

SETTLEMENT AGREEMENT

1. This Settlement Agreement ("Agreement") is between the parties to the following four Civil Actions pending in Middlesex Superior Court (the "Four Civil Actions"), specifically: 1) in Donut Maker, Inc. and Elie Jammal v. Gadd, et al, C.A. No. 91-5262, between the plaintiff Elie Jammal ("Jammal") and the defendants Melvin Gadd, Susan Spurlock, Lisa Delima, Edward R. Goode and John Miller, members or former members of the Board of Zoning Appeal of the City of Cambridge (the "BZA"), and Susan Yanow, George Gibson, Marie Gibson, Kevin O'Keefe, Annmarie O'Keefe and Clifford Truesdell (the "Neighbors"); 2) in Michael Nicoloro v. Elie Jammal, et al, C.A. No. 93-0392, between the plaintiff Michael Nicoloro, former Acting Commissioner of the Department of Inspectional Services of the City of Cambridge ("Nicoloro") or the substituted plaintiff, Robert R. Bersani, Managing Director / Acting Commissioner of the Department of Inspectional Services of the City of Cambridge ("Bersani"), and the defendant Jammal; 3) in Elie Jammal v. City of Cambridge, C.A. No. 93-0589, between the plaintiff Jammal and the defendant City of Cambridge (the "City"); and 4) in Joseph Cellucci v. Elie Jammal, et al, C.A. No. 92-7412, between the plaintiff Joseph Cellucci, former Commissioner of the Department of Inspectional Services ("Cellucci") or the substituted plaintiff Bersani, and the defendants Jammal, Roger Farinha ("Farinha") and John A. Beshai ("Beshai").

2. Three of the Four Civil Actions were jointly referred by ~~the~~ Court, Lenk, J., to Mediation in the Middlesex Multi-Door Courthouse (the "Mediation") before Attorney Patricia S. Nelson

(the "Mediator"), C.A. Nos. 91-5262, 93-0392 and 93-0589. All parties to the Four Civil Actions desire to settle these cases, and have reached this Agreement as a result thereof. All parties to the Four Civil Actions agree to the following terms and conditions in settlement of these cases. It is understood and agreed by all parties that this Agreement provides for the settlement of disputed claims and does not constitute an admission of liability or wrongdoing by any party.

3. The parties agree to prepare and file with the Court in Nicoloro v. Jammal, C.A. No. 93-0392: 1) a joint motion to substitute Robert B. Bersani as plaintiff, for the plaintiff Nicoloro, and 2) a Stipulation of Dismissal Without Prejudice as to the Defendants Donut Maker, Inc. ("Donut Maker") and James Devellis ("Devellis"), only after execution by Donut Maker and the City Manager for the City of Cambridge or any of its departments, officers, agents, servants, representatives or employees (the "City") of an Indemnification Agreement in the form attached hereto as Exhibit "A" to this Agreement, under whose express terms Donut Maker hereby agrees to indemnify the City.

4. The parties agree to prepare and file with the Court in Cellucci v. Jammal, C.A. No. 92-7412: 1) a joint motion to substitute Robert R. Bersani as plaintiff for the plaintiff Cellucci, and 2) a Stipulation of Dismissal as to all claims and counterclaims, with prejudice, only after having obtained approval from the Department of Inspectional Services ("ISD") and the Architectural Access Board ("AAB") as to the property's compliance

with the Cambridge Zoning Ordinance (the "Zoning Ordinance"), the AAB's Regulations, 521 Code of Massachusetts Regulations 1.00 - 3.00, the State Building Code, and the Americans With Disabilities Act of 1990, 42 U.S.C. 12181, et seq. ("ADA") on all issues relating to handicapped access.

5. The parties agree to prepare and file with the Court in Donut Maker et al v. Gadd et al, C.A. No. 91-5262: 1) a joint motion to have the case remanded by the Court to the BZA, in order to expedite the placement of an application for a variance on the BZA's hearing agenda, which variance application will be prepared by Jammal pursuant to the terms of this Agreement; 2) an Agreement For Judgment between Donut Maker and the defendants as to the plaintiff Donut Maker, with prejudice, to be filed only after execution of the Indemnification Agreement referred to in Paragraph 3 above, Exhibit "A" hereto; and 3) in the event that the terms and conditions of this Agreement have not been complied with and all work at the property completed by the work completion date specified in Paragraphs 12-13 hereto, an Agreement for Judgment between Jammal and the defendants as to all defendants, with prejudice. Jammal further agrees to execute an Indemnification Agreement in the form attached hereto as Exhibit "B" to this Agreement, under whose express terms Jammal hereby agrees to indemnify the City.

6. All parties to Civil Actions No. 93-0392 and No. 93-0589 will execute and have filed in the Middlesex Superior Court a Stipulation of Dismissal as to all claims and counterclaims, with

prejudice, in each of those Civil Actions, after completion of the remaining terms and conditions of this Agreement.

7. Jammal will file a completed application with the City, by on or before June 15, 1994, for a curb cut of fifteen feet, to be placed at the northeast corner of Jammal's property, bounded by Prospect Street and located at a distance of five feet in from the northerly property line of Jammal's property. There will be signage posted on Jammal's property clearly directing that all traffic exiting the property must exit to the right only, up Prospect Street in a northerly direction. The City's Representative will work with the four City Departments which must approve the curb cut application before it is sent to the City Council, in order to facilitate obtaining their approval of the application. The City will make its best efforts to have the application placed expeditiously on the agenda for a City Council hearing by July 15, 1994. Jammal agrees to appear at that City Council hearing in support of the curb cut application, and to indicate his support of same to the City Council members. Jammal will talk to his neighbors and abutters and will make his best efforts to seek their support and approval of his application for the curb cut.

8. Jammal will file a completed application with the City, by on or before June 15, 1994, for a variance from the BZA to the ten foot back and side yard set back requirements where the subject building protrudes to house the enclosed entrance and the staircase to the second floor, and which will continue to include the

placement of either a handicapped lift or an elevator, and for a variance to the setback requirements pertaining to the landscaping screening along the Prospect Street side of the property, between the public sidewalk and the concrete curb bumpers to be placed and permanently tied down. The City's Representative will work with the ISD to facilitate complying with the public notice and other procedural requirements necessary to have the application for a variance placed on the BZA hearing agenda as expeditiously as possible, and will make its best efforts to have it on the agenda by on or before July 21, 1994. Jammal will talk to his neighbors and abutters to seek their support and approval of his application for the variance. Jammal agrees to appear at the BZA hearing in support of the variance, and to indicate his support of same.

9. Jammal will file with the ISD by on or before June 15, 1994 a Certified Plot Plan prepared and stamped by a Registered Land Surveyor, and Plans or Drawings prepared and stamped by a Registered Architect or Engineer, which will illustrate and detail the following improvements to the property in compliance with all applicable Federal, State and Local laws, rules, building regulations or ordinances, including but not limited to the State Building Code, the AAB Regulations, the ADA, and the Zoning Ordinance:

a) the addition of an elevator or handicapped lift for handicapped access to the second floor of the building, and if said addition creates a further setback violation, this addition will be included in the above referenced application for a building permit

from the ISD and the application for a variance to the BZA;

b) the expansion of the concrete platform in front of the Broadway entrance to the commercial space now occupied by Donut Maker (the "Donut Maker space") to a size of not less than sixty inches by sixty inches (60" x 60");

c) the expansion of the sidewalk running along the Prospect Street side of the building, between the vacant commercial space currently accessed by a handicapped ramp, railing and platform, and the Donut Maker space, to a width of not less than forty-eight inches (48"), with concrete curb bumpers to be placed and permanently tied down to the pavement between the parking area and the sidewalk so that no portion of a parked vehicle will protrude into the forty-eight inch (48") sidewalk;

d) concrete curb bumpers to be placed and permanently tied down to the pavement at the edge of Jammal's property along the Prospect Street public sidewalk from the southeast corner to the northeast corner of the property, with the addition on Jammal's property along that same property line, between the public sidewalk and the parking area, of landscape screening in an area of not less than sixteen inches (16") wide, which landscaping area will consist of evergreen shrubs and/or evergreen rhododendrons of at least two feet (2') high, and which landscaping area will be maintained and kept free from debris by Jammal's landscaping contractor pursuant to a maintenance contract;

e) landscaping in an area of not less than five feet (5') wide, along the entire length of the southern boundary of Jammal's

property, from the southeast property line to the southwest property line, except for an area for the placement of a walkway of not less than forty-eight inches (48") wide running across the landscaping area from the public sidewalk on Broadway to the concrete platform in front of the entrance to the Donut Maker space, which landscaping area will include shrubs or bushes of at least two feet (2') high, ground surface cover, and at least two small trees, and which landscaping area will be maintained and kept free from debris by Jammal's landscaping contractor pursuant to a maintenance contract;

f) repairs to the public sidewalk surface next to Jammal's property from the southeast property line to the southwest property line along Broadway, with the addition of a handicapped curb cut for wheelchair access from the sidewalk to Broadway within ten feet (10') of the southwest corner of the intersection of Broadway and Prospect Street; and

g) lines or other permanent markings on the pavement to indicate the placement of all parking spaces to be provided at the site, with drainage and lighting on the parking area from the building or lamp-posts on Jammal's property that complies with both the Zoning Ordinance and the State Building Code.

10. Jammal agrees to file a completed application with the ISD, by on or before June 15, 1994, for a building permit in order to carry out his obligations under this Agreement, and to prepare and file therewith: i) an affidavit signed by himself which details the changes and improvements to be done at the property as set

forth in Paragraph 9, above, or a signed copy of this Agreement in lieu thereof; ii) a Plan of Access for the second floor to the premises; and iii) a Parking Plan for the property. Jammal further agrees to apply to the Cambridge Interim Parking Commission Committee (the "IPCC") for approval of the parking plan, by on or before June 15, 1994. The City's Representative will work with the City's Department of Traffic and Parking to facilitate obtaining approval of the application, and will make its best efforts to have the application placed on the IPCC's hearing agenda as expeditiously as possible. Jammal agrees to appear at the IPCC hearing in support of the parking plan, and to indicate his support of same.

11. The Neighbors agree to make their best efforts to appear at the City Council hearing in support of the curb cut application, at the BZA hearing in support of the BZA variance, and at the IPCC hearing in support of the parking plan. In the event that any of the Neighbors cannot attend any of these hearings, he or she agrees to submit a detailed letter indicating full support of these applications to the appropriate authorities prior to the hearing.

12. Jammal agrees that upon receiving a) the building permit; b) the variance; c) the curb cut approval; and d) IPCC approval of the parking plan, he will immediately have his contractor or builder commence the improvements set forth in Paragraph 9, above, and to have all such improvements (with the exception of the handicapped lift or elevator) completed by not later than six weeks after the date of whichever of the building permit, the variance,

the curb cut approval or IPCC approval of the parking plan he receives last, or the expiration of any appeal period pursuant thereto (the "work completion date"), unless Jammal is prevented from completing the improvements and his obligations under this Agreement by an Act of God. Upon the completion of all such improvements and a satisfactory inspection by the ISD, a temporary certificate of occupancy for the Donut Maker space will issue from the ISD within ten days.

13. Jammal agrees to diligently proceed with his obligations under the terms of this Agreement, and to have all such applications, petitions, improvements to the property and any other promised tasks or work under this Agreement, with the sole exception of the handicapped lift or elevator, completed by no later than the work completion date specified in Paragraph 12, above, and further agrees that a final Stipulation of Dismissal in Civil Actions No. 93-0392 and No. 93-0589 will not be filed with the court until all such obligations have been fulfilled and all such work completed, including the installation of the handicapped lift or elevator, as contemplated by the terms of this Agreement. As to the handicapped lift or elevator, Jammal agrees to pursue his application to the AAB for a variance for the second floor access diligently, and to provide ISD with a copy of the completed variance application when submitted to the AAB. The handicapped lift or elevator will be fully installed by no later than fourteen weeks after variance approval is received from the AAB. After a satisfactory inspection by ISD and/or any other authorized

inspection agency, a certificate of occupancy for the second floor space will issue from the ISD within ten days.

14. In the event that all obligations have not been fulfilled and all work completed pursuant to the terms of this Agreement by on or before the dates specified in Paragraphs 12 - 13, above, the City of Cambridge and its agents, servants or employees will revoke any and all building permits, curb cut and parking plan approvals, variances and certificates of occupancy granted pursuant to the terms of this Agreement, and hereby reserves all legal rights and remedies it may have against Jammal, Farinha and Beshai for violations of the Zoning Ordinance, the State Building Code, the AAB and the ADA, and any other applicable federal, state or local laws, rules, regulations, or ordinances.

15. Jammal agrees and understands that all improvements to the subject property or obligations performed pursuant to this Agreement are subject to any and all applicable Federal, State, and Cambridge laws, rules, regulations or ordinances, and further understands and agrees that this Agreement in no way precludes the City of Cambridge, the Commonwealth of Massachusetts, or the United States from enforcing any violations of any such applicable laws, rules, regulations or ordinances in the future. Jammal represents and the City's ISD recognizes, to the best of its knowledge, that the work to be done at the property by Jammal and all plans and applications to be filed by Jammal will be in compliance with the Zoning Ordinance, the State Building Code, the AAB Regulations and the ADA.

16. Jammal agrees to have his contractor maintain a clear and shovelled passageway in the winter months, or whenever there is snow or ice, on the public sidewalks which abut the length of his property lines along Broadway and Prospect Street, pursuant to a maintenance contract.

17. Jammal agrees to make a total contribution to the Area Four Youth Center of Ten Thousand Dollars (\$10,000.00), which contribution will be made in accordance with the following payment schedule: 1) Five Thousand Dollars (\$5,000.00) to be paid by July 15, 1994; 2) One Thousand Six Hundred Sixty Six Dollars and Sixty Seven Cents (\$1,666.67) to be paid by July 15, 1995; and 3) Two equal payments of One Thousand Six Hundred Sixty Six Dollars and Sixty Six Cents (\$1,666.66), to be paid on July 15, 1996 and on July 15, 1997.

18. The parties agree that this Agreement will be governed by the laws of the Commonwealth of Massachusetts.

19. If any provision of this Settlement Agreement or the application of it to any party is declared void, illegal, or unenforceable, the remainder of this Settlement Agreement shall be valid and enforceable to the extent permitted by the applicable law. In such event, the Parties will use their best efforts to replace the invalid or unenforceable provision by a provision that, to the extent permitted by the applicable law, achieves the purposes intended under the invalid or unenforceable provision.

20. The Parties to this Settlement Agreement each acknowledge and agree that this Settlement Agreement is made after full

consideration of its effects and ample opportunity to consult with their independent counsel with respect to the advisability of agreeing and becoming bound by the terms and conditions of this Settlement Agreement.

Elie Jammal

Elie Jammal Dated: 6-13-1994

City of Cambridge, By:

[Signature] Dated: 7-18-94
City Manager

Robert R. Bersani, as he is Managing Director / Acting Commissioner of the Department of Inspectional Services of the City of Cambridge

[Signature] Dated: 6/7/94

John Miller, as he is a member of the Board of Zoning Appeal of the City of Cambridge

John Miller Dated: 6/8/94

Susan Spurlock, as she is a member of the Board of Zoning Appeal of the City of Cambridge

Susan Spurlock Dated: 6/27/94

Edward R. Goode, as he is a former member of the Board of Appeal of the City of Cambridge

Edward R. Goode Dated: 6-21-94

Melvin Gadd, as he is a former member of the Board of Zoning Appeal of the City of Cambridge

[Signature] Dated: 6/8/94

Lisa Delima, as she is a former member of the Board of Zoning Appeal of the City of Cambridge

Lisa Delima

Dated: July 14, 1994

Susan Yanow

Susan Yanow

Dated: 6-6-94

Clifford Truesdell

Cliff Truesdell

Dated: 6/5/94

George Gibson

George Gibson

Dated: 6/6/94

Marie Gibson

Marie Gibson

Dated: 6/6/94

Kevin O'Keefe

Kevin O'Keefe

Dated: 6/6/94

Annmarie O'Keefe

Annmarie O'Keefe

Dated: 6/6/94

Roger Farinha

Roger Farinha, I A Ben, hi
attorney has done an affidavit for the same

Dated: 6/13/94

John A. Beshai

John Beshai

Dated: 6/13/94

INDEMNIFICATION AGREEMENT

Exhibit "A"

For One (\$1.00) Dollar and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Donut Maker, Inc. ("Donut Maker") hereby agrees to defend the City of Cambridge and any of its departments, officers, agents, servants, representatives or employees (the "City"), and to indemnify and hold harmless including the payment of any and all judgments, executions or other monetary obligations, costs and reasonable attorneys fees, the City from and against any action, litigation, arbitration, lawsuit or any other claim which now exists or which is commenced after the date hereof and which is in any way related to, connected with or arising out of claims which now exist or which may hereafter be advanced by Donut Maker, its officers, agents, or employees, including James DeVellis, and/or Donut Maker's assignees and/or any other person or entity under Donut Maker's control, in connection with (1) Donut Maker's and/or DeVellis' claim for entitlement to a certificate of occupancy and/or other permits at the premises at 315 Broadway at the corner of Broadway and Prospect Streets in the City of Cambridge, or (2) in connection with the subject matter of Middlesex Superior Court Civil Action Nos. 91-05262 and/or 93-00392.

Executed under seal this 4th day of June, 1994.

Donut Maker, Inc.

Dated: 6-4-94

By: Joseph D'Allesio
President

The City of Cambridge

Dated: 7-18-94

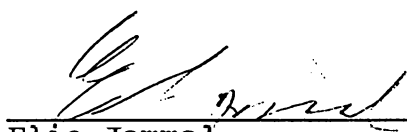
By: Robert W. Healy
Robert W. Healy, City Manager

INDEMNIFICATION AGREEMENT

For One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Elie Jammal hereby agrees to defend the City of Cambridge and any of its departments, officers, agents, servants, representatives or employees (the "City"), and to indemnify and hold harmless, including the payment of any and all judgments, executions or other monetary obligations, costs and reasonable attorneys' fees, the City from and against any action, litigation, arbitration, lawsuit or any other claim which now exists or which is commenced after the date hereof and which is in any way related to, connected with or arising out of claims which now exist or which may hereafter be advanced by Donut Maker, Inc. ("Donut Maker"), James Devellis, Individually ("Devellis") or any person or entity, in connection with (1) Donut Maker's and/or Devellis' claim for entitlement to a certificate of occupancy and/or other permits at the premises at 315 Broadway, located at the corner of Broadway and Prospect Streets in the City of Cambridge, or (2) in connection with the subject matter of Middlesex Superior Court Civil Action Nos. 91-05262 and/or 93-00392, provided that Jammal is given adequate notice of and an adequate opportunity to defend any such action brought.

Executed under seal this 13 day of JUNE, 1994.

Dated: 6-13-1994


Elie Jammal

The City of Cambridge

Dated: 7-18-94

By: 

Robert W. Healy, City Manager



CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139
Tel. (617) 349-4121
Fax. (617) 349-4134

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Michael C. Costello
Assistant City Solicitor

Legal Counsel

Birge Albright
Gail S. Gabriel
Arthur J. Goldberg
Linda A. Stamper
Deborah R. Cautela
Nancy E. Glowa

MEMORANDUM

TO: D. Margaret Drury,
City Clerk

cc: Robert W. Healy,
City Manager

FROM: Russell B. Higley *RBH*

DATE: October 13, 1994

RE: Curb Cut Application for 166-172 Prospect Street and
315 Broadway

I would like to submit the attached Settlement Agreement as a communication to the City Council, and would appreciate it if it is referred to the above mentioned curb cut application.

This curb cut application is being presented to the City Council based on the negotiated Settlement Agreement between the applicant, the City, and several Cambridge residents who are neighbors of the premises at 166-172 Prospect Street/315 Broadway and are parties in one of the four pending lawsuits as to this property. Accordingly, I believe it may be helpful to the City Council members to have an opportunity to review the Settlement Agreement as executed.

Thank you.

RECEIVED
OCT 13 1994
CITY OF CAMBRIDGE
OFFICE OF THE CITY SOLICITOR

Communications & Reports from
City Officers.

Comm. from Russell B. Higley, City
Solicitor, transmitting the Settlement
Agreement regarding the curb cut application for
for 166-172 Prospect Street and 315 Broadway.

In City Council,

October 17, 1994

*Referred to
Charter Right
Number One*

City of Cambridge

MASSACHUSETTS

In City Council

10/17

1994

Ch R #1

	YEA	NAY	ABSENT	PRESENT	
Ms. Kathleen L. Born	✓				
Mr. Francis H. Duehay	✓				
Mr. Jonathan S. Myers	✓				
Mrs. Sheila T. Russell	✓				
Mr. Michael A. Sullivan	✓				
Mr. Timothy J. Toomey, Jr.	✓				
Ms. Katherine Triantafillou	✓				
Mr. William H. Walsh	✓				
Mayor Kenneth E. Reeves	✓				

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City of Cambridge

Calendar Item # 1

IN CITY COUNCIL

October 17, 1994

ORDERED: That the Commissioner of Public Works be authorized to construct curb cuts 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). The entire cost of material and labor furnished to be repaid to the City by the owners of abutting estates.

Elie Jammal

166-172 Prospect Street

In City Council October 17, 1994.

Adopted by a yea and nay vote:

Yeas 9; Nays 0; Absent 0.

Attest:- D. Margaret Drury, City Clerk.

A true copy; *D. Margaret Drury*

ATTEST:-

D. Margaret Drury
City Clerk

September 28, 1994

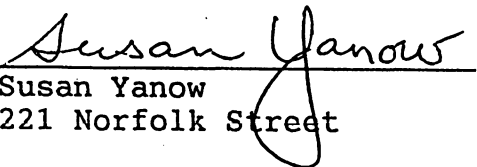
To the Honorable City Council;

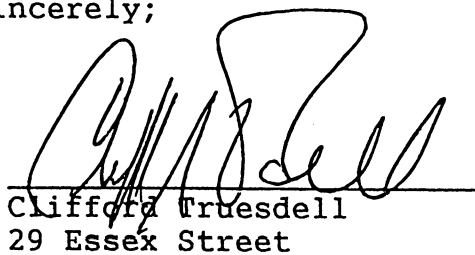
RE: 10/03 hearing on curb cut application at 315 Broadway

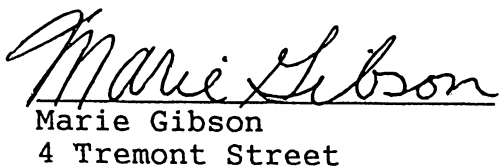
We, the undersigned, are defendants in the numerous suits involving the above property. We are also parties to a negotiated settlement which, if complied with, satisfies the City, the developer, and the neighbors. This settlement appears to be in the process of being executed as agreed to by all parties.

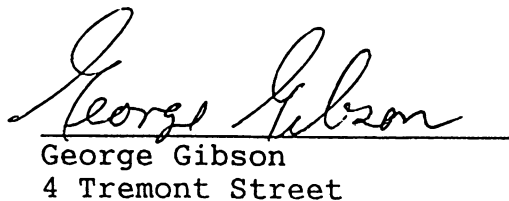
We therefore request that the City Council grant the developer's request for a legal curb cut on Prospect Street, conditional upon him complying with all conditions specified in the negotiated settlement.

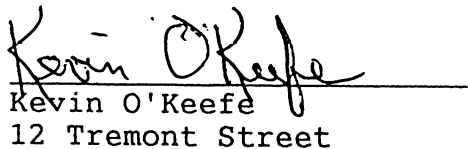
Sincerely;

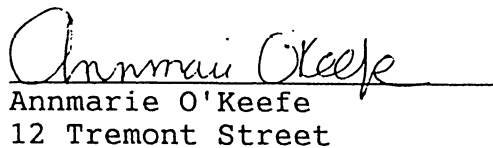

Susan Yanow
221 Norfolk Street


Clifford Truesdell
29 Essex Street


Marie Gibson
4 Tremont Street


George Gibson
4 Tremont Street


Kevin O'Keefe
12 Tremont Street


Annmarie O'Keefe
12 Tremont Street



CITY OF CAMBRIDGE

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Michael C. Costello
Assistant City Solicitor

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139
Tel. (617) 349-4121
Fax. (617) 349-4134

MEMORANDUM

Legal Counsel

Birge Albright
Gail S. Gabriel
Arthur J. Goldberg
Linda A. Stamper
Deborah R. Cautela
Nancy E. Glowa

TO: D. Margaret Drury,
City Clerk

CC: Robert W. Healy,
City Manager

FROM: Russell B. Higley *RBH*

DATE: September 8, 1994

RE: Curb Cut Application for 315 Broadway

I am writing to ask that you hold off on placing Elie Jammal's curb cut application on the City Council's agenda until there is resolution of certain last minute issues in the context of litigation between the applicant and the City concerning this application.

The curb cut application is being presented to the City Council based on a negotiated Settlement Agreement between the applicant, the City, and several Cambridge residents who are neighbors of the premises at 315 Broadway and are parties in one of the four pending lawsuits as to this property. Until yesterday, it appeared that the entire settlement had fallen apart, and we were informed by the neighbors that they had asked members of the City Council to deny the curb cut application for that reason.

However, the applicant's attorney contacted our office yesterday, to inform us that Mr. Jammal now wishes to comply with his obligations under the settlement agreement. The neighbors have indicated that they would support the curb cut application if Mr. Jammal makes the monetary contribution to the City which he had agreed to do under the Agreement, if he agrees to withdraw his motions to be heard in court on Monday, and if he agrees to the City's motions to have the court enter a final judgment which incorporates the terms of the Agreement in all four pending cases.

As we will not know the outcome of these last minute negotiations until Monday or later, we think it would be helpful to postpone placing the curb cut application on the City Council's agenda until after next week. Thank you.

September 28, 1994

7.

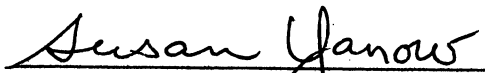
To the Honorable City Council;

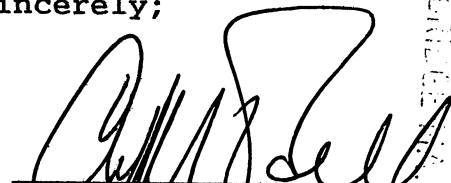
RE: 10/03 hearing on curb cut application at 315 Broadway

We, the undersigned, are defendants in the numerous suits involving the above property. We are also parties to a negotiated settlement which, if complied with, satisfies the City, the developer, and the neighbors. This settlement appears to be in the process of being executed as agreed to by all parties.

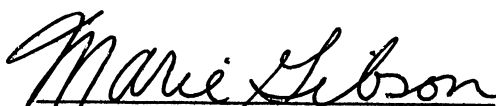
We therefore request that the City Council grant the developer's request for a legal curb cut on Prospect Street, conditional upon him complying with all conditions specified in the negotiated settlement.

Sincerely;

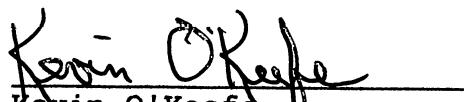

Susan Yanow
221 Norfolk Street

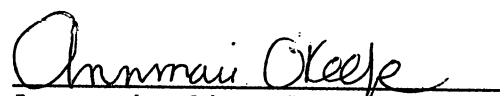

Clifford Truesdell
29 Essex Street

RECEIVED
SEP 28 11:03
CITY CLERK


Marie Gibson
4 Tremont Street


George Gibson
4 Tremont Street


Kevin O'Keefe
12 Tremont Street


Annmarie O'Keefe
12 Tremont Street



RECEIVED BY
CITY CLERK
JUL 28 - 9 41 13:00
1994

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

FAX (617) 349-4307

D. MARGARET DRURY
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

July 28, 1994

Dear Neighborhood Representative:

Please be advised that this office is in receipt of a petition from Elie Jammal requesting a curb cut at the premises numbered **166 - 172 Prospect Street, Cambridge, Massachusetts.**

The City Council has directed that all curb cut petitions be submitted to the appropriate Neighborhood Associations where said curb cut would be made for their approval, prior to action by the City Council. Please indicate by return mail your approval or disapproval of said petition within ten days from the receipt of this letter. I have enclosed a self-addressed stamped envelope to facilitate your reply.

Your kind cooperation in this matter will be greatly appreciated by the members of the City Council.

Sincerely yours,

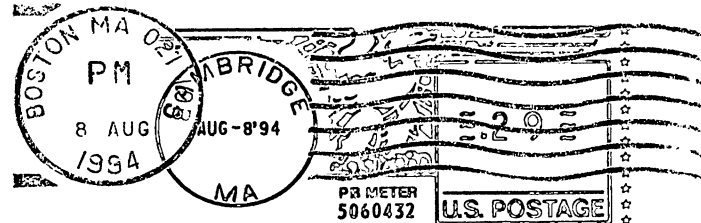
D. Margaret Drury
D. Margaret Drury
City Clerk

Name of Neighborhood Association: MidCambridge Conservation

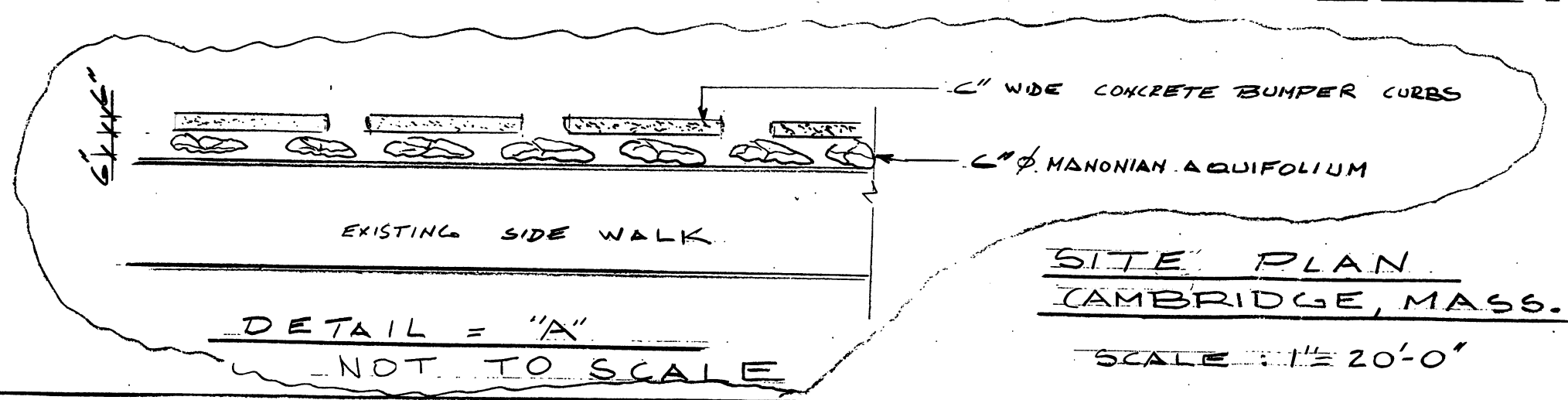
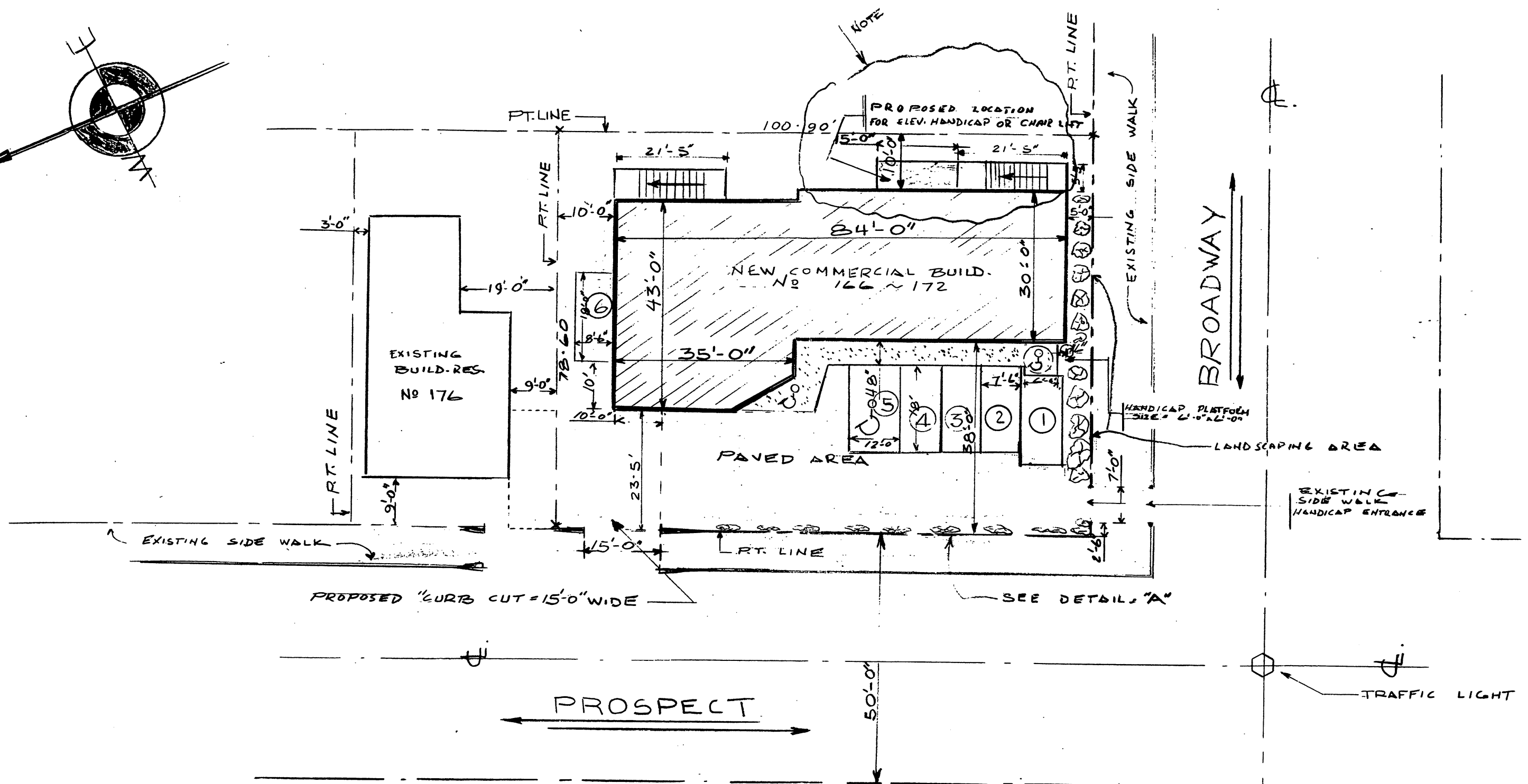
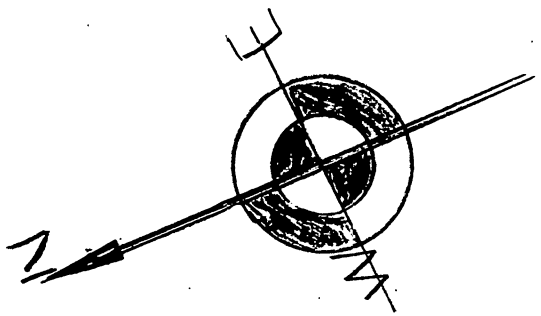
hereby _____ approve _____ disapprove of said driveway petition.

Comments: I think this should be sent
to Jim Pitkin, Chair of Mid-Cambridge Neighborhood Assoc
I am the Chair of the Mid-Cambridge Neighborhood
Conservation District Commission. We are not
a neighborhood association.
Thanks,
Jim Moor

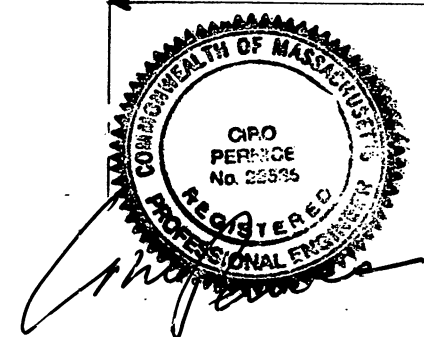
BOWMAN, MOOS & HILTON
ATTORNEYS AT LAW
222 THIRD STREET
CAMBRIDGE, MASSACHUSETTS 02142



Office of the City Clerk
City Hall
Cambridge 39
Massachusetts



SITE PLAN
CAMBRIDGE, MASS.
SCALE: 1" = 20'-0"



BRUSCHI ENGINEERING
100 HANKS STREET
LOWELL, MA 01852

DRAWN BY: L. J. B.
DATE: March 15, 1994



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

FAX (617) 349-4307

D. MARGARET DRURY
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

July 28, 1994

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Sincerely yours,

D. Margaret Drury
D. Margaret Drury
City Clerk

Name of Neighborhood Association: Southside Neighbors

hereby ☒ approve ☐ disapprove of said driveway petition.

Comments: _____



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D. Margaret Drury
D. Margaret Drury
City Clerk

Name of Neighborhood Association: Southside Neighbors

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Comments: _____



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Sincerely yours,

D. Margaret Drury
City Clerk

Name of Neighborhood Association: Wellington/Harrington

hereby _____ approve _____ disapprove of said driveway petition.

Comments: _____



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Sincerely yours,

D. Margaret Drury
D. Margaret Drury
City Clerk

Name of Neighborhood Association: Neighborhood 4 Coalition - Carroll

hereby _____ approve _____ disapprove of said driveway petition.

Comments: _____



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Sincerely yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

Name of Neighborhood Association: Neighborhood 4 Coalition - Ryan

hereby _____ approve _____ disapprove of said driveway petition.

Comments: _____



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Sincerely yours,

D. Margaret Drury
D. Margaret Drury
City Clerk

Name of Neighborhood Association: Margaret Fuller House

hereby _____ approve _____ disapprove of said driveway petition.

Comments: _____



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Sincerely yours,

A handwritten signature in cursive script that reads "D. Margaret Drury".

D. Margaret Drury
City Clerk

Name of Neighborhood Association: MidCambridge Neighborhood

hereby _____ approve _____ disapprove of said driveway petition.

Comments: _____



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Sincerely yours,

D. Margaret Drury
D. Margaret Drury
City Clerk

Name of Neighborhood Association: MidCambridge Conservation

hereby _____ approve _____ disapprove of said driveway petition.

Comments: _____



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Sincerely yours,

D. Margaret Drury
City Clerk

Name of Neighborhood Association: Inman Square Improvement Assoc.

hereby _____ approve _____ disapprove of said driveway petition.

Comments: _____

Jackie Carroll
Neighborhood 4 Coalition
37 Market Street
Cambridge, MA 02139

Nancy Ryan
Neighborhood 4 Coalition
4 Ashburton Place
Cambridge, MA 02138

Iona Eneze, Exec. Director
Margaret Fuller House
71 Cherry Street
Cambridge, MA 02139

John Pitkin
MidCambridge Neighborhood
P. O. Box 907
Cambridge, MA 02238

John Moos, Chair
MidCambridge Conservation
2 Fayette Place
Cambridge, MA 02139

Karen Larson
Inman Square Improvement Ass.
Seven Austin Park
Cambridge, MA 02139

Ken May
Southside Neighbors
241 Cardinal Medeiros
Cambridge, MA 02141

THE CITY CLERK
Cambridge, Mass. 02139

James Bentubo
Wellington Harrington
5 Plymouth Street
Cambridge, MA 02141



RECEIVED
CITY CLERK
JUL 28 1994
JUL 25 1994
JUL 25 1994

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

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Sincerely yours,

D. Margaret Drury
D. Margaret Drury
City Clerk

Name of Neighborhood Association: Neighborhood 4 Coalition - Carroll

hereby ☒ approve ☐ disapprove of said driveway petition.

Comments: _____

David Berman
Attorney at Law

100 George P. Hassett Drive . Medford, Massachusetts 02155-3297

617/395-7520

July 8, 1994

HAND DELIVERED

Inspectional Services Department
City of Cambridge
831 Massachusetts Avenue
Cambridge, MA 02139

To the ISD:

In connection with the application of Elie Jammal for a curb cut filed on April 15, 1994, I enclose herewith an Affidavit Re Efforts to Obtain Assent of Abutter to Curb Cuts dated the same date.

I would also request that with respect to the application for a variance that was filed last month you add on the page entitled Application Form under the section of zoning ordinance cited Section 6.48.1 and 6.44.1(b). This change has been suggested by the Law Department of the City of Cambridge. Many thanks.

Very truly yours,



DAVID BERMAN

DB:rf

Enclosure

cc: Attorney Nancy Glowa (w/enc.)

CITY OF CAMBRIDGE

APPLICATION FOR DRIVEWAY CUTS AND OPENINGS
ABUTTOR'S FORM

To Whom It May Concern:

As owner or agent of _____,

☐ approval

Cambridge, Massachusetts, I do hereby declare

☐ disapproval

of the installment of:

Off-Street Parking Facility located at _____

Signed: _____ Date: _____

Address: _____

To Whom It May Concern:

As owner or agent of _____,

☐ approval

Cambridge, Massachusetts, I do hereby declare

☐ disapproval

of the installment of:

Off-Street Parking Facility located at _____

Signed: _____ Date: _____

Address: _____

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☐ disapproval

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Address: _____

CITY OF CAMBRIDGE

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ABUTOR'S FORM**

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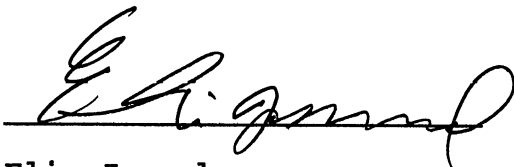
**AFFIDAVIT RE EFFORTS TO
OBTAIN ASSENT OF ABUTTER
TO CURB CUTS**

I, Elie Jammal, state that since April 1, 1994 I have attempted to obtain the assent of the following abutters to my application for a curb cut on the premises at 315 Broadway, Cambridge, Massachusetts:

1. The Store 24, Inc.
2. Anito Jules Madhere
3. Jean Claude Madhere
4. Solange Bernard
5. Emmanuel Agriros

I have been unable to reach Anito Jules Madhere, Jean Claude Madhere, and Solange Bernard. The Store 24, Inc. and Emmanuel Agriros have declined assent.

Signed under the penalties of perjury this 15th day of April, 1994.


Elie Jammal

jammal\affidavi.abut

APPLICATION FOR DRIVEWAY CUTS AND OPENINGS

CITY OF CAMBRIDGE

PART II: INSPECTIONAL SERVICES DEPARTMENT

☒ Application approved ☐ Application deniedReason: APPROVED FOR CURB CUT ONLY
PARKING AND DRIVEWAYS SUBJECT TO APPROVAL BY BZASignature: [Signature]
Title: ZoningDate: 7/15/94

PART III: TRAFFIC AND PARKING DEPARTMENT

☒ Application approved ☐ Application deniedReason: APPROVED FOR CURB CUT ONLYSignature: [Signature]
Title: Acting Traffic Dir.Date: 7.19.94

PART IV: HISTORICAL COMMISSION

☒ Application approved ☐ Application denied

Reason:

Signature: [Signature]
Title: EXDCHLDate: 7.19.94

PART V: PUBLIC WORKS DEPARTMENT

☒ Application approved ☐ Application denied

Reason:

Signature: [Signature]
Title:Date: 7/22/94

APPLICATION FOR DRIVEWAY CUTS AND OPENINGS

CITY OF CAMBRIDGE



INSTRUCTIONS:

In order to obtain permission for a driveway cut or opening you must first get approval from the Department of Inspectional Services on the zoning requirements for off-street parking, including the cooperation of your immediate abuttors.

To receive a review from Inspectional Services you must fill out Part I of the application. Be sure to draw your plot plan on Drawing 1, choosing the lot that represents your lot's position, i.e. corner or interior. You must also include a sketch of the proposed driveway, including dimensions, on Drawing 2. You may then calculate the cost of the driveway by using the formula based on your choice of surfaces. You must also include a signed abuttor sheet for each of your abuttors: back yard, one on either side and the abuttor directly across the street.

Once you have gathered this information on the application, it should be submitted to:

Zoning Officer
Inspectional Services
831 Massachusetts Avenue
Cambridge, MA 02139

If the application is approved by Inspectional Services, it will then be sent on to Traffic and Parking, the Historical Commission and the Department of Public Works. If approved by Public Works, the application and backup will be sent to the City Council for their approval. Once the City Council approves, the driveway curb cut can be installed. However, the full cost of the cut must be paid to Public Works before the work will start.

If, however, Inspectional Services denies your application you may then appeal to the Zoning Board of Appeals.

DATE:

4 / 11 / 94

PART I:

Address of proposed curb cut or off-street parking facility: 166-172 PROSPECT STREETFrontage: 100.90' Block and Lot: LOT 01 & 20Setback (distance from building to sidewalk): 23.5'

Distance from proposed driveway to surrounding structures and property line:

Dimensions of proposed driveway: 15'-0Location of any trees, sign posts, fire hydrants, utility poles, etc., in direct vicinity of proposed driveway: NONE

- ☒ Plot plan is included
☐ Sketch of driveway with cost estimate is included
☐ All abuttor's forms are included

DRAWING 1:

PLEASE INDICATE LOCATION OF HOUSE AND DRIVEWAY.
BE SURE TO GIVE DIMENSIONS OF LOT.

CORNER LOT

INTERIOR LOT

CORNER LOT

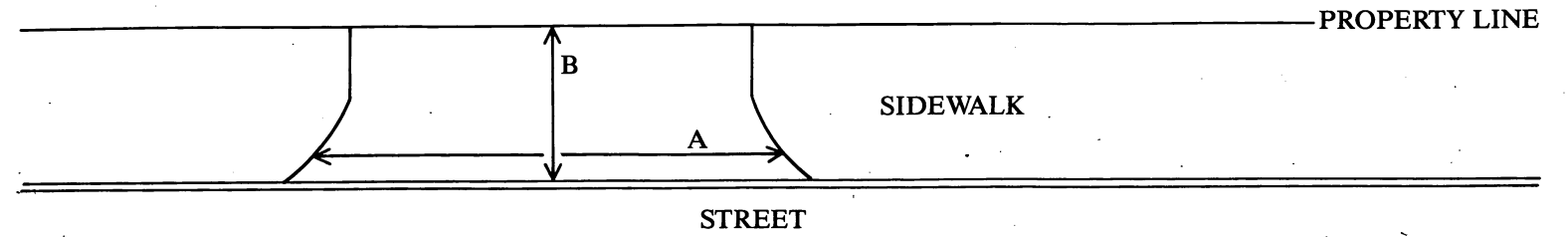
SEE ATTACHED PLAN FOR REFERENCES

PROSPECT STREET

DRAWING 2:

SKETCH OF PROPOSED DRIVEWAY WITH COST ESTIMATE

CITY OF CAMBRIDGE



$$A = 15 \text{ FT.} \div 3 = 5 \text{ YARDS}$$

$$B = 8 \text{ FT.} \div 3 = 2.66 \text{ YARDS}$$

$$A \times B = 13.33 \text{ SQUARE YARDS}$$

COST ESTIMATE:

BRICK: _____ SQUARE YARDS $\times$ \$70/SQUARE YARD = \$ _____

BRICK ON CONCRETE: _____ SQUARE YARDS $\times$ \$85/SQUARE YARD = \$ _____

CONCRETE: _____ SQUARE YARDS $\times$ \$40/SQUARE YARD = \$ _____

ASPHALT: _____ SQUARE FEET $\times$ 1 TON/40 SQUARE FEET. $\times$ \$125/TON = \$ _____

DEPARTMENT OF PUBLIC WORKS SCHEDULED DATE FOR CONSTRUCTION:

/ /

DEPARTMENT OF PUBLIC WORKS STATED FEE: \$ _____

The undersigned agrees to pay the stated fee for the driveway installation in full within two (2) weeks of the estimated starting date of construction before the Department of Public Works shall proceed with construction:

Owner's signature: _____

Date: 4/11/94

Address: 16 HUTCHINSON Rd. ARLINGTON, MA.

Funds Received: \$ _____

Check Number: _____

Consent Comm. # 7

W-165

Curb cut - 166-172 Prospect St. - Elie
Jammal.

In City Council,

Oct. 3, 1994

*Charter Right
exercised by
Councilman Gorney*

10/17/94 Order Adopted