

CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

May 30, 1991

Mr. Joseph Cellucci, Commissioner
Inspectional Services Department
831 Massachusetts Avenue
Cambridge, MA 02139

Dear Commissioner:

As you are undoubtedly aware the Planning Board petitioned the Land Court to be allowed to intervene in the ongoing appeal by residents of a special permit granted by the Board of Zoning Appeal for development at 2503 Massachusetts Avenue and 10 Clarendon Avenue (i.e. Midas Muffler Case #5819). The Court denied the request.

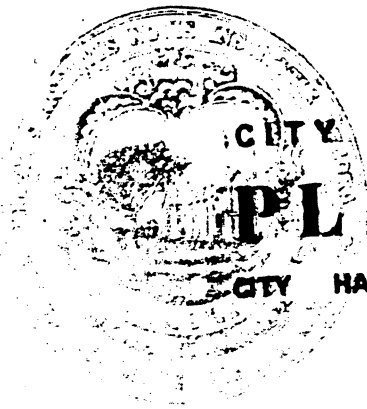
The Planning Board's interest was not in a challenge to the validity of the permit granted, as a BZA permit was clearly necessary, but rather to assert the Planning Board's jurisdiction to issue a special permit as well under the requirements of Section 11.108 of the Massachusetts Avenue Overlay District: the waiver of the use requirements of Section 11.106 and the design standards of Section 11.107 are the two most conspicuous examples. There is no authorization in the Zoning Ordinance which would permit the Board of Zoning Appeal to grant permits required from the Planning Board. Furthermore, each BZA decision explicitly cautions that all other requirements of the City of Cambridge must be met before authorization to proceed is granted.

There has been no action to date by the Board of Appeal or your office which would preclude the issuance of a further special permit by the Planning Board. Therefore the Board requests that, at the conclusion of the appeal and before the issuance of a building permit for any work on the site, the permittee be directed to apply for and secure a special permit from the Planning Board as required by the Massachusetts Avenue Overlay District. You will of course want to review the approved site plans and the applicable provisions of the Massachusetts Avenue Overlay District. Should you reach a different conclusion we would ask you to convey your thoughts to the Board in a timely manner. We do expect, however, that you will find the Planning Board's jurisdiction clear.

Sincerely,

Paul Dietrich, Chairman
Cambridge Planning Board

cc: Robert W. Healy, City Manager
Don Drisdell, Deputy City Solicitor



CITY OF CAMBRIDGE, MASSACHUSETTS PLANNING BOARD

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January 8, 1991

Regularly scheduled meeting of the City of Cambridge Planning Board. Partial minutes.

Board members present: Alfred Cohn, Clarence Cooper, Hugh Russell, David Kennedy, Acheson Callaghan, and Paul Dietrich

CDD staff present: Michael Rosenberg, Mary Flynn, Roger Boothe, Lester Barber, and Liza Malenfant

During the General Business portion of the meeting the Planning Board members present heard from Michael Brandon, 27 Seven Pines Road and Richard Clarey, 15 Brookford Road, discussing the Board of Zoning Appeal Case #5819 - 10 Clarendon Street. This case involved the granting of a special permit to construct a two story building with three garage bays for the expansion of an automobile use, Midas Muffler Shop, and for tandem parking in the setback requirement. Specifically the Planning Board was asked to participate in the pending lawsuit against the Board of Zoning Appeal for granting the special permit.

Mr. Brandon and Mr. Clarey outlined their view of the case; specifically that the special permit issued was at least inadequate in that a number of variances were required and that another special permit was required from the Planning Board as required by the North Massachusetts Avenue Overlay District. As some original parties to the suit had withdrawn, Mr. Clarey was asking the court to permit other parties to substitute for those who had withdrawn; the Planning Board was asked if they would allow themselves to one of the new objectors, as the Board would clearly have standing in the case.

The Planning Board voted unanimously to investigate the case; this investigation would cover the adequacy of the permits granted, as well as the requirements of the North Massachusetts Avenue Overlay District as applied to this site. Should the staff find merit in claims made by Messrs Clarey and Brandon they were authorized to request funding from the manager to permit the Board to hire its own council to take appropriate action. The motion was made by Mr. Cohen and seconded by Mr. Cooper, and unanimously adopted, to authorized the staff in consultation with Mr. Dietrich, to investigate the matter, seek permission from the Manager if warranted, and to proceed with appropriate action.



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

February 8, 1989

To: The Board of Zoning Appeal

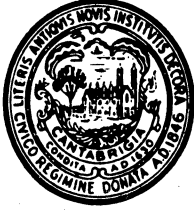
From: The Planning Board

Re: BZA cases 5819 - 5825

The Planning Board has a comment on the variance request from the Midas Muffler Shop, Case #5819. The Planning Board's position is to discourage automobile oriented uses on Massachusetts Avenue and the policy of the Board is not to grant non-residential uses in the residential zones.

The rest of the cases are left to the Board of Zoning Appeal without comment.

destituted at 2/26/96 meeting



EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

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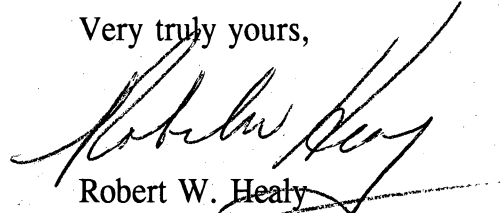
TEL. 349-4300
FAX. 349-4307

March 4, 1996

To The Honorable, The City Council:

The Planning Board, at their last meeting, requested that the following information from their files be forwarded to the City Council.

Very truly yours,



Robert W. Healy
City Manager

RWH/mec
attachments

Consent Agenda #15

Relative to a request by the
Planning Board to forward
information from their files
to the City Council.

S-88

In City Council March 4, 1996

Placed on File