



**PUBLIC NOTICE  
RELATIVE TO ZONING  
CITY OF CAMBRIDGE  
MASSACHUSETTS  
OFFICE OF THE CITY CLERK**

Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on Thursday, November 12, 1987 at 6:00 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on the petition of **Clifford A. Truesdell**, et al to amend the Zoning Ordinances of the City of Cambridge by striking out the designation Industrial B and inserting in place thereof the designation Industrial C insofar as it relates to the following named areas of land:

On Assessor's Plat #42, all or part of Lots #1, #86, #87, #5, #6, #7;

Beginning at a point said point being the intersection of the centerline of Portland Street and the centerline of Broadway; proceeding thence northwesterly 275 feet more or less along the centerline of Broadway to a point said point being the intersection of the centerline of Broadway and the southerly extension of the centerline of Market Street;

Proceeding thence northerly along the southerly extension of the centerline of Market Street and then along the centerline of Market Street 395 feet more or less to a point said point being the intersection of the centerline of Market Street and the centerline of Clark Street;

Proceeding thence easterly along the centerline of Clark Street 290 feet more or less to a point said point being the intersection of the centerline of Clark Street and the centerline of Hampshire Street;

Proceeding thence along the centerline of Hampshire Street southerly 580 feet more or less to a point, said point being the intersection of the centerline of Hampshire Street and the centerline of Portland Street;

Proceeding thence southwesterly along the centerline of Portland Street 200 feet more or less to the point of origin.

Copies of this petition are on file in the office of the City Clerk, City Hall, Cambridge, Massachusetts. All persons interested in this matter may appear at this time and be heard.

For the Committee,  
Councillor William H. Walsh  
Chairman

(C)Oct.22,29



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Proceeding thence northerly along the southerly extension of the centerline of Market Street and then along the centerline of Market Street 395 feet more or less to a point said point being the intersection of the centerline of Market Street and the centerline of Clark Street;

Proceeding thence easterly along the centerline of Clark Street 290 feet more or less to a point said point being the intersection of the centerline of Clark Street and the centerline of Hampshire Street;

Proceeding thence along the centerline of Hampshire Street southerly 580 feet more or less to a point said point being the intersection of the centerline of Hampshire Street and the centerline of Portland Street;

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Proceeding thence northerly along the southerly extension of the centerline of Market Street and then along the centerline of Market Street 395 feet more or less to a point said point being the intersection of the centerline of Market Street and the centerline of Clark Street;

Proceeding thence easterly along the centerline of Clark Street 290 feet more or less to a point said point being the intersection of the centerline of Clark Street and the centerline of Hampshire Street;

Proceeding thence along the centerline of Hampshire Street southerly 580 feet more or less to a point said point being the intersection of the centerline of Hampshire Street and the centerline of Portland Street;

Proceeding thence southwesterly along the centerline of Portland Street 200 feet more or less to the point of origin.

Copies of this petition are on file in the office of the City Clerk, City Hall, Cambridge, Massachusetts. All persons interested in this matter may appear at this time and be heard.

For the Committee,  
Councillor William H. Walsh  
Chairman.

(C)Oct.22,29



RECEIVED BY  
OFFICE OF CITY CLERK  
**CITY OF CAMBRIDGE**  
**INTEROFFICE CORRESPONDENCE**  
NOV 23 1987  
CAMBRIDGE MA.

**To** Joseph Connarton  
City Clerk

**Date** December 2, 1987

**From** Joan Lastovica JL  
City Engineer

**Reference** memo 11/19/87  
and xerox

**Subject** Clifford Truesdell, et. al

Attached is a list of properties mentioned in your 11/19/87 memo on the petition of Clifford Truesdell, et al. We have modified the presentation in accordance with your request.

Please note that in two out of four cases the Engineering Office cannot verify ownership based on information in the Assessor's books.

Please let me know if there is any additional information you require on the subject.

JL/st  
enc

CLERK'S REQUEST

ADDRESS	OWNER	BLOCK #	LOT #	AREA SQ/FT
191-203 Broadway	Gulf Oil Corporation % Cumberland Farms Real Estate Dept 777 Dedham St. Canton, Mass. 02021	42	87	30424
36 Hampshire St.	William P. Kostopoulos*	42	6	1782
205 Broadway	Tofias, Fleischman, Shapiro & Co. *	42	86	86747
161 Portland St. (Appears as 34 Hampshire St. in Assessor's Books)	Masters, Anthony J. & Regina A. Masters 161 Portland St. Cambridge, Mass. 02139	42	7	2374
GRAND TOTAL				121327

\*Engineering Office  
unable to verify  
ownership based  
on Assessor's Books



**CITY OF CAMBRIDGE**  
OFFICE OF CITY CLERK  
**INTEROFFICE CORRESPONDENCE**  
1987 DEC -1 AM 9:03  
CAMBRIDGE MA.

**To** Joseph E. Connarton, City Clerk

**Date** 11/30/87

**From** Joan Lastovica, City Engineer

**Reference** Your memo 11/19/87

**Subject** Petition of Clifford Truesdell, et al

Attached is a list of properties mentioned in your 11/19/87 memo on the petition of Clifford Truesdell, et al.

Please note that in two out of four cases the petitioner is not listed as the owner of record in the Assessor's Books.

Please let me know if there is any additional information you require on the subject.

JL/st  
enc

CLERK'S REQUEST

ADDRESS	OWNER	BLOCK #	LOT #	AREA SQ/FT
191-203 Broadway	Gulf Oil Corporation % Cumberland Farms Real Estate Dept 777 Dedham St. Canton, Mass. 02021	42	87	30424
36 Hampshire St.	ASSESSOR'S BOOKS DO NOT LIST PETITIONER, WILLIAM P. KOSTOPOULOS as owner of record Owner of Record Listed: Charles P. Kostopoulos 45 Coolidge Road Medford, Mass. 02155	42	6	NOT APPLICABLE
205 Broadway	ASSESSOR'S BOOKS DO NOT LIST PETITIONER, TOFIAS, FLEISCHMAN, SHAPIRO & CO. as owners of record Owners of Record Listed: Morningstar Ltd. Partnership 205 Broadway Cambridge, Mass. 02139	42	86	NOT APPLICABLE
161 Portland St. (Appears as 34 Hampshire St. in Assessor's plans)	Masters, Anthony J. & Regina A. Masters 161 Portland St. Cambridge, Mass. 02139	42	7	2374
GRAND TOTAL				32798

11/30/87

**Goldstein & Manello**  
Counsellors at Law

265 Franklin Street  
Boston, Massachusetts 02110  
Telephone 617 439-8900  
Telecopier 617 439-8988  
Telex 94 0476

The G&M Law Group  
with affiliated offices in  
Boston, MA  
Burlington, VT  
Kittery, ME  
Portsmouth, NH  
Providence, RI  
York, ME

Joseph B. Manello, P.C.  
Gerard D. Goldstein, P.C.  
Richard J. Snyder, P.C.  
Stephen M. Honig, P.C.  
Daniel M. Glosband, P.C.  
Carl K. King, P.C.  
Michael R. Brown  
Gary R. Greenberg, P.C.  
Michael J. Pappone, P.C.  
Anthony D. Martin, P.C.  
Robert Somma  
Andrew L. Eisenberg  
Robert B. Carpenter, P.C.  
Martin S. Allen, P.C.  
Douglas Mundell  
Rosemarie Sbaratta, P.C.  
Peter E. Litman  
Robert D. Cultice  
Jeffrey L. Musman  
F. Kingston Berlew  
Michael E. Meccas

Peter S. Brooks  
Gayle M. Merling  
Warren I. Green  
Janet E. Bostwick  
Michael Unger  
Natalie B. Choate  
Joseph S. Ayoub, Jr.  
Ralph K. Stone  
Jeffrey A. Bernfeld  
Michael F. Callahan  
George W. Mykulak  
Mark I. Fogel  
Gregory A. Falk  
Patrick A. Guida  
Mark A. Berthiaume  
John E. Ottaviani  
Louis J. Scerra, Jr.  
James A. Lightman  
Stephanie Pax Flanigan  
Jonathan L. Moll  
Charlotte Smith Murphy

Michael H. Riley  
John A. Kutz  
Peter M. Golemme  
Elliot K. Gordon  
Paul C. Bijkersma  
Carolyn J. Nygren  
Cheryl K. Nicholas  
Isaac Lyumkis  
Lawrence R. Kulig  
Lucy J. Gamon  
Barbara E. Hunt  
Stephen C. Filler  
Vicki L. Partnoy  
Gary A. Cohen  
Maura A. Murphy  
Caroline M. O'Brien  
Arthur L. Streeter  
Nancy C. Toscano  
Brooks S. Thayer  
Beverly A. Kogut

Of Counsel  
Joseph S. Ayoub, Sr., P.C.  
Richard B. Parker  
David P. Ulin  
Robert C. Horner

November 12, 1987

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

Re: Truesdell Rezoning Petition

Dear Mr. Connarton:

On or about September 17, 1987, Mr. Clifton Truesdell and others filed with you a request to amend the Zoning Map of the City of Cambridge by changing the designation of the area bounded by Broadway, Market, Clark, Hampshire and Portland Streets (consisting of lots numbered 1, 86, 87, 5, 6 and 7 on Assessor's Plat 42) from Industrial B to Industrial C.

This firm represents Tofias, Fleischman, Shapiro & Co, Limited Partnership ("Tofias") the owner/occupant of Lot 86 which comprises almost two-thirds of the land proposed to be included in the change. By this letter, Tofias makes written protest against such change in accordance with General Laws Chapter 40A, Section 5.

We understand that the owner of the other major parcel of affected land is also filing a written protest with you. We concur with the reasons we understand it will set forth in its

CAMBRIDGE MA.

1987 NOV 12 PM 4:44

# Goldstein & Manello

Counsellors at Law

Joseph E. Connarton, Clerk

November 12, 1987

Page 2

protest. We believe, however, that there are several reasons, more than the others, which compel the rejection of the petition.

It became very clear during the hearing before the Planning Board Tuesday evening that neither the petitioners nor the affected property owners want the petition adopted. Apparently H.J. Davis Development Corporation has an option to acquire the former Gulf service station site from Cumberland Farms. Apparently Davis began negotiations with some, but not all, of the neighborhood organizations concerning its plans for the parcel during the summer. Apparently the neighborhood representatives decided that the negotiations were not progressing to their liking and, in order to enhance their negotiating position, filed this petition seeking to effectuate the most drastic "down zoning" of the parcel possible under the Zoning Ordinance.

The tactics apparently worked, for at the Planning Board hearing the petitioners reported that they and the developer had reached agreement the prior evening to ask the Planning Board to take no action on the petition; that it was likely that given time, the petitioner and the developers would conclude an understanding and the petition would most likely be withdrawn. The petitioners specifically stated that they do not believe an Industrial C designation to be appropriate and suggested that the other less restrictive industrial designations ought to be considered.

Despite the fact that Tofias owns and occupies more than two-thirds of the area to be rezoned, and, as the owner of the parcel directly abutting residential property, and therefore subject to transitional requirements not affecting the Gulf site, would be the most negatively affected by any "down zoning", no one advised Tofias of the ongoing discussion, let alone included us in them. We submit that it is an abuse of the taxpayer petition process to hold our property "hostage" to extract concessions from a possible purchaser of the Gulf site.

It is also clear from the discussion at the Planning Board hearing that no one -- neither the petitioners, the developers, nor the City's planning department -- has carefully analyzed the impact of the proposed change on the affected parcels or the neighborhood.

An Industrial B district requires no side yard or rear yard setbacks. An Industrial B district requires significant side yard and rear yard setbacks for non-residential uses abutting residences or residential districts.

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November 12, 1987

Page 3

The change would also greatly increase the parking requirements. The minimum spaces required would almost double. The maximum spaces permitted before one must take the parking into account for purposes of calculating FAR would more than double.

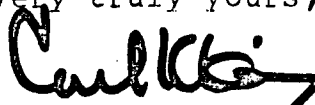
And, of course, the more apparent changes -- the reduction of FAR from 4.0 to 1.0 and the imposition of a forty-five foot height limitation -- have substantial impacts on the use of our property.

Five other, alternative industrial districts are available, each with its own characteristics. No one has carefully studied and compared the impact of any of them. No one has made a thoughtful determination of which might be more appropriate than either Industrial B or Industrial C.

Tofias acquired their property and relocated their offices to Cambridge two years ago in the belief that they had found a permanent home. The existing building meets their short term needs and the site permits expansion should it be needed long term. The adoption of the petition presently before City Council casts substantial doubt on their ability to remain in Cambridge over the long term.

: We respectfully request that the petition be rejected.

Very truly yours,



Carl K. King, P.C.

CKK:ess

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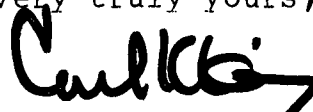
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We respectfully request that the petition be rejected.

Very truly yours,



Carl K. King, P.C.

CKK:ess

Attorney Slater stated he would file with the City Clerk a formal letter of protest pursuant to C. 40A, §5, M.G.L.A. on Friday, November 13, 1987.

Also speaking in opposition to the petition was Carl K. King, Esquire, representing "Tofias", a local business directly adjacent to the proposed development who filed a formal protest pursuant to C. 40A, §5, M.G.L.A. He stated the petition adversely effects his client.

Also speaking in opposition was Mr. Tracy Gallagher, the Business Manager of Tofias and Carl Olson, owner of the Sunoco Gas Station.

At this time, Councillor Sheila Russell moved the petition be referred to the full City Council without recommendation and to the Community Development Department for further review.

The motion - prevailed.

The hearing was adjourned at 7:16 p.m.

For the Committee,

Councillor William H. Walsh  
Chairman.

# City of Cambridge

---

In City Council November 16, 1987

The Ordinance Committee comprised of the entire membership of the City Council conducted a public hearing on Thursday, November 12, 1987 in the Sullivan Chamber, City Hall beginning at 6 p.m. The purpose of the hearing was to discuss the proposed amendment to the Zoning Ordinances as submitted by Clifford A. Truesdell, et al to rezone the land bounded by Portland Street, Broadway, Market Street and Clark Street.

Councillor William Walsh opened the hearing and asked the petitioner to begin his presentation. At this time the Committee heard from Mr. Clifford Truesdell of 29 Essex Street, who stated that he filed this petition on behalf of the Area 4 Neighborhood Association in an effort to prevent the construction of a high-rise office building at the corner of Portland Street and Broadway. He further stated the neighborhood is currently negotiating with the developer in an effort to reduce the scale of the building. Furthermore, he stated all the neighborhood association would like the Committee to do at this time was to refer the petition to the full City Council without recommendation and to leave it on the table until further notice.

Also speaking in favor of the petition was Mr. Ronald Jokum of 61 Hampshire Street, who stated he was in favor of downzoning.

Councillor Alice Wolf questioned why the petition was not for residential use but for a changed industrial use.

Mr. Truesdell responded by stating he felt a residential zone would be unfair to the developer.

Speaking in opposition to the petition were John Slater, Esquire, representing the H.J. Davis Company; Jan Nathman, Project Manager and John Davis, Principal of the firm. These individuals stated the petition constituted spot zoning and singled out their proposed development. Attorney Slater stated in response to Councillor Francis Duehay, that his client would be opposed to any change of zoning, since the current zoning law in effect allows for the proposed development to go forward. He further stated in response to Councillor Wolf that his client was and will continue to meet with the Area 4 neighbors.

Councillor Russell questioned why the South Side neighbors were not in negotiations with the developer.

Mr. Davis responded by stating he would be glad to meet with any legitimate groups in the area.

Councillor Russell also questioned whether or not the F.A.R. of 4.0 could be reduced.

Mr. Davis responded in the negative, stating it was important to the project viability.

4. O-58  
Calendar #18

# REPORT

**Committee on** Ordinances without recom-  
mendation on the petition of Clifford A.  
Truesdell, et al to rezone from Industrial  
B to Industrial C in the Portland St., Broad-  
way, Market St. & Clark St. area.

12/28/87

Placed on File  
Pursuant to Order # 2

copy of this Committee report with  
letter of transmittal sent to Michael  
Rosenberg, Community Development  
11/16/87 - copy within alk  
In City Council,

November 16, 1987

C. Russell

Report placed on the  
table - Copy to Community  
Development Department