

#31

City of Cambridge

MASSACHUSETTS

In City Council

Sept 9, 1985 1985*Refer to City - Council*

	YEA	NAY	ABSENT	PRESENT
Mr. Daniel J. Clinton	✓			
Mr. Thomas W. Danehy	✓ (2)	✓ (1)		
Ms. Sandra Graham		✓		
Mr. Alfred W. LaRosa		✓ (2)	✓ (1)	
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan		✓		
Mr. Alfred Vellucci		✓		
Ms. Alice K. Wolf	✓			
Mayor Duehay	✓			

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Robert A. Levite, Attorney at Law

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Somerville, Massachusetts 02143
Telephone (617) 625-2150

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CAMBRIDGE, MASS.

Jerome L. Aaron,
Of Counsel

September 5, 1985

Joseph Connorton
City Clerk
City of Cambridge
City Hall
Massachusetts Avenue
Cambridge, Massachusetts 02139

Dear Mr. Connorton:

In confirmation of our phone conversation this date, I am writing to formally request that the City Council take up consideration this coming Monday, September 9, 1985, of an Order previously issued by the Council on June 24, 1985, involving the granting of a Petition for Driveway of Marjorie Francis. The property involved is 160 Chestnut Street. Please refer to your Communication number 27.

I am formally requesting that the Council reconsider its vote of June 24, 1985, and rescind the Order instructing the Commissioner of Public Works to construct "driveways over sidewalks in front of estates upon the streets as hereinafter named, the expense thereof to be charged to the appropriation for Public Works Department, Paving (Edgestones and Sidewalks)."

As reasons for my request I offer the Council the following:

The Order of June 24, 1985 was issued upon the petition of Marjorie L. Francis, owner of 160 Chestnut Street. Ms. Francis was required to obtain written approval signatures from various city departments, including Public Works, Traffic and Parking, and Inspectional Services, as well as the Historical Commission and any current neighborhood associations.

Proper signatures were obtained from the necessary city departments and from the Historical Commission. A written request with the proposed order was forwarded to the Cambridgeport Planning Team and the Morse Neighborhood Council. No answer was submitted by either association and the order became final.

In order for the Inspectional Services Department to give its written approval for the installation of the proposed driveway, it would be necessary for the proposal to conform to current Cambridge zoning codes.

City of Cambridge Zoning Code Article 6, Section 6.434 provides that: "Driveways for off-street parking facilities shall comply with the following standards:

- (a) The minimum width for a one-way driveway shall be ten (10) feet."

Article 6, Section 6.441 further provides that: "Setbacks for on-grade open parking facilities shall be provided as follows:

- (a) No on-grade open parking space shall be located within ten (10) feet of that portion of a building wall containing windows of habitable or occupiable rooms at basement or first story...
- (b) Except for one, two, or three family dwellings existing at the time of the effective date of this ordinance or amendment thereto, no on-grade open parking space or driveway shall be located within five (5) feet of any side or rear property line."

When the petition of Ms. Francis was presented to the Department of Inspectional Services, it was accompanied by a small hand drawing depicting the building lay-out and the relevant measurements between the property line and the building. The drawing, a copy of which is attached, shows that the distance from the property line to the building is 14.5 feet. The nearest section of the building includes both basement and first story levels and is part of the habitable space of the building. There are windows in this section of the building wall.

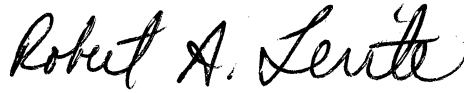
According to the Zoning Code sections quoted above, in order for a driveway to conform to the current Code, there must be at least twenty-five (25) feet of space between the property line and the nearest building wall. There is only approximately fourteen to fourteen and one-half (14-14 and 1/2) feet of space.

Even if the nearest building wall to the property line were not habitable space with windows at the basement or first story level, a minimum of fifteen (15) feet would be necessary to legally construct a driveway. There is not sufficient space between the property line and the building to meet this requirement.

In summary, the granting of the Council Order was made based upon a representation by the Inspectional Services Department that the driveway was legally permissible. Though the petition form does not specify that such is the requirement, there must be a presumption that any approval must be based upon the proposed driveway conforming to existing zoning codes. The proposed driveway clearly does not conform to existing code and the installation and use of such a driveway would pose a serious health and safety hazard to the residents of the building, to abutters and to pedestrians utilizing the public sidewalk.

I thank you for your cooperation in providing me with copies of the Council file. I would appreciate it if you could place this communication on the agenda for Monday, September 9, 1985.

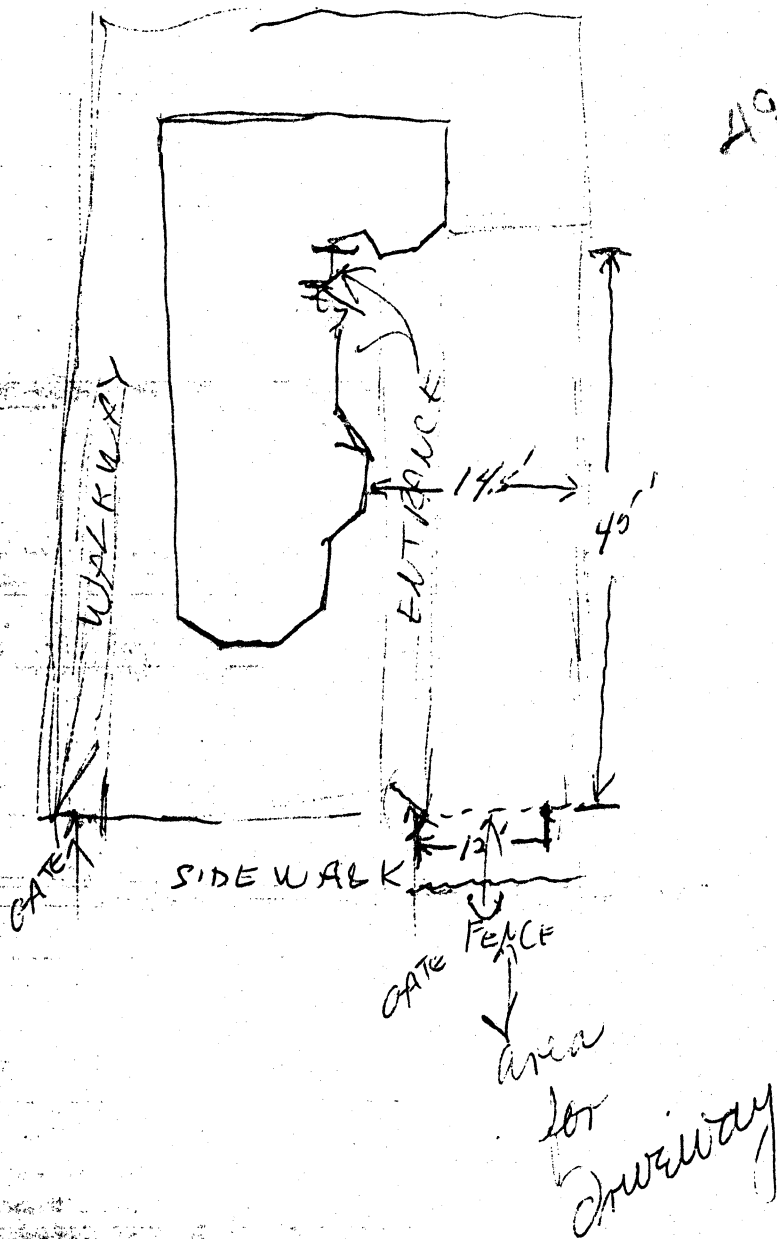
Very truly yours,

A handwritten signature in cursive script that reads "Robert A. Levite". The signature is written in dark ink and is positioned above the printed name.

Robert A. Levite

PROPOSED DRIVEWAY - 160 CHESTNUT ST.

491-8364



31.

W-67

Communication received from Robert A. Levite,
Esquire, requesting the City Council to
rescind the order granting a driveway permit
for Marjorie Francis for the premises number-
ed 160 Chestnut Street.

In City Council,

September 9, 1985

9/9/85

- Hearing Held -

See Order Adopted
By 5 to 4 vote
to refer the matter
to Comr for report
and recommendations

Copy sent to the Comr. 9/12/85
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