

City of Cambridge

In City Council..... May 22, 1978.....

The Ordinance

Committee

to which was referred a petition by Barbara Clurman, et al to rezone land at the end of Cogswell Avenue between Mead Street and the Fitchburg Division railroad right-of-way from Industry B to Residence C-1.

The Committee held a hearing on May 18, 1978 at 6:40 P. M. in the City Council Chamber, City Hall.

Present were Chairman Frisoli, Councillors Crane, Duehay, Vellucci and Wylie.

The Committee heard from Don Balcom from the Community Development Department who presented to the City Council a report from the Planning Board who had a hearing on May 2, 1978 on the petition of Barbara Clurman. In the report from the Planning Board, Arthur Parris, Chairman of the Planning Board recommended that the City Council take no action on the proposed Clurman rezoning petition until the North Cambridge rezoning petition was resolved, that in the event the City Council failed to ordain the North Cambridge petition the Planning Board would recommend that the Clurman petition be approved.

Mr. Balcom outlined the restrictions available under the Residence C-1 zoning.

The Committee heard from Barbara Clurman of 24 Mead Street who stated that the petition was in behalf of the residents of Mead Street, that there was a small rectangular lot from 3500 sq. ft to 6500 sq. ft. between Mead Street and the railroad right-of-way which the residents wished to rezone.

Councillor Wylie informed the committee that the last thursday in June would be the deadline for action by the City Council.

The Chair declared the hearing for the proponent closed and the city Council now heard from the opponents.

The committee heard from John Alison of 79 Pemberton Street who recorded himself in opposition and that the area was dangerous for children due to the location to the school and heavy trucking should be restricted for the safety of the children.

The committee heard from Warren Carstensen in behalf of the Carstein Coal and Oil Co., Inc. who informed the City Council that this down zone would devalue the property the Carstensen family owned, that he had four building permits for new mini storage units that he would not create a traffic jam with these new units and that use should remain industrial use, that he filed a petition to this effect with the Planning Board.

REPORT

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He further stated that on November 10, 1977 he obtained a building permit during a moratorium lapse on the advice of legal counsel, that the value of the land is affected by the position of the land to the railroad. He further stated that the land in question near the railroad tracks was only good for self service storage area with parking and included 14,300 sq. ft.

Mr. Carstensen further alleged the petition of Barbara Clurman was spot zoning and included copies of the Massachusetts case of Benjamin Shapiro vs. the City of Cambridge 340 MAS 52 which in a similar situation in a neighborhood location the proposed zoning was declared to be illegal and constituted spot zoning.

Mr. Carstensen also filed a statement with the City Clerk on May 12, 1978 which indicated that his organization owned 20% or more of the land proposed to be included in the zoning amendment by Barbara Clurman. He also stated that it was not feasible for residence between the location near the railroad tracks.

No one else appeared in opposition at the call of the Chair and the Chairman declared that part of the hearing closed.

At this time the committee heard from Beverly Ketchum of 21 Mead Street who was recognized by the chair and recorded herself in favor of the proposed zoning amendment.

The hearing was closed at 7:35 P. M.

The committee reports recommending the petition be referred to the City Council without recommendation, pending the action taken by the City Council on the North Cambridge rezoning petition.

For the Committee,



Councillor Lawrence Frisoli,
Chairman.

City of Cambridge

In City Council.....

The

Committee

to which

Reports,

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REPORT

**Committee on Ordinances on the
Petition of Barbara Clurman.**

In City Council,

May 22, 1978

*6/12/78 Petition
Placed on File*