullivan
Clerk

NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

PROOF OF SERVICE OF PROCESS

I hereby certify and return that on .....
19 .....,I served a copy of the within summons, together with a copy of the complaint in this action, upon the within-named defendant, in the following manner (See Mass. R. Civ. P. 4 (d) (1-5):

.....

.....

.....

.....

Dated: ..... 19 .....

N.B. TO PROCESS SERVER:
PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN THIS BOX ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.

(_____)
(12-23- 19 91)
(_____)

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX ss.

SUPERIOR COURT
DEPARTMENT
OF THE
TRIAL COURT
CIVIL ACTION
No.

JOHN L. DANEHY, TRUSTEE, Plff.

v.

CITY OF CAMBRIDGE, Deft.

SUMMONS
(Mass. R. Civ. P. 4)

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION NO.

91-8661

JOHN L. DANEHY, TRUSTEE
Plaintiff,

v.

CITY OF CAMBRIDGE,
Defendant.

MOTION FOR APPOINTMENT
OF SPECIAL PROCESS SERVER

Pursuant to Mass. R. Civ. P. 4(c), Plaintiff, John L. Danehy, respectfully requests that this Court appoint Blaustein & Witten, Constables, qualified and knowledgeable persons in the service of process, and/or any of its employees or servants as process server in the above entitled action.

The undersigned counsel swears to the best of his knowledge and belief, the person to be so appointed is at least 18 years of age and is not a party in this action.

1991 Dec. 20
Motion filed in Court
and allowed
(Volterra J.)
Acting Entitled
Deputy Asst Clerk

DEC 20 1991

JOHN L. DANEHY, TRUSTEE
By his Attorney,

Walter K. McDonough
BBO# 550430
HINCKLEY, ALLEN, SNYDER & COMEN
One Financial Center
Boston, Massachusetts 02111
(617) 345-9000

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION NO. 91-8661

JOHN L. DANEHY, TRUSTEE
Plaintiff

v.

CITY OF CAMBRIDGE,
Defendant

COMPLAINT

I. INTRODUCTION

Plaintiff John L. Danehy, Trustee, pursuant to M.G.L. c. 231A, §1, seeks a declaration that an amendment to the City of Cambridge zoning ordinance, adopted by the Cambridge City Council on November 4, 1991, is invalid due to the arbitrary and capricious nature of the decision, and the fact that adoption of this ordinance constitutes spot zoning.

II. PARTIES

1. Plaintiff John L. Danehy ("Mr. Danehy") is an individual with a residence at 2294 Massachusetts Avenue, Cambridge. Mr. Danehy is the duly appointed Trustee of the Junction Realty Trust, which is the owner of certain real property located at 2400 Massachusetts Avenue, Cambridge, Massachusetts (the "Property").

3. The City of Cambridge ("Cambridge" or "City") is a body

politic and corporate, incorporated under the laws of The Commonwealth of Massachusetts.

III. BACKGROUND FACTS

4. The Property is located in what is commonly known as the Trolley Square area of Cambridge.

5. On or about June, 1985, a local citizens group submitted a petition to the Cambridge City Council requesting an amendment to the Cambridge zoning ordinances, to establish a new series of zoning districts relative to the northern section of Massachusetts Avenue, including Trolley Square. The petitioners also sought to establish a new Massachusetts Avenue Overlay District in this area.

6. At this time, the Cambridge City Council requested the Cambridge Community Development Department to prepare, in conjunction with area residents and business representatives, a comprehensive land use and zoning study of the northern Massachusetts Avenue corridor for the area from the Cambridge Common to the Arlington line.

7. An urban design and land use study of the northern Massachusetts Avenue corridor was subsequently prepared for the Community Development Department by the consulting firm of Wallace, Floyd and Associates, with the assistance and input of an advisory committee of area residents and business owners (the "Comprehensive Land Use Study").

8. A fundamental conclusion of the Comprehensive Land Use Study was that the Trolley Square area constituted a distinct commercial node along Massachusetts Avenue, and that it should be zoned accordingly.

9. The Comprehensive Land Use Study served as the basis for a design guidelines handbook concerning development along northern Massachusetts Avenue, and for a revised rezoning petition for this area.

10. The Cambridge Planning Board subsequently recommended that the City Council adopt the revised rezoning petition; in doing so, the Planning Board stated that the petition was "a comprehensive document which makes many detailed changes in the zoning regulations along Massachusetts Avenue. Its basic objectives however seem clear and reflect a reasonable compromise between the desires of the closely abutting neighborhoods to minimize the negative impacts of additional development along the Avenue and the objectives of property owners to achieve a reasonable level of development and economic return on their property."

11. On or about October, 1986, the Cambridge City Council approved and adopted this comprehensive rezoning petition (the "1986 Comprehensive Rezoning"). As part of this comprehensive rezoning, the zoning designation for the Trolley Square area of Massachusetts Avenue, including the Property, was changed from

Business B to Business C-1. The 1986 Comprehensive Rezoning also established a new Massachusetts Avenue Overlay District.

12. Prior to the 1986 Comprehensive Rezoning, property in the Trolley Square area located in the Business B zoning district was subject to a floor area ratio of 4.0 for commercial development, with no imposed height or yard setback restrictions for such development.

13. The 1986 Comprehensive Rezoning of the Trolley Square area to Business C-1 reduced the commercial floor area ratio to 2.75, and imposed height limitations on buildings.

14. In or about 1990, in reliance on the zoning regulations that were applicable to the Property after the 1986 Comprehensive Rezoning, Mr. Danehy invested over $50,000 in planning a multi-million dollar development project at the Property, and in April, 1991 he proceeded to obtain a permit for commercial parking for the project, which project was a permitted use of the Property under the 1986 Comprehensive Rezoning.

15. In 1990, the North Cambridge Neighborhood Study Committee, another local citizens group, in conjunction with the Cambridge Community Development Department, prepared a report on the North Cambridge area, entitled the North Cambridge Neighborhood Study (the "1990 Study"). In the 1990 Study, the North Cambridge Study Committee recommended, inter alia, that the zoning designation of the Trolley Square area be changed from a

Business C-1 zoning district to a Business A-2 zoning district.

16. The Cambridge Community Development Department, which had participated in all facets of the 1986 Comprehensive Rezoning, however, expressly refused to endorse this recommendation to downzone Trolley Square "because Trolley Square was part of a comprehensive rezoning effort which was completed" just a few years earlier.

17. On July 24, 1991, Ms. Irene Herman and others filed a petition with the Cambridge City Council, to change the zoning designation of a portion of the Trolley Square area of Massachusetts Avenue from Business C-1 to Business A-2, a change that would greatly decrease the permitted density of commercial development in the area (the "Herman Petition").

18. The Herman Petition also proposed to change the zoning designation of a significant portion of the Property, as well as a number of other corner lots in the Trolley Square area, from Business C-1 to Residence B.

19. On or about October, 1991, a group of property owners with title to more than forty-two (42%) percent of the land in the Trolley Square area being rezoned, submitted a written protest to the Cambridge City Council, pursuant to M.G.L. c. 40A, § 5, stating their opposition to the Herman Petition.

20. On October 29, 1991, the Cambridge Planning Board endorsed the provisions of the Herman Petition concerning the

change in the zoning designation of a portion of the Trolley Square area, from Business C-1 to Business A-2. The Planning Board expressly refused, however, to endorse the rezoning of a substantial portion of the Property from Business C-1 to Residence B, finding "that such a rezoning would unnecessarily burden much of the site with a nonconforming status."

21. The Cambridge City Council adopted the Herman Petition in its entirety on November 4, 1991.

22. The different characteristics of Business A-2 district from the Business C-1 district include the following: (i) the commercial floor area ratio ("FAR") is restricted to 1.0; and (ii) front and side yard setback limitations exist that were not applicable in the former Business C-1 district.

23. All properties within the Trolley Square area were not included in the Herman Petition, and certain of the properties in the Trolley Square area retained the Business C-1 zoning designation.

24. In addition, a portion of the Property, which has always been commercially zoned since the inception of zoning in Cambridge, was changed to the Residence-B zoning designation, and is now zoned differently from the other portion of the Property.

25. As a direct and proximate result of the decision adopting the Herman Petition, the market value of commercial lots in the portion of the Trolley Square area affected by this ordinance has been sharply reduced.

26. As a direct and proximate result of the decision adopting the Herman Petition, Mr. Danehy is precluded from proceeding with the planned development of the Property, which was a permitted use of the Property under the 1986 Comprehensive Rezoning.

27. Between the time of the 1986 Comprehensive Rezoning and the adoption of the Herman Petition in 1991, there has been no significant change in the physical, social, or commercial nature of the Trolley Square area.

III. CAUSES OF ACTION

COUNT I -- Declaratory Judgment

28. Mr. Danehy repeats and realleges the allegations of Paragraphs 1 through 27, above, as if each were separately and specifically set forth herein.

29. Mr. Danehy and the City have a real dispute as to the validity of the decision adopting the Herman Petition and changing the zoning designation of the Property, since that decision has substantially limited the permissible uses of the Property and, accordingly, substantially decreased the value of the Property.

30. This Court has the power to make a binding declaration as to the validity of the City's actions in adopting the zoning revision on November 4, 1991.

31. The City's decision to adopt the zoning revision as set forth in the Herman Petition was arbitrary and capricious, in that there has been no change in the characteristics of the Trolley Square area since the 1986 Comprehensive Rezoning nor was a comprehensive plan for the area prepared, which would have justified the adoption of the Herman Petition.

32. In addition, the City's decision to adopt the zoning revision as set forth in the Herman Petition was arbitrary and capricious, in that similarly situated parcels within the same area received different zoning designations pursuant to that decision.

WHEREFORE, Mr. Danehy requests that the Court grant the following relief:

(1) That this Court make a declaration, pursuant to M.G.L. c. 231A, §1, that the action of the Cambridge City Council in changing the zoning designation a portion of real properties in the Trolley Square area from Business C-1 to Business A-2 was arbitrary and capricious, constituted illegal spot zoning and that this zoning ordinance is accordingly invalid;

(2) That this Court further declare that the rezoning of a portion of the Property, and other similarly situated property in Trolley Square, from Business C-1 to Residence B was arbitrary and capricious, constituted illegal spot zoning, and is therefore

invalid; and

(3) For such other and further relief as this Court deems just and proper.

Respectfully submitted,

JOHN L. DANEHY, Trustee

By his attorneys,

Robert F. Sylvia
BBO #491060
Walter K. McDonough
BBO #550430
Hinckley, Allen, Snyder & Comen
One Financial Center
Boston, Massachusetts 02111
(617) 345-9000

Dated: December 20, 1991

WP:McDONOUGH:DA036689:052507: .AA1 R4

CIVIL ACTION COVER SHEET

Trial Court of Massachusetts
SUPERIOR COURT DEPARTMENT
MIDDLESEX Division

DOCKET NUMBER

PLAINTIFF(S) John L. Danehy

DEFENDANT(S) City of Cambridge

ATTORNEY(S) FIRM NAME, ADDRESS AND TEL.) 345-9000
Robert F. Sylvia, Esq.
Hinckley, Allen, Snyder & Comen
One Financial Ctr., Boston, MA 02111
Board of Bar Overseers # (Required) 491060

ATTORNEY(S) (if known)

ORIGIN CODE AND TRACK DESIGNATION

Place an [X] in one box only:

- [X] 1. F01 Original Complaint
- [ ] 2. F02 Removal to Sup. Ct. c 231, s. 104 (F)
- [ ] 3. F03 Retransfer to Sup. Ct. c 231, s. 102C (X)
- [ ] 4. F04 District Ct. Appeal c231, s. 97 (X)
- [ ] 5. F05 Reactivated after Rescript; Relief from judgment/order (Mass. R Civ. P. 60 (X)
- [ ] 6. E10 Summary process appeal (X)

TYPE OF ACTION AND TRACK DESIGNATION (See Reverse Side)

CODE NO.	TYPE OF ACTION (specify)	TRACK	IS THIS A JURY CASE?
013	Declaratory Judgment	(F)	[ ] Yes [X] No

1. PLEASE GIVE A CONCISE STATEMENT OF THE FACTS: (Required in ALL Types of Actions)

Plaintiff seeks a declaration that a zoning ordinance adopted by the Defendant City is invalid since the decision adopting that ordinance was arbitrary and capricious.

2. IN A CONTRACT ACTION (CODE A) OR A TORT ACTION (CODE B) STATE, WITH PARTICULARITY, MONEY DAMAGES WHICH WOULD WARRANT A REASONABLE LIKELIHOOD THAT RECOVERY WOULD EXCEED $25,000:

3. PLEASE IDENTIFY, BY CASE NUMBER, NAME AND DIVISION, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT.

None

SIGNATURE OF ATTORNEY OF RECORD OR PLAINTIFF

DATE 12/20/91

OFFICE USE ONLY - DO NOT WRITE BELOW THIS LINE

DISPOSITION

A. Judgment Entered
- [ ] 1. Before jury trial or non-jury hearing
- [ ] 2. During jury trial or non-jury hearing
- [ ] 3. After jury verdict
- [ ] 4. After court finding
- [ ] 5. After post trial motion

B. No Judgment Entered
- [ ] 6. Transferred to District Court under G.L. c.231, s.102C.

Disposition Date _____

RECEIVED
BY:
DATE

DISPOSITION ENTERED
BY:
DATE

CCAI 5-TIS 005-5/88

CIVIL ACTION COVER SHEET

INSTRUCTIONS

TYPE OF ACTION AND TRACK DESIGNATION (See Reverse Side)

(A) = Average (F) = Fast (X) = Accelerated

Select only **one** of the following Types of Actions:

CONTRACT

A01 Service, labor and materials	(F)
A02 Goods sold and delivered	(F)
A03 Commercial Paper	(F)
A08 Sale or lease of real estate	(F)
A99 Other (specify)	(F)

REAL PROPERTY

C01 Land taking (eminent domain)	(F)
C02 Zoning appeal, G.L. c.40A	(F)
C03 Dispute concerning title	(F)
C04 Foreclosure of mortgage	(X)
C99 Other (specify)	(F)

MISCELLANEOUS

E02 Appeal from administrative agency, G.L. c.30A	(X)
E03 Action against Commonwealth or municipality, G.L. c.258	(A)
E04 Taxpayer suit, G.L. c.40 s.53	(A)
E05 Confirmation of arbitration awards, G.L. c.251	(X)
E06 Massachusetts Antitrust Act G.L. c.93	(A)
E07 c.112, s.12S (Mary Moe)	(
E08 Appointment of receiver	(
E09 General contractor's surety bond, G.L. c.149, §29, 29a	(
E11 Workman's Compensation	(X)
E13 Labor Dispute	(
E14 Chapter 123A Petition-SDP	(
E15 Abuse Petition, G.L. c.209A	(
E16 Auto Surcharge Appeal	(X)
E17 Civil Rights Act, G.L. c.12, §.11H-1	(A)
E99 Other (specify)	(

TORT

B03 Motor vehicle negligence - personal injury/property damage	(F)
B04 Other negligence - personal injury/property damage	(F)
B05 Products liability	(A)
B06 Malpractice - medical	(A)
B07 Malpractice - other (specify)	(A)
B08 Wrongful death, G.L.c.229, s2A	(A)
B15 Defamation (libel-slander)	(A)
B19 Asbestos	(A)
B99 Other (specify)	(F)

EQUITABLE REMEDIES

D01 Specific performance of contract	(A)
D02 Reach and apply, G.L. c.214, s.3(6)-(9)	(F)
D06 Contribution or indemnification	(F)
D07 Imposition of trust	(A)
D08 Minority stockholder's suit	(A)
D10 Accounting	(A)
D12 Dissolution of partnership	(F)
D13 Declaratory judgment, G.L.c.231A	(A)
D99 Other (specify)	(F)

TRANSFER YOUR SELECTION TO THE FACE SHEET.

EXAMPLE:

CODE NO.	TYPE OF ACTION (specify)	TRACK	IS THIS A JURY CASE?
B03	Motor Vehicle Negligence - Personal Injury	(F)	☒ Yes ☐ No

SUPERIOR COURT RULE 29

DUTY OF THE PLAINTIFF. The plaintiff or his counsel shall set forth, on the face sheet, a statement specifying in full and itemized detail the facts upon which the plaintiff then relies as constituting money damages. A copy of such civil action cover sheet, including the statement as to the damages, shall be served on the defendant together with the complaint. If a statement of money damages, where appropriate is not filed, the Clerk-Magistrate shall transfer the action as provided in Rule 29(5)(C).

DUTY OF THE DEFENDANT. Should the defendant believe the statement of damages filed by the plaintiff in any respect inadequate, he or his counsel may file with the answer a statement specifying in reasonable detail the potential damages which may result should the plaintiff prevail. Such statement, if any, shall be served with the answer.

A CIVIL ACTION COVER SHEET MUST BE FILED WITH EACH COMPLAINT.

FAILURE TO COMPLETE THIS COVER SHEET THOROUGHLY AND ACCURATELY MAY RESULT IN DISMISSAL OF THIS ACTION.

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

December 5, 1991

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

Dear Sir:

Enclosed you will find copies of three proposed amendments to the Zoning Ordinances of the City of Cambridge which were passed to a second reading at the City Council meeting held on December 2, 1991 as follows:

1. **Zoning amendment in the Kirkland Place area.**

2. **Zoning amendment in the North Massachusetts Avenue area.**

3. **Zoning amendment in Section 8.22.**

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

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Joseph E. Connarton

Joseph E. Connarton
City Clerk

JEC/dl

Encs. First publication numbers 2566, 2567 & 2568

c.c. Councillor Duehay, Chairman, Committee on Ordinances
Joseph Cellucci, Inspectional Services Commissioner
Birge Albright, Law Dept.

FIRST PUBLICATION NO. 2566.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-One

AN ORDINANCE

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

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

That the Zoning Ordinances of the City of Cambridge be amended by rezoning an area currently zoned Residential C-3 to Residential A-2 as shown on the Assessors' Plat #145, Lots numbered 39 and 45, odd numbers 11 through 13 Kirkland Place.

Passed to a second reading at the City Council meeting held on December 2, 1991 and on or after December 16, 1991 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton, City Clerk.

FIRST PUBLICATION NO. 2567.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-One

AN ORDINANCE

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

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

That the Zoning Ordinances of the City of Cambridge be amended by rezoning an area currently zoned ~~Business~~ C-1 to Business A-2 as follows:

1.01 An area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Massachusetts Avenue and the southwesterly extension of the centerline of Washburn Avenue;

1.02 Thence proceeding in a northeasterly direction along the centerline of Washburn Avenue to a point 100 feet distant from the northeasterly sideline of Massachusetts Avenue for a distance of approximately 125 feet;

1.03 Thence turning and proceeding in a southeasterly direction along a line 100 feet distant from, and parallel to, the northeasterly sideline of Massachusetts Avenue for a distance of approximately 120 feet to a point 100 feet distant from the northwesterly sideline of Gold Star Road;

1.04 Thence turning and proceeding in a southwesterly direction along a line perpendicular to the northeasterly sideline of Massachusetts Avenue and crossing that sideline at a point 120 feet from the northeasterly sideline of Gold Star Road and continuing to its intersection with the centerline of Massachusetts Avenue, a distance of approximately 150 feet;

1.05 Thence turning and proceeding in a northwesterly direction along the centerline of Massachusetts Avenue to the point of origin for a distance of approximately 125 feet.

2.00 Said area includes all or parts of the following parcels of land:

2.01 Premises shown on Assessor's Plat #184:

Lots #159 and #160; inclusive of 2467-2475 Massachusetts Avenue.

Passed to a second reading at the City Council meeting held on December 2, 1991 and on or after December 16, 1991 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton, City Clerk.

FIRST PUBLICATION NO. 2568.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-One

AN ORDINANCE

In amendment to the Ordinance entitled "Zoning Ordinances of the City of Cambridge."

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

That Section 8.22 in Article 8.000 entitled "Nonconformity" of the Zoning Ordinances of the City of Cambridge is hereby amended as follows:

8.22 As provided in Section 6, Chapter 40A, G.L. permits for the change, extension, or alteration of a pre-existing nonconforming structure or use may be granted in the following cases. Such a permit may be granted only if the permit granting authority specified below finds that such change, extension or alteration will not be substantially more detrimental to the neighborhood than the existing nonconforming use.

8.22.1 The following alterations, reconstructions, extensions, and/or enlargements of nonconforming structures, which do not result in a use for a substantially different purpose of for the same purpose in a substantially different manner or to a substantially greater extent than the existing use, shall be permitted after the issuance of a building permit by the Superintendent of Buildings.

a. Any conforming construction to a structure located on a lot which is nonconforming due to its lot size or lot width, but which meets the requirements of section 5.21.1.

b. Conforming construction where only the requirements of

Article 6.000 are nonconforming and where no change to those elements regulated by Article 6.000 are required or proposed.

c. Any construction occurring entirely within a structure including structural changes, provided there is no increase or additional violation of Article 5.000.

d. Relocation, enlargement or addition of windows, doors or similar openings to the exterior of a building provided the facade of the building upon which such relocation, enlargement or addition is occurring conforms to the yard requirements of Article 5.000, or faces a public street.

e. Demolition of a structure or portions of a structure which reduces the extent of an existing nonconformity, or does not increase or effect any nonconformity, and which does not result in a further increase in the extent of any other violation or create a new violation.

f. Conforming additions, under Article 5.000, to a structure not conforming to the requirements of Article 5.000 provided no nonconforming element or aspect of the nonconforming structure is extended

or increased and further provided that the nonconforming structure is not thereby increased in area or volume by more than ten (10) percent since the structure first became nonconforming.

g. Repair, reconstruction or replacement of any lawfully established non-conforming portions of a building including but not limited to porches, decks, balconies, bay windows and building additions, provided the repair, reconstruction or replacement does not exceed the original in foot print, volume, area or volume of the entire building.

*** h. Construction of a dormer or an addition to a nonconforming one or two family dwelling which will further violate the yard and height requirements of Article 5.000, but no other requirement of Article 5.000 including FAR, in the following cases:

1. A dormer or addition to the second story which does not extend beyond the existing first story of the structure.

2. A dormer on the third story no longer than 15 feet which does not extend beyond the existing second story not above the existing ridge line provided

the total linear length of all dormer on the third story of the building does not exceed fifteen (15) feet.

*** Section h paragraphs 1 and 2 were formally section 8.22 d paragraphs 1 and 2 of the ordinance except for the indicated changes.***

**** 8.22.2 The following changes, extensions, or alterations of a pre-existing nonconforming structure or use may be granted in the following cases after the issuance of a special permit. Such a permit shall be granted only if the permit granting authority specified below finds that such change, extension, or alteration will not be substantially more detrimental to the neighborhood than the existing nonconforming use.

a. In an Office, Business or Industrial district the Board of Zoning Appeal may issue a special permit for the alteration or enlargement of a nonconforming structure, not otherwise permitted in Section 8.22.1 above, or the enlargement (but not the alteration) of a nonconforming use, provided any alteration or enlargement of such nonconforming use or structure is not further in violation of the dimensional requirements in Article 5.000 or the

off-street parking and loading requirements in Article 6.000 for the district in which such structure or use is located and provided such nonconforming structure or use not be increased in area or volume by more than twenty-five (25) percent since it first began to be nonconforming.

b. In an Office, Business or industrial district the Board of Zoning Appeal may grant a special permit for the issuance of a certificate of occupancy for the occupancy of an existing building designed and built for nonresidential use by any use permitted as of right in a Business or Industrial district in Article 4.000 of this Ordinance, provided such new use will be carried out entirely within the existing building and provided the off street parking and loading requirements in Article 6.000 for the district in which such building is located will not be further violated.

c. In a Residence District the Board of Zoning Appeal may grant a special permit for the alteration or enlargement of a nonconforming structure, not otherwise permitted in Section 8.22.1 above, but not the alteration or enlargement of a nonconforming use, provided any enlargement or alteration of such nonconforming structure is not

further in violation of the dimensional requirements in Article 5.000 or the off street parking and loading requirements in Article 6.000 for the district in which such structure is located and provided such nonconforming structure will not be increased in are or volume by more than twenty-five (25) percent since it first began to be nonconforming.

8.22.3 Any alteration or enlargement or a nonconforming structure or of a nonconforming use not otherwise permitted in Section 8.22.1 and 8.22.2 above shall be a variance.

**** Sections 8.22.2 and 8.22.3 were formally sections 8.22 a, b, c, d, and e, except for those revisions so indicated. ****

Passed to a second reading at the City Council meeting held on December 2, 1991 and on or after December 16, 1991 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton, City Clerk.

FIRST PUBLICATION NO. 2567.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-One

AN ORDINANCE

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

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

That the Zoning Ordinances of the City of Cambridge be amended by rezoning an area currently zoned ~~Business~~ C-1 to Business A-2 as follows:

1.01 An area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Massachusetts Avenue and the southwesterly extension of the centerline of Washburn Avenue;

1.02 Thence proceeding in a northeasterly direction along the centerline of Washburn Avenue to a point 100 feet distant from the northeasterly sideline of Massachusetts Avenue for a distance of approximately 125 feet;

1.03 Thence turning and proceeding in a southeasterly direction along a line 100 feet distant from, and parallel to, the northeasterly sideline of Massachusetts Avenue for a distance of approximately 120 feet to a point 100 feet distant from the northwesterly sideline of Gold Star Road;

1.04 Thence turning and proceeding in a southwesterly direction along a line perpendicular to the northeasterly sideline of Massachusetts Avenue and crossing that sideline at a point 120 feet from the northeasterly sideline of Gold Star Road and continuing to its intersection with the centerline of Massachusetts Avenue, a distance of approximately 150 feet;

1.05 Thence turning and proceeding in a northwesterly direction along the centerline of Massachusetts Avenue to the point of origin for a distance of approximately 125 feet.

2.00 Said area includes all or parts of the following parcels of land:

2.01 Premises shown on Assessor's Plat #184:

Lots #159 and #160; inclusive of 2467-2475 Massachusetts Avenue.

Passed to a second reading at the City Council meeting held on December 2, 1991 and on or after December 16, 1991 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton, City Clerk.

FIRST PUBLICATION NO. 2567.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-One

AN ORDINANCE

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

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

That the Zoning Ordinances of the City of Cambridge be amended by rezoning an area currently zoned Business C-1 to Business A-2 as follows:

1.01 An area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Massachusetts Avenue and the southwesterly extension of the centerline of Washburn Avenue;

1.02 Thence proceeding in a northeasterly direction along the centerline of Washburn Avenue to a point 100 feet distant from the northeasterly sideline of Massachusetts Avenue for a distance of approximately 125 feet;

1.03 Thence turning and proceeding in a southeasterly direction along a line 100 feet distant from, and parallel to, the northeasterly sideline of Massachusetts Avenue for a distance of approximately 120 feet to a point 100 feet distant from the northwesterly sideline of Gold Star Road;

1.04 Thence turning and proceeding in a southwesterly direction along a line perpendicular to the northeasterly sideline of Massachusetts Avenue and crossing that sideline at a point 120 feet from the northeasterly sideline of Gold Star Road and continuing to its intersection with the centerline of Massachusetts Avenue, a distance of approximately 150 feet;

1.05 Thence turning and proceeding in a northwesterly direction along the centerline of Massachusetts Avenue to the point of origin for a distance of approximately 125 feet.

2.00 Said area includes all or parts of the following parcels of land:

2.01 Premises shown on Assessor's Plat #184:

Lots #159 and #160; inclusive of 2467-2475 Massachusetts Avenue.

Passed to a second reading at the City Council meeting held on December 2, 1991 and on or after December 16, 1991 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton, City Clerk.

CITY OF CAMBRIDGE

ASSESSING DEPARTMENT

INTEROFFICE CORRESPONDENCE

TO: Joseph E. Connarton, City Clerk

FROM: Sally Powers, Director of Assessment

SUBJECT: Written protest - North Mass. Ave. area

Date: November 21, 1991

In reply to your memo dated November 21, 1991, please be advised that we have, this day, forwarded to the Engineering Department the written protest to the above-referenced petition.

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

November 21, 1991

TO: SALLY POWERS
BOARD OF ASSESSORS

FROM: JOHN E. FLYNN JEF
DEPUTY CITY CLERK

SUBJECT: WRITTEN PROTEST TO THE PETITION OF ROBERT SHEKETOFF TO AMEND THE ZONING IN THE NORTH MASS. AVE. AREA.

Enclosed you will find two copies of the written protest received by this office regarding the rezoning petition for the North Mass. Avenue area..

Would you kindly certify this this parcel and forward same to the Engineering Dept. as soon as possible.

Your kind attention in this matter will be greatly appreciated.

THE MODERN CONTINENTAL CONSTRUCTION CO., INC.
2277 Massachusetts Avenue ▲ Cambridge, Mass. 02140 ▲ (617) 864-6300

November 20, 1991

City Council of the City of Cambridge
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Att: Joseph Connarton, City Clerk

RE: Petition to rezone premises shown on Assessors Plat #184: Lots #159 and #160; inclusive of 2467-2475 Massachusetts Avenue, Cambridge, Massachusetts

Dear Mr. Connarton:

The Modern Continental Construction Co., Inc. ("Modern Continental") is the sole owner of the land that would be rezoned by the above-referenced zoning petition, a copy of which is attached hereto. Said petition is commonly known as the Sheketoff Petition. In accordance with the provisions of M.G.L. c. 40A, § 5, Modern Continental hereby protests this proposed zoning change on the grounds that the change, if adopted, would be arbitrary and capricious, would impose substantial hardship, and would constitute illegal spot zoning.

Very truly yours,

THE MODERN CONTINENTAL CONSTRUCTION CO., INC.

By: C F Madden
Charles F. Madden
Its: Senior Vice President

wp[gos]mc110580-.aa4

wp:connolly:mc110749.ab2

Received at Hearing
on November 20, 1991

John E Flynn
Deputy City Clerk

AN EQUAL OPPORTUNITY EMPLOYER

C. C. 106

PUBLIC NOTICE

RELATIVE TO ZONING

City of Cambridge

MASSACHUSETTS

Office of the City Clerk

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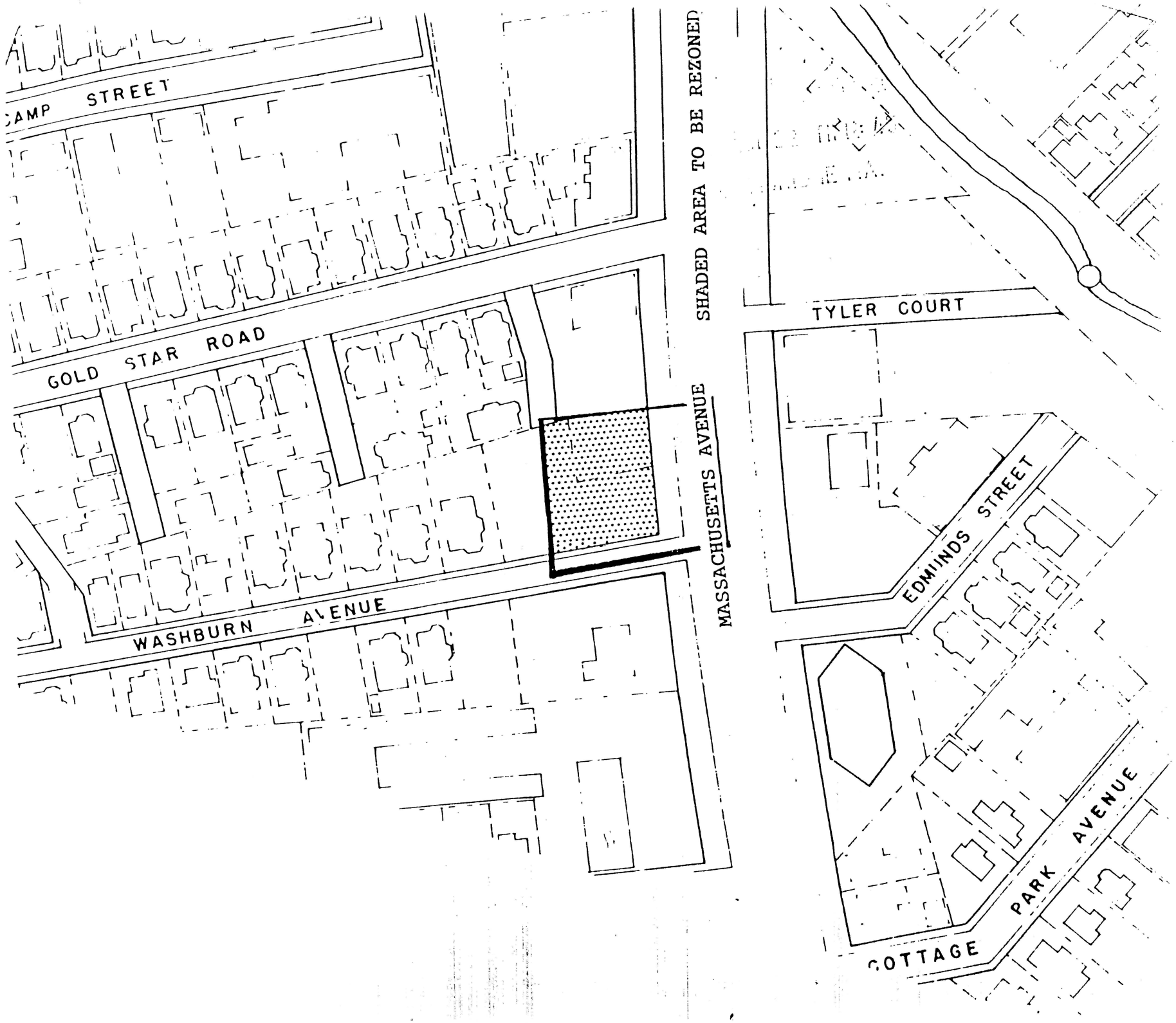
Copies of this petition are on file in the office of the City Clerk, City Hall, Cambridge, Massachusetts.

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

For the Committee,

Councillor Francis H. Duehay,
Chairman


CAMP STREET
GOLD STAR ROAD
WASHBURN AVENUE
MASSACHUSETTS AVENUE
SHADED AREA TO BE REZONED
TYLER COURT
EDMUNDS STREET
COTTAGE PARK AVENUE

CITY CLERK
2021 OCT 29 AM 8:29
CAMBRIDGE MA.

Northern Mass Ave Stabilization Companion Petition

We the undersigned respectfully petition the honorable, the City Council of the City of Cambridge, to help protect the residential neighborhoods of North Cambridge from inappropriate commercial development along Massachusetts Avenue by supplementing the zoning reforms of our prior petition (the "Herman Petition") with amendments to the Zoning Ordinance in conformance with the companion petition attached hereto.

Signature	PRINTED NAME	ADDRESS	PHONE
√ Robert Shekeloff	Robert Shekeloff	13½ Cedar St.	876-1585
√ Kathleen C. Leman	KATHLEEN LEMAN	2 NOTRE DAME AVE	864-5983
√ Nancy F. Winston	Nancy F. Winston	51 Harvey St.	864-5934
√ Irene Herman	Irene Herman	21 Cedar St.	354-1685
Madeline M. Rosatto	MADELINE ROSATTO	13 Cedar ST.	354-2582
Phyllis A. McCabe	Phyllis A. McCabe	11 Cedar St.	864-3023
√ Teresita Ayo	Teresita Ayo	8 ALBERTA TER	864-0152
√ Jeanne Fong	Jeanne Fong	13½ Cedar St.	876-1585
√ Nathaniel B. Cary	Nathaniel B. Cary	24-1 Alberta Ter. Camb	354-4066
√ Irene M. Herman	Irene M. Herman	21 Cedar St.	354-1685
√ Victoria Jane Brandon	Victoria Jane Brandon	27 Seven Pines Ave	864-3520
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√ Lynn Scovel Chester	Lynn Scovel Chester	24 Camp Street	497-1575
√ Wanda L. Chester	WANDA L. CHESTER	20 Camp St	354-0065

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

NORTHERN MASS AVE STABILIZATION "COMPANION" PETITION

FINAL AS FILED • 10/1/91

WHEREAS a certain portion of northern Massachusetts Avenue, sometimes called Trolley Square, is presently zoned Business C-1; and

WHEREAS concerned residents of North Cambridge filed, in July of 1991, a petition to change this portion from Business C-1 to Business A-2 zoning, said petition now in due process; but

WHEREAS the July petition did not describe the existing Business C-1 district in its entirety, inadvertently omitting certain lots and/or parts thereof from the description of affected properties;

NOW THEREFORE, we the Undersigned respectfully petition the Honorable, the City Council of the City of Cambridge, to perfect and complete the zoning change intended by the July petition, and to amend the Zoning Ordinance and Map by doing the following:

A Rezone an area currently zoned Business C-1 to Business A-2, said area defined as follows:

1.01 An area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Massachusetts Avenue and the southwesterly extension of the centerline of Washburn Avenue;

1.02 Thence proceeding in a northeasterly direction along the centerline of Washburn Avenue to a point 100 feet distant from the northeasterly sideline of Massachusetts Avenue for a distance of approximately 125 feet;

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Lots #159 and #160; inclusive of 2467-2475 Massachusetts Avenue.

— END OF PETITION —

C. C. 106

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RELATIVE TO ZONING

City of Cambridge

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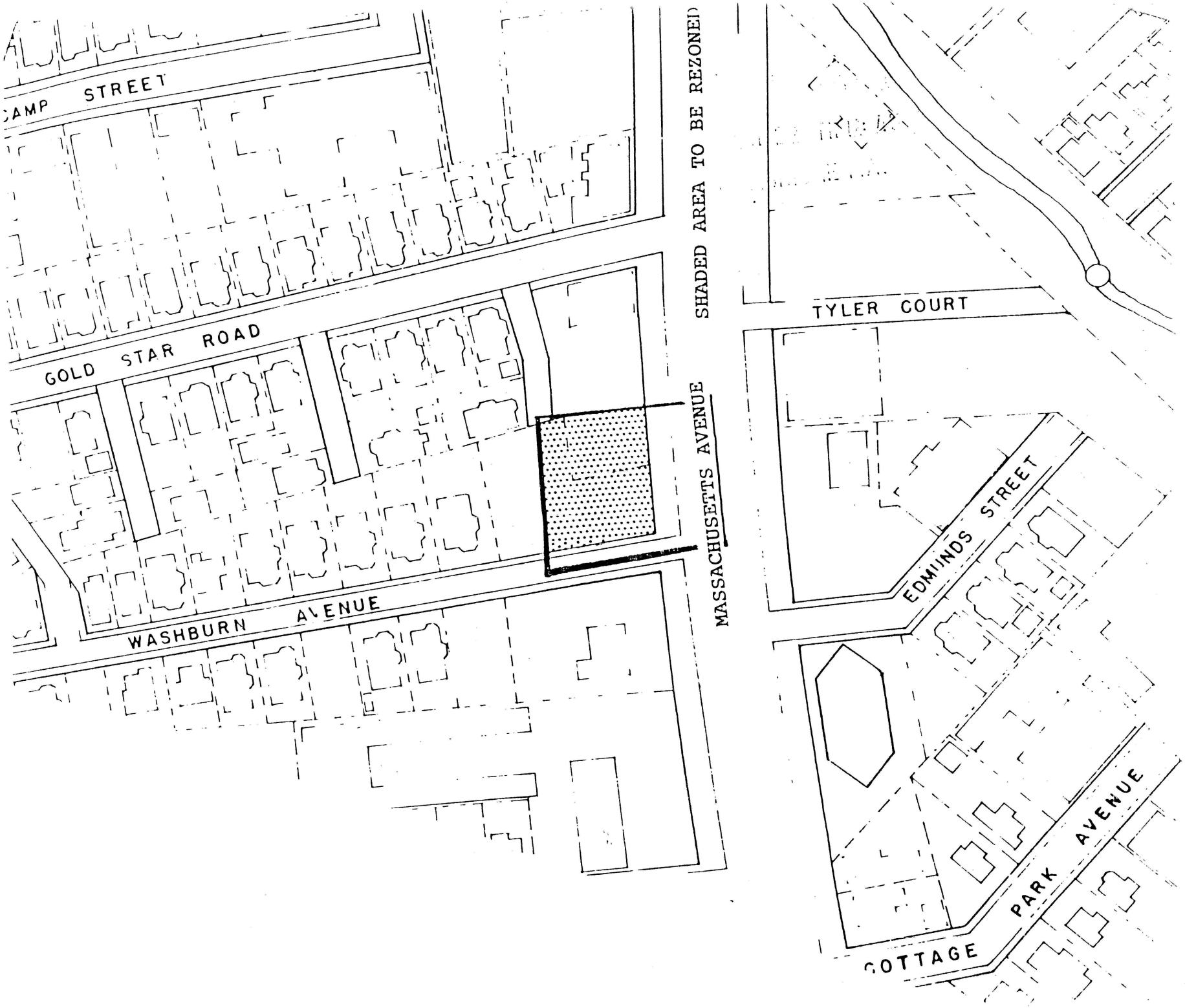
Copies of this petition are on file in the office of the City Clerk, City Hall, Cambridge, Massachusetts.

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

For the Committee,

Councillor Francis H. Duehay,
Chairman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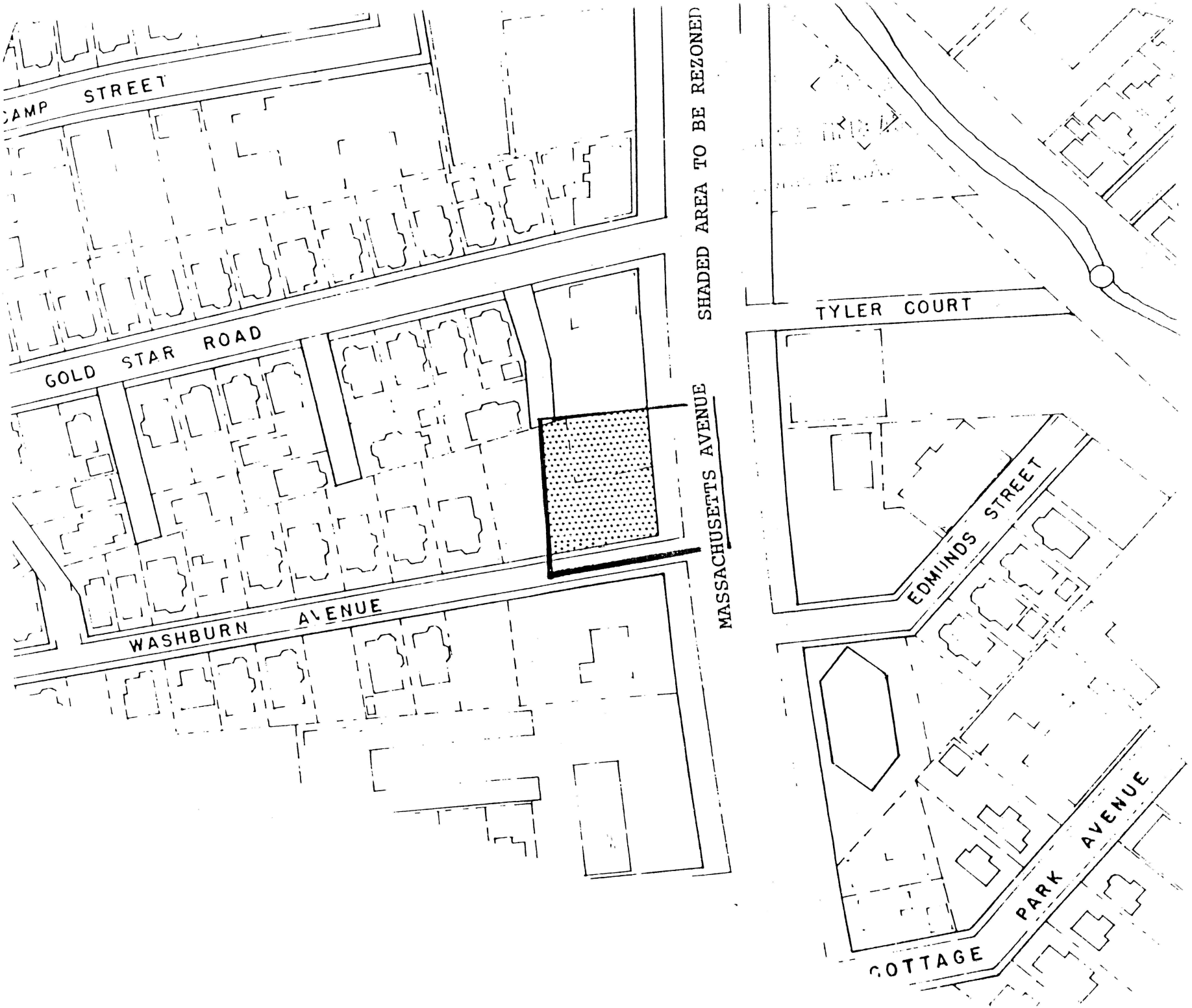
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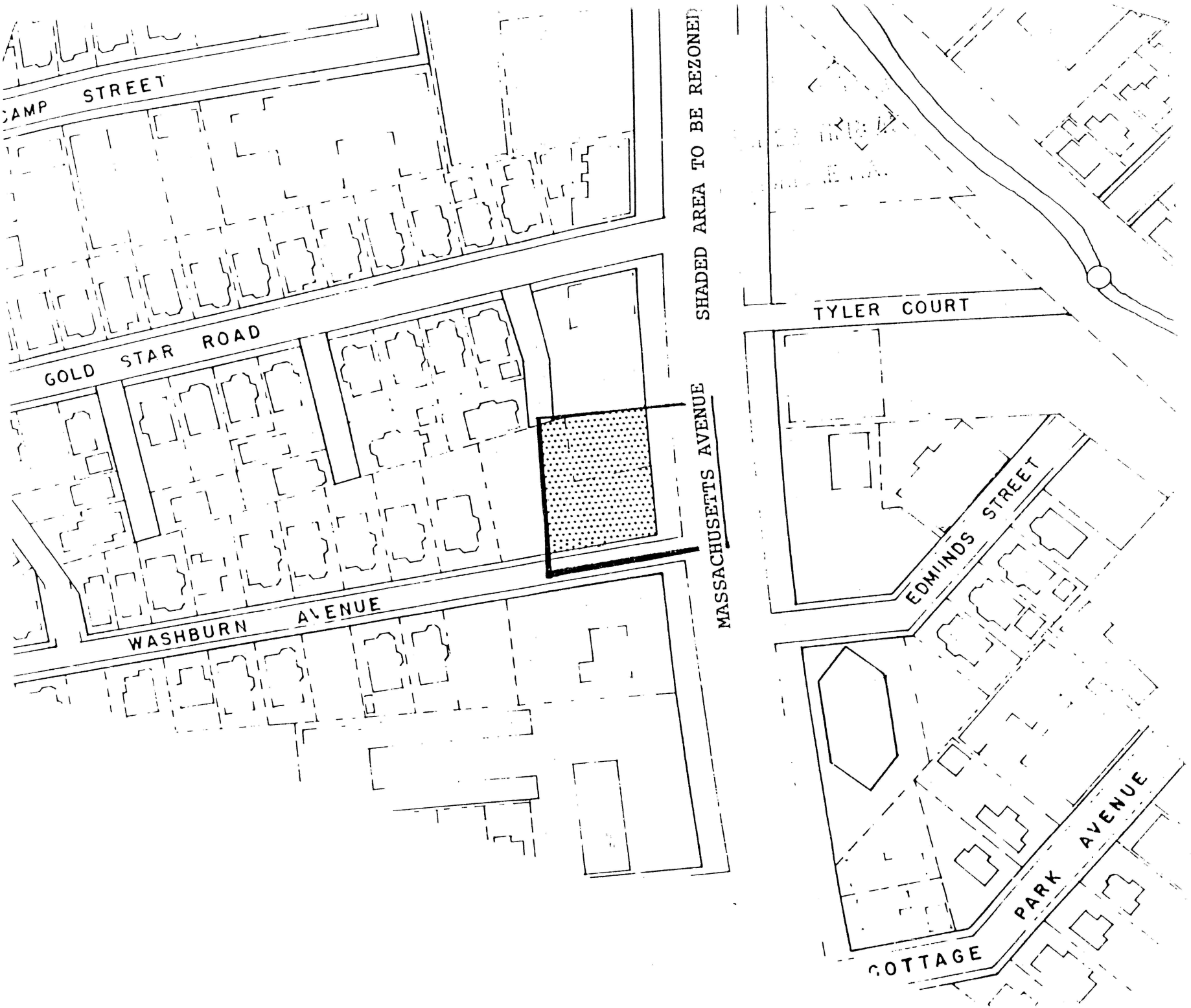
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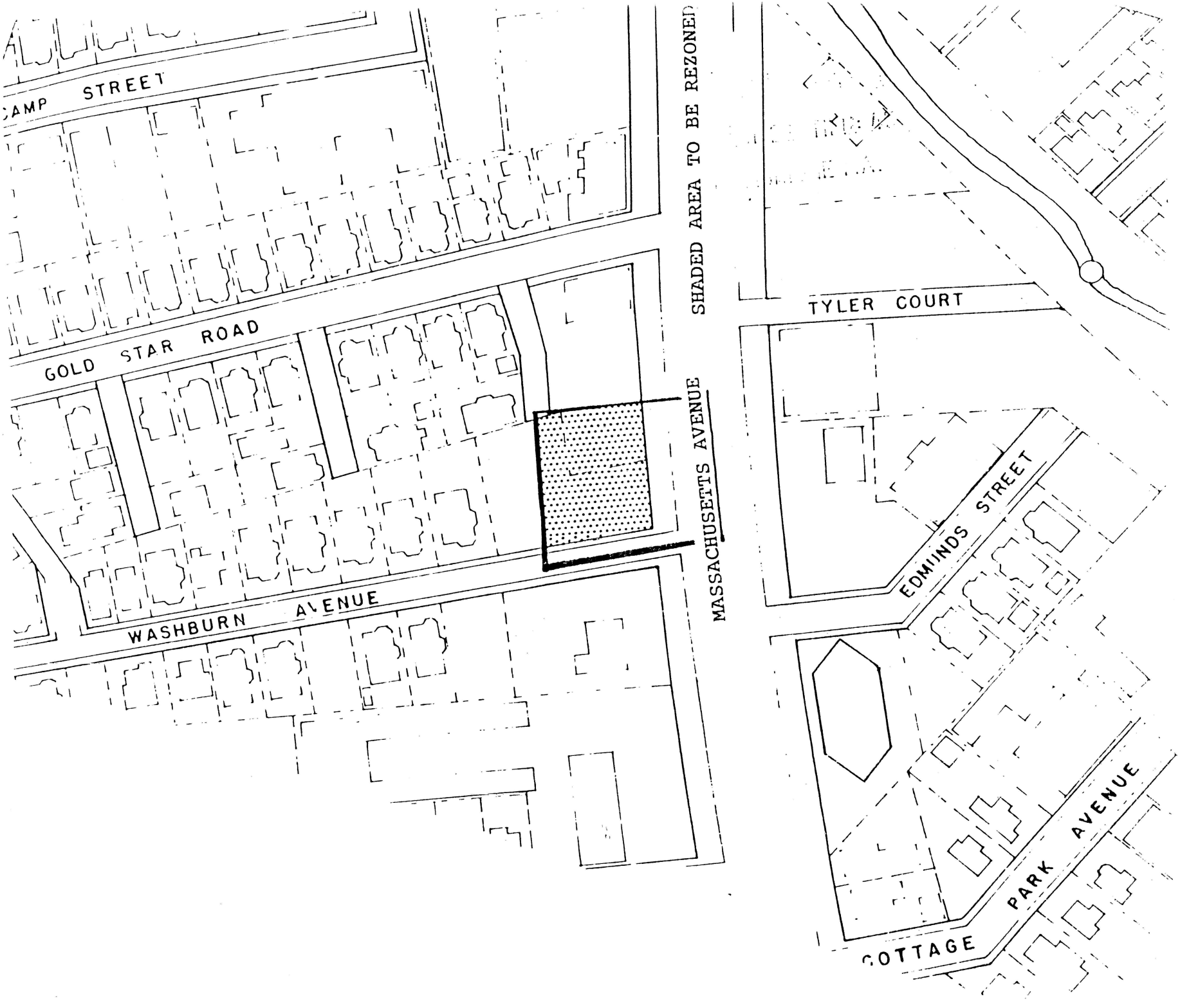
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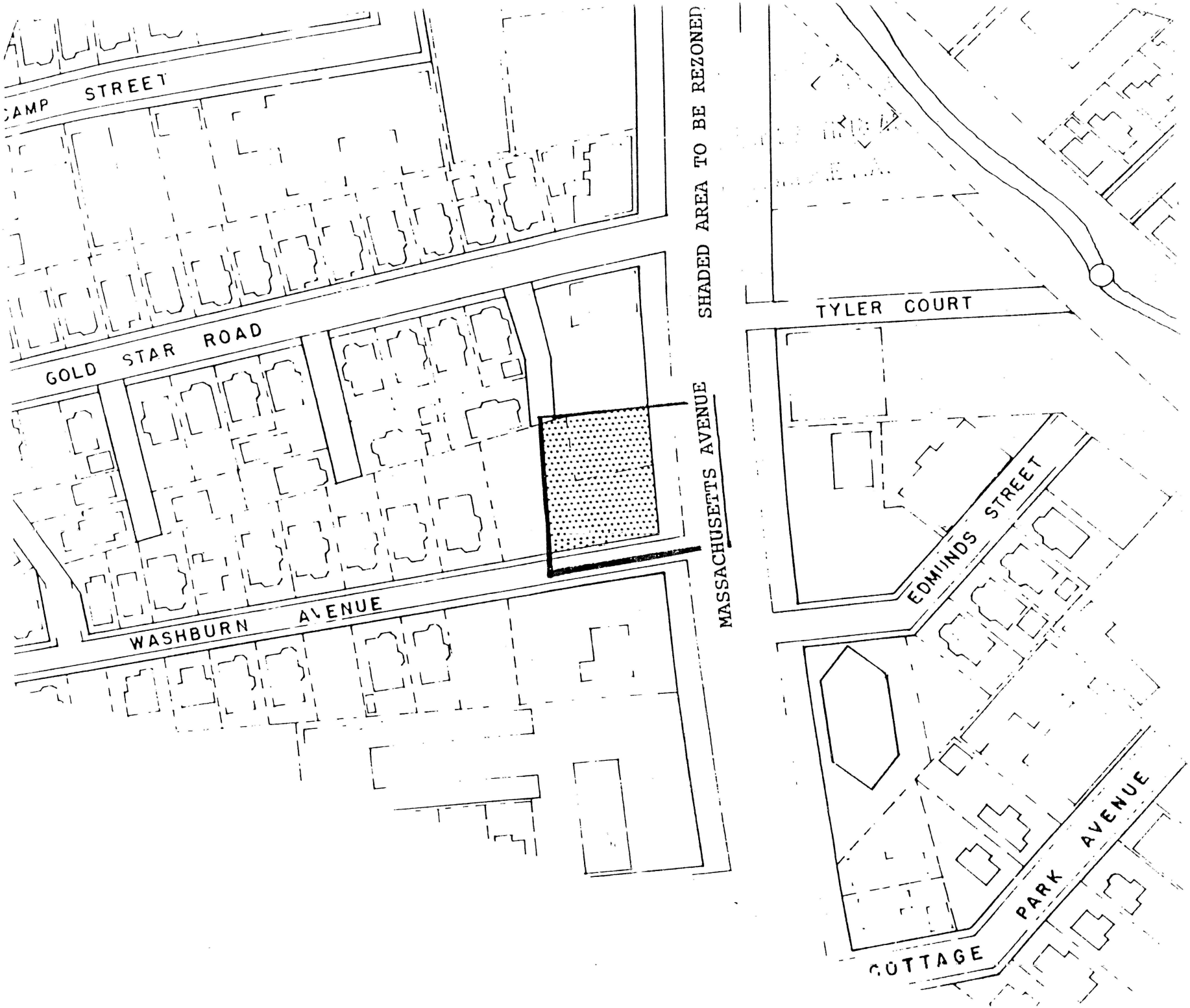
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CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF PUBLIC HEARING

The Planning Board of the City of Cambridge will hold a public hearing on Tuesday, November 19, 1991 at 7:30 p.m. at the Community Development Conference Room, third floor, City Hall Annex, 57 Inman Street, Cambridge, Massachusetts on a Zoning Petition by Robert Sheketoff, et al to amend the Zoning Map of the City of Cambridge by rezoning an area of North Massachusetts Avenue from the existing Business C-1 to Business A-2. This change would reduce the Floor Area Ratio from 3.0 to 1.75, of which up to 1.0 could be nonresidential uses in the portion to be rezoned to Business A-2; the maximum height allowed would decrease from 50 feet to 45 feet. Both of the Business Districts have further height restrictions when abutting residential districts. This petition would supplement the Herman, et al Petition. The rezoning area is shown on the accompanying map.

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Northern Mass Ave Stabilization Companion Petition

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

NORTHERN MASS AVE STABILIZATION "COMPANION" PETITION

FINAL AS FILED • 10/1/91

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WHEREAS concerned residents of North Cambridge filed, in July of 1991, a petition to change this portion from Business C-1 to Business A-2 zoning, said petition now in due process; but

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2.01 Premises shown on Assessor's Plat #184:

Lots #159 and #160; inclusive of 2467-2475 Massachusetts Avenue.

— END OF PETITION —

6. D-1

CONSENT COMMUNICATIONS

Petition received from Robert Sheketoff et al transmitting a proposed amendment to the Zoning Ordinances of the City of Cambridge to rezone land in North Mass. Avenue area; said petition would supplement the Herman petition.

2/18/92 Placed on file due to expiration of time limit

In City Council,

October 7, 1991

Referred to the Ordinance Committee and Planning Board for hearing & report
Copies sent to Ord. Comm. & P.B. 10/8/91 dc