

Unfinished Business Calendar 6/26/78

L. Sullivan

City of Cambridge

MASSACHUSETTS

In City Council

June 26 1978

PETITION OF James Fitzgerald

	YEA	NAY	ABSENT	PRESENT
Mr. Crane	✓			
Mr. Duehay	✓			
Mr. Frisoli	✓			
Ms. Graham	✓			
Ms. Preusser	✓			
Mr. Sullivan	✓			
Mr. Vellucci	✓			
Mr. Wylie	✓			
Mayor Danehy	✓			

9 0 0

*L. Sullivan
6/26/78
A*

*Passed to be Ordained
See Agreement filed
This date*

Mr. P. Hedy

RECEIVED BY
OFFICE OF CITY CLERK

JUN 26 2 38 PM '78

AGREEMENT BY AND BETWEEN JAMES FITZGERALD
CAMBRIDGE, MASS.

AND CLARK W. FISHER, JR.

WHEREAS; James Fitzgerald (hereinafter called Fitzgerald) is owner in fee of that property known as 146 Prospect Street, Cambridge; and

WHEREAS; Clark W. Fisher (hereinafter called Fisher) is owner in fee of that property known as 142 and 144 Prospect Street, Cambridge; and

WHEREAS; said properties abut one another; and

WHEREAS; said properties are currently zoned C-1 and R-1 by the City of Cambridge; and

WHEREAS; Fitzgerald has petitioned the City of Cambridge to rezone Prospect Street from C-1 and R-1 to O-1, thereby permitting renovation of 146 Prospect Street for office use; and

WHEREAS; Fisher, as abuttor and interested party, could object and urge denial of Fitzgerald's petition to rezone from C-1 and R-1 to O-1; and

WHEREAS; the Cambridge Planning Board has approved Fitzgerald's petition contingent upon his granting an easement to Fisher across a portion of 146 Prospect Street and upon such other terms as the parties may agree;

NOW, THEREFOR, IN CONSIDERATION OF THE MUTUAL AGREEMENTS HEREIN CONTAINED, THE PARTIES COVENANT AND AGREE FOR THEMSELVES AND THEIR HEIRS, SUCCESSORS, AND ASSIGNS, AS FOLLOWS:

1. At such time as the Cambridge City Council approves Fitzgerald's petition to rezone Prospect Street to O-1 classification, Fitzgerald shall grant to Fisher a permanent easement across 146 Prospect Street (which easement shall be duly recorded in Middlesex South Registry of Deeds) as follows: a) Fisher and all tenants and licensees of 142 and 144 Prospect Street or any part thereof shall have a right of way at all times in common with Fitzgerald and all tenants and licensees of 146 Prospect Street or any part thereof, such right of way for pedestrian use only and across that portion of 146 Prospect Street from Prospect Street to Common Street and within fifteen (15) feet from the parties' common boundary (as more particularly described in said easement)

b) Fitzgerald shall not build or maintain, or permit to be built or maintained, any structure on the land over which said easement is granted

c) Fitzgerald shall not alter, clear, construct or "improve", or permit alteration, clearance, construction or "improvement" of any portion of the land over which said easement is granted without Fisher's prior written approval, which approval shall not be unreasonably withheld.


2. Any parking facilities maintained on the property known as 146 Prospect Street shall at all times be maintained

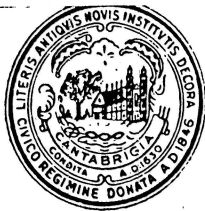
in compliance with the zoning by-laws and municipal ordinances of the City of Cambridge and in full compliance with the terms of the Special Permit issued by the City of Cambridge dated May 4, 1976 (Case No. 4443), which Permit is incorporated herein by reference.

3. The easements hereby granted, the restrictions hereby imposed, and the agreements herein contained shall be easements, restrictions and covenants running with the land and shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, successors, and assigns, including, but without limitation, all subsequent owners of 146 Prospect Street and of 142 and 144 Prospect Street and all persons claiming under them.

IN WITNESS WHEREOF THE PARTIES HAVE SIGNED AND SEALED THIS AGREEMENT ON THIS 26th DAY OF JUNE, 1978.


James Fitzgerald


Clark W. Fisher, Jr.



City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-Eight.

AN ORDINANCE

In amendment to an ordinance entitled: "The Zoning Ordinances of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

The Zone Map accompanying ordinance passed to be ordained September 26, 1977 entitled: "The Zoning Ordinances of the City of Cambridge" is hereby amended by striking out the designations Residence C-1 and Business B-A-1 and substituting in place thereof the designation Office O-1 for the following area which encompasses premises located along Prospect Street between 118 through 152 on the even numbered side of the street and which encompasses approximately 58,500 square feet of land area:-

The area circumscribed by a line beginning at the point of intersection of the boundary between lots numbered 48 and 49 on Assessors' Plat #88 and the easterly sideline of Prospect Street extending in a southeasterly direction for approximately 125 feet along said boundary line and its extension to the point of intersection with the centerline of Common Street;

Thence proceeding in a southwesterly direction for approximately 300 feet along the centerline of Common Street extended to its point of intersection with the centerline of Harvard Street; thence extending in a northwesterly direction along said centerline for approximately 15 feet; thence turning in a southwesterly direction and proceeding for approximately 124 feet along the easterly sideline of lot numbered 21 on Assessors' Plat #90 and its extension to the centerline of Harvard Street;

Thence turning in a northwesterly direction and proceeding for approximately 140 feet along the southerly boundary lines of lots numbered 20 and 21 on Assessors' Plat #90 and their extension to the centerline of Prospect Street;

Thence turning and proceeding in a northeasterly direction for approximately 440 feet along the centerline of Prospect Street to its point of intersection with the westerly projection of the boundary between lots numbered 48 and 49 on Assessors' Plat # 88;

City of Cambridge

Thence turning and proceeding in a southeasterly direction for approximately 25 feet along the westerly projection of the boundary between lots numbered 48 and 49 on Assessors' Plat #88 to its point of intersection with the easterly sideline of Prospect Street which is the point of origin.

In City Council June 26, 1978.

Passed to be ordained as amended by a yea and nay vote: Yeas 9; Nays 0; Absent 0.

James L. Sullivan, City Manager.

ATTEST:- Paul E. Healy, City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-Eight.

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City of Cambridge

Thence turning and proceeding in a southeasterly direction for approximately 25 feet along the westerly projection of the boundary between lots numbered 48 and 49 on Assessors' Plat #88 to its point of intersection with the easterly sideline of Prospect Street which is the point of origin.

In City Council June 5, 1978.

Passed to a second reading as amended on June 5, 1978 and on or after June 26, 1978 the question may be on passing to be ordained.

ATTEST:- Paul E. Healy, City Clerk.

PETITION WITH PROPOSED PLANNING
BOARD AMENDMENT

Cambridge, January 11, 1978

To the Honorable, the City Council of the
City of Cambridge:

The undersigned respectfully pray
that the map accompanying the text of the Zoning Ordinance be
amended as follows:

By striking out the designations Residence C-1 and Business B-A-1 and
substituting in place thereof the designation Office O-1 for the
following area which encompasses premises located along Prospect
Street between 118 through 152 on the even numbered side of the street
and which encompasses approximately 58,500 square feet of land area:

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intersection of the boundary between lots numbered 48 and 49 on
Assessors' Plat #88 and the easterly sideline of Prospect Street
extending in a southeasterly direction for approximately 125
feet along said boundary line and its extension to the point of
intersection with the centerline of Common Street;

Thence proceeding in a southwesterly direction for approximately
300 feet along the centerline of Common Street extended to its
point of intersection with the centerline of Harvard Street;
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line for approximately 15 feet; thence turning in a south-
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approximately 140 feet along the southerly boundary lines of lots
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approximately 440 feet along the centerline of Prospect Street
to its point of intersection with the westerly projection of
the boundary between lots numbered 48 and 49 on Assessors' Plat #88;

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approximately 25 feet along the westerly projection of the
boundary between lots numbered 48 and 49 on Assessors' Plat #88
to its point of intersection with the easterly sideline of Prospect
Street which is the point of origin.

RECEIVED BY
OFFICE OF CITY CLERK

JUN 7 4 11 PM '78

CAMBRIDGE, MASS.

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BOARD AMENDMENT

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Thence turning and proceeding in a southeasterly direction for approximately 25 feet along the westerly projection of the boundary between lots numbered 48 and 49 on Assessors' Plat #88 to its point of intersection with the easterly sideline of Prospect Street which is the point of origin.

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OFFICE OF CITY CLERK

JUN 7 4 11 PM '78

CAMBRIDGE, MASS.

City of Cambridge

PETITION OF JAMES J. FITZGERALD

Petition filed with the City Clerk	MARCH 6, 1978
(All hearing to be completed by May 10, 1978.)	
In City Council	MARCH 13, 1978
Referred to Planning Board for report	MARCH 14, 1978
Hearing before the Planning Board	APRIL 18, 1978
(report to City Council within 21 days.)	MAY 9, 1978
City Council Hearing Notice Published:-	
Chronicle	APRIL 6, 1978
Chronicle	April 13, 1978
Hearing before City Council	APRIL 26, 1978
Report to the City Council	MAY 1, 1978
Passed to a second reading	MAY 1, 1978 + Tabled
Publish	MAY 4, 1978
Passed to be ordained	MAY 15, 1978
Publish	MAY 18, 1978

Planning Board Hearing April 18/78

12 April

31 May

30 June

73

Completion date → 17 July

90

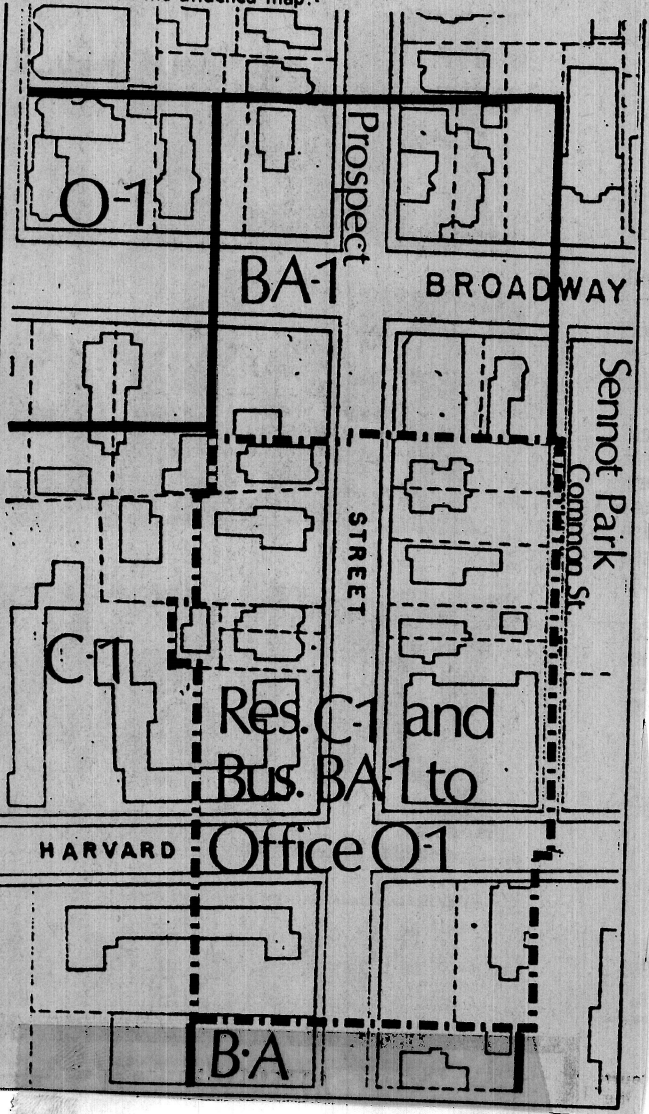
City of Cambridge

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**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 April 26, 1978 at 6:00 P.M. in the City Council Chamber, City Hall, Cambridge, Massachusetts on the petition of James Fitzgerald to amend the map accompanying the text of the Zoning Ordinance of the City of Cambridge from Residence C-1 and Business A-1 to Office-1 as it affects area shown on the attached map:-



**Proposed Prospect Street
Res. C-1 and Bus. BA-1 to Office O-1
Rezoning**

A legal description of this petition is on file at 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 Frisoli,
Chairman,
Committee on Ordinances

(C) Apr 6, 13

PUBLISHED IN: Chronicle

EDITION: _____

DATE: April 6 & 13th edition

City of Cambridge

In City Council May 1, 1978

The Ordinance Committee

to which was referred the petition of James Fitzgerald to amend the map accompanying the text of the Zoning Ordinances from Residence C-1 and Business A-1 to Office - 1 in an area bounded by Prospect Street, Common Street and Harvard Street, after hearing held on April 26, 1978 the committee reports:-

That the Committee heard from the petitioner who owned the premises numbered 146-152 Prospect Street and outline his proposal to convert a five unit wooden frame structure into an office apartment building and to provide parking in a vacant lot at 146, now used as a throughfare - that no displacement of families would be involved.

David Vickery, Asst. City Manager for Community Development informed the council of the uses allowed in the proposed district and stated that the Planning Board would meet on April 27th to report on this matter and that no height change was included in the proposed use.

Councillor Graham stated that the council should not act without recommendations of the Planning Board that it was not good zoning to convert housing to office space, that the city needed more housing and that the conversion to office space would set a dangerous precedent.

Councillor Wylie stated that the area was predominantly residential and a rezoning would change the present character of the area and could constitute spot zoning.

The Chair declared the hearing for the proponents closed at 7:10 P. M. and called for the opposition.

Clark Fisher of 140 Prospect Street appeared and stated that the vacant lot at 142 Prospect Street now used as a parking lot would add to the traffic congestion together with other lots in the area that a special use had been granted in 1976 for the vacant lot with specific conditions regarding landscaping and parking that traffic conditions on Common Street would increase 200% changing the residential character of the area.

Clifford Truesdell of 29 Essex Street stated that the petitioner should negotiate a compromise with the residents and urged that the council reject the petition until negotiations take place.

City of Cambridge

Page Two.

Councillor Duehay moved that the petition be referred to the City Council without recommendation and the motion - carried.

The hearing closed at 7:31 P. M.

Councillor Graham requested that the City Clerk and David Vickery inform the Planning Board of the comments of the City Council.

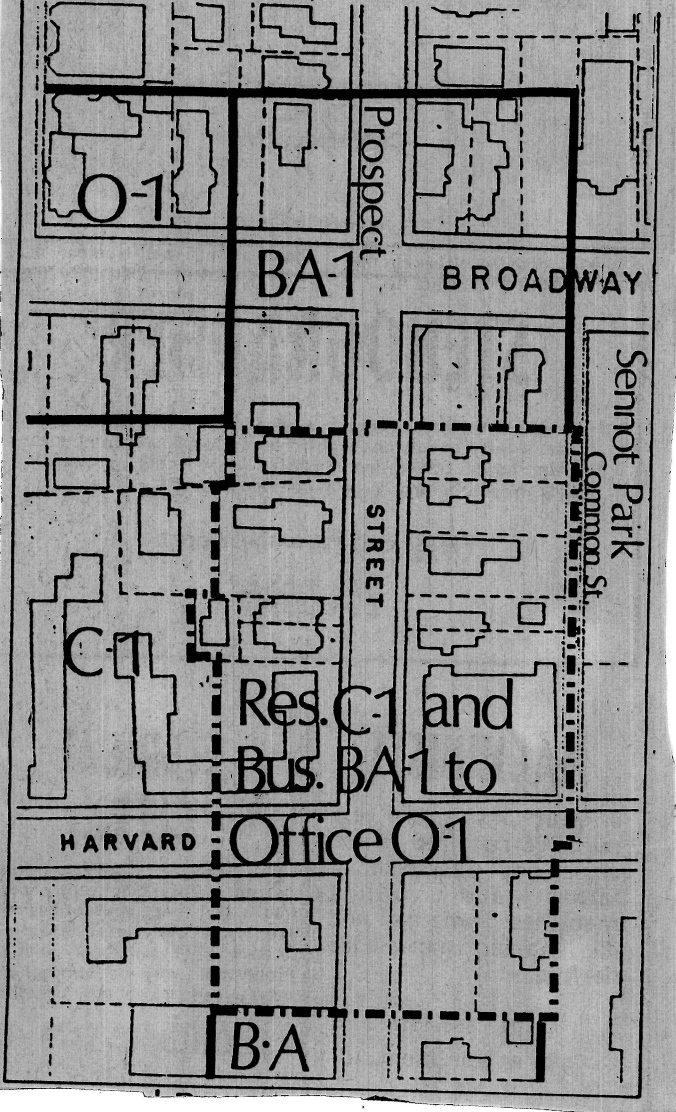
For the Committee,

Councillor Lawrence Frisoli
Chairman, Committee on Ordinances.

PUBLICATIONS

**PUBLIC NOTICE
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MASSACHUSETTS
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Res. C-1 and Bus. BA-1 to Office O-1
Rezoning**

A legal discription of this petition is on file at 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 Frisoli,
Chairman,
Committee on Ordiances

(C) Apr 6, 13

4/6 ed.

PUBLISHED IN: Chronicle

EDITION: April 6th and April 13th, 1978

DATE: _____



OFFICE OF THE VICE MAYOR

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 876-6800

Lawrence W. Frisoli
Vice Mayor

April 3, 1978

To The Honorable City Council
City Hall
Cambridge, Massachusetts

Dear Councillor:-

You are hereby notified that the following hearings will be conducted by the Committee on Ordinances as follows:-

April 19, 1978 at 6:00 P. M. - on the petition of Peter H. Desmond

April 26, 1978 at 6:00 P. M. - on the petition of James J. Fitzgerald

April 26, 1978 at 7:00 P. M. - on the petition of John N. Riseman.

Your kind attention in this matter will be greatly appreciated.

For the Committee,

Councillor Lawrence W. Frisoli, Chairman,
Committee on Ordinances.

City of Cambridge

PETITION OF JAMES J. FITZGERALD

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Chronicle	APRIL 6, 1978
Chronicle	April 13, 1978
Hearing before City Council	APRIL 26, 1978 - 6 PM
Report to the City Council	MAY 1, 1978
Passed to a second reading	MAY 1, 1978
Publish	MAY 4, 1978
Passed to be ordained	MAY 15, 1978
Publish	MAY 18, 1978

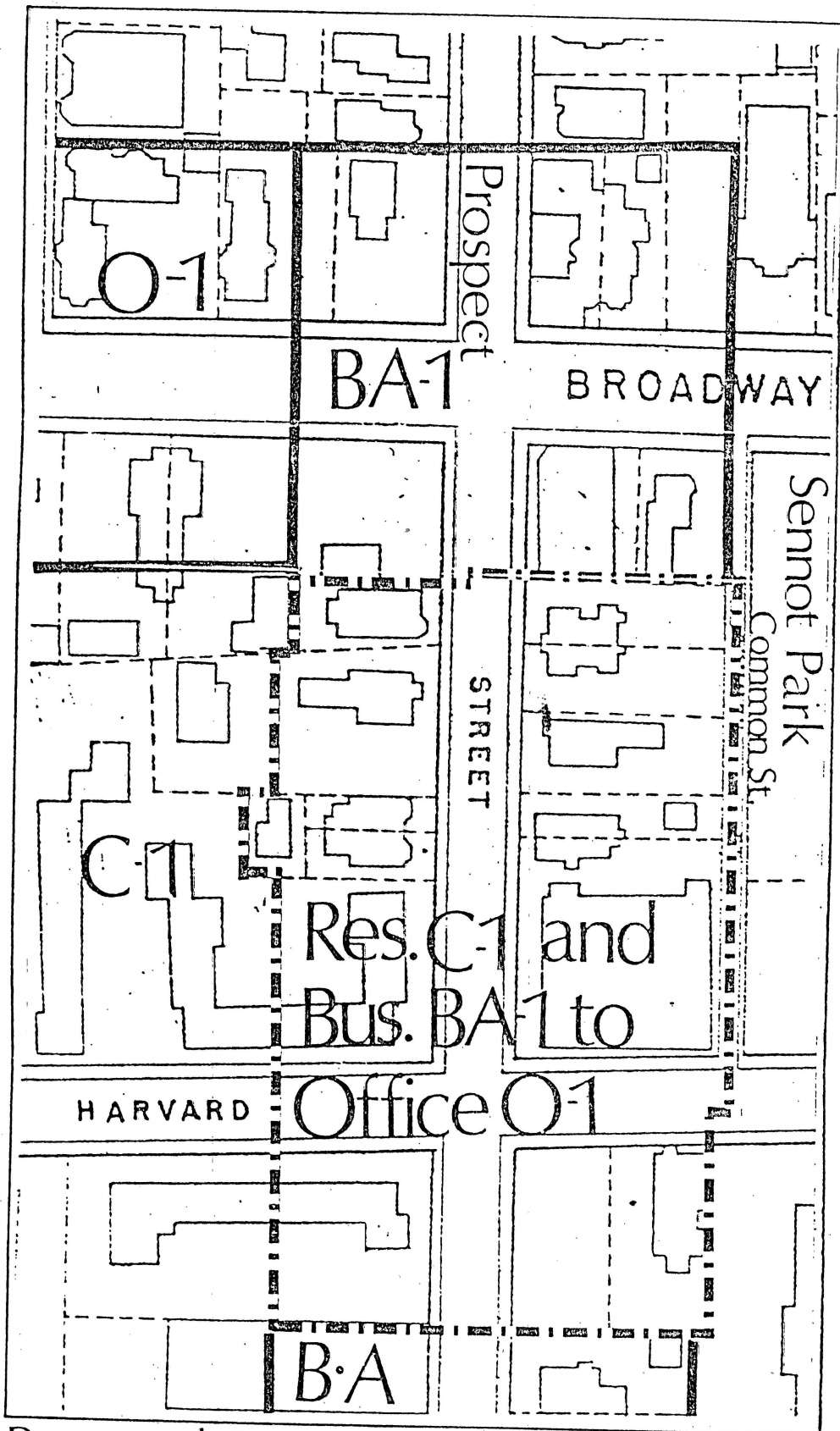
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RELATIVE TO ZONING.

City of Cambridge

MASSACHUSETTS

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City of Cambridge

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For the Committee,

Councillor Frisoli,
Chairman, Committee on Ordinances.

4/6/78
main board (dl)

by P.E.H.

PUBLIC NOTICE
RELATIVE TO ZONING.

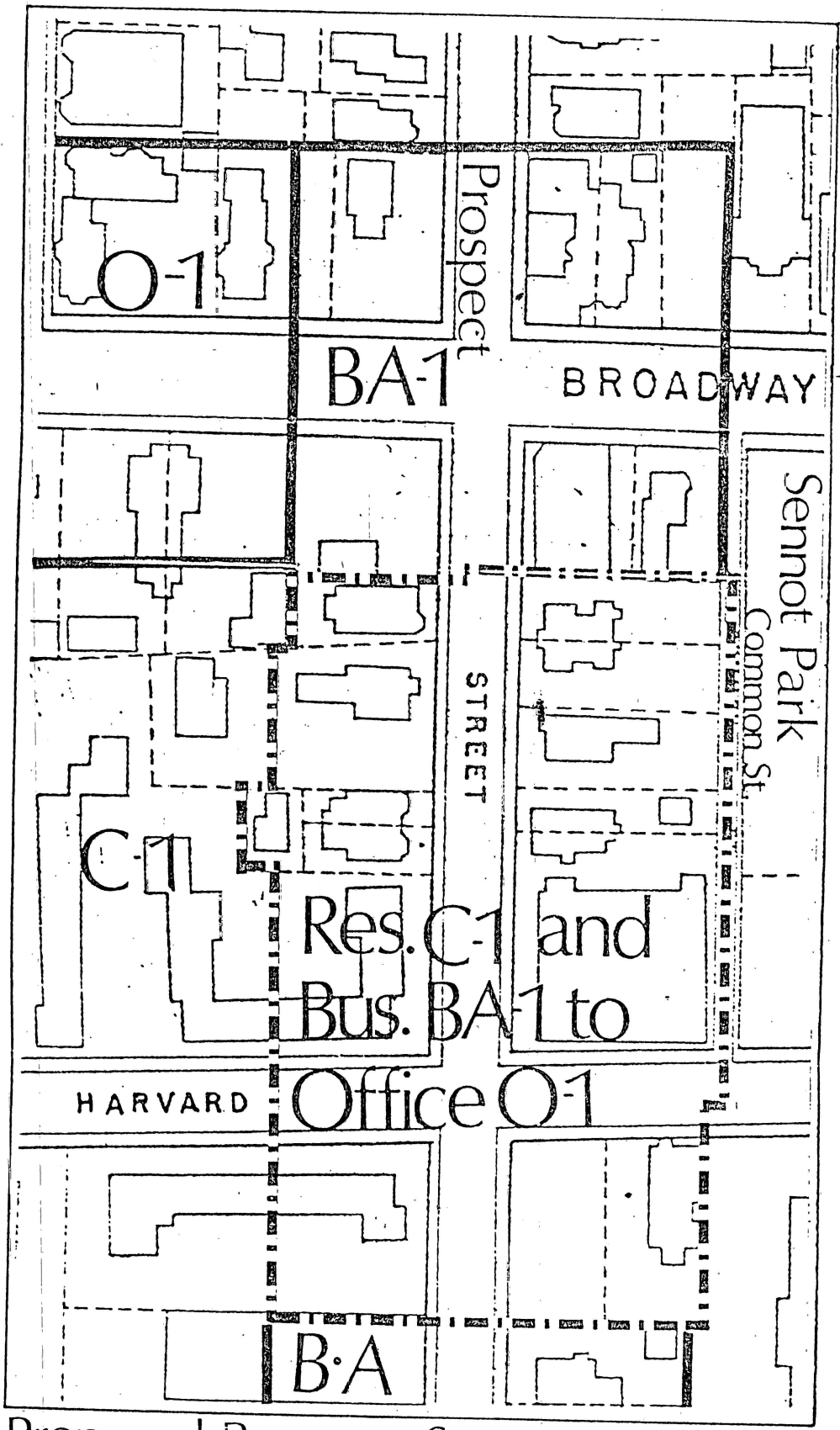
second fl. bid.

City of Cambridge

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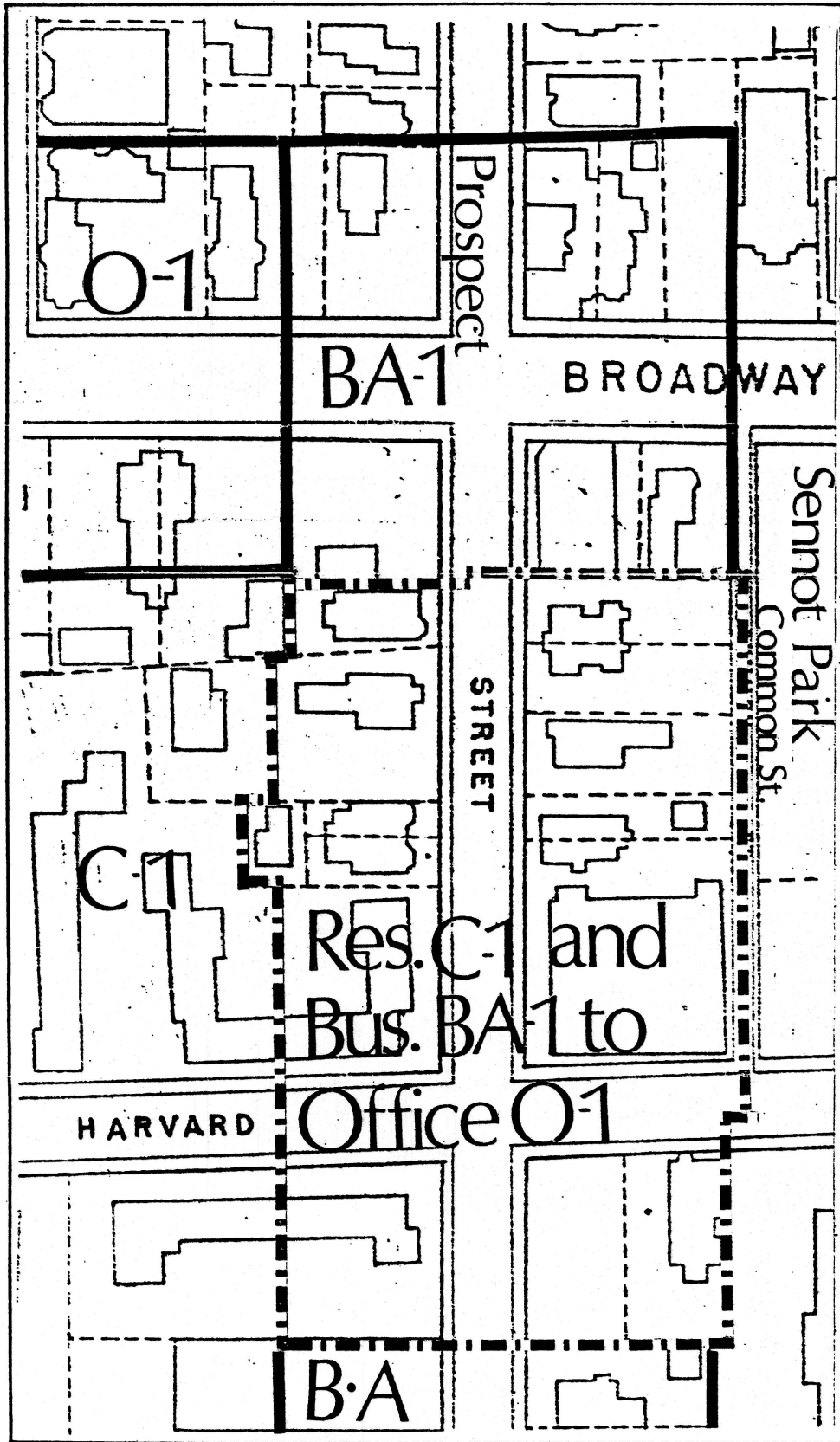
City of Cambridge

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For the Committee,

Councillor Frisoli,
Chairman, Committee on Ordinances.



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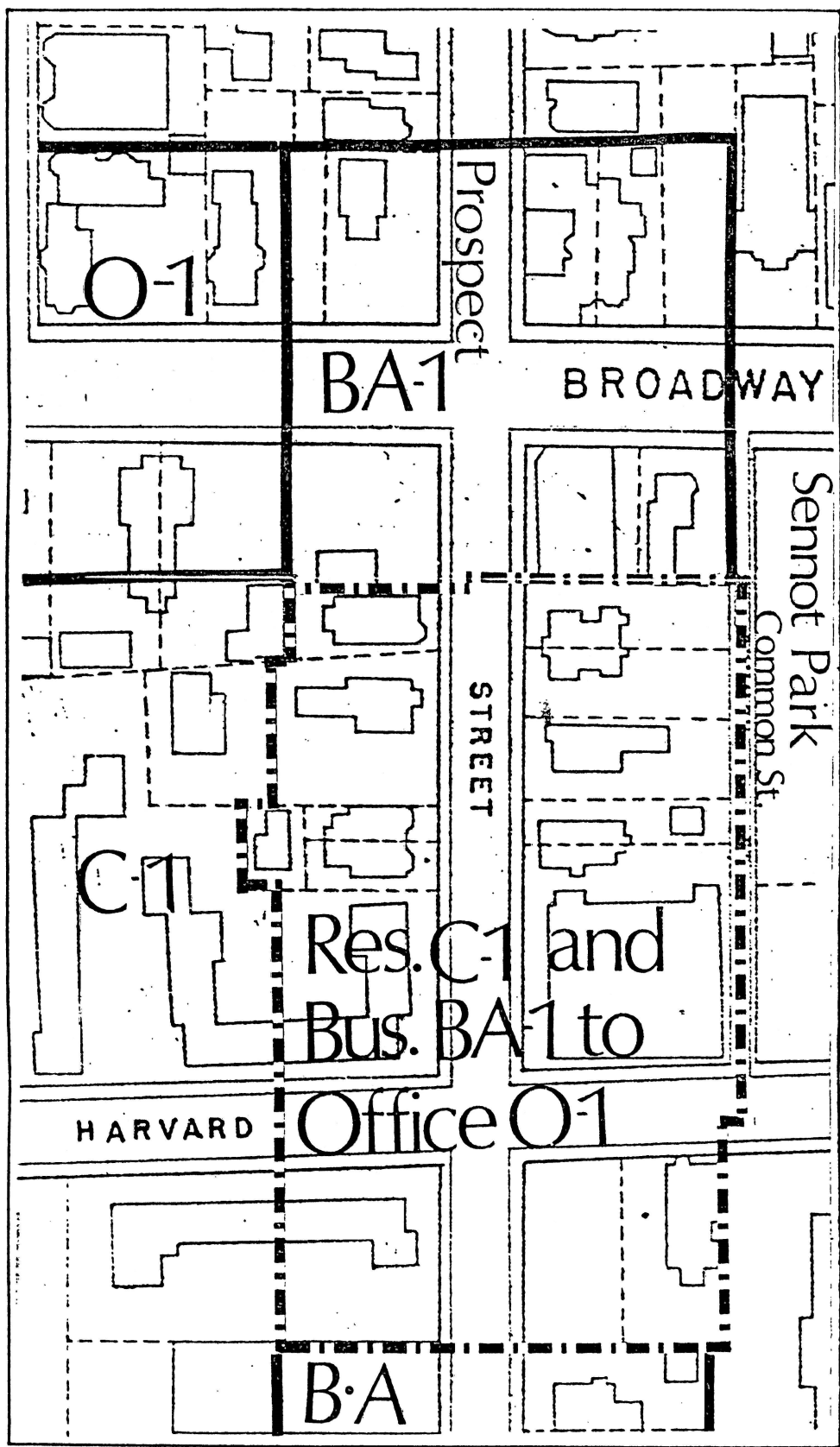
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For the Committee,

Councillor Frisoli,
Chairman, Committee on Ordinances.

RECEIVED BY
OFFICE OF CITY CLERK

Cambridge, January 11, 1978

MAR 6 4 10 PM '78

CAMBRIDGE, MASS.

To the Honorable, the City Council of the
City of Cambridge:

The undersigned respectfully prays
that the map accompanying the text of the Zoning Ordinance be amended as
follows:

By striking out the designations Residence C-1 and Business B-A-1 and sub-
stituting in place thereof the designation Office O-1 for the following area
which encompasses premises located along Prospect Street between 127 and
155 on the odd numbered side and 118 through 152 on the even numbered
side of the street and which encompasses approximately 117,000 square feet
of land area:

The area circumscribed by a line beginning at the point of intersection
of the boundary between lots numbered 48 and 49 on Assessors' Plat #88
and the easterly sideline of Prospect Street extending in a south-
easterly direction for approximately 125 feet along said boundary line and
its extension to the point of intersection with the centerline of Common
Street;

Thence proceeding in a southwesterly direction for approximately 300
feet along the centerline of Common Street extended to its point of
intersection with the centerline of Harvard Street; thence extending in
a northwesterly direction along said centerline for approximately 15 feet;
thence turning in a southwesterly direction and proceeding for approxi-
mately 124 feet along the easterly sideline of lot numbered 21 on Asses-
sors' Plat #90 and its extension to the centerline of Harvard Street;

Thence turning in a northwesterly direction and proceeding for approxi-
mately 140 feet along the southerly boundary lines of lots numbered 20
and 21 on Assessors' Plat #90 and their extension to the centerline of
Prospect Street;

Thence proceeding in a northeasterly direction for approximately 6 feet
along the centerline of Prospect Street and then turning in a northwesterly
direction and proceeding for approximately 125 feet along the boundary
separating lots numbered 117 and 121 on Assessors' Plat number 107
and extended to the centerline of Prospect Street;

Thence turning and proceeding in a northeasterly direction for approxi-
mately 140 feet to a point which is the intersection of the boundary be-
tween lots numbered 41 and 84 on Assessors' Plat #103 and the north-
northerly sideline of Harvard Street;

PETITION

of

for

No.

..... **19:**

In City Council, **19:**

Referred to the Committee on

Attest:

City Clerk.

Thence continuing in a generally northeasterly direction for approximately 111 feet along the northwesterly boundary line of lot numbered 41 on Assessors' Plat #108 to the intersection with the southwesterly boundary line of lot numbered 72 on said plat;

Thence turning and proceeding in a generally northwesterly direction for a distance of approximately 13 ft. along the southwesterly boundary line of lot numbered 72 on Assessors' Plat #108;

Thence turning & proceeding in a generally northeasterly direction for a distance of approximately 46 ft. along the northwesterly boundary line of lot numbered 72 on Assessors' Plat 108 to its point of intersection with the southwestern boundary line of lot numbered 83 on said plat;

Thence turning and proceeding in a generally southeasterly direction for a distance of approximately 5 ft. along the boundary line between lots numbered 83 and 72 on Assessors' Plat #108 to the intersection of said boundary line and the northwestern boundary line of lot numbered 75 on said plat;

Thence turning and proceeding in a generally northeasterly direction for a distance of approximately 83 ft. along the northwesterly boundary lines of lots numbered 75, 64, and 63 on Assessors' Plat #108 to the intersection with the southwestern boundary line of lot numbered 35 on said plat;

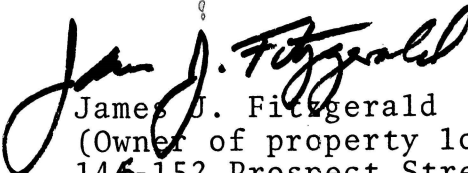
Thence turning and proceeding in a generally southeasterly direction for a distance of approximately 5 ft. along the northeasterly boundary line of lot numbered 63 on Assessors' Plat #108 to its intersection with the northwesterly boundary line of the lot numbered 77 on said plat;

Thence turning and proceeding in a generally northeasterly direction for a distance of approximately 39 ft. along the northwesterly boundary line of the lot numbered 77 on Assessors' Plot #108 to its point of intersection with the boundary separating lots numbered 35 and 80, on said plat;

Thence turning and proceeding in a generally southeasterly direction for a distance of approximately 147 ft. along the boundary line between lots numbered 80 & 77 on Assessors' Plat #108, and its extension, to its point of intersection with the easterly sideline of Prospect Street;

Thence turning and proceeding in a generally northeasterly direction for a distance of approximately 10 ft. along the easterly sideline of Prospect Street to the point of intersection with the boundary line between the lots numbered 48 and 49 on Assessors' Plat #88 which is the point of origin.

Respectfully submitted by


James J. Fitzgerald

(Owner of property located at
146-152 Prospect Street).

0-50

Petition of James J. Fitzgerald to amend the Zoning Ordinance of the City of Cambridge by striking out the designations Res. C-1 and Bus. B-A-1 and substituting in place thereof the designation Office O-1 in the area bounded by Prospect St., Common St. and Harvard Street.

2-13-78 - March 18
April 30
May 17

All action
complete 65
RE
Thermon

90 days from PB Board
Hearing

In City Council,
March 13, 1978

3/12/78

Referred to the
Planning Board
for

Hearing and Report
Papers sent 3/14/78