CAMBRIDGE DEPARTMENT OF PUBLIC WORKS

147 Hampshire Street
Cambridge
Massachusetts 02139
617-349-4800
TDD 617-349-4805

RECEIVED BY
OFFICE OF CITY CLERK
1994 AUG -1 PM 12:20
CAMBRIDGE MA.

TO: Margaret Drury
City Clerk

FROM: Ralph E. Dunphy
Commissioner

DATE: 1 August 1994

RE: Protests to Richards Petition.

My staff has reviewed the new information submitted. The results are as follows:

There are no protesters within the "core" area, consisting of lots 100/67 and 100/78.

There is one protester within the redefined "ribbon" or "doughnut" area, consisting of lots 100/82, 100/83, 100/93, 100/10, 100/11, 100/22 and a portion of lot 100/81.

Protest Lot 12 Florence St.	=	11,048 s.f.
Total "Ribbon/Doughnut" Area	=	97,022 s.f.
Percent of Protest Lot	=	11.3%

You may note a discrepancy between the number verified by the Assessors' Office (100/88) and the one appearing on the plan (100/93). In either event, the protester is a legitimate abutter.

I am transmitting several plan sets for your use in presenting the issue. Please let me know if you need any additional information.

HOVEY, URBELIS, FIELDSTEEL & BAILIN
155 FEDERAL STREET
BOSTON, MASSACHUSETTS 02110-1727
TELEPHONE 617-338-2200
TELECOPIER 617-338-0122

PLYMOUTH OFFICE
170 WATER STREET
PLYMOUTH, MA 02360-3854
TELEPHONE
508-747-6250
TELECOPIER
508-746-8075

ANDOVER OFFICE
26 CHESTNUT STREET
ANDOVER, MA 01810-3600
TELEPHONE
508-475-4552

August 4, 1994

Donald A. Drisdell, Esquire
Deputy City Solicitor
City Hall - Law Department
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Don:

Issue Presented

You have asked for our opinion as to the proper interpretation of the language of Massachusetts G.L. c. 40A, §5 with respect to written protests against zoning changes "by owners of twenty percent or more of the area of land proposed to be included in such change or of the area of the land immediately adjacent extending three hundred feet therefrom...."

Summary of Discussion

We interpret the aforementioned language to require written protests by owners of twenty percent or more of the area of land in the area proposed to be affected by the zoning change or by owners of twenty percent or more of the area of land abutting the area to be

rezoned, but not including areas of such abutting owners' lands which extend beyond three hundred feet from the proposed area to be rezoned.

In our opinion, the words "immediately adjacent" are synonymous with the words "immediately adjoining" and therefore, a protester must be an owner of land that abuts the land to be included in the change.

Discussion

Section 5 mandates that in the event of such written protest, a city having a council of fewer than twenty-five may adopt such change only by a three-fourths vote of all members, rather than the usual two-thirds vote. Specifically, Section 5 provides in relevant part:

> No zoning ordinance or by-law or amendment thereto shall be adopted or changed except by a two-thirds vote of all the members of the town council, or of the city council where there is a commission form of government or a single branch, or of each branch where there are two branches, or by a two-thirds vote of a town meeting; provided, however, that if in a city or a town with a council of fewer than twenty-five members there is filed with the clerk prior to final action by the council a written protest against such change, stating the reasons duly signed by owners of twenty per cent or more of the area of the land proposed to be included in such change or of the area of the land immediately adjacent extending three hundred feet therefrom, no such change of any such ordinance shall be adopted except by a three-fourths vote of all members.

The precise language at issue has not been directly interpreted by any reported Massachusetts Court cases. However, in Parisi v. Gloucester, 3 Mass. App. Ct. 680 (1975), the Court analyzed the language of the analogous provision of former G.L. c. 40A, §7. Former Section 7 provided in relevant part that:

> General Laws, c. 40A, §7, as amended through St. 1954, c. 368, §§1 and 2 provides: "No change of any zoning ordinance or by-law shall be adopted

> except by a two-thirds vote of all the members of the city council where there is a commission form of government or a single branch, or of each branch where there are two branches, or by a two-thirds vote of a town meeting; provided, that in case there is filed with the city clerk prior to the close of the first hearing before the city council or committee thereof a written protest against such change, stating the reasons, duly signed by the owner of twenty per cent or more of the area of the land proposed to be included in such change, or of the area of the land immediately adjacent, extending three hundred feet therefrom, or of the area of other land within two hundred feet of the land proposed to be included in such change, no such change of any such ordinance shall be adopted except by a unanimous vote of all the members of the city council, whatever its form, if it consists of less than nine members of, if it consists of nine or more members, by a three-fourths vote of all the members thereof where there is a commission form of government or a single branch, or each branch where there are two branches." Id. at 681, n. 1 (Emphasis added.)

In Parisi, the Court held that the failure of land owners to include a statement of reasons for their opposition in the written protest rendered inapplicable the provisions of §7 requiring unanimity or three-fourths vote of all the members of the city council. Id. at 682. Thus, even though the protestors stated their reasons at the public hearing, the Court held that Section "7 requires that the reasons for a protest thereunder be in writing as part of the written protest." Id. The Court explained:

> Grammatically, it is the "written protest" which is specified as "stating the reasons" and, as thus specified, is to be "duly signed." And we are not inclined to strain the grammatical structure unless we can say that the requirement that the reasons be in writing has no legislative purpose and that the deviation in this case is merely a "trivial procedural defect." [Citation omitted.] We do not believe that is so or that the requirement can somehow be viewed as merely directory rather than mandatory. [Citation omitted.] Id.

In the course of its opinion, the Parisi Court explained that:

> Statutes providing for a greater than majority vote of the appropriate governing body in order to override a protest of a given percent of the landowners affected by a proposed zoning amendment exist in many states. See *Trumper v. Quincy*, 358 Mass. 311, 312 (1970), and materials cited. Such statutes are designed to give affected landowners "some leverage in the adoption or rejection of a propos[ed amendment]" (id. at 314) and are expressions of "the precise degree of extra diligence those citizens [whose property rights it is proposed to alter] will be guaranteed." Id. at 313. See *Opinion of the Justices*, 234 Mass. 597, 606 (1920). Id. at 682-683.

The Court admonished:

> However, the landowners' leverage to invoke the unanimity requirement derogates from the normal legislative process by majority rule even more drastically than the statutory two-thirds rule (see fn. 1) which otherwise applies to the enacting of zoning amendments. The limitations upon and conditions of that leverage must therefore be strictly enforced. Id. at 683.[1] (Emphasis supplied.)

It is important to note that a construction of the language of the current section 5 to mean that the statute includes all landowners owning land within a 300' radius around the

---

[1] The Parisi Court's narrow and cautious approach to the exception is reflected in the Supreme Judicial Court's decision in Trumper v. City of Quincy, 358 Mass. 311, 313 (1970). In upholding the requirement of the three-fourths vote of all members required after proper written protest as constitutional, and not an improper delegation of legislative power, the Court, quoting at length from the New Jersey Court's interpretation of a similar statute, explained that

> the statute did not give the protesters legislative power but rather allowed them merely to exercise 'the inherent right of the people to petition their government for redress of grievances.... The statute does not prevent the governing body from amending its ordinance. It merely requires a percentage of vote greater than the usual majority where a proper protest has been filed. That the municipality should exercise extra diligence when it is making important changes in the property rights of citizens who object is obvious, and the Legislature has rightly exercised its discretion in predetermining the precise degree of extra diligence those citizens will be guaranteed. This is in conformity with recognized legislative powers.'

Id. at 313, quoting Farmer v. Meeker, 63 N.J. Super. 56, 64-65.

affected land would insert by judicial construction into section 5 language which was expressly removed from the statute by the Legislature. Thus, although former §7 included, in addition to owners of land in the area affected by the change and those of the area of the land immediately adjacent thereto, extending three hundred feet therefrom, the owners "of the area of other land within two hundred feet of land proposed to be included in such change," Section 5 excludes that language. Arguably, the Legislature clearly made a decision to remove from those permitted to file protests non-abutting landowners. Moreover, the Parisi case makes clear that the Court will strictly construe this exception to the normal two-third's rule.

Moreover, if the Legislature had intended to include abutters to abutters in the category of landowners entitled to effect written protest, it was perfectly capable of drafting language to do so. See, e.g., G.L. c. 40A, §11, which provides

> "Parties in interest" as used in this chapter shall mean the petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, and the planning board of every abutting city or town.

Cases interpreting "immediately adjacent"

Morganelli v. Building Inspector of Canton, 7 Mass. App. Ct. 475 (1979), involved "an appeal by two abutters from a judgment, entered after trial, dismissing their complaint seeking enforcement of the zoning by-law of the town of Canton." In describing the plaintiffs, the Court referred to them as "owners of property in Canton immediately adjacent

to a lot (Lot 28) owned by the defendant..." The Court, therefore, clearly equated owners of "immediately adjacent" property with "abutters".

This interpretation is supported by the analyses of other courts analyzing similar zoning statutes and/or interpreting the words "immediately adjacent".

In Parsons v. Town of Wethersfield, 135 Conn. 24, 60 A.2d 771 (1948), the zoning commission, by a vote of four of the five commissioners, rezoned a certain property from residential to light industrial. The plaintiffs appealed, claiming that the vote under the Connecticut statute was required to be unanimous. The Court explained that:

> The plaintiffs own houses and lots facing east on Middletown Avenue and in the aggregate own more than 20 per cent of the land east of and opposite the Griswold property. They opposed the defendants' petition at a hearing before the zoning commission. The railroad lies between the lands of the plaintiffs and defendants. 135 Conn. at 27.

The statute involved provided in relevant part:

> If a protest shall be filed with the zoning authority against such change, signed by the owners of twenty per cent or more of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending one hundred feet therefrom, ... such change shall not become effective except by unanimous vote of the zoning authority if such zoning authority is a zoning commission.... Id. at 27-28.

The Court, noting that the decision as to unanimity "depends on the meaning to be accorded the words 'immediately adjacent'", id. at 28, explained :

> If the railroad owned only a right of way, the property owners on either side owned to its center and their lands might be said to be immediately adjacent. *Center Bridge Co. v. Wheeler & Howes Co.*, 86 Conn. 585, 589 A. 11. The railroad can, however, own land for its track in fee. *New York, B. & E. Ry. Co. v. Motil*, 81 Conn. 466, 471, 71 A. 563; General Statutes §5008. If it owned

> this 66-foot strip in fee, the land of the plaintiffs did not adjoin or abut the land in question, but it still must be determined whether it was immediately adjacent.

The Court, in construing the intention of the legislature "by the words it has used", id. at 29, and its purpose -- "to define the protesting interest deemed sufficient to require unanimous action by the commission", id. --, concluded:

> The pertinent words are "twenty per cent or more of the lots ... immediately adjacent." To say that the term "lots ... immediately adjacent" is to be defined as lots in the immediate vicinity or neighborhood, as claimed by the plaintiffs, would furnish no definite standard on which to figure the percentage. If, on the other hand, it is construed as meaning "adjoining or abutting", the test can be easily applied. The latter is a common definition. *Tudor v. Chicago & S.S.R.T.R. Co.*, (Ill.) 27 N.E. 915, 917; *Lawrenceburg v. Maryland Casualty Co.*, 16 Tenn. App. 238, 242, 64 S.W.2d 69; *Long v. London & Lancashire Indemnity Co.*, 119 F.2d 628, 630; *Pickens v. Maryland Casualty Co.*, 141 Neb. 105, 108, 2 N.W.2d 593. The property of the plaintiffs was not immediately adjacent to the land in question and a unanimous vote of the commission was not required. Id. at 29 (emphasis supplied).[2]

---

[2] It should be noted that in 1947 and again in 1951 the Connecticut legislature amended the statute. As the Court explained, after the Parsons decision

> In 1947, the legislature changed the method of fixing the qualifications of property owners as protestants.... The 'immediately adjacent' and 'directly opposite' tests of the original act were abandoned. Instead, a protest by property owners outside of the area to be rezoned, to be effective, had to be made by the owners of 20 per cent of the area 'of the lots within two hundred feet in any indirection' [sic] of the property included in the proposed change. In 1951, the distance was extended to 500 feet.... The change made by the legislature in 1947 manifested an intent to extend the area within which property owners might qualify as protestants by eliminating the requirement that they must own abutting or adjoining property and that such property must be either in the rear of or opposite the property proposed to be rezoned. By the amendment, the area within which property owners could qualify as protestants became the area bounded by a line drawn at a distance of 200 feet from every point of the outer boundary of the area affected by the change. The increase from 200 to 500 feet made in 1951 evidence an intent to enlarge the area further. 142 A.2d at 526. (Emphasis supplied.)

Other courts have come to a similar conclusion in interpreting the words "immediately adjacent".

In Putney v. Township of Abington, 176 Pa. Super. 463, 108 A.2d 134 (1954), a three-fourths vote of township commissioners was required when there was a protest against a change in zoning, signed by twenty per cent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear or in the front as to either side thereof exiting one hundred feet therefrom. A railroad right of way was 100 feet in width and lay between the signer of the protest and the rezoned tract. The Court stated:

> We cannot agree that 'immediately adjacent' means anything but 'touching' the area rezoned. It may be, as appellants contend, that the word 'adjacent' standing alone is not precise and can be taken to mean 'near or close to but not necessarily touching'. When, however, the legislature placed the word 'immediately' before adjacent, its meaning became too clear for dispute. 108 A.2d at 141.

In Long v. London & Lancashire Indemnity Co. of America, 119 F.2d 628, 630 (6th Cir. 1941), the Court decided that the words "immediately adjacent", as used in a public liability policy, under which an insurer agreed to indemnify an assured against loss by reason of liability imposed upon him for damages on account of bodily injury suffered by any person not employed by the assured as a result of an accident occurring at a location named in the policy, or upon sidewalks, ways or premises "immediately adjacent" thereto, was synonymous with words "immediately adjoining", and hence an injury to a motorcycle officer as a result of striking a dog which came out of the assured's property and began to chase the motorcycle, which injury occurred at a point some 60 feet from the nearest portion of the assured's property was not within coverage of the policy. The Court reasoned that:

> Used alone, the word 'adjacent' would mean 'lying near'; 'adjoining' would mean 'lying next'; although the words are often used synonymously. Webster's International Dictionary, 2d Ed., Unabridged; the Shorter Oxford English Dictionary; the New Century Dictionary; Funk and Wagnall's Comprehensive Standard Dictionary, 1935.
>
> In its instant usage, the word 'immediately,' as defined by the New Century Dictionary, means with no space intervening, or next, as 'immediately adjoining.' Other lexicographers are in accord.
>
> We think the words 'immediately adjacent,' as used in the insurance policy under construction, have the same natural significance as the words 'immediately adjoining.' Unless such construction be adopted, the word 'immediately' in the present context would have not practical effect. Its express use must not be disregarded. If the insurance company had intended to cover an accident on ways adjacent to the insured premises, there would have been no occasion for using the qualifying word 'immediately' in conjunction with the word 'adjacent.' But, inasmuch as the word 'adjacent' has been actually qualified by the word 'immediately,' the two words used conjunctively must receive a reasonable interpretation. If policy coverage had been intended despite intervening space, the insurer would have used some such expression as 'closely adjacent,' or 'nearly adjacent.'

In Pickens v. Maryland Casualty Co., 141 Neb. 105, 2 N.E.2d 593, 595 (S.Ct. 1942) the Court construed the words "immediately adjacent" as follows:

> The word "adjacent" ordinarily means "lying near, close or contiguous." Websters New International Dictionary. It does not always import a physical contact with something else, as does the word "adjoining." "But, when qualified by the adverb 'immediately,' it necessarily means 'contiguous' or so close to the other object as to be almost in contact with it."

Similarly, in Tudor v. Chicago & S.S.R.T.R. Co., 27 N.E. 915 (Ill. S.Ct. 1891) the Court held: "The word 'adjacent' is defined by lexicographers to mean 'lying near, close, or contiguous, but not actually touching,' and, as qualified by the adverb 'immediately,' it means the same as 'continuous,' or 'touching upon the whole of one side.'" 27 N.E. at 917.

HOVEY, URBELIS, FIELDSTEEL & BAILIN

I hope this analysis has been helpful to the issue at hand. Please call if you have any questions or if there is anything else you need.

Sincerely,

Thomas J. Urbelis

Thomas J. Urbelis

TJU/jeh

HALE AND DORR

☒ 60 State Street
Boston, Massachusetts 02109
(617) 526-6000
(617) 526-5000 FAX

☐ The Willard Office Building
1455 Pennsylvania Avenue., N.W.
Washington, DC 20004
(202) 942-8400
(202) 942-8484 FAX

☐ 1155 Elm Street
Manchester, NH 03101
(603) 628-7400
(603) 627-3880 FAX

FAX TRANSMITTAL COVER SHEET

Date 8/04/94 Number of Pages to Follow _____ Time _____

Upon Receipt Deliver Immediately to:

Name CAMBRIDGE CITY COUNCIL MEMBERS (as attached) Company _____

City _____ State _____ Country _____

Sent by Richard Berkman Ext. 6212 Location _____

FAX # ( ) 349-4287 Confirm # ( ) 349-4280

Original:

☐ Will follow by mail ☐ Will follow by courier ☒ Will not follow

Message _____

The information contained in this communication is confidential, may be attorney-client privileged, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying is strictly prohibited. If you have received this communication in error, please notify us by telephone immediately at (617) 526-5413 so that we can arrange for the retrieval of the documents at no cost to you. If the transmission is incomplete or illegible, please call us at the above number.

Client Matter Number 1025 - 56 - 115

Transmitted by _____

MEMORANDUM OF LAW

TO: Cambridge City Council

FROM: Richard Berkman

RE: M.G.L. c. 40A, §5

DATE: August 4, 1994

INTRODUCTION

At the hearing of the Cambridge City Council held on August 1, 1994 regarding the proposed zoning change for property owned by Memorial Realty Trust on Memorial Drive, an issue arose as to the correct interpretation of M.G.L. c. 40A, §5. A written protest duly signed by the owners of more than twenty percent of the area of the land within three hundred feet from the Site was filed before the hearing with the City Clerk, in accordance with the statute. This memorandum addresses the question of the correct interpretation of M.G.L. c. 40A, §5.

DISCUSSION

I. Under the Plain Meaning of the Words Used in M.G.L. 40A, §5 There Is No Requirement that Owners' Property Abut the Site.

Under M.G.L. c. 40A, §5, a two-thirds vote of the city council is required in municipalities having a commission form of government in order to adopt or change a zoning bylaw. However, where, as in Cambridge, the city council consists of fewer than twenty-five members, the required vote is three-fourths of all members if:

> "there is filed with the clerk prior to final action by the council a written protest against such change, stating the reasons duly signed by owners of twenty per cent or more of the area of the land proposed to be included in such change, or of the area of the land immediately adjacent extending three hundred feet therefrom . . . " M.G.L. c. 40A, §5.

Thus, Section 5 creates two alternative tests pursuant to which a three-fourths vote is required. Under the first test, the protest must be signed by the owners of twenty percent or more of the land being rezoned. Under the second test, the protest must be signed by the owners of twenty percent or more of the "area of the land immediately adjacent extending three hundred feet" from the

subject land. At issue in the present case is whether the words "immediately adjacent" mean "abutting."

It is a fundamental principal of statutory construction that words are to be read in accordance with their commonly accepted meaning and usage. Webster's Third International Dictionary sheds some light on the meaning of the words "adjacent" and "abutting." Both terms obviously relate to the proximity of objects. But while the definition of "adjacent" includes "not distant or far off . . . nearby but not touching," the word "abutting" means "to touch along a border." Webster includes among the synonyms for the word "adjacent" the words "adjoining," "abutting," and "contiguous," but notes a significant difference in degree between each term. In particular, Webster states that:

> ADJOINING is quite similar to ADJACENT in meaning and suggestion but may more strongly indicate the existence of common bounding lines or lines or points of junction . . . ABUTTING most strongly predicates actual contact at a bounding or dividing line (abutting lots) . . . CONTIGUOUS shows variable usage but is likely to suggest touching along a dividing line; it may indicate an unbroken continuity . . . (adjacent events need not be **contiguous**). (emphasis in original)

Thus, although the words "adjacent" and "abutting" have similar meanings, the meanings are by no means identical. The addition of the adjective "immediately" before the word "adjacent" does not change this conclusion. Webster notes that the definition of "immediate" includes both a narrow meaning (e.g. "characterized by contiguity: existing without intervening space or substance") and a broader meaning (e.g. "being near at hand : not far apart or distant"). The combination of the words "immediately" and "adjacent" is not equivalent to the word "abutting," which Webster plainly defines to mean touching along a common boundary.

Black's Law Dictionary, Fourth Addition, further amplifies the crucial distinctions between the terms "abut", "adjoining" and "adjacent." Black's defines these terms as follows:

> **ABUT.** To reach, to touch . . . To touch at the end; be contiguous; join at a border or boundary; terminate; to end at; to border on; to reach or touch with an end . . . The term "abutting" implies a closer proximity than the term "adjacent" . . . "Contiguous" synonymous, both conveying idea that lot borders on improvement.
>
> **ADJOINING.** The word in its etymological sense, means touching or contiguous, as distinguished from lying near to

> or adjacent . . . To be in contact with; to abut upon . . . And the same meaning has been given to it when used in statutes . . . .
>
> **ADJACENT.** Lying near or close to; sometimes, contiguous; neighboring . . . **Adjacent** implies that the two objects are not widely separated, though they may not actually touch . . . while **adjoining** imports that they are so joined or united to each other that no third object intervenes. (emphasis in original)

The legislature's choice of terms in Section 5 ("immediately adjacent" vs. "abutting") must be given effect and meaning, particularly where it has used the word "abutting" elsewhere in Chapter 40A. Section 11, for example, defines the term "parties in interest" as **"abutters**, owners of land directly opposite on any public or private street or way, and **abutters** to the **abutters** within three hundred feet of the property line of the petitioner." M.G.L. c.40A, §11 (emphasis added). Clearly, the legislature knew how to use the word "abutters" in Chapter 40A when it wanted to. Its decision to use the less restrictive term "immediately adjacent" in Section 5 must be deemed to be intentional.

The clear purpose of the words "immediately adjacent" in M.G.L. c. 40A is to provide a reference point from which to measure a three hundred foot band around the subject land. The words "immediately adjacent" are words of description, not of limitation. To read Section 5 to include a requirement that the owners' property must abut the subject land in order to qualify as a protester could lead to absurd results. Consider the case in which a property owner owns a one foot strip of land surrounding the subject property. If Section 5 included an "abutting owner" requirement, the only qualified protestant would be the owner of the one foot strip. The owners of the land in the 299 foot band bordering the one foot strip would have no right to file a protest under Section 5, even though the proposed zoning amendment could directly affect their property. It should be noted that the owner of such a one foot strip could also own the property proposed to be re-zoned. Thus, reading an "abutting owner" requirement into Section 5 also makes it possible for an owner seeking a zoning change to subvert the rights of its neighbors to protest such a change. The law disfavors statutory interpretations which could produce absurd or unjust results. Accordingly, the contention that the legislature intended the words "immediately adjacent" to mean "abutting" should be rejected.

AUG 04 '94 04:17PM HALE AND DORR P.5

II. Case Law and Legislative History Do Not Support the Claim That the Words "Immediately Adjacent" Mean "Abutting."

A. Case Law

We know of no Massachusetts case that has interpreted the meaning of the words "immediately adjacent" in Section 5. Deputy City Solicitor Drisdale, however, has cited a Connecticut case, Parsons v. Town of Wethersfield, 135 Conn. 24, 60 A.2d 771 (1948) for the proposition that these words mean "abutting." As a Connecticut case, Parsons has no precedential value in Massachusetts. In any event, the case is easily distinguishable from the matter presently before the Council.

First, the Connecticut statute in Parsons (General Statutes, Cum. Sup. 1939, §132e) is materially different from M.G.L. c. 40A. The Connecticut statute provided, in part, as follows:

> "If a protest shall be filed with the zoning authority against such a change, signed by the owners of twenty per cent or more of the **lots** included in such proposed change, or of those immediately adjacent **in the rear thereof** extending one hundred feet therefrom, . . . such change shall not become effective except by unanimous vote of the zoning authority . . . " Id. at 27-28. (emphasis added)

As highlighted in italics, the Connecticut statute addressed "lots" while M.G.L. c. 40A, §5 addresses "the area of the land." This distinction is critical. The term "lot" has special meaning in zoning parlance. "Lots" by definition have specific boundaries. "Land" (the term used in Section 5) does not. It is, therefore, not surprising that the Parsons court would consider "immediately adjacent" lots to mean "contiguous" or "abutting" lots.

Second, the Connecticut statute in Parsons was vague both on its face and as interpreted by the protesting owners. The Parsons court stated that "[i]t is unnecessary to determine whether the term 'immediately adjacent,' standing alone, is the equivalent of abutting or adjoining . . . " Id. at 28. According to the court, the intent of the legislature "is to be determined in the first instance by the words it has used," but the legislature's "general purpose must also be considered." Id. (citations omitted) The court stated that the legislature's purpose was to create a precise test, which could be easily applied, for calculating the "protesting interest deemed sufficient to require unanimous action by the [zoning] commission." Id. The problem for the court in Parsons was that the statute, as interpreted by the owner-protesters, created an unreliable test. According to the court:

> "To say that the term "lots . . . immediately adjacent" is to be defined as lots in the **immediate vicinity or neighborhood, as claimed by the plaintiffs,** would furnish no definite standard on which to figure the percentage." Id. (emphasis added)

Dissatisfied with the plaintiffs' interpretation of the test, the court remarked that, [i]f, on the other hand, [the term] is construed as meaning "adjoining or abutting," the test can be easily applied." Id. (emphasis added, citations omitted)

M.G.L. c. 40A, §5 does not suffer from any of the infirmities of the Connecticut statute in Parsons. Section 5 creates an easily applied, "bright-line" test for qualifying protestants. All that is required to apply the test is to draw a three hundred foot band around the property in question and to tally the percentage of land in the band owned by protesters. This test is as clear and unambiguous in its application as tallying the percentage of land owned by each abutter. Accordingly, the fundamental premises of the Parsons case -- that the test for applying the increased voting requirement as interpreted by the plaintiffs was vague -- simply does not apply to Chapter 40A, §5.

B. Legislative History

We are not aware of any legislative history which interprets the import of the words "immediately adjacent" in M.G.L. c. 40A, §5. The only legislative history which Deputy City Solicitor Drisdale has advanced is a footnote in Parisi v. City of Gloucester, 338 N.E.2d 847, 3 Mass. App. Ct. 680 (1975) which merely reproduces the text of former M.G.L. c.40A, §7, the predecessor to the present M.G.L. 40A, §5. The Parisi case does not address the issue of qualification of protesters under old Chapter 40A, §7 or in any way comment upon the amendment of Chapter 40A.

III. A Guide Published to Assist Municipalities in Interpreting Chapter 40A Indicates That Property Within the Three Hundred Foot Band Need Not Abut the Subject Property.

Although we know of no case law or legislative history interpreting the meaning of the phrase "immediately adjacent" in M.G.L. c. 40A, §5, the University of Massachusetts Cooperative Extension Service has published *A Guide to Massachusetts' New Zoning Act -- Chapter 808 of the Acts of 1975*, dated August, 1977. The *Guide* was co-sponsored and supported by several private and public organizations serving the educational and technical assistance needs of Massachusetts' cities and towns, including the following:

The Central Massachusetts Regional Planning Commission,

The Massachusetts League of Cities and Towns,

The Massachusetts Department of Community Affairs,

The Metropolitan Area Planning Council,

The Northern Middlesex Area (Planning) Commission,

The Old Colony Planning Council,

The Office of State Planning, and

The Southeast Regional Planning and Economic Development District.

The Foreward to the *Guide* states that it "is designed to serve communities as an informed and authoritative discussion of the new Zoning Act including its origins, **legislative intent**, relationship to the Home Rule Amendment, basic requirements, mandatory and optional features and the procedural approaches which a community might follow in responding to the new Act." Id. (emphasis added)

In the section addressing M.G.L. c. 40A, §5, the *Guide* states simply that the three-fourths vote will apply when a petition is submitted to the clerk signed by:

> "those persons who own 20 percent or more of the land area which would be affected by the proposed zoning change; or 20 percent or more of the area within 300 feet of the area to be affected." Id. p. 37.

The *Guide* does not state that properties within three hundred feet must also abut the area to be affected.

I believe that a survey of municipalities in the Commonwealth would reveal that this interpretation of the statute is consistent with the actual practice of other city councils in the Commonwealth. Since the City Council Hearing on Monday, August 1, 1994, we have made inquiries in Newton, Somerville and Worcester. Because of time constraints, we have not contacted any officials of any other city or town. However, in the case of the three cities mentioned above, we were advised that our interpretation of the statute was consistent with theirs.

For the Cambridge City Council to now adopt a new interpretation of the statute would be a radical departure from its own long standing interpretation of M.G.L. c. 40A, §5. Given the controversial nature of Stop & Shop's proposal and the fact

that adding an "abutters" requirement to the statute will limit the rights of neighbors drastically rather than expand them, we believe that such a reversal would be particularly ill-advised. As a matter of fairness, we urge the City Council to resolve any doubts regarding the correct interpretation of Section 5 in favor of expanding the rights of neighbors, rather than suppressing them.

Respectfully submitted,

Richard Berkman

Richard Berkman

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Four

CALENDAR ITEM NUMBER SIX

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:

Amend the Zoning Map of the City Cambridge as follows:

1.0 Amend the Zoning Map of the City of Cambridge by rezoning from Residence C to Business A an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the westerly extension of the centerline of Granite Street and the centerline of Magazine Street, and which point is approximately 290 feet north of the intersection of the southerly extension of the centerline of Magazine Street and the centerline of Memorial Drive,

1.1 Thence proceeding in a northwesterly direction along the existing zone line and the centerline of Riverside Road to the southerly sideline of lot numbered 83 on Assessor's Plat numbered 100, a distance of approximately 425 feet,

1.2 Thence turning and proceeding in an easterly direction along the existing zone line and the southerly sideline of lot numbered 83 on Assessor's Plat numbered 100 for a distance of approximately 120 feet to the centerline of the Passageway, approximately 21.30 feet wide, shown on Assessor's Plat numbered 100,

1.3 Thence turning and proceeding in a southeasterly direction along the centerline of the Passageway, approximately 21.30 feet wide, shown on Assessor's Plat numbered 100 to the centerline of Magazine Street, a distance of approximately 356 feet,

1.4 Thence turning and proceeding in a southwesterly direction along the centerline of Magazine Street to the point of origin, a distance of approximately 125 feet.

2.0 The above described area includes, but is not limited to, all of lots numbered 67 and 78 on Assessor's Plat numbered 100.

PLACED ON FILE DUE TO EXPIRATION OF TIME LIMIT ON SEPTEMBER 14, 1994.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Four

CALENDAR ITEM NUMBER SIX

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:

Amend the Zoning Map of the City Cambridge as follows:

1.0 Amend the Zoning Map of the City of Cambridge by rezoning from Residence C to Business A an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the westerly extension of the centerline of Granite Street and the centerline of Magazine Street, and which point is approximately 290 feet north of the intersection of the southerly extension of the centerline of Magazine Street and the centerline of Memorial Drive,

1.1 Thence proceeding in a northwesterly direction along the existing zone line and the centerline of Riverside Road to the southerly sideline of lot numbered 83 on Assessor's Plat numbered 100, a distance of approximately 425 feet,

1.2 Thence turning and proceeding in an easterly direction along the existing zone line and the southerly sideline of lot numbered 83 on Assessor's Plat numbered 100 for a distance of approximately 120 feet to the centerline of the Passageway, approximately 21.30 feet wide, shown on Assessor's Plat numbered 100,

1.3 Thence turning and proceeding in a southeasterly direction along the centerline of the Passageway, approximately 21.30 feet wide, shown on Assessor's Plat numbered 100 to the centerline of Magazine Street, a distance of approximately 356 feet,

1.4 Thence turning and proceeding in a southwesterly direction along the centerline of Magazine Street to the point of origin, a distance of approximately 125 feet.

2.0 The above described area includes, but is not limited to, all of lots numbered 67 and 78 on Assessor's Plat numbered 100.

PLACED ON FILE DUE TO EXPIRATION OF TIME LIMIT ON SEPTEMBER 14, 1994.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Four

CALENDAR ITEM NUMBER SIX

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:

Amend the Zoning Map of the City Cambridge as follows:

1.0 Amend the Zoning Map of the City of Cambridge by rezoning from Residence C to Business A an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the westerly extension of the centerline of Granite Street and the centerline of Magazine Street, and which point is approximately 290 feet north of the intersection of the southerly extension of the centerline of Magazine Street and the centerline of Memorial Drive,

1.1 Thence proceeding in a northwesterly direction along the existing zone line and the centerline of Riverside Road to the southerly sideline of lot numbered 83 on Assessor's Plat numbered 100, a distance of approximately 425 feet,

1.2 Thence turning and proceeding in an easterly direction along the existing zone line and the southerly sideline of lot numbered 83 on Assessor's Plat numbered 100 for a distance of approximately 120 feet to the centerline of the Passageway, approximately 21.30 feet wide, shown on Assessor's Plat numbered 100,

1.3 Thence turning and proceeding in a southeasterly direction along the centerline of the Passageway, approximately 21.30 feet wide, shown on Assessor's Plat numbered 100 to the centerline of Magazine Street, a distance of approximately 356 feet,

1.4 Thence turning and proceeding in a southwesterly direction along the centerline of Magazine Street to the point of origin, a distance of approximately 125 feet.

2.0 The above described area includes, but is not limited to, all of lots numbered 67 and 78 on Assessor's Plat numbered 100.

PLACED ON FILE DUE TO EXPIRATION OF TIME LIMIT ON SEPTEMBER 14, 1994.

CAMBRIDGE DEPARTMENT OF PUBLIC THE WORKS

RECEIVED BY
CITY CLERK
1994 AUG -1 PM 12:20
CAMBRIDGE MA.

147 Hampshire Street
Cambridge
Massachusetts 02139
617-349-4800
TDD 617-349-4805

TO: Margaret Drury
City Clerk

FROM: Ralph E. Dunphy
Commissioner

DATE: 1 August 1994

RE: Protests to Richards Petition.

My staff has reviewed the new information submitted. The results are as follows:

There are no protesters within the "core" area, consisting of lots 100/67 and 100/78.

There is one protester within the redefined "ribbon" or "doughnut" area, consisting of lots 100/82, 100/83, 100/93, 100/10, 100/11, 100/22 and a portion of lot 100/81.

Protest Lot 12 Florence St.	=	11,048 s.f.
Total "Ribbon/Doughnut" Area	=	97,022 s.f.
Percent of Protest Lot	=	11.3%

You may note a discrepancy between the number verified by the Assessors' Office (100/88) and the one appearing on the plan (100/93). In either event, the protester is a legitimate abutter.

I am transmitting several plan sets for your use in presenting the issue. Please let me know if you need any additional information.

THE WORKS
CAMBRIDGE DEPARTMENT OF PUBLIC

RECEIVED BY
OFFICE OF CITY CLERK
1994 AUG -1 PM 12:20
CAMBRIDGE MA.

147 Hampshire Street
Cambridge
Massachusetts 02139
617-349-4800
TDD 617-349-4805

TO: Margaret Drury
City Clerk

FROM: Ralph E. Dunphy
Commissioner

DATE: 1 August 1994

RE: Protests to Richards Petition.

My staff has reviewed the new information submitted. The results are as follows:

There are no protesters within the "core" area, consisting of lots 100/67 and 100/78.

There is one protester within the redefined "ribbon" or "doughnut" area, consisting of lots 100/82, 100/83, 100/93, 100/10, 100/11, 100/22 and a portion of lot 100/81.

Protest Lot 12 Florence St.	=	11,048 s.f.
Total "Ribbon/Doughnut" Area	=	97,022 s.f.
Percent of Protest Lot	=	11.3%

You may note a discrepancy between the number verified by the Assessors' Office (100/88) and the one appearing on the plan (100/93). In either event, the protester is a legitimate abutter.

I am transmitting several plan sets for your use in presenting the issue. Please let me know if you need any additional information.

THE CAMBRIDGE DEPARTMENT OF PUBLIC WORKS

RECEIVED BY
OFFICE OF CITY CLERK
1994 AUG -1 PM 12:20
CAMBRIDGE MA.

147 Hampshire Street
Cambridge
Massachusetts 02139
617-349-4800
TDD 617-349-4805

TO: Margaret Drury
City Clerk

FROM: Ralph E. Dunphy
Commissioner

DATE: 1 August 1994

RE: Protests to Richards Petition.

My staff has reviewed the new information submitted. The results are as follows:

<u>There are no protesters within the "core" area</u>, consisting of lots 100/67 and 100/78.

<u>There is one protester within the redefined "ribbon"</u> or "doughnut" area, consisting of lots 100/82, 100/83, 100/93, 100/10, 100/11, 100/22 and a portion of lot 100/81.

Protest Lot 12 Florence St.	=	11,048 s.f.
Total "Ribbon/Doughnut" Area	=	97,022 s.f.
Percent of Protest Lot	=	11.3%

You may note a discrepancy between the number verified by the Assessors' Office (100/88) and the one appearing on the plan (100/93). In either event, the protester is a legitimate abutter.

I am transmitting several plan sets for your use in presenting the issue. Please let me know if you need any additional information.

THE WORKS
CAMBRIDGE DEPARTMENT OF PUBLIC

RECEIVED BY
OFFICE OF CITY CLERK
1994 AUG -1 PM 12:20
CAMBRIDGE MA.

147 Hampshire Street
Cambridge
Massachusetts 02139
617-349-4800
TDD 617-349-4805

TO: Margaret Drury
City Clerk

FROM: Ralph E. Dunphy
Commissioner

DATE: 1 August 1994

RE: Protests to Richards Petition.

My staff has reviewed the new information submitted. The results are as follows:

<u>There are no protesters within the "core" area</u>, consisting of lots 100/67 and 100/78.

<u>There is one protester within the redefined "ribbon"</u> or "doughnut" area, consisting of lots 100/82, 100/83, 100/93, 100/10, 100/11, 100/22 and a portion of lot 100/81.

Protest Lot 12 Florence St.	=	11,048 s.f.
Total "Ribbon/Doughnut" Area	=	97,022 s.f.
Percent of Protest Lot	=	11.3%

You may note a discrepancy between the number verified by the Assessors' Office (100/88) and the one appearing on the plan (100/93). In either event, the protester is a legitimate abutter.

I am transmitting several plan sets for your use in presenting the issue. Please let me know if you need any additional information.

THE WORKS
CAMBRIDGE DEPARTMENT OF PUBLIC

RECEIVED BY
CITY CLERK'S OFFICE
1994 AUG -1 PM 12:20
CAMBRIDGE MA.

147 Hampshire Street
Cambridge
Massachusetts 02139
617-349-4800
TDD 617-349-4805

TO: Margaret Drury
City Clerk

FROM: Ralph E. Dunphy
Commissioner

DATE: 1 August 1994

RE: Protests to Richards Petition.

My staff has reviewed the new information submitted. The results are as follows:

<u>There are no protesters within the "core" area</u>, consisting of lots 100/67 and 100/78.

<u>There is one protester within the redefined "ribbon"</u> or "doughnut" area, consisting of lots 100/82, 100/83, 100/93, 100/10, 100/11, 100/22 and a portion of lot 100/81.

Protest Lot 12 Florence St.	=	11,048 s.f.
Total "Ribbon/Doughnut" Area	=	97,022 s.f.
Percent of Protest Lot	=	11.3%

You may note a discrepancy between the number verified by the Assessors' Office (100/88) and the one appearing on the plan (100/93). In either event, the protester is a legitimate abutter.

I am transmitting several plan sets for your use in presenting the issue. Please let me know if you need any additional information.

THE CAMBRIDGE DEPARTMENT OF PUBLIC WORKS

RECEIVED BY
OFFICE OF CITY CLERK
1994 AUG -1 PM 12: 20
CAMBRIDGE MA.

147 Hampshire Street
Cambridge
Massachusetts 02139
617-349-4800
TDD 617-349-4805

TO: Margaret Drury
City Clerk

FROM: Ralph E. Dunphy
Commissioner

DATE: 1 August 1994

RE: Protests to Richards Petition.

My staff has reviewed the new information submitted. The results are as follows:

There are no protesters within the "core" area, consisting of lots 100/67 and 100/78.

There is one protester within the redefined "ribbon" or "doughnut" area, consisting of lots 100/82, 100/83, 100/93, 100/10, 100/11, 100/22 and a portion of lot 100/81.

Protest Lot 12 Florence St.	=	11,048 s.f.
Total "Ribbon/Doughnut" Area	=	97,022 s.f.
Percent of Protest Lot	=	11.3%

You may note a discrepancy between the number verified by the Assessors' Office (100/88) and the one appearing on the plan (100/93). In either event, the protester is a legitimate abutter.

I am transmitting several plan sets for your use in presenting the issue. Please let me know if you need any additional information.

CAMBRIDGE DEPARTMENT OF PUBLIC THE WORKS

RECEIVED BY
OFFICE OF CITY CLERK
1994 AUG -1 PM 12:20
CAMBRIDGE MA.

147 Hampshire Street
Cambridge
Massachusetts 02139
617-349-4800
TDD 617-349-4805

TO: Margaret Drury
City Clerk

FROM: Ralph E. Dunphy
Commissioner

DATE: 1 August 1994

RE: Protests to Richards Petition.

My staff has reviewed the new information submitted. The results are as follows:

There are no protesters within the "core" area, consisting of lots 100/67 and 100/78.

There is one protester within the redefined "ribbon" or "doughnut" area, consisting of lots 100/82, 100/83, 100/93, 100/10, 100/11, 100/22 and a portion of lot 100/81.

Protest Lot 12 Florence St.	=	11,048 s.f.
Total "Ribbon/Doughnut" Area	=	97,022 s.f.
Percent of Protest Lot	=	11.3%

You may note a discrepancy between the number verified by the Assessors' Office (100/88) and the one appearing on the plan (100/93). In either event, the protester is a legitimate abutter.

I am transmitting several plan sets for your use in presenting the issue. Please let me know if you need any additional information.

CAMBRIDGE DEPARTMENT OF PUBLIC THE WORKS

147 Hampshire Street
Cambridge
Massachusetts 02139
617-349-4800
TDD 617-349-4805

RECEIVED BY
OFFICE OF CITY CLERK
1994 AUG -1 PM 12:20
CAMBRIDGE MA.

TO: Margaret Drury
City Clerk

FROM: Ralph E. Dunphy
Commissioner

DATE: 1 August 1994

RE: Protests to Richards Petition.

My staff has reviewed the new information submitted. The results are as follows:

<u>There are no protesters within the "core" area</u>, consisting of lots 100/67 and 100/78.

<u>There is one protester within the redefined "ribbon"</u> or "doughnut" area, consisting of lots 100/82, 100/83, 100/93, 100/10, 100/11, 100/22 and a portion of lot 100/81.

Protest Lot 12 Florence St.	=	11,048 s.f.
Total "Ribbon/Doughnut" Area	=	97,022 s.f.
Percent of Protest Lot	=	11.3%

You may note a discrepancy between the number verified by the Assessors' Office (100/88) and the one appearing on the plan (100/93). In either event, the protester is a legitimate abutter.

I am transmitting several plan sets for your use in presenting the issue. Please let me know if you need any additional information.

THE WORKS
CAMBRIDGE DEPARTMENT OF PUBLIC

RECEIVED BY
OFFICE OF CITY CLERK
1994 AUG -1 PM 12:20
CAMBRIDGE MA.

147 Hampshire Street
Cambridge
Massachusetts 02139
617-349-4800
TDD 617-349-4805

TO: Margaret Drury
City Clerk

FROM: Ralph E. Dunphy
Commissioner

DATE: 1 August 1994

RE: Protests to Richards Petition

My staff has reviewed the new information submitted. The results are as follows:

There are no protesters within the "core" area, consisting of lots 100/67 and 100/78.

There is one protester within the redefined "ribbon" or "doughnut" area, consisting of lots 100/82, 100/83, 100/93, 100/10, 100/11, 100/22 and a portion of lot 100/81.

Protest Lot 12 Florence St.	=	11,048 s.f.
Total "Ribbon/Doughnut" Area	=	97,022 s.f.
Percent of Protest Lot	=	11.3%

You may note a discrepancy between the number verified by the Assessors' Office (100/88) and the one appearing on the plan (100/93). In either event, the protester is a legitimate abutter.

I am transmitting several plan sets for your use in presenting the issue. Please let me know if you need any additional information.

THE CAMBRIDGE DEPARTMENT OF PUBLIC WORKS

RECEIVED BY
OFFICE OF CITY CLERK
1994 AUG -1 PM 12:20
CAMBRIDGE MA.

147 Hampshire Street
Cambridge
Massachusetts 02139
617-349-4800
TDD 617-349-4805

TO: Margaret Drury
City Clerk

FROM: Ralph E. Dunphy
Commissioner

DATE: 1 August 1994

RE: Protests to Richards Petition.

My staff has reviewed the new information submitted. The results are as follows:

There are no protesters within the "core" area, consisting of lots 100/67 and 100/78.

There is one protester within the redefined "ribbon" or "doughnut" area, consisting of lots 100/82, 100/83, 100/93, 100/10, 100/11, 100/22 and a portion of lot 100/81.

Protest Lot 12 Florence St.	=	11,048 s.f.
Total "Ribbon/Doughnut" Area	=	97,022 s.f.
Percent of Protest Lot	=	11.3%

You may note a discrepancy between the number verified by the Assessors' Office (100/88) and the one appearing on the plan (100/93). In either event, the protester is a legitimate abutter.

I am transmitting several plan sets for your use in presenting the issue. Please let me know if you need any additional information.

THE WORKS
CAMBRIDGE DEPARTMENT OF PUBLIC

RECEIVED BY
OFFICE OF CITY CLERK
1994 AUG -1 PM 12:20
CAMBRIDGE MA.

147 Hampshire Street
Cambridge
Massachusetts 02139
617-349-4800
TDD 617-349-4805

TO: Margaret Drury
City Clerk

FROM: Ralph E. Dunphy
Commissioner

DATE: 1 August 1994

RE: Protests to Richards Petition.

My staff has reviewed the new information submitted. The results are as follows:

<u>There are no protesters within the "core" area</u>, consisting of lots 100/67 and 100/78.

<u>There is one protester within the redefined "ribbon"</u> or "doughnut" area, consisting of lots 100/82, 100/83, 100/93, 100/10, 100/11, 100/22 and a portion of lot 100/81.

Protest Lot 12 Florence St.	=	11,048 s.f.
Total "Ribbon/Doughnut" Area	=	97,022 s.f.
Percent of Protest Lot	=	11.3%

You may note a discrepancy between the number verified by the Assessors' Office (100/88) and the one appearing on the plan (100/93). In either event, the protester is a legitimate abutter.

I am transmitting several plan sets for your use in presenting the issue. Please let me know if you need any additional information.

THE WORKS
CAMBRIDGE DEPARTMENT OF PUBLIC WORKS

147 Hampshire Street
Cambridge
Massachusetts 02139
617-349-4800
TDD 617-349-4805

RECEIVED BY
CITY CLERK
1994 AUG -1 PM 12:20
CAMBRIDGE MA.

TO: Margaret Drury
City Clerk

FROM: Ralph E. Dunphy
Commissioner

DATE: 1 August 1994

RE: Protests to Richards Petition.

My staff has reviewed the new information submitted. The results are as follows:

<u>There are no protesters within the "core" area</u>, consisting of lots 100/67 and 100/78.

<u>There is one protester within the redefined "ribbon"</u> or "doughnut" area, consisting of lots 100/82, 100/83, 100/93, 100/10, 100/11, 100/22 and a portion of lot 100/81.

Protest Lot 12 Florence St.	=	11,048 s.f.
Total "Ribbon/Doughnut" Area	=	97,022 s.f.
Percent of Protest Lot	=	11.3%

You may note a discrepancy between the number verified by the Assessors' Office (100/88) and the one appearing on the plan (100/93). In either event, the protester is a legitimate abutter.

I am transmitting several plan sets for your use in presenting the issue. Please let me know if you need any additional information.

THE WORKS
CAMBRIDGE DEPARTMENT OF PUBLIC

RECEIVED BY
OFFICE OF CITY CLERK
1994 AUG -1 PM 12:20
CAMBRIDGE MA.

147 Hampshire Street
Cambridge
Massachusetts 02139
617-349-4800
TDD 617-349-4805

TO: Margaret Drury
City Clerk

FROM: Ralph E. Dunphy
Commissioner

DATE: 1 August 1994

RE: Protests to Richards Petition.

My staff has reviewed the new information submitted. The results are as follows:

There are no protesters within the "core" area, consisting of lots 100/67 and 100/78.

There is one protester within the redefined "ribbon" or "doughnut" area, consisting of lots 100/82, 100/83, 100/93, 100/10, 100/11, 100/22 and a portion of lot 100/81.

Protest Lot 12 Florence St.	=	11,048 s.f.
Total "Ribbon/Doughnut" Area	=	97,022 s.f.
Percent of Protest Lot	=	11.3%

You may note a discrepancy between the number verified by the Assessors' Office (100/88) and the one appearing on the plan (100/93). In either event, the protester is a legitimate abutter.

I am transmitting several plan sets for your use in presenting the issue. Please let me know if you need any additional information.

THE CAMBRIDGE DEPARTMENT OF PUBLIC WORKS

RECEIVED BY
OFFICE OF CITY CLERK
1994 AUG -1 PM 12: 20
CAMBRIDGE MA.

147 Hampshire Street
Cambridge
Massachusetts 02139
617-349-4800
TDD 617-349-4805

TO: Margaret Drury
City Clerk

FROM: Ralph E. Dunphy
Commissioner

DATE: 1 August 1994

RE: Protests to Richards Petition.

My staff has reviewed the new information submitted. The results are as follows:

There are no protesters within the "core" area, consisting of lots 100/67 and 100/78.

There is one protester within the redefined "ribbon" or "doughnut" area, consisting of lots 100/82, 100/83, 100/93, 100/10, 100/11, 100/22 and a portion of lot 100/81.

Protest Lot 12 Florence St.	=	11,048 s.f.
Total "Ribbon/Doughnut" Area	=	97,022 s.f.
Percent of Protest Lot	=	11.3%

You may note a discrepancy between the number verified by the Assessors' Office (100/88) and the one appearing on the plan (100/93). In either event, the protester is a legitimate abutter.

I am transmitting several plan sets for your use in presenting the issue. Please let me know if you need any additional information.

CAMBRIDGE DEPARTMENT OF PUBLIC THE WORKS

147 Hampshire Street
Cambridge
Massachusetts 02139
617-349-4800
TDD 617-349-4805

RECEIVED BY
OFFICE OF CITY CLERK
1994 AUG -1 PM 12:20
CAMBRIDGE MA.

TO: Margaret Drury
City Clerk

FROM: Ralph E. Dunphy
Commissioner

DATE: 1 August 1994

RE: Protests to Richards Petition.

My staff has reviewed the new information submitted. The results are as follows:

There are no protesters within the "core" area, consisting of lots 100/67 and 100/78.

There is one protester within the redefined "ribbon" or "doughnut" area, consisting of lots 100/82, 100/83, 100/93, 100/10, 100/11, 100/22 and a portion of lot 100/81.

Protest Lot 12 Florence St.	=	11,048 s.f.
Total "Ribbon/Doughnut" Area	=	97,022 s.f.
Percent of Protest Lot	=	11.3%

You may note a discrepancy between the number verified by the Assessors' Office (100/88) and the one appearing on the plan (100/93). In either event, the protester is a legitimate abutter.

I am transmitting several plan sets for your use in presenting the issue. Please let me know if you need any additional information.

THE WORKS
CAMBRIDGE DEPARTMENT OF PUBLIC

RECEIVED BY
OFFICE OF CITY CLERK
1994 AUG -1 PM 12:20
CAMBRIDGE MA.

147 Hampshire Street
Cambridge
Massachusetts 02139
617-349-4800
TDD 617-349-4805

TO: Margaret Drury
City Clerk

FROM: Ralph E. Dunphy
Commissioner

DATE: 1 August 1994

RE: Protests to Richards Petition.

My staff has reviewed the new information submitted. The results are as follows:

There are no protesters within the "core" area, consisting of lots 100/67 and 100/78.

There is one protester within the redefined "ribbon" or "doughnut" area, consisting of lots 100/82, 100/83, 100/93, 100/10, 100/11, 100/22 and a portion of lot 100/81.

Protest Lot 12 Florence St.	=	11,048 s.f.
Total "Ribbon/Doughnut" Area	=	97,022 s.f.
Percent of Protest Lot	=	11.3%

You may note a discrepancy between the number verified by the Assessors' Office (100/88) and the one appearing on the plan (100/93). In either event, the protester is a legitimate abutter.

I am transmitting several plan sets for your use in presenting the issue. Please let me know if you need any additional information.

THE WORKS
CAMBRIDGE DEPARTMENT OF PUBLIC

RECEIVED BY
OFFICE OF CITY CLERK
1994 AUG -1 PM 12:20
CAMBRIDGE MA.

147 Hampshire Street
Cambridge
Massachusetts 02139
617-349-4800
TDD 617-349-4805

TO: Margaret Drury
City Clerk

FROM: Ralph E. Dunphy
Commissioner

DATE: 1 August 1994

RE: Protests to Richards Petition.

My staff has reviewed the new information submitted. The results are as follows:

There are no protesters within the "core" area, consisting of lots 100/67 and 100/78.

There is one protester within the redefined "ribbon" or "doughnut" area, consisting of lots 100/82, 100/83, 100/93, 100/10, 100/11, 100/22 and a portion of lot 100/81.

Protest Lot 12 Florence St.	=	11,048 s.f.
Total "Ribbon/Doughnut" Area	=	97,022 s.f.
Percent of Protest Lot	=	11.3%

You may note a discrepancy between the number verified by the Assessors' Office (100/88) and the one appearing on the plan (100/93). In either event, the protester is a legitimate abutter.

I am transmitting several plan sets for your use in presenting the issue. Please let me know if you need any additional information.

To: Margaret Drury, City Clerk and
Mayor & City Councillors of Cambridge
Cambridge City Hall, 795 Mass. Ave, Cambridge 02139

RECEIVED BY
CITY CLERK
AUG 1 PM 1:30
CAMBRIDGE MA.

Date: August 1, 1994
From: Stash Horowitz, Florence St, Cambridge

Kindly bring before the City Council's attention at today's meeting of August 1, 1994, and to any and all parties charged with determining signature validity, the attached page with 5 additional homeowner signatures within 300 ft distance of the borders of a parcel of land, about one acre in size, owned by Memorial Realty Trust and by the City of Cambridge and its citizens (part of Riverside Road), at the Stop & Shop site at Memorial Drive and Magazine St.

These homeowners join those already on record opposing the requested zoning change (upzoning) from Residence C to Business A of said parcel, and thus bring the number of pages with signatures to six.

It is our opinion, after legal consultation, that these signatures have been filed in a timely and proper manner, before final Council action, and that said objections are sufficient to require seven affirmative Councillor votes to approve any zoning change.

Attached: one page with 5 homeowner signatures on petition opposing zoning change requested by Memorial Realty Trust.

THE WORKS
CAMBRIDGE DEPARTMENT OF PUBLIC

147 Hampshire Street
Cambridge
Massachusetts 02139
617 -349-4800
TDD 617-349-4805

TO: Margaret Drury
City Clerk

FROM: Ralph E. Dunphy
Commissioner

DATE: 1 August 1994

RE: Protests to Richards Petition

My staff has reviewed the new information submitted. The results are as follows:

There are no protesters within the "core" area, consisting of lots 100/67 and 100/78.

There is one protester within the redefined "ribbon" or "doughnut" area, consisting of lots 100/82, 100/83, 100/93, 100/10, 100/11, 100/22 and a portion of lot 100/81.

Protest Lot 12 Florence St.	=	11,048 s.f.
Total "Ribbon/Doughnut" Area	=	97,022 s.f.
Percent of Protest Lot	=	11.3%

You may note a discrepancy between the number verified by the Assessors' Office (100/88) and the one appearing on the plan (100/93). In either event, the protester is a legitimate abutter.

I am transmitting several plan sets for your use in presenting the issue. Please let me know if you need any additional information.

13.79 0.00 32.78 32.78

NAME & ADDRESS OF PERSON ASSESSED	PROPERTY DESCRIPTION	REAL ESTATE VALUES			ASSESSMENTS AND LIENS	
		DESC. CLASS	VALUE		DESCRIPTION AMOUNT	COMM. INT.
CANINA, ANTOINETTE M. 8 FLORENCE STREET CAMBRIDGE MA 02139 4635	SQ FT 2,227 100 7 19350/353	RES. 1	166,200			
	TOTAL VALUE 166,200	RESIDENTIAL EXEMPTION 46,643	TOTAL TAX VALUATION 119,557	TOTAL TAX 1,648.69	TOT TAX & ASSESSMENT 1,648.69	
PROPERTY LOCATION 8 FLORENCE ST	YEAR EOV CODE 0000 101	ACCOUNT NUMBER 087300-16	PAGE & LINE 0872/01	1ST PAYMENT 824.35	2ND PAYMENT 824.34	
OWENS, HERBERT P. O. BOX 676 ASTOR STATION BOSTON MA 02123	SQ FT 3,937 100 39 15497/350	RES. 1	218,600	SL WL	471.75 230.10	70.24 36.46
	TOTAL VALUE 218,600	RESIDENTIAL EXEMPTION 0	TOTAL TAX VALUATION 218,600	TOTAL TAX 3,014.49	TOT TAX & ASSESSMENT 3,823.04	
PROPERTY LOCATION 9 FLORENCE ST	YEAR EOV CODE 0000 105	ACCOUNT NUMBER 439600-12	PAGE & LINE 0872/02	1ST PAYMENT 2,315.80	2ND PAYMENT 1,507.24	
AKINS, PAUL T., WILLIAM F. AKINS, PHILIP H. AKINS, DOROTHY SMITH & MARY J. AKINS 10 FLORENCE STREET CAMBRIDGE MA 02139 4635	SQ FT 2,380 100 6	RES. 1	148,400			
	TOTAL VALUE 148,400	RESIDENTIAL EXEMPTION 46,643	TOTAL TAX VALUATION 101,757	TOTAL TAX 1,403.23	TOT TAX & ASSESSMENT 1,403.23	
PROPERTY LOCATION 10 FLORENCE ST	YEAR EOV CODE 0000 101	ACCOUNT NUMBER 006870-35	PAGE & LINE 0872/03	1ST PAYMENT 701.62	2ND PAYMENT 701.61	
POWELL, WILLIAM N. & MARGARET A. POWELL 11 FLORENCE ST CAMBRIDGE MA 02139 4601	SQ FT 3,938 100 38 13568/263	RES. 1	264,400	SL WL	141.11 68.84	5.86 2.86
	TOTAL VALUE 264,400	RESIDENTIAL EXEMPTION 46,643	TOTAL TAX VALUATION 217,757	TOTAL TAX 3,002.87	TOT TAX & ASSESSMENT 3,221.54	
PROPERTY LOCATION 11 FLORENCE ST	YEAR EOV CODE 0000 105	ACCOUNT NUMBER 476360-06	PAGE & LINE 0872/04	1ST PAYMENT 1,720.11	2ND PAYMENT 1,501.43	
BACCUS, NIKI, TR. OF TWELVE FLORENCE STREET REALTY TRUST 12 FLORENCE ST. CAMBRIDGE MA 02139 4635	SQ FT 11,048 100 88 21875/155	RES. 1	337,000			
	TOTAL VALUE 337,000	RESIDENTIAL EXEMPTION 0	TOTAL TAX VALUATION 337,000	TOTAL TAX 4,647.23	TOT TAX & ASSESSMENT 4,647.23	
PROPERTY LOCATION 12 FLORENCE ST	YEAR EOV CODE 0000 105	ACCOUNT NUMBER 023550-14	PAGE & LINE 0872/05	1ST PAYMENT 2,323.62	2ND PAYMENT 2,323.61	
DAILEY, DONALD F. 14 FLORENCE ST. CAMBRIDGE MA 02139 4635	SQ FT 5,659 100 85 89 18485/361	RES. 1	169,700			
	TOTAL VALUE 169,700	RESIDENTIAL EXEMPTION 46,643	TOTAL TAX VALUATION 123,057	TOTAL TAX 1,696.95	TOT TAX & ASSESSMENT 1,696.95	
PROPERTY LOCATION 12A-14 FLORENCE ST	YEAR EOV CODE 0000 101	ACCOUNT NUMBER 140600-20	PAGE & LINE 0872/06	1ST PAYMENT 848.48	2ND PAYMENT 848.47	
SPOONER, ESMAE P. & DIGHTON E. SPOONER, JR. P.O. BOX 390 323 CAMBRIDGE MA 02139	SQ FT 7,141 100 35 13920/218	RES. 1	234,400			
	TOTAL VALUE 234,400	RESIDENTIAL EXEMPTION 46,643	TOTAL TAX VALUATION 187,757	TOTAL TAX 2,589.17	TOT TAX & ASSESSMENT 2,589.17	
PROPERTY LOCATION 13 FLORENCE ST	YEAR EOV CODE 0000 104	ACCOUNT NUMBER 565200-22	PAGE & LINE 0872/07	1ST PAYMENT 1,294.59	2ND PAYMENT 1,294.58	
PAGE TOTALS	TOTAL TAX 1,538,700	RESIDENTIAL EXEMPTION 233,215	TOTAL TAX VALUATION 1,305,485	TOTAL TAX 18,002.63	TOT TAX & ASSESSMENT 19,029.80	

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9020

LAW DEPARTMENT

RUSSELL B. HIGLEY
CITY SOLICITOR

DONALD A. DRISDELL
DEPUTY CITY SOLICITOR

MICHAEL C. COSTELLO
ASSISTANT CITY SOLICITOR

SEVERLIN B. SINGLETON, III
BIRGE ALBRIGHT
GAIL S. GABRIEL
LEGAL COUNSEL

April 29, 1988

Mr. Robert W. Healy
City Manager
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: Protest Against Zoning Amendment

Dear Mr. Healy:

On April 7, the City Clerk requested my opinion on the following question.

General Laws, c.40A, s.5 states that no zoning ordinance or amendment shall be adopted except by a two-thirds vote of all the members of the City Council, with the following proviso:

> ... if in a city ... with a council of fewer than twenty-five members there is filed with the clerk prior to final action by the Council a written protest against such change, stating the reasons duly signed by owners of twenty per cent or more of the area of the land proposed to be included in such change or of the area of the land immediately adjacent extending three hundred feet therefrom, no such change of any such ordinance shall be adopted except by a three-fourths vote of all members.

The City Clerk's question relates to the procedure to be used in ascertaining whether a protest has obtained the requisite number of signatures.

I believe that the following procedure should be used.

First, the City Engineer should determine the number of square feet in the "area of the land proposed to be included in such change."

Second she should determine whether a valid written protest has been filed "signed by owners of twenty per cent or more" of said area. If the protest has been signed by owners of twenty per cent or more of said area, the protest succeeds.

If the protest has not been signed by owners of twenty per cent or more of said area, then the City Engineer must determine whether the protest has been signed by owners of twenty per cent or more of the "area of the land immediately adjacent extending three hundred feet therefrom."

The City Clerk also asks the following two questions:

2. Does an "agent" i.e. trustee, have a right to sign a protest letter, and prior to doing so must the agent or trustee be on file in the Assessors Office?

3. May family members of the record owner sign for the owner?

In my opinion, the protest letter must be signed by the owner himself, unless he has authorized someone to act as his agent by letter to the Assessors. In cases where there are several owners, all the owners should sign, unless they have filed with the Assessors written authorization for one of their number to act in their behalf.

Very truly yours,

Russell B. Higley

RBH:HFR

We, the undersigned, are owners of homes within 300 feet of the proposed zoning change in petition of Richards et al. (Memorial Realty Trust) to upzone part of the Stop & Shop property on Memorial Drive, adjacent to residential homes, from "Residence C" (35 ft. height maximum) to "Business A" (85 ft. height maximum). We wish to go on record opposing this upzoning.

SIGNATURE	NAME (PRINT)	ADDRESS
Esmae Spooner	ESMAE SPOONER	100/35 15 FLORENCE ST.
William Ravanis	WILLIAM RAVANIS	91/59 184 MAGAZINE ST
Marcus A. Thompson	Marcus A. Thompson	100/34 19 Florence St
Wayne Snyder	WAYNE SNYDER	100/9 4 GORDON PLACE
Syed Nuruzzaman	SYED NURUZZAMAN	91/177 154-156-158 MAGAZINE ST

PETITION OF Charles A. Richards, Trustee of Memorial Realty Trust.

Petition filed with the City Clerk May 19, 1994

(all hearings to be completed 65 days from In City Council date)

8 days May
30 days June
27 days July
65 days = July 27, 1994 = all hearings

In City Council May 23, 1994

Referred to the Planning Board for report May 23, 1994

Planning Board Hearing _____

(CITY COUNCIL must act within 90 days of the ORDINANCE COMMITTEE hearing which would be Sept. 14, 1994.)

14 days June
31 days July
31 days Aug.
14 days Sept.
90 days = Sept. 14, 1994

City Council hearing published Chronicle on May 26, 1994
and June 2, 1994

Hearing before the Ordinance Committee June 16, 1994 - 6:00 p.m.

Reported to the City Council June 27, 1994

Passed to a second reading on June 27, 1994

published in Chronicle on June 30, 1994

Planning Board report received on August 1, 1994

Ready for ordination on _____

Passed to be ordained on _____

published in _____ on _____

COMPLETION DATE Sept. 14, 1994

9/14/94 Placed on file due to expiration of time limit

C. C. 106

City of Cambridge

MASSACHUSETTS

C. Sullivan

In City Council 8/8 1994

Milk To Table Stop + Shop Items

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
7	2	0	0	

C. C. 106

City of Cambridge

12:27
C. Sullivan

MASSACHUSETTS

In City Council 8/1 1994

Extend to Complete Order + Make Motion to

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
6	3	0	0	

THE WORKS
CAMBRIDGE DEPARTMENT OF PUBLIC

147 Hampshire Street
Cambridge
Massachusetts 02139
617-349-4800
TDD 617-349-4805

TO: Margaret Drury
City Clerk

FROM: Ralph E. Dunphy
Commissioner

DATE: 1 August 1994

RE: Protests to Richards Petition.

My staff has reviewed the new information submitted. The results are as follows:

There are no protesters within the "core" area, consisting of lots 100/67 and 100/78.

There is one protester within the redefined "ribbon" or "doughnut" area, consisting of lots 100/82, 100/83, 100/93, 100/10, 100/11, 100/22 and a portion of lot 100/81.

Protest Lot 12 Florence St.	=	11,048 s.f.
Total "Ribbon/Doughnut" Area	=	97,022 s.f.
Percent of Protest Lot	=	11.3%

You may note a discrepancy between the number verified by the Assessors' Office (100/88) and the one appearing on the plan (100/93). In either event, the protester is a legitimate abutter.

I am transmitting several plan sets for your use in presenting the issue. Please let me know if you need any additional information.

received 8/4/94
at
noon

CAMBRIDGE CITY COUNCIL

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139
(617) 349-4280
FAX (617) 349-4287

Jonathan S. Myers
City Councillor

FOR IMMEDIATE RELEASE

Myers calls for Compromise on Stop and Shop

The situation involving Stop and Shop is one that has produced divisions among neighbors, disruption in food service to Cambridgeport and Riverside, and political differences in Cambridge. The time has come to put aside differences and to address the underlying issues that affect this project. It is my clear understanding that none of these problems are insurmountable if we put our heads together, and address these issues with a sense of what's best for the residents of our City of Cambridge.

First of all, I want to be very clear about my position. I want to see a store on that site, and I want to see a store that will be responsible to the neighborhood. This is a position that I have adopted, advocated, and worked for over a period of at least three years. I have historically shopped at this store, along with my family, and I want to see this service continued. However, I have been deeply concerned about Stop and Shop's absolute inflexibility, and the apparent unwillingness to consider the impacts of this store on the adjacent neighborhood.

With regard to tonight's meeting, the first choice that the Council has to make is whether to pursue a six vote or seven vote strategy on the pending zoning petition. Obviously a significant difference of opinion exists as to whether six vote majority or a seven vote majority is needed to approve the zoning petition. It is clear that operating on a six vote majority will expose the City to future legal action, and further cloud the future of the project. I have very real concerns about the City ensuing a course that acknowledges that the rules of the game have changed once a zoning petition has been filed.

Secondly there are substantive issues that remain regarding the project. The remaining issues that I see are: the Magazine Street traffic issues; the Pleasant Street truck safety issues; the size and scale of the store; and the preferred usage of smaller trucks on city streets.

Work in recent days by city staff on the issues of Magazine Street traffic congestion and Pleasant Street truck safety have begun to develop realistic plans to address these issues. These plans are starting to move the project towards resolution. In addition, issues of size of their project and smaller scaled trucks are issues that Stop and Shop ought realistically to reconsider.

The point is now to get a store that will be responsible in its effects to the neighborhood. I want to vote for a plan that brings a store to the neighborhood and does so in a way that has respect for both immediate and long-term quality of life issues in one of our wonderful neighborhood of the City. I cannot and will not act favorably on a plan that does not address these issues. I hope that the City Council will take to heart the remaining procedural and substantive issues, and act in a way that will foster unity and consensus, not divisions.

Therefore tonight I will request that the Council set a date certain of August 18 to cast a final vote on the rezoning petition, and to resolve the issues as previously referenced. This two week time period will allow the City to solidify its plans and recommendations for traffic and safety issues on Magazine and Pleasant Streets, and to make a final attempt to address issues about size and scale of the projects and kinds of trucks entering and existing the project, with the assistance of Stop Shop. In addition, this time period will ensure that the City does not plunge itself further into a legal morass.

I believe it is essential for all parties, including Stop and Shop, the City, neighborhood residents, and businesses to recognize that we are moving into a very delicate phase of the project. Precipitous action on the part of any party will thrust this project further into the depths of controversy, which is the last thing in the world that this project needs.
I believe if we work together, and keep focused on the goals that many of us can join around: having a store on that site, and doing so in a way that is respective of the interests of all parts of the neighborhood, we can achieve a sound result.

MEMORANDUM OF LAW

TO: Cambridge City Council

FROM: Richard Berkman

RE: M.G.L. c. 40A, §5

DATE: August 4, 1994

INTRODUCTION

At the hearing of the Cambridge City Council held on August 1, 1994 regarding the proposed zoning change for property owned by Memorial Realty Trust on Memorial Drive, an issue arose as to the correct interpretation of M.G.L. c. 40A, §5. A written protest duly signed by the owners of more than twenty percent of the area of the land within three hundred feet from the Site was filed before the hearing with the City Clerk, in accordance with the statute. This memorandum addresses the question of the correct interpretation of M.G.L. c. 40A, §5.

DISCUSSION

I. Under the Plain Meaning of the Words Used in M.G.L. 40A, §5 There Is No Requirement that Owners' Property Abut the Site.

Under M.G.L. c. 40A, §5, a two-thirds vote of the city council is required in municipalities having a commission form of government in order to adopt or change a zoning bylaw. However, where, as in Cambridge, the city council consists of fewer than twenty-five members, the required vote is three-fourths of all members if:

> "there is filed with the clerk prior to final action by the council a written protest against such change, stating the reasons duly signed by owners of twenty per cent or more of the area of the land proposed to be included in such change, or of the area of the land immediately adjacent extending three hundred feet therefrom . . . " M.G.L. c. 40A, §5.

Thus, Section 5 creates two alternative tests pursuant to which a three-fourths vote is required. Under the first test, the protest must be signed by the owners of twenty percent or more of the land being rezoned. Under the second test, the protest must be signed by the owners of twenty percent or more of the "area of the land immediately adjacent extending three hundred feet" from the

subject land. At issue in the present case is whether the words "immediately adjacent" mean "abutting."

It is a fundamental principal of statutory construction that words are to be read in accordance with their commonly accepted meaning and usage. Webster's Third International Dictionary sheds some light on the meaning of the words "adjacent" and "abutting." Both terms obviously relate to the proximity of objects. But while the definition of "adjacent" includes "not distant or far off . . . nearby but not touching," the word "abutting" means "to touch along a border." Webster includes among the synonyms for the word "adjacent" the words "adjoining," "abutting," and "contiguous," but notes a significant difference in degree between each term. In particular, Webster states that:

> ADJOINING is quite similar to ADJACENT in meaning and suggestion but may more strongly indicate the existence of common bounding lines or lines or points of junction . . . ABUTTING most strongly predicates actual contact at a bounding or dividing line (abutting lots) . . . CONTIGUOUS shows variable usage but is likely to suggest touching along a dividing line; it may indicate an unbroken continuity . . . (adjacent events need not be **contiguous**). (emphasis in original)

Thus, although the words "adjacent" and "abutting" have similar meanings, the meanings are by no means identical. The addition of the adjective "immediately" before the word "adjacent" does not change this conclusion. Webster notes that the definition of "immediate" includes both a narrow meaning (e.g. "characterized by contiguity: existing without intervening space or substance") and a broader meaning (e.g. "being near at hand : not far apart or distant"). The combination of the words "immediately" and "adjacent" is not equivalent to the word "abutting," which Webster plainly defines to mean touching along a common boundary.

Black's Law Dictionary, Fourth Addition, further amplifies the crucial distinctions between the terms "abut", "adjoining" and "adjacent." Black's defines these terms as follows:

> **ABUT.** To reach, to touch . . . To touch at the end; be contiguous; join at a border or boundary; terminate; to end at; to border on; to reach or touch with an end . . . The term "abutting" implies a closer proximity than the term "adjacent" . . . "Contiguous" synonymous, both conveying idea that lot borders on improvement.
>
> **ADJOINING.** The word in its etymological sense, means touching or contiguous, as distinguished from lying near to

> or adjacent . . . To be in contact with; to abut upon . . . And the same meaning has been given to it when used in statutes . . . .
>
> **ADJACENT**. Lying near or close to; sometimes, contiguous; neighboring . . . **Adjacent** implies that the two objects are not widely separated, though they may not actually touch . . . while **adjoining** imports that they are so joined or united to each other that no third object intervenes. (emphasis in original)

The legislature's choice of terms in Section 5 ("immediately adjacent" vs. "abutting") must be given effect and meaning, particularly where it has used the word "abutting" elsewhere in Chapter 40A. Section 11, for example, defines the term "parties in interest" as **"abutters**, owners of land directly opposite on any public or private street or way, and **abutters** to the **abutters** within three hundred feet of the property line of the petitioner." M.G.L. c.40A, §11 (emphasis added). Clearly, the legislature knew how to use the word "abutters" in Chapter 40A when it wanted to. Its decision to use the less restrictive term "immediately adjacent" in Section 5 must be deemed to be intentional.

The clear purpose of the words "immediately adjacent" in M.G.L. c. 40A is to provide a reference point from which to measure a three hundred foot band around the subject land. The words "immediately adjacent" are words of description, not of limitation. To read Section 5 to include a requirement that the owners' property must abut the subject land in order to qualify as a protester could lead to absurd results. Consider the case in which a property owner owns a one foot strip of land surrounding the subject property. If Section 5 included an "abutting owner" requirement, the only qualified protestant would be the owner of the one foot strip. The owners of the land in the 299 foot band bordering the one foot strip would have no right to file a protest under Section 5, even though the proposed zoning amendment could directly affect their property. It should be noted that the owner of such a one foot strip could also own the property proposed to be re-zoned. Thus, reading an "abutting owner" requirement into Section 5 also makes it possible for an owner seeking a zoning change to subvert the rights of its neighbors to protest such a change. The law disfavors statutory interpretations which could produce absurd or unjust results. Accordingly, the contention that the legislature intended the words "immediately adjacent" to mean "abutting" should be rejected.

II. Case Law and Legislative History Do Not Support the Claim That the Words "Immediately Adjacent" Mean "Abutting."

A. Case Law

We know of no Massachusetts case that has interpreted the meaning of the words "immediately adjacent" in Section 5. Deputy City Solicitor Drisdale, however, has cited a Connecticut case, Parsons v. Town of Wethersfield, 135 Conn. 24, 60 A.2d 771 (1948) for the proposition that these words mean "abutting." As a Connecticut case, Parsons has no precedential value in Massachusetts. In any event, the case is easily distinguishable from the matter presently before the Council.

First, the Connecticut statute in Parsons (General Statutes, Cum. Sup. 1939, §132e) is materially different from M.G.L. c. 40A. The Connecticut statute provided, in part, as follows:

> "If a protest shall be filed with the zoning authority against such a change, signed by the owners of twenty per cent or more of the **lots** included in such proposed change, or of those immediately adjacent **in the rear thereof** extending one hundred feet therefrom,. . . . such change shall not become effective except by unanimous vote of the zoning authority . . . " Id. at 27-28. (emphasis added)

As highlighted in italics, the Connecticut statute addressed "lots" while M.G.L. c. 40A, §5 addresses "the area of the land." This distinction is critical. The term "lot" has special meaning in zoning parlance. "Lots" by definition have specific boundaries. "Land" (the term used in Section 5) does not. It is, therefore, not surprising that the Parsons court would consider "immediately adjacent" lots to mean "contiguous" or "abutting" lots.

Second, the Connecticut statute in Parsons was vague both on its face and as interpreted by the protesting owners. The Parsons court stated that "[i]t is unnecessary to determine whether the term "immediately adjacent," standing alone, is the equivalent of abutting or adjoining . . . " Id. at 28. According to the court, the intent of the legislature "is to be determined in the first instance by the words it has used," but the legislature's "general purpose must also be considered." Id. (citations omitted) The court stated that the legislature's purpose was to create a precise test, which could be easily applied, for calculating the "protesting interest deemed sufficient to require unanimous action by the [zoning] commission." Id. The problem for the court in Parsons was that the statute, as interpreted by the owner-protesters, created an unreliable test. According to the court:

> "To say that the term "lots . . . immediately adjacent" is to be defined as lots in the **immediate vicinity or neighborhood, as claimed by the plaintiffs,** would furnish no definite standard on which to figure the percentage." Id. (emphasis added)

Dissatisfied with the plaintiffs' interpretation of the test, the court remarked that, [i]f, on the other hand, [the term] is construed as meaning "adjoining or abutting," the test can be easily applied." Id. (emphasis added, citations omitted)

M.G.L. c. 40A, §5 does not suffer from any of the infirmities of the Connecticut statute in Parsons. Section 5 creates an easily applied, "bright-line" test for qualifying protestants. All that is required to apply the test is to draw a three hundred foot band around the property in question and to tally the percentage of land in the band owned by protesters. This test is as clear and unambiguous in its application as tallying the percentage of land owned by each abutter. Accordingly, the fundamental premises of the Parsons case -- that the test for applying the increased voting requirement as interpreted by the plaintiffs was vague -- simply does not apply to Chapter 40A, §5.

B. Legislative History

We are not aware of any legislative history which interprets the import of the words "immediately adjacent" in M.G.L. c. 40A, §5. The only legislative history which Deputy City Solicitor Drisdale has advanced is a footnote in Parisi v. City of Gloucester, 338 N.E.2d 847, 3 Mass. App. Ct. 680 (1975) which merely reproduces the text of former M.G.L. c.40A, §7, the predecessor to the present M.G.L. 40A, §5. The Parisi case does not address the issue of qualification of protesters under old Chapter 40A, §7 or in any way comment upon the amendment of Chapter 40A.

III. A Guide Published to Assist Municipalities in Interpreting Chapter 40A Indicates That Property Within the Three Hundred Foot Band Need Not Abut the Subject Property.

Although we know of no case law or legislative history interpreting the meaning of the phrase "immediately adjacent" in M.G.L. c. 40A, §5, the University of Massachusetts Cooperative Extension Service has published *A Guide to Massachusetts' New Zoning Act -- Chapter 808 of the Acts of 1975*, dated August, 1977. The *Guide* was co-sponsored and supported by several private and public organizations serving the educational and technical assistance needs of Massachusetts' cities and towns, including the following:

The Central Massachusetts Regional Planning Commission,

The Massachusetts League of Cities and Towns,

The Massachusetts Department of Community Affairs,

The Metropolitan Area Planning Council,

The Northern Middlesex Area (Planning) Commission,

The Old Colony Planning Council,

The Office of State Planning, and

The Southeast Regional Planning and Economic Development District.

The Foreward to the *Guide* states that it "is designed to serve communities as an informed and authoritative discussion of the new Zoning Act including its origins, **legislative intent**, relationship to the Home Rule Amendment, basic requirements, mandatory and optional features and the procedural approaches which a community might follow in responding to the new Act." Id. (emphasis added)

In the section addressing M.G.L. c. 40A, §5, the *Guide* states simply that the three-fourths vote will apply when a petition is submitted to the clerk signed by:

> "those persons who own 20 percent or more of the land area which would be affected by the proposed zoning change; or 20 percent or more of the area within 300 feet of the area to be affected." Id. p. 37.

The *Guide* does not state that properties within three hundred feet must also abut the area to be affected.

I believe that a survey of municipalities in the Commonwealth would reveal that this interpretation of the statute is consistent with the actual practice of other city councils in the Commonwealth. Since the City Council Hearing on Monday, August 1, 1994, we have made inquiries in Newton, Somerville and Worcester. Because of time constraints, we have not contacted any officials of any other city or town. However, in the case of the three cities mentioned above, we were advised that our interpretation of the statute was consistent with theirs.

For the Cambridge City Council to now adopt a new interpretation of the statute would be a radical departure from its own long standing interpretation of M.G.L. c. 40A, §5. Given the controversial nature of Stop & Shop's proposal and the fact

that adding an "abutters" requirement to the statute will limit the rights of neighbors drastically rather than expand them, we believe that such a reversal would be particularly ill-advised. As a matter of fairness, we urge the City Council to resolve any doubts regarding the correct interpretation of Section 5 in favor of expanding the rights of neighbors, rather than suppressing them.

Respectfully submitted,

Richard Berkman

Richard Berkman

MEMO TO: Cambridge City Council

MEMO FROM: Dick Brown

REGARDING: Stop & Shop

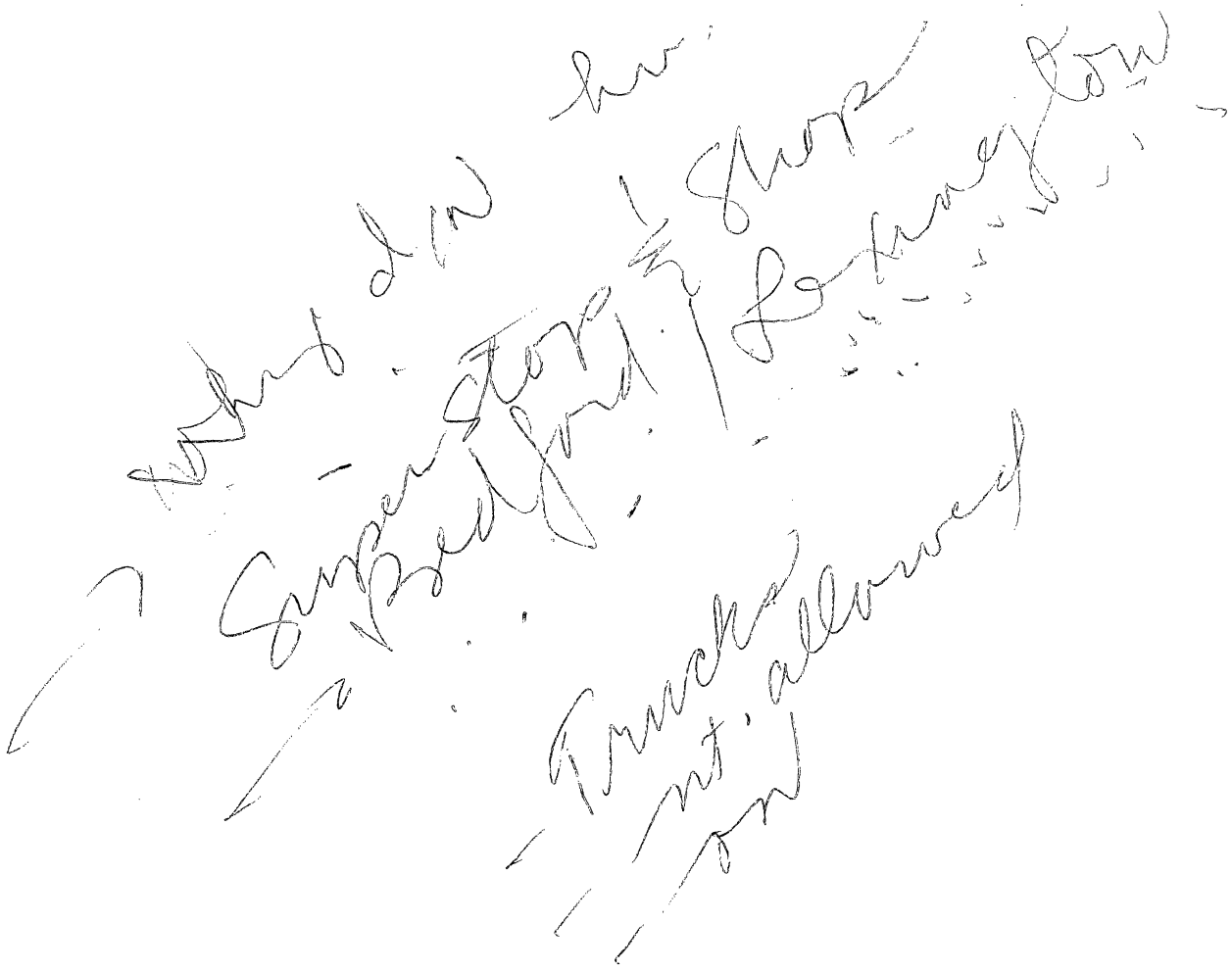
I am a direct abutter to the Stop & Shop property and have been a strong supporter of the store for the past four years. I am also a supporter of the proposed zoning change that Stop & Shop is trying to get that will be allow them to build the store. As protection for the near neighbors I would propose the following deed restrictions accompany the zoning change (Please refer to the attached plan and section drawings).

1) A 45 foot No-Build zone along the back of the site measured from the north edge of the "ancient way". (This is similar to the 25 foot no-build zone measured from the back of Stop & Shop's property).

2) A 55 foot zone beyond that with a 35 foot height restriction and a .6 FAR. (This is again similar to the height restriction proposed by the planning board).

3) A 75 foot zone beyond that with a 55 foot height restriction.

This proposal still allows the property to have close to a 225 foot zone where it will be allowed to build to the residential height limit of 85 feet but it will offer the neighbors some compensation in exchange for the huge benefits that Stop & Shop is gaining.



Why d/w hw.

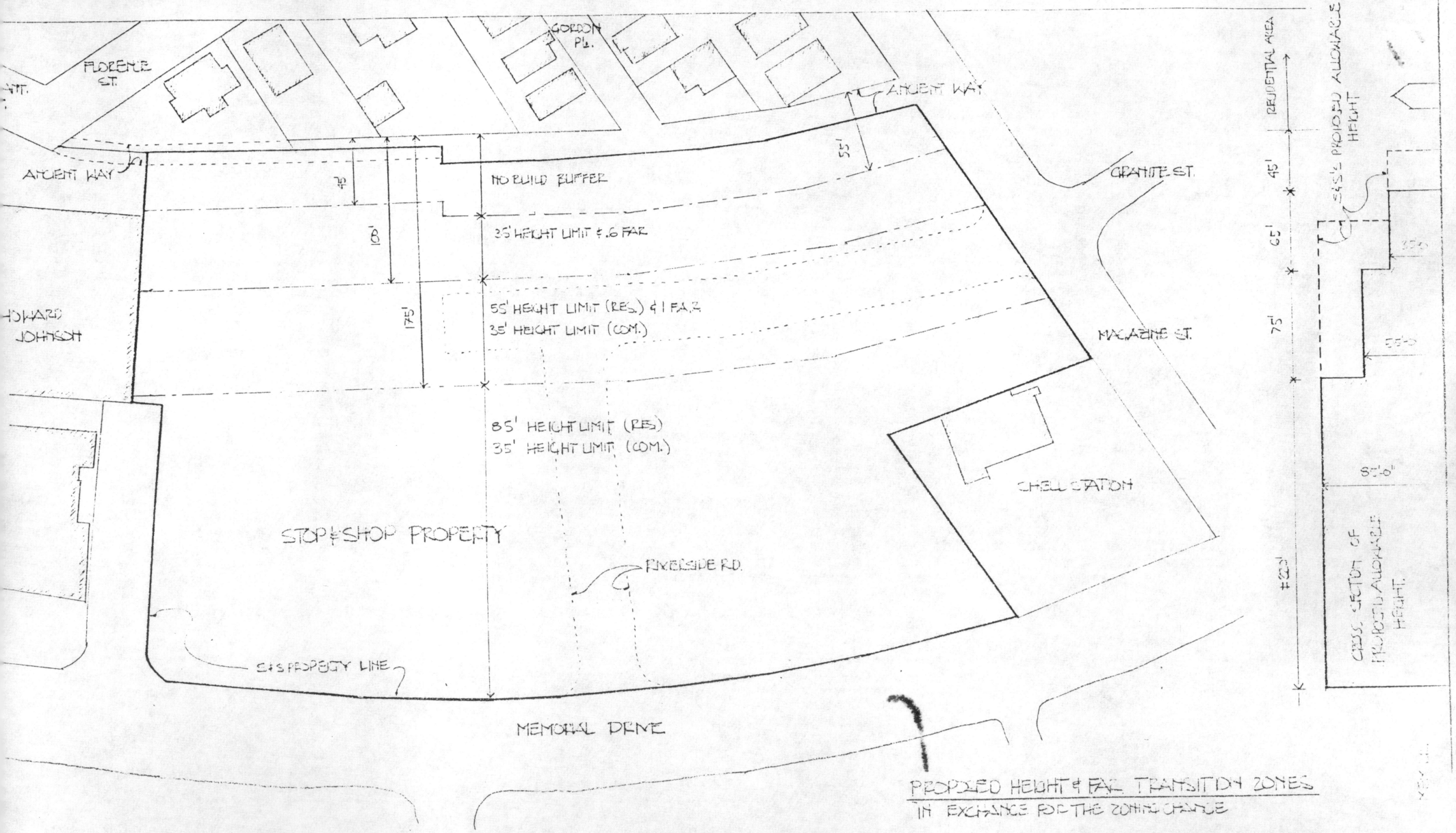
Superstop & Shop

Bedford | Lexington

Trucks

not allowed

on


FLORENCE ST.
GORDON PL.
ANCIENT WAY
ANCIENT WAY
GRANITE ST.
MACARINE ST.
HOWARD JOHNSON
NO BUILD BUFFER
35' HEIGHT LIMIT & .6 FAR
55' HEIGHT LIMIT (RES.) & 1 F.A.R.
35' HEIGHT LIMIT (COM.)
85' HEIGHT LIMIT (RES.)
35' HEIGHT LIMIT (COM.)
45'
18'
175'
55'
CHELL STATION
STOP & SHOP PROPERTY
RIVERSIDE RD.
S+S PROPERTY LINE
MEMORIAL DRIVE
RESIDENTIAL AREA
45'
65'
75'
±82'
S+S'S PROPOSED ALLOWABLE HEIGHT
CROSS SECTION OF PROPOSED ALLOWABLE HEIGHT
PROPOSED HEIGHT & FAR TRANSITION ZONES
IN EXCHANGE FOR THE ZONING CHANGE

MEMO

from D. Margaret Drury
City Clerk

_____ 19___

Copy in hand to
Sally Powers

7/29/94

To Margaret Drury, City Clerk and
Mayor & City Councillors of Cambridge
Cambridge City Hall, 795 Mass Ave
Cambridge, MA 02139

Date: July 28, 1994

From: Stash Horowitz, Florence St, Cambridge

RECD JUL 28 PM

Please bring before the City Councillors attention at the August 1, 1994 Council meeting the following attached petition signed by homeowners who are abutters and near-abutters, within 300 feet distance, from the borders of the parcel of land, about 1 acre in size, owned by Memorial Realty Trust, at the Stop & Shop site, Memorial Drive and Magazine St.

Said parcel, by petition for zoning change by Richards et al, is requested to be rezoned as Business A, and includes a portion of Riverside Road, a city owned street. It is currently zoned as Residence C.

We oppose such a zoning change, via the attached petition, consisting of 5 pages attached. It is our understanding, that given the opposition of 20% of the abutters and near-abutters within said 300 foot distance, a seventh council vote is necessary for approval of any such zoning change.

We, the undersigned, are owners of homes within 300 feet of the proposed zoning change in petition of Richards et al. (Memorial Realty Trust) to upzone part of the Stop & Shop property on Memorial Drive, adjacent to residential homes, from "Residence C" (35 ft. height maximum) to "Business A" (85 ft. height maximum). We wish to go on record opposing this upzoning.

SIGNATURE	NAME (PRINT)	ADDRESS
Donald F. Daley	Donald F. Daley	14 Florence St.
Joseph Spooner	Joseph Spooner	13 Florence St
Mary E. Watson	Mary E. Watson	55 Granite St.
~~Anastasia Manolas~~	~~Anastasia Manolas~~	~~170 Pleasant St~~
Anastasia Manolas	Anastasia Manolas	170-172 Pleasant St
Ann Canina	ANN CANINA	8 Florence St
Nancy Eaton	Nancy Eaton	242 Chestnut St
Mary J. Akins	MARY J. AKINS	10 FLORENCE ST
Rose Spera	Rose Spera	1 Florence St.
Tae Whan Kim	Tae Whan Kim, FOR PILGRIM CONGREGATIONAL CHURCH	155 Magazine St

We, the undersigned, are owners of homes within 300 feet of the proposed zoning change in petition of Richards et al. (Memorial Realty Trust) to upzone part of the Stop & Shop property on Memorial Drive, adjacent to residential homes, from "Residence C" (35 ft. height maximum) to "Business A" (85 ft. height maximum). We wish to go on record opposing this upzoning.

SIGNATURE	NAME (PRINT)	ADDRESS
Angela Kontos	ANGELOS KONTOS	171 MAGAZINE CAMBRIDGE MASS

We, the undersigned, are owners of homes within 300 feet of the proposed zoning change in petition of Richards et al. (Memorial Realty Trust) to upzone part of the Stop & Shop property on Memorial Drive, adjacent to residential homes, from "Residence C" (35 ft. height maximum) to "Business A" (85 ft. height maximum). We wish to go on record opposing this upzoning.

SIGNATURE	NAME (PRINT)	ADDRESS
Helen Kontos	Helen Kontos	171 MAGAZI
Phil Olenick Lorraine Olenick	PHIL OLENICK / Lorraine Olenick	180 MAGAZINE ST
Barby Prothro	BARBY PROTHRO	21 FLORENCE ST.
[illegible]	WILLIAM SACK FOR MEMORIAL MOTOR HOTEL TRUST	767 MEMORIAL DR
Niki Baccus	NIKI BACCUS	12 FLORENCE
Ann Marie Valeri	Ann Marie Valeri	23 Florence St
Dolores Zappala	DOLORES ZAPPALA	23 FLORENCE ST

We, the undersigned, are owners of homes within 300 feet of the proposed zoning change in petition of Richards et al. (Memorial Realty Trust) to upzone part of the Stop & Shop property on Memorial Drive, adjacent to residential homes, from "Residence C" (35 ft. height maximum) to "Business A" (85 ft. height maximum). We wish to go on record opposing this upzoning.

SIGNATURE	NAME (PRINT)	ADDRESS
Isabel Kurzon	Isabel Kurzon	4 Florence St.

We, the undersigned, are owners of homes within 300 feet of the proposed zoning change in petition of Richards et al. (Memorial Realty Trust) to upzone part of the Stop & Shop property on Memorial Drive, adjacent to residential homes, from "Residence C" (35 ft. height maximum) to "Business A" (85 ft. height maximum). We wish to go on record opposing this upzoning.

RECEIVED JUL 23 P1:53

SIGNATURE	NAME (PRINT)	ADDRESS
Albert Malman	ALBERT MALMAN	59 GRANT ST
Maurice T. Cunningham	Maurice T. Cunningham	153 Magazine

CITY CLERK'S OFFICE
1994 AUG -2 PM 3:46
CAMBRIDGE, MASS.

CITY OF CAMBRIDGE

ASSESSING DEPARTMENT

INTEROFFICE CORRESPONDENCE

TO: John E. Flynn
Deputy City Clerk

FROM: Sally Powers
Director of Assessment

SUBJECT: Written protest to the Charles A. Richards Trustee of Memorial Realty Trust Petition

DATE: July 29, 1994

With reference to the list received this date, please be advised that we have, today, forwarded same to the Engineering Department.

RECEIVED
CITY CLERK'S
1994 JUL 15 AM 11:03
CAMBRIDGE MA.

CITY OF CAMBRIDGE

ASSESSING DEPARTMENT

INTEROFFICE CORRESPONDENCE

TO: John E. Flynn
Deputy City Clerk

FROM: Sally Powers
Director of Assessment

SUBJECT: Written protest to the Charles A. Richards Trustee of Memorial Realty Trust Petition

DATE: July 14, 1994

In reply to your memo dated July 8, 1994 please be advised that we have, this day, forwarded to the Engineering Department the written protest to the above-referenced petition.

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 8, 1994

TO: Sally Powers
Board of Assessors

FROM: John E. Flynn
Deputy City Clerk

SUBJECT: WRITTEN PROTEST TO THE MEMORIAL REALTY TRUST PETITION

Enclosed you will find a copy of the written protest received by this office regarding the rezoning petition for Riverside Road.

Would you kindly certify these parcels and forward same to the Engineering Department as soon as possible.

Your kind attention in this matter will be greatly appreciated.

Cambridge MA 02139-4635
July 7, 1994

. Margaret Drury
ity Clerk
.ity of Cambridge
795 Massachusetts Ave
Cambridge MA 02139

RECEIVED BY
OFFICE OF CITY CLERK
1994 JUL -8 PM 12:48
CAMBRIDGE MA.

Dear Ms. Drury:

Please be informed by this letter that we, NIKI BACCUS and STASH HOROWITZ, owner and spouse, are direct abutters at the above address, 12 FLORENCE ST, to the area proposed for rezoning, from Residence C to Business A, in First Publication # 2649 in June 30, 1994 issue of Cambridge Chronicle, amending of zoning ordinance and map, describing approximately one acre owned by Memorial Realty trust, and a portion of the city-owned Riverside Road, by petition of Charles Richards, trustee of Memorial Realty Trust. We, as abutters, oppose this zoning change/amendation.

Thank you.

Niki Baccus
Stash Horowitz

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 8, 1994

TO: Sally Powers
Board of Assessors

FROM: John E. Flynn
Deputy City Clerk

SUBJECT: WRITTEN PROTEST TO THE MEMORIAL REALTY TRUST PETITION

Enclosed you will find a copy of the written protest received by this office regarding the rezoning petition for Riverside Road.

Would you kindly certify these parcels and forward same to the Engineering Department as soon as possible.

Your kind attention in this matter will be greatly appreciated.

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 8, 1994

TO: Sally Powers
Board of Assessors

FROM: John E. Flynn
Deputy City Clerk

SUBJECT: WRITTEN PROTEST TO THE MEMORIAL REALTY TRUST PETITION

Enclosed you will find a copy of the written protest received by this office regarding the rezoning petition for Riverside Road.

Would you kindly certify these parcels and forward same to the Engineering Department as soon as possible.

Your kind attention in this matter will be greatly appreciated.

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 8, 1994

TO: Sally Powers
Board of Assessors

FROM: John E. Flynn
Deputy City Clerk

SUBJECT: WRITTEN PROTEST TO THE MEMORIAL REALTY TRUST PETITION

Enclosed you will find a copy of the written protest received by this office regarding the rezoning petition for Riverside Road.

Would you kindly certify these parcels and forward same to the Engineering Department as soon as possible.

Your kind attention in this matter will be greatly appreciated.

7/7/04

Dear City Clerk I Am
opposed to A Proposed
upzoning of property
owned by Memorial Realty
trust of a Portion
of Memorial Drive,
Riverside Rd. from
Residence C to
Business A

I Am a direct Abutter
at FLORENCE St.
CAMBRIDGE.
Donald F. Dooley JR

CITY CLERK'S OFFICE
'94 JUL -8 P12:29
CAMBRIDGE, MA.

7/7/94

Dear Board Members:

I am a direct abutter, residing at 14 Florence St. to the proposed zoning change of Memorial Realty Trust. I understand they want to upzone 1/5 of their site from Residence C to Business A. I also understand that part of this site encompasses Riverside Rd.

I am strongly opposed to this change, and would like to be notified of any hearings pertaining to this zoning change.

Yours Truly
Donald F. Bailey
14 Florence St
Cambridge Mass
Donald F. Bailey

S.
First Publication 26th
Amend. to Zoning Ord.

RECEIVED BY
CITY CLERK'S OFFICE
1994 JUL -8 PM 12:29

7/7/94

City clerk D. Margaret Doherty

om Joseph P Spooner 13 Florence St.

: AM Abutter i AM opposed To
proposed up zoning of Approx. 1/3 of
property owned by Memorial realty Trust
ich is on their Stop & Shop site AK also
eludes a portion of River Side Rd
AM opposed To the change of residence &
business & AND would like To be officially
corded As such.

Yours Truly
Joseph P Spooner
13 Florence St

SAGE
HOTELS & LODGES
Executive Offices
1260 Boylston Street
Boston, MA 02215
(617) 262-1745
FAX (617) 262-6365

VIA TELEFAX

CITY CLERK'S OFFICE
CAMBRIDGE, MASS.
1994 JUL -5 PM 4:31

July 5, 1994

D. Margaret Drury
City Clerk
City of Cambridge
City Hall
Cambridge, MA 02139

Re: Abutter opposition to Richards' rezoning petition

Dear Ms. Drury:

Pursuant to the attached legal notice as it appeared in the June 30, 1994 edition of the Cambridge Chronicle, Memorial Motor Hotel Trust, the owner of the Howard Johnson Hotel at 767 Memorial Drive, wishes to go on record as an abutter opposed to the zoning petition presented by Mr. Charles Richards of Memorial Realty Trust and Alton Realty Trust of Braintree, Massachusetts.

It is our feeling that it is premature at this time for the City Council to consider a petition to rezone from Residence C to Business A, resulting in the loss of a significant buffer zone between the residential neighborhood and the existing commercial zone of the Stop and Shop site when the rezoning of this site is NOT contingent on the construction of a supermarket or superstore.

If you have any questions with regards to our opposition to this petition, please feel free to call on us.

Sincerely,

William Sage
for Memorial Motor Hotel Trust

Enclosure

Howard Johnson Hotel
575 Commonwealth Avenue
Boston, MA 02215
(617) 267-3100

Howard Johnson Hotel
777 Memorial Drive
Cambridge, MA 02139
(617) 492-7777

Howard Johnson Lodge
1271 Boylston Street
Boston, MA 02215
(617) 267-8300

Howard Johnson Lodge
407 Squire Road
Revere, MA 02151
(617) 284-7200

Howard Johnson Lodge
Main Street
Waterville, ME 04901
(207) 873-3335

To: Margaret Drury, City Clerk and
Mayor & City Councillors of Cambridge
Cambridge City Hall, 795 Mass. Ave, Cambridge 02139

RECEIVED BY
CITY CLERK
1994 AUG -1 PM 1:30
CAMBRIDGE MA.

Date: August 1, 1994
From: Stash Horowitz, Florence St, Cambridge

Kindly bring before the City Council's attention at today's meeting of August 1, 1994, and to any and all parties charged with determining signature validity, the attached page with 5 additional homeowner signatures within 300 ft distance of the borders of a parcel of land, about one acre in size, owned by Memorial Realty Trust and by the City of Cambridge and its citizens (part of Riverside Road), at the Stop & Shop site at Memorial Drive and Magazine St.

These homeowners join those already on record opposing the requested zoning change (upzoning) from Residence C to Business A of said parcel, and thus bring the number of pages with signatures to six.

It is our opinion, after legal consultation, that these signatures have been filed in a timely and proper manner, before final Council action, and that said objections are sufficient to require seven affirmative Councillor votes to approve any zoning change.

Attached: one page with 5 homeowner signatures on petition opposing zoning change requested by Memorial Realty Trust.

. . . We, the undersigned, are owners of homes within 300 feet of the proposed zoning change in petition of Richards et al. (Memorial Realty Trust) to upzone part of the Stop & Shop property on Memorial Drive, adjacent to residential homes, from "Residence C" (35 ft. height maximum) to "Business A" (85 ft. height maximum). We wish to go on record opposing this upzoning.

SIGNATURE	NAME (PRINT)	ADDRESS
Esmae Spooner	ESMAE SPOONER	100/35 15 FLORENCE ST.
William Ravanis	WILLIAM RAVANIS	99/159 184 MAGAZINE ST
Marcus A. Thompson	Marcus A. Thompson	100/36 19 Florence St
Wayne Snyder	WAYNE SNYDER	100/9 4 GORDON PLACE
Syed Nuruzzaman	SYED NURUZZAMAN	99/177 154-156-158 MAGAZIN ST

MEMO

from D. Margaret Drury
City Clerk

5/1 1994

Not transmitted to Assessn's Office but Engineer's Office checked ~~names~~ addresses and determined that none are eligible to protest.

To: Margaret Drury, City Clerk and
Mayor & City Councillors of Cambridge
Cambridge City Hall, 795 Mass. Ave, Cambridge 02139

RECEIVED BY
CITY CLERK
1994 AUG -1 PM 1:30
CAMBRIDGE, MASS.

Date: August 1, 1994
From: Stash Horowitz, Florence St, Cambridge

Kindly bring before the City Council's attention at today's meeting of August 1, 1994, and to any and all parties charged with determining signature validity, the attached page with 5 additional homeowner signatures within 300 ft distance of the borders of a parcel of land, about one acre in size, owned by Memorial Realty Trust and by the City of Cambridge and its citizens (part of Riverside Road), at the Stop & Shop site at Memorial Drive and Magazine St.

These homeowners join those already on record opposing the requested zoning change (upzoning) from Residence C to Business A of said parcel, and thus bring the number of pages with signatures to six.

It is our opinion, after legal consultation, that these signatures have been filed in a timely and proper manner, before final Council action, and that said objections are sufficient to require seven affirmative Councillor votes to approve any zoning change.

Attached: one page with 5 homeowner signatures on petition opposing zoning change requested by Memorial Realty Trust.

RECEIVED BY
OFFICE OF CITY CLERK
1994 AUG -1 PM 1:29
CAMBRIDGE MA.

We, the undersigned, are owners of homes within 300 feet of the proposed zoning change in petition of Richards et al. (Memorial Realty Trust) to upzone part of the Stop & Shop property on Memorial Drive, adjacent to residential homes, from "Residence C" (35 ft. height maximum) to "Business A" (85 ft. height maximum). We wish to go on record opposing this upzoning.

SIGNATURE	NAME (PRINT)	ADDRESS
Esmae Spooner	ESMAE SPOONER	15 FLORENCE ST.
William Ravanis	WILLIAM RAVANIS	184 MAGAZINE ST
Marcus A. Thompson	Marcus A. Thompson	19 Florence St
Wayne Snyder	WAYNE SNYDER	4 GORDON PLACE
Syed Nuruzzaman	SYED NURUZZAMAN	154-156-158 MAGAZIN ST

RECEIVED BY
OFFICE OF CITY CLERK
1994 AUG -1 PM 1:29
CAMBRIDGE MA.

RECEIVED
CITY CLERK
1994 AUG -2 PM 3:46
CAMBRIDGE MA.

CITY OF CAMBRIDGE

ASSESSING DEPARTMENT

INTEROFFICE CORRESPONDENCE

TO: John E. Flynn
Deputy City Clerk

FROM: Sally Powers
Director of Assessment

SUBJECT: Written protest to the Charles A. Richards Trustee of Memorial Realty Trust Petition

DATE: July 29, 1994

With reference to the list received this date, please be advised that we have, today, forwarded same to the Engineering Department.

RECEIVED BY
CITY CLERK
1994 JUL 15 AM 11:03
CAMBRIDGE MA.

CITY OF CAMBRIDGE

ASSESSING DEPARTMENT

INTEROFFICE CORRESPONDENCE

TO: John E. Flynn
Deputy City Clerk

FROM: Sally Powers
Director of Assessment

SUBJECT: Written protest to the Charles A. Richards Trustee of Memorial Realty Trust Petition

DATE: July 14, 1994

In reply to your memo dated July 8, 1994 please be advised that we have, this day, forwarded to the Engineering Department the written protest to the above-referenced petition.

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 8, 1994

TO: Sally Powers
Board of Assessors

FROM: John E. Flynn
Deputy City Clerk

SUBJECT: WRITTEN PROTEST TO THE MEMORIAL REALTY TRUST PETITION

Enclosed you will find a copy of the written protest received by this office regarding the rezoning petition for Riverside Road.

Would you kindly certify these parcels and forward same to the Engineering Department as soon as possible.

Your kind attention in this matter will be greatly appreciated.

12 Florence Street
Cambridge MA 02139-4635
July 7, 1994

D. Margaret Drury
City Clerk
City of Cambridge
795 Massachusetts Ave
Cambridge MA 02139

RECEIVED BY
OFFICE OF CITY CLERK
1994 JUL -8 PM 12:18
CAMBRIDGE MA.

Dear Ms. Drury:

Please be informed by this letter that we, NIKI BACCUS and STASH HOROWITZ, owner and spouse, are direct abutters at the above address, 12 FLORENCE ST, to the area proposed for rezoning, from Residence C to Business A, in First Publication # 2649 in June 30, 1994 issue of Cambridge Chronicle, amending of zoning ordinance and map, describing approximately one acre owned by Memorial Realty trust, and a portion of the city-owned Riverside Road, by petition of Charles Richards, trustee of Memorial Realty Trust. We, as abutters, oppose this zoning change/amendation.

Thank you.

Niki Baccus
Stash Horowitz

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 8, 1994

TO: Sally Powers
Board of Assessors

FROM: John E. Flynn
Deputy City Clerk

SUBJECT: WRITTEN PROTEST TO THE MEMORIAL REALTY TRUST PETITION

Enclosed you will find a copy of the written protest received by this office regarding the rezoning petition for Riverside Road.

Would you kindly certify these parcels and forward same to the Engineering Department as soon as possible.

Your kind attention in this matter will be greatly appreciated.

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 8, 1994

TO: Sally Powers
Board of Assessors

FROM: John E. Flynn
Deputy City Clerk

SUBJECT: WRITTEN PROTEST TO THE MEMORIAL REALTY TRUST PETITION

Enclosed you will find a copy of the written protest received by this office regarding the rezoning petition for Riverside Road.

Would you kindly certify these parcels and forward same to the Engineering Department as soon as possible.

Your kind attention in this matter will be greatly appreciated.

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 8, 1994

TO: Sally Powers
Board of Assessors

FROM: John E. Flynn
Deputy City Clerk

SUBJECT: WRITTEN PROTEST TO THE MEMORIAL REALTY TRUST PETITION

Enclosed you will find a copy of the written protest received by this office regarding the rezoning petition for Riverside Road.

Would you kindly certify these parcels and forward same to the Engineering Department as soon as possible.

Your kind attention in this matter will be greatly appreciated.

7/7/94

Dear City Clerk I Am opposed to A Proposed upzoning of Property owned by Memorial Reality trust of a Portion of Memorial Drive, Riverside Rd. from Residence C to Business A

I Am a direct Abutter at Florence St. Cambridge.

Donald F. Dandy JR

RECEIVED
CITY CLERK'S OFFICE
1994 JUL -8 P 1:29
CAMBRIDGE MA.

7/7/94

Dear Board Members:

I am a direct abutter, residing at 14 Florence St. to the proposed zoning change of Memorial Realty Trust. I understand they want to upzone 1/5 of their site from Residence C to Business A. I also understand that part of this site encompasses Riverside Rd.

I am strongly opposed to this change of, and would like to be notified of any hearings pertaining to this zoning change.

Yours Truly
Donald F. Daley
14 Florence St
Cambridge Mass
Donald F. Daley

P.S.
First Publication 2647
Amend. to Zoning Ord.

RECEIVED BY
OFFICE OF CITY CLERK
1994 JUL 8 PM 12:29
CAMBRIDGE, MASS.

7/7/94

To city clerk D. Margaret Drury

From Joseph P Spooner 13 Florence St.

As an abutter I am opposed to the proposed up zoning of approx. 1/3 of the property owned by Memorial realty trust which is on their Stop & Shop site & also includes a portion of River Side Rd.
I am opposed to the change of residence to business & and would like to be officially recorded as such.

Yours Truly
Joseph P Spooner
13 Florence St

SAGE
HOTELS & LODGES
Executive Offices
1260 Boylston Street
Boston, MA 02215
(617) 262-1745
FAX (617) 262-6365

VIA TELEFAX

RECEIVED BY
OFFICE OF CITY CLERK
1994 JUL -6 PM 4:34
CAMBRIDGE MA.

July 5, 1994

D. Margaret Drury
City Clerk
City of Cambridge
City Hall
Cambridge, MA 02139

Re: Abutter opposition to Richards' rezoning petition

Dear Ms. Drury:

Pursuant to the attached legal notice as it appeared in the June 30, 1994 edition of the Cambridge Chronicle, Memorial Motor Hotel Trust, the owner of the Howard Johnson Hotel at 767 Memorial Drive, wishes to go on record as an abutter opposed to the zoning petition presented by Mr. Charles Richards of Memorial Realty Trust and Alton Realty Trust of Braintree, Massachusetts.

It is our feeling that it is premature at this time for the City Council to consider a petition to rezone from Residence C to Business A, resulting in the loss of a significant buffer zone between the residential neighborhood and the existing commercial zone of the Stop and Shop site when the rezoning of this site is NOT contingent on the construction of a supermarket or superstore.

If you have any questions with regards to our opposition to this petition, please feel free to call on us.

Sincerely,

William Sage
for Memorial Motor Hotel Trust

Enclosure

Howard Johnson Hotel
575 Commonwealth Avenue
Boston, MA 02215
(617) 267-3100

Howard Johnson Hotel
777 Memorial Drive
Cambridge, MA 02139
(617) 492-7777

Howard Johnson Lodge
1271 Boylston Street
Boston, MA 02215
(617) 267-8300

Howard Johnson Lodge
407 Squire Road
Revere, MA 02151
(617) 284-7200

Howard Johnson Lodge
Main Street
Waterville, ME 04901
(207) 873-3335

LEGAL NOTICES

FIRST PUBLICATION NO. 2649.
CITY OF CAMBRIDGE
In the Year One Thousand,
Nine Hundred Ninety-Four
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:

Amend the Zoning Map of the City Cambridge as follows:

1.0 Amend the Zoning Map of the City of Cambridge by rezoning from Residence C to Business A an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the westerly extension of the centerline of Granite Street and the centerline of Magazine Street, and which point is approximately 290 feet north of the intersection of the southerly extension of the centerline of Magazine Street and the centerline of Memorial Drive,

1.1 Thence proceeding in a northwesterly direction along the existing zone line and the centerline of Riverside Road to the southerly sideline of lot numbered 83 on Assessor's Plat numbered 100, a distance of approximately 425 feet,

1.2 Thence turning and proceeding in an easterly direction along the existing zone line and the southerly sideline of lot numbered 83 on Assessor's Plat numbered 100 for a distance of approximately 120 feet to the centerline of the Passageway, approximately 21.30 feet wide, shown on Assessor's Plat numbered 100,

1.3 Thence turning and proceeding in a southeasterly direction along the centerline of the Passageway, approximately 21.30 feet wide, shown on Assessor's Plat numbered 100 to the centerline of Magazine Street, a distance of approximately 356 feet,

1.4 Thence turning and proceeding in a southwesterly direction along the centerline of Magazine Street to the point of origin, a distance of approximately 125 feet.

2.0 The above described area includes, but is not limited to, all of lots numbered 67 and 78 on Assessor's Plat numbered 100.

Passed to a second reading at the City Council meeting held on June 27, 1994 and on or after July 11, 1994 the question comes on ordination.

ATTEST:- D. Margaret Drury
City Clerk

(C)June30
#38836

RECEIVED BY
OFFICE OF CITY CLERK
1994 JUL 15 AM 11:03
CAMBRIDGE MA.

CITY OF CAMBRIDGE

ASSESSING DEPARTMENT

INTEROFFICE CORRESPONDENCE

TO: John E. Flynn
Deputy City Clerk

FROM: Sally Powers
Director of Assessment

SUBJECT: Written protest to the Charles A. Richards Trustee of Memorial Realty Trust Petition

DATE: July 14, 1994

In reply to your memo dated July 7, 1994 please be advised that we have, this day, forwarded to the Engineering Department the written protest to the above-referenced petition.

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 7, 1994

TO: Sally Powers
Board of Assessors

FROM: John E. Flynn
Deputy City Clerk

SUBJECT: WRITTEN PROTEST TO THE CHARLES A. RICHARDS TRUSTEE OF MEMORIAL REALTY TRUST PETITION

Enclosed you will find two copies of the written protest received by this office regarding the rezoning petition for the two lots numbered 67 and 78 on Assessors Plat numbered 100 and a section of Riverside Road.

Would you kindly certify these parcels and forward same to the Engineering Department as soon as possible.

Your kind attention in this matter will be greatly appreciated.

RECEIVED BY
CITY CLERK
1994 JUL -6 PM 4:53
CAMBRIDGE MA.

SAGE
HOTELS & LODGES
Executive Offices
1260 Boylston Street
Boston, MA 02215
(617) 262-1745
FAX (617) 262-6365

VIA TELEFAX

July 5, 1994

D. Margaret Drury
City Clerk
City of Cambridge
City Hall
Cambridge, MA 02139

Re: Abutter opposition to Richards' rezoning petition

Dear Ms. Drury:

Pursuant to the attached legal notice as it appeared in the June 30, 1994 edition of the Cambridge Chronicle, Memorial Motor Hotel Trust, the owner of the Howard Johnson Hotel at 767 Memorial Drive, wishes to go on record as an abutter opposed to the zoning petition presented by Mr. Charles Richards of Memorial Realty Trust and Alton Realty Trust of Braintree, Massachusetts.

It is our feeling that it is premature at this time for the City Council to consider a petition to rezone from Residence C to Business A, resulting in the loss of a significant buffer zone between the residential neighborhood and the existing commercial zone of the Stop and Shop site when the rezoning of this site is NOT contingent on the construction of a supermarket or superstore.

If you have any questions with regards to our opposition to this petition, please feel free to call on us.

Sincerely,

William Sage
for Memorial Motor Hotel Trust

Enclosure

Howard Johnson Hotel
575 Commonwealth Avenue
Boston, MA 02215
(617) 267-3100

Howard Johnson Hotel
777 Memorial Drive
Cambridge, MA 02139
(617) 492-7777

Howard Johnson Lodge
1271 Boylston Street
Boston, MA 02215
(617) 267-8300

Howard Johnson Lodge
407 Squire Road
Revere, MA 02151
(617) 284-7200

Howard Johnson Lodge
Main Street
Waterville, ME 04901
(207) 873-3335

LEGAL NOTICES

FIRST PUBLICATION NO. 2649.
CITY OF CAMBRIDGE
In the Year One Thousand,
Nine Hundred Ninety-Four
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:

Amend the Zoning Map of the City Cambridge as follows:

1.0 Amend the Zoning Map of the City of Cambridge by rezoning from Residence C to Business A an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the westerly extension of the centerline of Granite Street and the centerline of Magazine Street, and which point is approximately 290 feet north of the intersection of the southerly extension of the centerline of Magazine Street and the centerline of Memorial Drive,

1.1 Thence proceeding in a northwesterly direction along the existing zone line and the centerline of Riverside Road to the southerly sideline of lot numbered 83 on Assessor's Plat numbered 100, a distance of approximately 425 feet,

1.2 Thence turning and proceeding in an easterly direction along the existing zone line and the southerly sideline of lot numbered 83 on Assessor's Plat numbered 100 for a distance of approximately 120 feet to the centerline of the Passageway, approximately 21.30 feet wide, shown on Assessor's Plat numbered 100,

1.3 Thence turning and proceeding in a southeasterly direction along the centerline of the Passageway, approximately 21.30 feet wide, shown on Assessor's Plat numbered 100 to the centerline of Magazine Street, a distance of approximately 356 feet,

1.4 Thence turning and proceeding in a southwesterly direction along the centerline of Magazine Street to the point of origin, a distance of approximately 125 feet.

2.0 The above described area includes, but is not limited to, all of lots numbered 67 and 78 on Assessor's Plat numbered 100.

Passed to a second reading at the City Council meeting held on June 27, 1994 and on or after July 11, 1994 the question comes on ordination.

ATTEST:- D. Margaret Drury
City Clerk

(C)June30
#38836

SAGE
HOTELS & LODGES
Executive Offices
1260 Boylston Street
Boston, MA 02215
(617) 262-1745
FAX (617) 262-6365

FACSIMILE TRANSMITTAL SHEET

RECEIVED BY
OFFICE OF CITY CLERK
1994 JUL -6 PM 4:34
CAMBRIDGE MA.

DATE: JULY 6, 1994

TIME: 4:20 PM

This Fax is being transmitted:

FROM:

William A. Sage
Name

TO:

MR JOHN FLYNN
Name

CITY CLERK
Company/Department

349-4307
Fax Number

Total # of Pages (Including this cover sheet): 3

PLEASE HAND DELIVER AS SOON AS POSSIBLE

If this transmittal is incomplete, please call (617) 262-1745, Ext. 600 or ask for sender.

Additional Message:

d/:faxsht

CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD
CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

July 19, 1994

To the Honorable, the City Council:

SUBJECT: Richards, et al, Rezoning Petition for Land at Magazine Street and Memorial Drive, from Residence C to Business A.

Recommendation

The Planning Board recommends adoption of the petition as filed, provided the remaining significant issues, principal among them being the approval for use of Memorial Drive by trucks serving the project, have been resolved or clearly will be resolved in favor of the development as approved by the City through the executed purchase and sale agreement. In addition, the Board has recommendations in two areas of continuing concern, which are presented in more detail below.

Continuing Concerns

1. Transition Requirements Along the Residential Neighborhood Edge of the Petitioner's Property

The petitioner has agreed, in the executed purchase and sale agreement, to restrict future construction in the area subject to the rezoning (an area of approximately 40,000 square feet) to a height of 35 feet and a floor area ratio of 0.6, the limitations currently in effect in the Residence C zoning district abutting the petitioner's property and from which the area subject to the rezoning petition is to be rezoned. Further, the petitioner has agreed to impose those restrictions on an equivalent area along the residential edge of the petitioner's property if the City deems it more appropriate.

Recommendation: The deed restrictions should apply across the full length of the petitioner's property abutting the residential neighborhood, thus creating a transition zone approximately 70 to 75 feet in width.

However, those restrictions are not adequate to protect abutters over the long term. The application of the Business A District regulations to the entire Stop and Shop lot, even with the restrictions in place as agreed to by the petitioner, would allow about 25,000 square feet of commercial space, as well as parking structures accessory to all commercial uses on the entire site, as close as ten feet to the property lines of the residences abutting the petitioner's land. This is possible because only minimal setbacks are required for commercial construction in a Business A District.

To prevent such inappropriate development in the future should the site be redeveloped or further developed, additional setback requirements, in addition to the height and FAR restrictions already agreed to by the petitioner, should be imposed on any commercial uses in the transition zone that are established in new structures built after the construction of the superstore.

Recommendation: The setback requirements already applicable to residential development in the Business A district (which are the same as required for all uses in the Residence C District) should be made applicable to commercial development as well. In addition, a minimum setback of 25 feet from the petitioner's property line abutting the residential neighborhood should be imposed on all commercial and residential construction in the transition zone. It should be made clear that all setback restrictions apply to any residential, commercial or accessory structure.

2. Transportation Services to Neighborhood Customers.

It has been widely understood throughout the process of reviewing the Stop and Shop proposal that the amount of parking proposed is less than would typically be provided for a store of comparable size in a suburban location. This circumstance has been substantially justified by the Cambridge store's urban location and the observed history and future expectation that many customers from the neighborhood can reach the site without the use of a car, by walking or other means. The success of the store, financially for the owner and as a good neighbor to nearby residents, will clearly depend on maintaining or increasing the percentage of customers arriving at the site without a car. The Planning Board expressed this concern in its recommendation to the City Council on the disposition of Riverside Road; further efforts should be undertaken to address it.

Recommendation: The petitioner should commit to the development and implementation of a detailed transportation services plan that outlines a reasonable, appropriate, and proportionate program of assistance to neighborhood customers who may not have, or who may be persuaded not to use, an automobile when patronizing the new store.

Findings

1. The area to be rezoned from a residential to a business designation has never been used

for residential purposes as far as can be determined. It has, however, been used for parking accessory to commercial uses on abutting lots for many decades.

2. As a large area of abutting property owned by the petitioner is already zoned Business A, it is logical and reasonable to extend that same designation to these lots.

3. In order to permit the construction of a large supermarket, which has been the expressed intent of the City in the disposition of Riverside Road, the area must be rezoned to permit that use, or more problematical, the petitioner must seek a number of variances from the Board of Zoning Appeal to permit commercial use of the lots now zoned for residential use. If commercial use is desired and intended by the City, it is appropriate that the property be rezoned to permit that activity.

4. The designation of this area as a Business A district does raise concerns with regard to the appropriateness of some kinds of development permitted in the district, particularly with regard to the height and density of such development so close to a low density residential neighborhood. The petitioner has addressed that concern by proposing the imposition of certain deed restrictions on portions of his property. The Planning Board has suggested earlier in this document some additional restrictions that might be imposed in that transition area.

Nevertheless, should the anticipated supermarket use prove unsuccessful and/or alternate development schemes be planned in the future, it would be appropriate at that time for the City to consider other zoning options for this site and the larger area abutting it in order to fully protect the residential neighborhood from the potential negative impact of any possible future development proposal.

Respectfully submitted for the Planning Board,

Paul Dietrich, Chairman

CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD
CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

July 19, 1994

To the Honorable, the City Council:

SUBJECT: Richards, et al, Rezoning Petition for Land at Magazine Street and Memorial Drive, from Residence C to Business A.

Recommendation

The Planning Board recommends adoption of the petition as filed, provided the remaining significant issues, principal among them being the approval for use of Memorial Drive by trucks serving the project, have been resolved or clearly will be resolved in favor of the development as approved by the City through the executed purchase and sale agreement. In addition, the Board has recommendations in two areas of continuing concern, which are presented in more detail below.

Continuing Concerns

1. Transition Requirements Along the Residential Neighborhood Edge of the Petitioner's Property

The petitioner has agreed, in the executed purchase and sale agreement, to restrict future construction in the area subject to the rezoning (an area of approximately 40,000 square feet) to a height of 35 feet and a floor area ratio of 0.6, the limitations currently in effect in the Residence C zoning district abutting the petitioner's property and from which the area subject to the rezoning petition is to be rezoned. Further, the petitioner has agreed to impose those restrictions on an equivalent area along the residential edge of the petitioner's property if the City deems it more appropriate.

Recommendation: The deed restrictions should apply across the full length of the petitioner's property abutting the residential neighborhood, thus creating a transition zone approximately 70 to 75 feet in width.

However, those restrictions are not adequate to protect abutters over the long term. The application of the Business A District regulations to the entire Stop and Shop lot, even with the restrictions in place as agreed to by the petitioner, would allow about 25,000 square feet of commercial space, as well as parking structures accessory to all commercial uses on the entire site, as close as ten feet to the property lines of the residences abutting the petitioner's land. This is possible because only minimal setbacks are required for commercial construction in a Business A District.

To prevent such inappropriate development in the future should the site be redeveloped or further developed, additional setback requirements, in addition to the height and FAR restrictions already agreed to by the petitioner, should be imposed on any commercial uses in the transition zone that are established in new structures built after the construction of the superstore.

Recommendation: The setback requirements already applicable to residential development in the Business A district (which are the same as required for all uses in the Residence C District) should be made applicable to commercial development as well. In addition, a minimum setback of 25 feet from the petitioner's property line abutting the residential neighborhood should be imposed on all commercial and residential construction in the transition zone. It should be made clear that all setback restrictions apply to any residential, commercial or accessory structure.

2. Transportation Services to Neighborhood Customers.

It has been widely understood throughout the process of reviewing the Stop and Shop proposal that the amount of parking proposed is less than would typically be provided for a store of comparable size in a suburban location. This circumstance has been substantially justified by the Cambridge store's urban location and the observed history and future expectation that many customers from the neighborhood can reach the site without the use of a car, by walking or other means. The success of the store, financially for the owner and as a good neighbor to nearby residents, will clearly depend on maintaining or increasing the percentage of customers arriving at the site without a car. The Planning Board expressed this concern in its recommendation to the City Council on the disposition of Riverside Road; further efforts should be undertaken to address it.

Recommendation: The petitioner should commit to the development and implementation of a detailed transportation services plan that outlines a reasonable, appropriate, and proportionate program of assistance to neighborhood customers who may not have, or who may be persuaded not to use, an automobile when patronizing the new store.

Findings

1. The area to be rezoned from a residential to a business designation has never been used

for residential purposes as far as can be determined. It has, however, been used for parking accessory to commercial uses on abutting lots for many decades.

2. As a large area of abutting property owned by the petitioner is already zoned Business A, it is logical and reasonable to extend that same designation to these lots.

3. In order to permit the construction of a large supermarket, which has been the expressed intent of the City in the disposition of Riverside Road, the area must be rezoned to permit that use, or more problematical, the petitioner must seek a number of variances from the Board of Zoning Appeal to permit commercial use of the lots now zoned for residential use. If commercial use is desired and intended by the City, it is appropriate that the property be rezoned to permit that activity.

4. The designation of this area as a Business A district does raise concerns with regard to the appropriateness of some kinds of development permitted in the district, particularly with regard to the height and density of such development so close to a low density residential neighborhood. The petitioner has addressed that concern by proposing the imposition of certain deed restrictions on portions of his property. The Planning Board has suggested earlier in this document some additional restrictions that might be imposed in that transition area.

Nevertheless, should the anticipated supermarket use prove unsuccessful and/or alternate development schemes be planned in the future, it would be appropriate at that time for the City to consider other zoning options for this site and the larger area abutting it in order to fully protect the residential neighborhood from the potential negative impact of any possible future development proposal.

Respectfully submitted for the Planning Board,

Paul Dietrich, Chairman

C. C. 108

City of Cambridge

The Ordinance Committee conducted a public hearing on Thursday, June 16, 1994 beginning at 6:45 p.m. in the Sullivan Chamber, Second floor, City Hall.

Councillor William H. Walsh, Chair of the above referenced Committee, convened the hearing and stated the purpose of this date's proceedings was to discuss the petition of Patrick C. Toomey, Esq. on behalf of Charles Richards, Trustee of Memorial Realty Trust, to amend the zoning map of the City of Cambridge. Present at the hearing were: Councillor Kathleen L. Born, Councillor Francis H. Duehay, Councillor Michael A. Sullivan, Councillor Timothy J. Toomey, Jr., Councillor Katherine Triantafillou and Deputy City Clerk John E. Flynn.

To begin the discussion Councillor Walsh requested those individuals who were opposed to the petition to come forward and offer their testimony.

Mr. Hugh Salemme, 89 Third Street, stated his opposition to the petition citing the belief that it was premature in light of the other pieces that were required in the permitting process. He further stated that he was truly opposed to the project calling it too large and offended by the concept that it would be a neighborhood market.

Mr. John Moot, 44 Coolidge Hill Road, read from a prepared statement. (A copy is attached)

Attorney Robert J. LaTremouille, 348 Franklin Street, also stated his opposition to the petition.

At this time the Committee heard from the petitioner, Mr. Toomey to outline the proposed amendment to the zoning map.

Mr. Toomey stated that the petition would rezone the two lots numbered 67 and 78 on Assessor's Plat numbered 100, and a section of Riverside Road from Residence C to Business A. He further stated that the rezoning would allow the area to be used for those uses other than residential; and would increase the Floor Area Ratio to 1.0 for nonresidential uses and 1.75 for residential uses. He noted that this zoning change was essential for the construction of the proposed Super Stop and Shop on the site. He also noted that the new configuration of the proposed store would not be grandfathered to allow for parking.

Councillor Born inquired of Mr. Toomey for clarification of the grandfathering issue.

Mr. Toomey in response stated that based on the research done given a new

facility situated differently there would be no guarantee that parking would be allowed.

Mr. Lester Barber, Chief Project Planner, Community Development Department, concurred with Mr. Toomey's assessment.

Councillor Born then inquired of the possibility of attaching conditions to the rezoning.

Mr. Toomey stated in response that conditional zoning is not permissible under Massachusetts Law.

Then Councillor Born inquired of petitioning the Board of Zoning Appeal for a variance.

In response, Mr. Toomey stated that a variance decision can be appealed through legal challenge and that the petitioner would have a difficult time articulating the conditions of a hardship.

Councillor Born stated the need for some assurances that the store will open and stay in the neighborhood for many years to come. She stated that the site is an attractive area and the plans as drawn could lead to other retail use.

Mr. Charles Richards in response stated that the issue of the store opening for one day and then closing is a red herring. He noted the He noted the cost associated with the design and construction of the new facility.

Councillor Walsh inquired of the total cost of the project.

Mr. Toomey in response stated that construction, design and site preparation would be in the neighborhood of six million.

Councillor Born stated that a review of Stop and Shop's corporate statement shows that the cost is usually in the 3.5 to 4 million dollars excluding acquisition costs.

Mr. Toomey in response stated that this is not a typical Super Stop and Shop.

Councillor Duehay stated that at this point, given the amount of money invested, that Stop and Shop is putting forth a good faith effort. He noted that should there be a swindle the City Council is not without remedies.

Councillor Sullivan stated his concurrence with Councillor Duehay's comments regarding potential remedies.

Councillor Toomey inquired of the Chair if it would be legal for the Council to act in a punitive measure with regards to zoning.

The Chair with concurrence from Mr. Barber stated that it could be done.

Councillor Toomey then offered the following motion:

ORDERED: That the City Manager be and hereby is requested to confer with the City Solicitor with the view in mind of offering an opinion on this question.

On a voice vote the motion carried.

Councillor Toomey concluded his comments by stating his skepticism with the project.

At this time the Chair opened the floor for further public comment.

The following individuals stated their support for the proposed amendment to the zoning map:

Ms. Frances Wirta	248 Franklin Street
Ms. Anstis Banfield	6 Garden Place
Mr. Thomas Norton	177 Magazine Street
Mr. Mark Boyes-Watson	5 Garden Place
Mr. Richard Brown	14 Florence Street
Ms. Alexis Hayes	156 Magazine Street
Ms. Geneva Malenfant	75 Henry Street

The following individuals stated their opposition to the proposed amendment to the zoning map:

Mr. Stanislav A. Horowitz	12A Florence Street
Ms. Susan Perry	226 Chestnut Street
Mr. James Williamson	17 Perry Street

Upon conclusion of the public testimony Councillor Sullivan moved that the petition be referred to the dull City Council without recommendation.

On a voice vote the motion carried.

The hearing was adjourned at 8:02 p.m.

For the Committee

William H. Walsh (GCF)

Councillor William H. Walsh, Chair

JOHN R. MOOT
44 Coolidge Hill Road
Cambridge, MA 02138

June 16, 1994

Memo to: The Ordinance Committee of the Cambridge City Council

Subject: The Richards Petition to rezone lots 67 and 78 on Assessor's Plat numbered 100, and a section of Riverside Road from Residence C to Business A.

This rezoning is one of the four primary demands of Stop & Shop (S&S) as a condition for the construction of a super store supermarket to replace the supermarket that they closed on May 14. The four demands are:

1.- The sale of Riverside Road to S&S for $1 million.

2.- Approval by the MDC of the use of Memorial Drive for egress by trucks serving the store.

3.- Permission from the MDC to install a traffic light at the intersection of Memorial Drive and Magazine Street.

4.- The rezoning of that portion of the property zoned Residence C to Business A, with the limitation that no building shall be constructed on that property over 35 feet high.

If all of these conditions are met, S&S agrees to build its super store. They do not, however, agree to keep it open for any given period of time. (See paragraph 4 of Exhibit A of the Purchase and Sale Agreement.) The City accepted the fact that S&S could not be expected to make a long term commitment to continue operating the store, because it might be unprofitable. Therefore, S&S can legally close the store the day after it is opened, should it so desire.

This agreement, unexpectedly perhaps, creates a situation where S&S will have greater financial incentives to close the store than to keep it open.

Should the store be closed, the sale of Riverside Road, the approval for trucks on Memorial Drive, the traffic light and the rezoning still stand. None, as presently written, expire if the store is closed. S&S would be free to sell or develop the entire 5 acre site as it chose after the store closed.

Will it make financial sense for the S&S to keep the store open even if it is reasonably profitable? I do not believe so. The S&S will own a 5 acre lot on Memorial Drive, all zoned Business A. From my conversations with commercial

realtors, this property would be worth between $15 and $20 million to a developer. You may wish to check out these figures.

Is the store likely to earn a fair return to S&S on that asset? I doubt it. The market will have only 255 parking spaces, about half the number at every other S&S super store. It does not take a rocket scientist to figure out that you cannot generate enough sales volume to make a super store profitable, if you have only 255 parking spaces when 500 are needed, even if one allows for several hundred "walkers" to the market. "Walkers" are not big shoppers.

The access to the store from Memorial Drive will be severely restricted by rush hour traffic and by the trucks coming out of the market, an average of one every 23 minutes. The traffic problem will become worse as Forest City is developed and several thousand cars exit from there onto Memorial Drive at rush hour. Memorial Drive does not compare favorably with the wide highways providing access to most other super stores.

Because of inadequate parking and restricted access, the store is, I believe, unlikely to be very profitable, if even profitable.

Will not the financial wizards at Kohlberg, Kravitz and Roberts, the owners of S&S, quickly determine that it makes more financial sense to sell the land than to operate the store?

And then where are we? The neighborhood will not have a store. The City will have lost control of a rare piece of riverfront land, 5 acres between the Riverside neighborhood and its parklands at Magazine Beach. And the S&S will have netted a profit of over $10 million!

The zoning change before this Ordinance Committee is an important element in this deal. It is a bad deal. This effort to squeeze a ten-acre super store into this five acre site is like trying to squeeze a fat foot into a slim slipper. The selfish sisters in Cinderella could not do it, and S&S cannot either.

But still S&S comes out a winner, and the neighborhood and the City the losers. Now is the time for this City Council to begin withdrawing from this agreement made by last year's Council. Do not make this zoning change.

Thank you for permiting me to share my thoughts with you on this important issue in the development of Cambridgeport.

John R. Moot

COMMITTEE REPORTS

Ordinance Committee Report regarding the amendment to the Zoning Ordinances on the petition of Patrick C.Toomey, Esquire, on behalf of Charles Richards, Trustee of Memorial REalty Trust.

In City Council,

June 27, 1994

Report accepted
and placed on file
Ordinance Amendment
Passed to second
Reading
6/30/94 - Published - Chronicle

C. C. 106

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 Thursday, June 16, 1994 at 6:00 P. M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on the petition of Patrick C. Toomey on behalf of Charles A. Richards, Trustee of Memorial Realty Trust, to amend the Zoning Map of the City of Cambridge.

This petition would rezone the two lots numbered 67 and 78 on Assessor's Plat numbered 100, and a section of Riverside Road, from Residence C to Business A, as shown on the accompanying map. The rezoning would allow the area to be used for those uses other than residential; and would increase the Floor Area Ratio to 1.0 for nonresidential uses and 1.75 for residential uses.

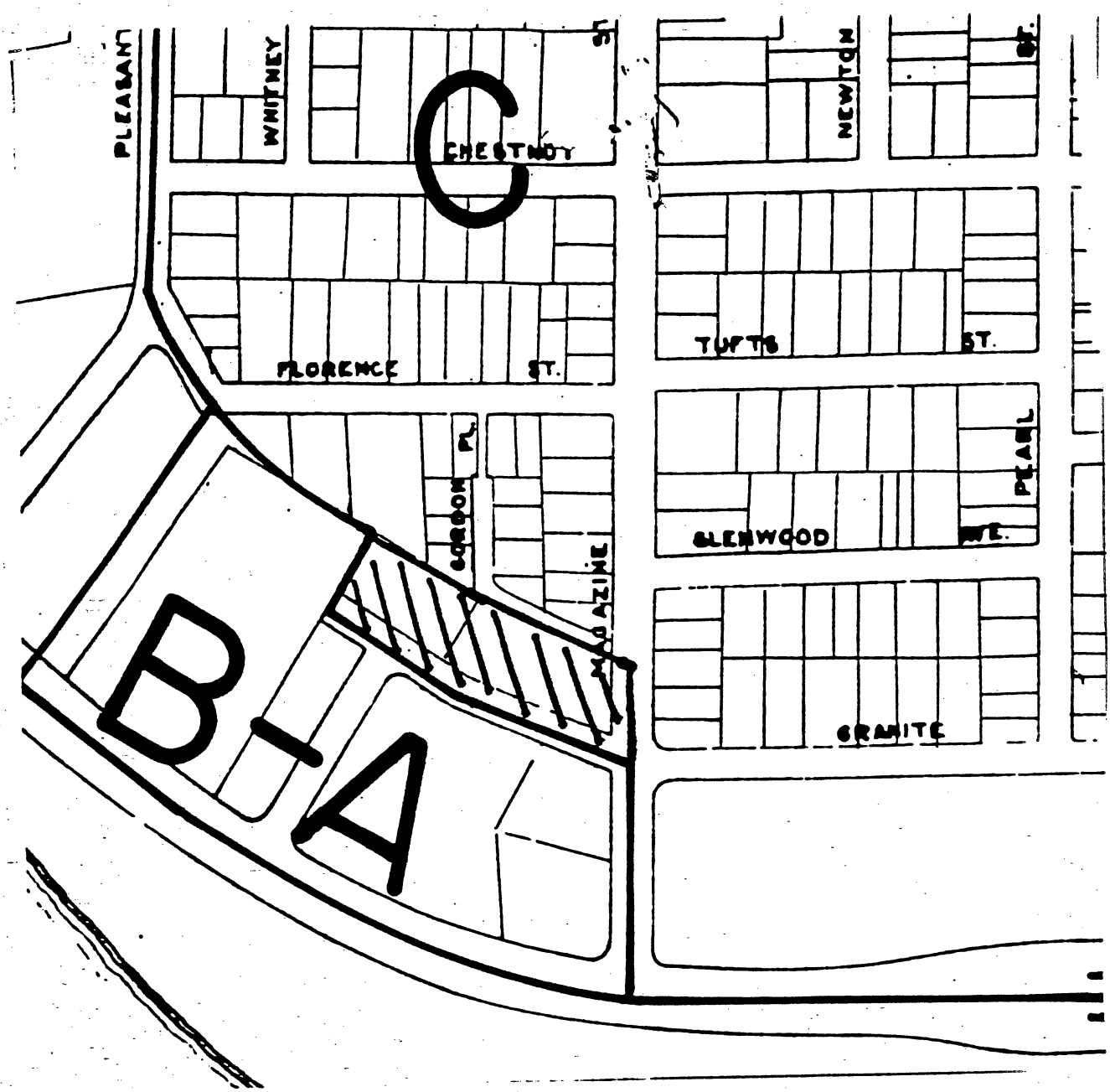
Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor William H. Walsh
Chair

RICHARDS PETITION - AREA PROPOSED TO BE REZONED FROM RESIDENCE C TO BUSINESS A. (5/94)



FIRST PUBLICATION NO. 2649.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Four

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:

Amend the Zoning Map of the City Cambridge as follows:

1.0 Amend the Zoning Map of the City of Cambridge by rezoning from Residence C to Business A an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the westerly extension of the centerline of Granite Street and the centerline of Magazine Street, and which point is approximately 290 feet north of the intersection of the southerly extension of the centerline of Magazine Street and the centerline of Memorial Drive,

1.1 Thence proceeding in a northwesterly direction along the existing zone line and the centerline of Riverside Road to the southerly sideline of lot numbered 83 on Assessor's Plat numbered 100, a distance of approximately 425 feet,

1.2 Thence turning and proceeding in an easterly direction along the existing zone line and the southerly sideline of lot numbered 83 on Assessor's Plat numbered 100 for a distance of approximately 120 feet to the centerline of the Passageway, approximately 21.30 feet wide, shown on Assessor's Plat numbered 100,

1.3 Thence turning and proceeding in a southeasterly direction along the centerline of the Passageway, approximately 21.30 feet wide, shown on Assessor's Plat numbered 100 to the centerline of Magazine Street, a distance of approximately 356 feet,

1.4 Thence turning and proceeding in a southwesterly direction along the centerline of Magazine Street to the point of origin, a distance of approximately 125 feet.

2.0 The above described area includes, but is not limited to, all of lots numbered 67 and 78 on Assessor's Plat numbered 100.

Passed to a second reading at the City Council meeting held on June 27, 1994 and on or after July 11, 1994 the question comes on ordination.

ATTEST:- D. Margaret Drury
City Clerk

FIRST PUBLICATION NO. 2649.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Four

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:

Amend the Zoning Map of the City Cambridge as follows:

1.0 Amend the Zoning Map of the City of Cambridge by rezoning from Residence C to Business A an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the westerly extension of the centerline of Granite Street and the centerline of Magazine Street, and which point is approximately 290 feet north of the intersection of the southerly extension of the centerline of Magazine Street and the centerline of Memorial Drive,

1.1 Thence proceeding in a northwesterly direction along the existing zone line and the centerline of Riverside Road to the southerly sideline of lot numbered 83 on Assessor's Plat numbered 100, a distance of approximately 425 feet,

1.2 Thence turning and proceeding in an easterly direction along the existing zone line and the southerly sideline of lot numbered 83 on Assessor's Plat numbered 100 for a distance of approximately 120 feet to the centerline of the Passageway, approximately 21.30 feet wide, shown on Assessor's Plat numbered 100,

1.3 Thence turning and proceeding in a southeasterly direction along the centerline of the Passageway, approximately 21.30 feet wide, shown on Assessor's Plat numbered 100 to the centerline of Magazine Street, a distance of approximately 356 feet,

1.4 Thence turning and proceeding in a southwesterly direction along the centerline of Magazine Street to the point of origin, a distance of approximately 125 feet.

2.0 The above described area includes, but is not limited to, all of lots numbered 67 and 78 on Assessor's Plat numbered 100.

Passed to a second reading at the City Council meeting held on June 27, 1994 and on or after July 11, 1994 the question comes on ordination.

ATTEST:- D. Margaret Drury
City Clerk

FIRST PUBLICATION NO. 2649.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Four

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:

Amend the Zoning Map of the City Cambridge as follows:

1.0 Amend the Zoning Map of the City of Cambridge by rezoning from Residence C to Business A an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the westerly extension of the centerline of Granite Street and the centerline of Magazine Street, and which point is approximately 290 feet north of the intersection of the southerly extension of the centerline of Magazine Street and the centerline of Memorial Drive,

1.1 Thence proceeding in a northwesterly direction along the existing zone line and the centerline of Riverside Road to the southerly sideline of lot numbered 83 on Assessor's Plat numbered 100, a distance of approximately 425 feet,

1.2 Thence turning and proceeding in an easterly direction along the existing zone line and the southerly sideline of lot numbered 83 on Assessor's Plat numbered 100 for a distance of approximately 120 feet to the centerline of the Passageway, approximately 21.30 feet wide, shown on Assessor's Plat numbered 100,

1.3 Thence turning and proceeding in a southeasterly direction along the centerline of the Passageway, approximately 21.30 feet wide, shown on Assessor's Plat numbered 100 to the centerline of Magazine Street, a distance of approximately 356 feet,

1.4 Thence turning and proceeding in a southwesterly direction along the centerline of Magazine Street to the point of origin, a distance of approximately 125 feet.

2.0 The above described area includes, but is not limited to, all of lots numbered 67 and 78 on Assessor's Plat numbered 100.

Passed to a second reading at the City Council meeting held on June 27, 1994 and on or after July 11, 1994 the question comes on ordination.

ATTEST:- D. Margaret Drury
City Clerk

The Ordinance Committee conducted a public hearing on Thursday, June 16, 1994 beginning at 6:45 p.m. in the Sullivan Chamber, Second Floor, City Hall.

Councillor William H. Walsh, Chair of the above referenced Committee, convened the hearing and stated the purpose of this date's proceedings was to discuss the petition of Patrick C. Toomey, Esq. on behalf of Charles A. Richards, Trustee of Memorial Realty Trust, to amend the Zoning Map of the City of Cambridge. Present at the hearing were: Councillor Kathleen L. Born, Councillor Francis H. Duehay, Councillor Michael A. Sullivan, Councillor Timothy J. Toomey, Jr., Councillor Katherine Triantafillou and Deputy City Clerk John E. Flynn

To begin the discussion Councillor Walsh requested those individuals who were opposed to the petition to come forward and offer their testimony.

Mr. Hugo Salemme, 89 Third Street, stated his opposition to the petition citing the belief that it was premature in light of the other pieces that were required in the permitting process. He further stated that he was totally opposed to the project calling it too large and offended by the concept that it would be a neighborhood market.

Mr. John Hoot, 44 Coolidge Hill Road, read from a prepared statement. (A copy is attached)

Attorney Robert J. Latremouille, 348 Franklin Street, also stated his opposition to the petition.

At this time the Committee heard from the petitioner, Mr. Toomey to outline the

proposed amendment to the Zoning Map.

Mr Toomey stated that the Petition would rezone the two lots numbered 67 and 78 on Assessor's Plat numbered 100, and a section of Riverside Road from Residence C to Business A. He further stated that the rezoning would allow the area to be used for these uses other than residential, and would increase the Floor Area Ratio to 1.0 for nonresidential uses and 1.75 for residential uses. He noted that this zoning change was essential for the construction of the proposed Super Stop and Shop on the site. He also noted that the new configuration of the proposed store would not be grandfathered to allow for parking.

Councillor Born inquired of Mr. Toomey for clarification of the grandfathering issue.

Mr. Toomey in response stated that based on the research done given a new facility situated differently there would be no guarantee that parking would be allowed.

Mr. Hester Barber, Chief Project Planner, Community Development Department, concurred with Mr. Toomey's assessment.

Councillor Born then inquired of the possibility of attaching conditions to the rezoning.

Mr. Toomey stated in response that conditional zoning is not permissable under Massachusetts Law.

Then Councillor Born inquired of petitioning the Board of Zoning Appeal for a Variance.

In response, Mr. Toomey stated that a Variance decision can be appealed through legal challenge and that the petitioner would have a difficult time articulating the conditions of a hardship.

Councillor Born stated the need for some assurances that the store will open and stay in the neighborhood for many years to come. She noted that the site is an attractive one and the plans as drawn could lead to other retail use.

Mr. Charles Richards in response stated that the issue of the store opening for one day and then closing is a red herring. He noted the cost associated with the design and construction of the new facility.

Councillor Walsh inquired of the total cost of the project.

Mr. Toomey in response stated that Construction, design and site preparation would be in the neighborhood of six Million.

Councillor Born stated that a review of Stop and Shop's corporate statement shows that the cost is usually in the 3.5 to 4 million dollars excluding acquisition costs.

Mr. Toomey in response stated that this is not a typical Super Stop & Shop.

Councillor Duchay stated that at this point, given the amount of money invested, that Stop & Shop is putting forth a good faith effort. He noted that should there be a swindle the City Council is not without remedies.

Councillor Sullivan stated his concurrence with Councillor Duchay's comments regarding potential remedies.

Councillor Toomey inquired of the Chair if it would be legal for the Council to act in a punitive measure with regards to zoning.

The Chair with concurrence from Mr. Barber

stated that it could be done.

Councillor Toomey then offered the following motion:

ORDERED: That the City Manager be and hereby is requested to confer with the City Solicitor with the view in mind of offering an opinion on this question.

On a voice vote the motion carried

Councillor Toomey concluded his comments by stating his skepticism with the Project.

At this time the Chair opened the floor for further Public comment

The following individuals stated their support for the proposed amendment to the Zoning Map:

Ms. Frances Wirta	242 Franklin Street
Ms. Anatis Benfield	6 Gordon Place
Mr. Thomas Norton	177 Magazine Street.
Mr. Mark Boyes-Watson	5 Gordon Place
Mr. Richard Brown	14 Florence Street.
Ms. Alexis Hayes	156 Magazine Street.
Ms. Geneva Malenfant	75 Henry Street.

The following individuals stated their opposition to the proposed amendment to the Zoning Map:

Mr. Stanislaw A. Horowitz	12A Florence Street
Ms. Susan Perry	226 Chestnut Street.
Mr. James Williamson	17 Perry Street

Upon conclusion of the Public testimony Councillor Sullivan moved that the Petition be referred to the Full City Council without recommendation.

On a voice vote the motion carried.

The hearing was adjourned at 8:02 PM

For the Committee
SHW, Chair

C. C. 106

City of Cambridge

HEARING SCHEDULE

Monday, June 13, 1994	5:30 P. M.	Regular City Council Meeting. (Sullivan Chamber)
	7:00 P. M.	The City Council will conduct a public hearing to discuss the expansion project for the Cambridge Hospital. (Sullivan Chamber)
Wednesday, June 15, 1994	9:00 A.M.	The Health and Hospitals Committee will conduct a public meeting with the Strategic Planning Consultant for Neville Manor to discuss what future needs can be met in a financially viable vehicle. *(Auditorium - Neville Manor - 650 Concord Avenue)*
	5:00 P. M.	The Civil and Human Right Committee will conduct a public hearing to formulate the agenda for the Committee for the upcoming year. (Sullivan Chamber)
Thursday, June 16, 1994		The Ordinance Committee will conduct a public hearing as follows:
	5:30 P. M.	Clarification and changes to the Municipal Code of the City of Cambridge as it relates to the ten minutes stay in one spot by peddlers, movement after the ten minutes time has expired and vendor trucks being parked at meters. (Sullivan Chamber)
	6:00 P. M.	Proposed amendment to the Zoning Ordinances to rezone land a section of Riverside Road from Residence C to Business A. (Sullivan Chamber)

Reconvened 6:45

C. Walsh — Called Agenda Item #2

John Moot
44 Coolidge Hill Rd.

6:45 Hugo Salemme
89 Third Street.

- Spoke in opposition
- premature - in light of the other pieces - re permitting.
- Truly against - project too large
  offended by concept it is a neighborhood market.
- Places in different scope.

Read a prepared statement.

6:47 →

6:54 Robert LaTremouille — Spoke in opposition to petition.
348 Franklin St.

Chris Toomey, Esq.
- Res. C to Bus A.
- less than 1 acre
- Plat #100, lots #67 & 78.
- Would restrict height & FAR.
- Spread restriction across back lot if City wants.
- This zoning is needed for the new store
- This is essential.

C. Born — Cant Depend on grandfathering

C. Toomey
- Park cars - indefinite period of time. Parking served the business use.
- New facility - Cant guarantee parking or bldg.

C. Born — Mr. Barber.

Ler. Barber — Standard Administrative thought given the ordinance

C. Born — Conditions on Rezoning

C. Toomey — Cant have a Conditional Zoning.

C. Born — Variance ?
More reliable way to make height

C. Toomey

- A variance decision - can be appealed through legal challenge.
- We would have a hard time re: conditions of a hardship.

C. Born

Conditions - what form of covenant.

C. Toomey

- On title of property at time of the closing.
- It would be a restrictive covenant.

C. Born

Would be tied to deed Contract zoning -

C. Toomey

- Have researched it - none found.
- This is not spot zoning.
- Make it consistent with surrounding area.

C. Born

- Need some assurances that the store will stick around for neighborhood.
- An attractive site.
- Grocery stores usually not found on River front.
- Plans drawn could lead to other retail use.

Charlie Richards

A wild red herring - We are not investing $ it's for one day occupancy.

C Walsh — Cost to build store

C. Toomey — A < M
- We have been here for 47 yrs & would like to be here for another 47 yrs.
- We have shown our intention

C. Born — - Corporate Statement - cost is between 3.5 & 4 M. (excluding acquisition costs.)

C. Toomey — - Not a typical Super Store.

C. Born — If your intention - I would like to get some assurances.

C. Dunlop — - At this point - Amount of $ invested - A good faith effort.
- Should there be a swindle - the City Council is not w/o remedies.
- A majority of us wants it.

C. Sullivan — In order to build store - you need zoning

C. Toomey — Yes.

C. Sullivan — We want a store there. zoning can change.

C. Toomey — I recognize it.

Councillor Toomey — Would it be punitive

C Walsh — We can do it.

Tim Toomey *	- would like a legal opinion. - Bldg. Permits - I am skeptical. - you have given me nothing ✓/✓ / 5
Les Barber.	Dont know of any argument against it.
C. Walsh	Called on Proponents.
Frances Wirta Worda 248 Franklin St.	- In favor of Petition. - Support the Development of a Super Stop & Shop to serve the
Anstis Benfield 6 Gordon Place	Spoke in favor. - conditionally on the buiding of a grocery store.
Tom Worden Magazine St.	- Spoke in favor - A 1/3 of the shoppers - walk.
Mark Boyes-Watson 5 Gordon Pl.	- Spoke in favor. - Be tied to the bldg of a store.
Richard Brown 14 Florence St	Spoke in favor of Zoning Δ. Critical it be tied to the bldg of the store.
Alexis Hayes 156 Magazine St.	Spoke in favor of Zoning Δ. Walkers do shop. It is a disaster w/o Store.

It is dreadful.

Geneva Malenfant. 75 Neary St.
- Spoke in favor.. Zoning needs to be in place before getting a bldg. permit..
- opposed to the variance vehicle..
- Recommend Actions:
  - Ask City Mgr. – Bus. A / V zone CDD.
  - Look at area between Magazine to River South of Putnam.

7:47 P.M. Stash Abrowitz
- Spoke in Opposition.
- No logic in doing it now.

C. Sullivan *
Refer to Full City Council w/o recommendation. VIV / V

7:57 pm Susan Perry 226 Chestnut St.
Spoke in opposition to Petition.

7:59 PM James Williamson St.
Spoke in Opposition to the Petition.

Adjournment 8:02 p.m.

EDITORIAL

Stop & Shop: Go for compromise

It seemed like such a simple request: Could you please just let our trucks travel several millimeters on Memorial Drive so that we can come to the rescue of the people whose lives we just threw into turmoil by closing down their only supermarket?

Sorry, there's currently a state policy against trucks on the parkway.

Yeah, but it's not really enforced. So anyone who won't give an inch on this stupid, sham truck ban must not care about people going hungry in Cambridgeport.To many in this supermarket saga, Stop & Shop is the food-bearing White Knight, while opponents of allowing a few more trucks on Memorial Drive are cold and callous, putting the purity of some pavement ahead of people's right to eat.

While that scenario makes for good drama, it is not quite accurate.

This paper has wondered aloud why the store couldn't scale things back a bit to make the project work on a slightly smaller scale. (In fairness, the chain has worked to address neighborhood concerns and create what looks like an attractive store in the artist's rendering.)

But months later we were still wondering why the store couldn't get by with a little less floor space — that is, until Stop & Shop Vice President Charles Richards supplied the honest answer during a recent visit to the Chronicle office.

"This is the Super Stop & Shop experience and that's the only experience we provide to people today."

It would perhaps be counter-productive to suggest that the company also has provided some elderly residents with the experience of finding new and more physically challenging ways to buy their food.

But hey, this is America. Corporations play hardball and that is what Stop & Shop is doing. How else can a company make maximum profit?

Now it appears the governor, drawn into the dispute because he is believed to possess some leadership ability (or at least the influence needed to bend or scrap the truck ban), also wants to know why Stop & Shop couldn't bring some flexibility to the table of compromise.

The Chronicle once again urges our wise leaders and the beneficent executives at Stop & Shop headquarters to find a way to compromise, preferably without mucking up Memorial Drive with more trucks.

- CAMBRIDGE CHRONICLE JUNE 16, 1994

Stop & Shop goes to Weld

Hints of progress, but still no solution to superstore

(1)

BY AMY MILLER
Chronicle Staff

- CAMBRIDGE CHRONICLE 6-16-94

Two of the state's top decision-makers, both Cambridge residents, aren't ready to let trucks roll on Memorial Drive so Stop & Shop can build its controversial superstore.

Instead, Gov. William Weld and House Speaker Charles Flaherty want to explore reconfiguring the proposed store's site plan before bending a rule that prohibits trucks from the parkway. At least, that's the quiet word out of last Thursday's high-level meeting between Weld, Flaherty, Stop & Shop officials and the head of the Metropolitan District Commission.

Overriding the truck ban is "certainly a last resort. We're trying to find an alternative," Flaherty said on Monday, adding that "the governor is on the same page of the handbook... trying to find an alternative."

At this point, it appears that alternative might be rotating the proposed store and trying for a design that would not mean trucks have to travel 350 yards on Memorial Drive.

Giving supermarket trucks permission to travel on a small stretch of the MDC parkway would

STOP & SHOP, page 5

Stop & Shop goes to Weld

(2)

SHOP, from page 1

have "ramifications that go far behind Cambridge," said Flaherty, indicating that legislators around the state are likely to oppose home-rule legislation filed by Cambridge city officials.

Flaherty declined to state his own position on this bill, but has shown no signs of championing it. Stop & Shop officials have indicated they will pursue "other options" if they don't get the needed permits to build by July 1.

MDC Commissioner Ilyas Bhatti, who ruled against allowing trucks on the drive, is scheduled to meet today, Thursday, with City Manager Robert Healy and Stop & Shop officials.

> ***"Our goal is to keep Memorial Drive in a parkway condition but we are definitely going to see, given that constraint, what other options are available."***
>
> **MDC Commissioner Ilyas Bhatti**

"Our goal is to keep Memorial Drive in a parkway condition but we are definitely going to see, given that constraint, what other options are available," said Bhatti.

The current proposal has Stop & Shop trucks loading from the west, facing the Howard Johnson's Hotel. The design that may hold the greatest interest for the governor, one that would not put trucks on the drive, has trucks loading to the north.

Weld apparently wants to explore whether the building could be positioned another way, avoiding the need to run trucks on the drive for the 350 yards from the store to River Street, said Stop & Shop Vice President Charles Richards. The governor was particularly interested in why the store's loading areas couldn't be placed up against Magazine Street and the Morse School instead of facing west toward the Howard Johnson's as the proposal now stands.

"The governor, who was quite well prepared had obviously done a lot of homework on this issue," said Richards. "He wanted to know why the other building orientations wouldn't work."

Richards explained what he sees as "insurmountable" problems with this alternative design. For one, the store would lack adequate parking. In addition, this plan would infringe on the city's desire to keep trucks far from the children at the Morse School.

But Weld indicated perhaps other parking spaces could be found. For instance, the MDC owns a buffer zone along the parkway that could potentially be freed up for parking.

Also, Richards said he got "the impression but only the impression, [the governor] wants to talk with someone in the city about the business of trucks being proximate to the school." Perhaps safety issues could be addressed.

City leaders drafted a proposed home-rule law to override Bhatti's decision denying Stop & Shop a waiver for trucks. Without the trucks, officials of the Quincy-based supermarket chain say they cannot build their proposed 73,000-square-foot store.

Thursday's meeting with Weld, (3) included Bhatti and Flaherty in what was apparently Weld's first meeting dedicated to the issue. The power meeting about the highly contentious and increasingly political fight to get the new supermarket built also included Weld's chief policy advisor, Mary Lee King, and his chief of staff Kevin Smith. Stop & Shop CEO Bob Tobin and another company official joined Richards. Notably absent were city politicians and Reps. Tim Toomey and Alvin Thompson.

After talking with Weld, Richards concluded the governor could get the store built, and the trucks on the drive, if he so desired.

"I guess the governor, if he wanted, would have influence," said Richards. "He said early on that he would like to find a way to have this store built and that he wanted to explore all the alternatives. I got the impression if he concluded at some point that it was an acceptable way to do it he would influence the MDC in some way but I don't know how that works."

Weld's office referred all questions about the meeting and the governor's position to Bhatti.

But Flaherty stressed that overriding a longstanding, if spottily enforced law keeping trucks off Memorial Drive is not an option either he or the Fayerweather Street governor are willing to sign onto right now.

Weld indicated he would talk with city officials this week, "and we could expect to hear from him this week or fairly soon," said Richards.

Bhatti and Flaherty were relatively silent during the meeting, according to Richards, who said the question of a legislative override of Bhatti's decision did not come up.

Afterward, Flaherty said he does not know now if he would agree to such an override, and will decide if and when it becomes the last option.

"The Charles River area is just so beautiful and we are giving high priority around access and to people who walk along the banks," said Bhatti. "It's a beautiful green tapestry on both sides and we'd like to keep it that way."

Stop Stop & Shop zoning change

Why is the Stop & Shop seeking a zoning change from Residence C to Business A for its land adjacent to residential properties in Cambridgeport? Business A allows buildings up to 85 feet high. Why has this change become a condition of the purchase of Riverside Road by Stop & Shop and the construction of the superstore?

Only 10 percent of the area to be rezoned would be occupied by the proposed new superstore. The remainder is planned for parking, its present use. Why does the entire area need to be rezoned to Business A?

Is it because Stop & Shop has plans to build a multi-story garage in this area? It seems likely. The 255 parking spaces provided in the present plan are inadequate for a superstore. They are less than presently exist and less than one-half the number available at other Stop & Shop superstores. The additional spaces needed could be provided by building a multi-level garage. The garage could be as close as 30 feet from some homes, not from the lot lines, but from the houses.

And should trucks not be allowed on Memorial Drive and Stop & Shop abandons its plans for the super store, then what? Stop & Shop will have substantially increased the value of its land by the zoning change and the neighbors and all residents of Cambridgeport will have lost an important residential buffer zone. In either case, the Stop & Shop stands to gain and the neighborhood is the big loser.

Let us stop this Stop & Shop zoning change.

JOHN R. MOOT
Coolidge Hill Road

- CAMBRIDGE CHRONICLE 6-16-94

CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

SUSAN B. SCHLESINGER,
Interim Assistant City Manger for Community Development

MARY FLYNN,
Deputy Director for Community Development

June 16, 1994

To: **The Planning Board**

From: **CDD staff**

Re: **Richards Petition**

Plat numbered 100, lots numbered 67 and 78

I did not locate any history of any residential structures south of those located on Florence Street, Gordon Place, or fronting on Magazine Street. All of the uses on the building permits list retail uses for the site abutting Memorial Drive.

The parcel is 31,603 square feet, plus the northern half of Riverside Road, and is located in the Residence C District, abutting the Business A district along the Charles River.

The allowed uses are residential. The FAR is .6, 1,800 square feet of lot area per dwelling unit is required, and the maximum number of units allowed on this parcel would be 17.

The site was created from marshlands at the turn of the century. The 1903 atlas shows the parcel as part of a 160,800 square foot lot owned by Henry McClark and S.D. Warren, Trustees. No building is shown on the lot. This lot includes the current Stop and Shop structure and the existing Shell Gas Station. The Shell Station was constructed in April 1930, replacing an earlier Metropolitan filling station (construction date unknown).

The 1916 atlas shows the same property boundary lines, and the owners as Charles Gordon and Henry Moulton. No building is shown on the lot.

City Hall Annex
57 Inman Street
Cambridge, MA 02139
617 349-4600
Fax: 617 349-4669

In 1924 the lots were located in the Residence 3 district, which allowed dwellings, hotels, schools and such. Building was restricted to either four stories or 60 foot heights. All property in the vicinity down to the River was also zoned residential.

The 1930 atlas shows Riverside Road for the first time, running perpendicular to Magazine Street, parallel to Memorial Drive, but not turning and meeting Memorial Drive. The properties divided into lots, L. Friend, 23,415 square feet, and Moulton 4,568 square feet.

March 17, 1936, the City of Cambridge, in City Council took Riverside Road as a public way, and describes the road as extending to Memorial Drive. There is no mention of any buildings north of Riverside Road. The Plan submitted with the taking shows one stucco building south of Riverside Road at Magazine Street, and one office/green house owned by Sidney Hoffman at the location of the current Stop and Shop structure.

In 1943, the lots were zoned Residence C-2 in the Ordinance revision. This district allowed residential dwellings, dormitories, and hotels. The height restriction was 65 feet. At this time abutting properties were zoned Business B, with the boundary between the two districts as it is today.

In June 1973, by Ordinance #816, the southern section of Cambridgeport, and these two lots, were rezoned to Residence C-1. This allowed the multifamily housing and had a height limit of 35 feet.

In April 1987, Ordinance #1050, the Cambridgeport area was rezoned to Residence C. This reduced the Floor Area Ratio density allowed in the area to .6.

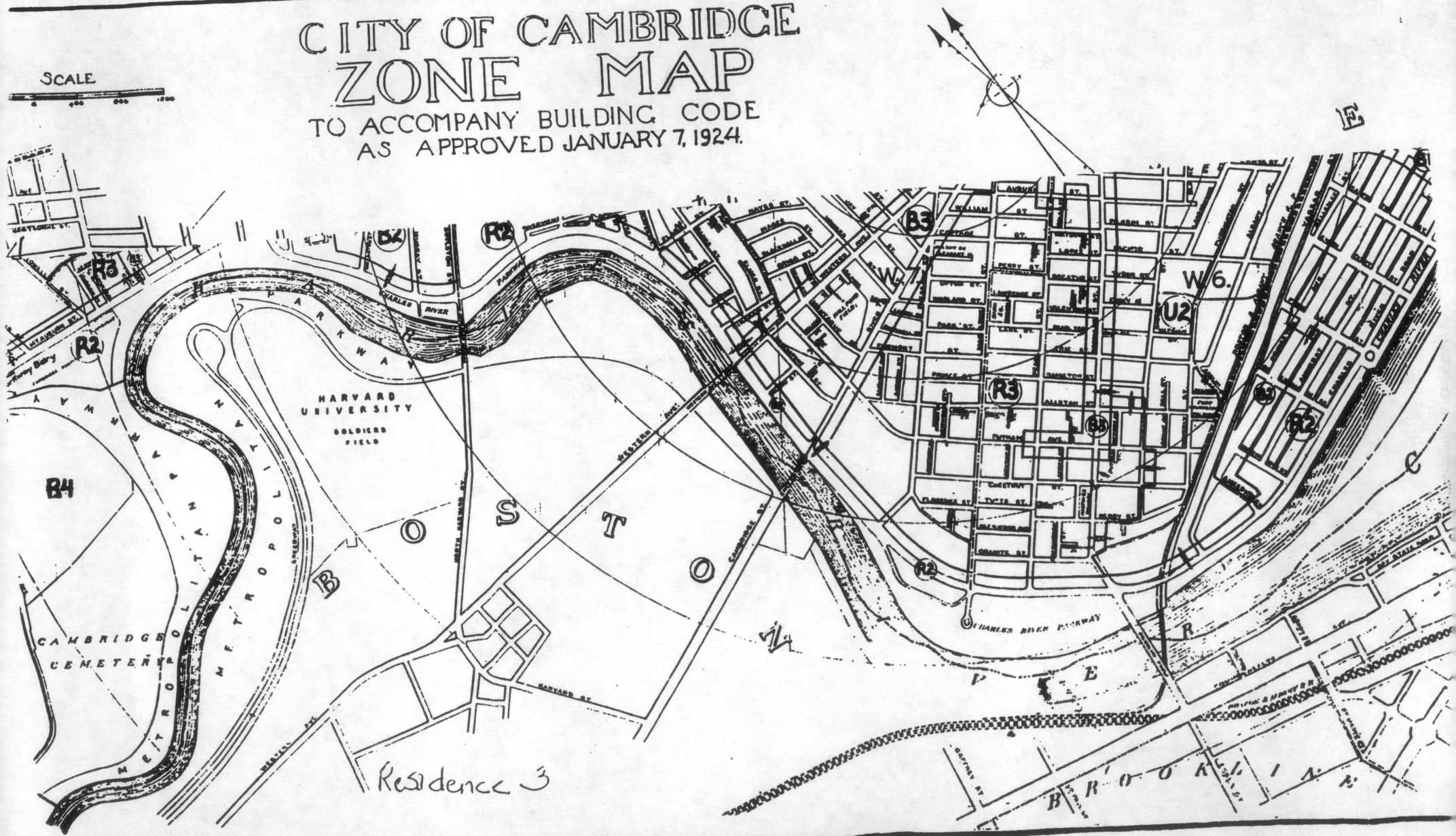
A review of the Historical Commission building inventory and the Inspectional Services Department building permit records do not show any structures located on these lots. There are the permits for the supermarket in 1945, the drug store in 1974, the retail store in 1951.

Comparison of existing Residence C and proposed Business A

development in the Richards Zoning Petition (6/94)
(includes Riverside Road)

	Residence C	Business A
Lot Area = 39,296 sq ft		
Floor Area Ratio Business Residential	 0 .6	 1.0 1.75
Gross Floor Area Allowed	23,577.6 sq ft	39,296 sq ft or 68,768 sq ft
Number of dwelling units per lot area	1,800 sq ft/du 21 dwelling units	600 sq ft/du 65 dwelling units

CITY OF CAMBRIDGE
ZONE MAP
TO ACCOMPANY BUILDING CODE
AS APPROVED JANUARY 7, 1924.



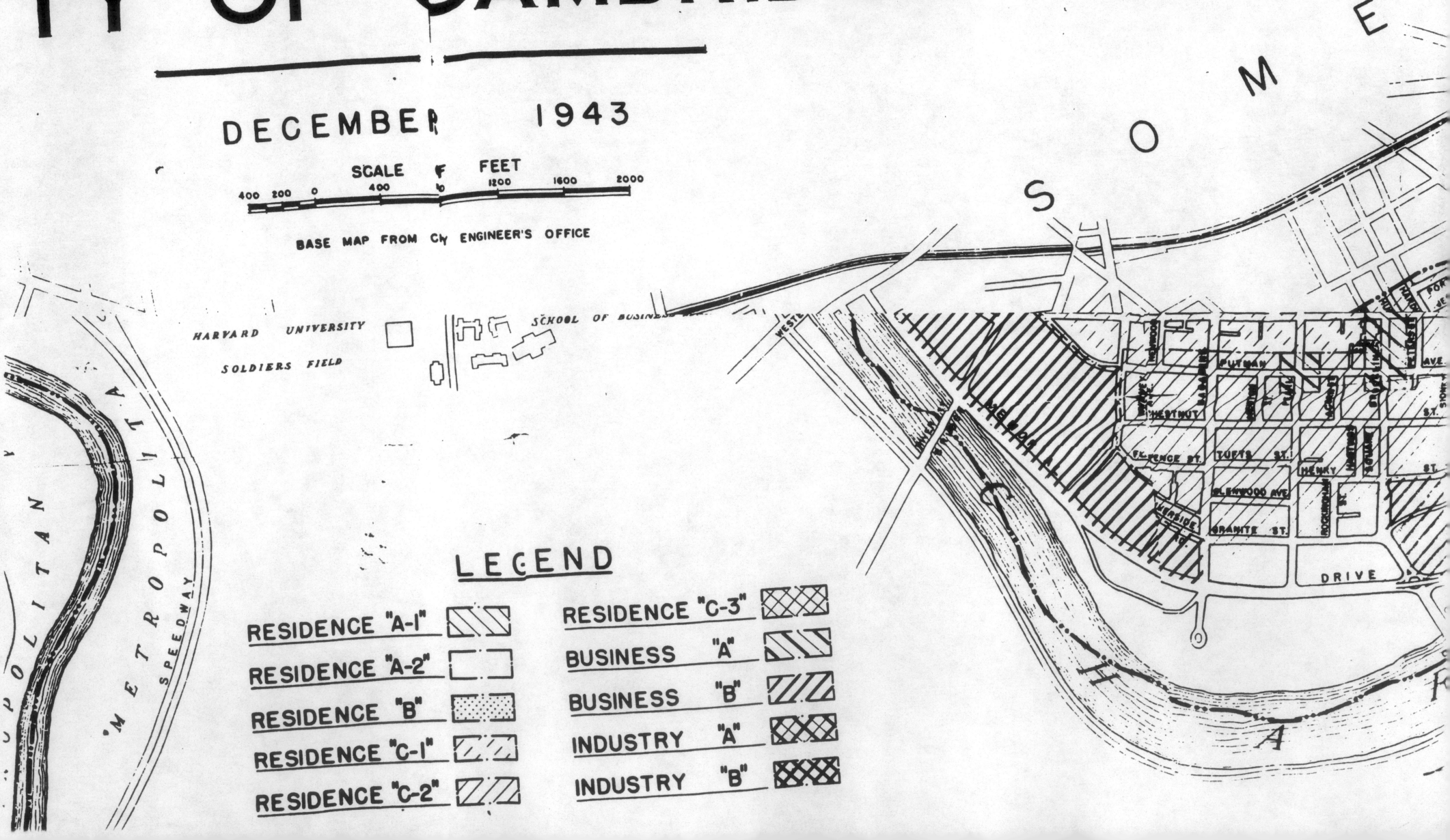
ONING MAP
OF THE
TY OF CAMBRIDGE

DECEMBER 1943

SCALE OF FEET

400 200 0 400 800 1200 1600 2000

BASE MAP FROM CITY ENGINEER'S OFFICE



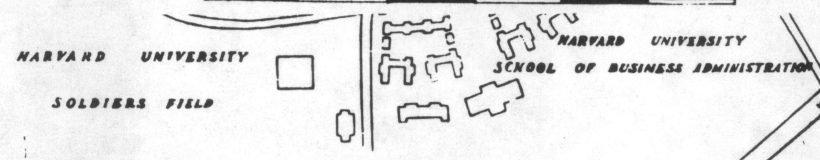
LEGEND

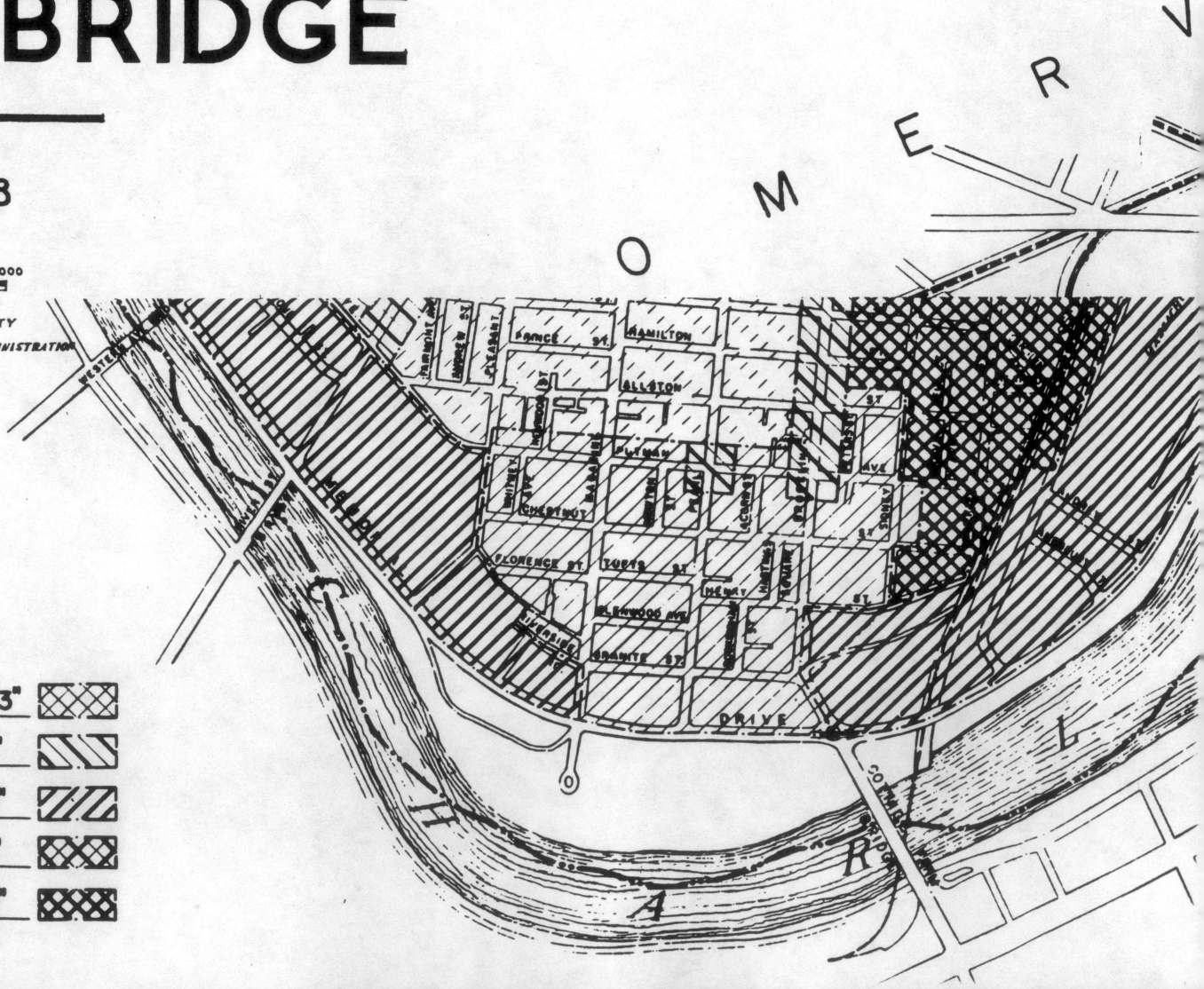
- RESIDENCE "A-1"
- RESIDENCE "A-2"
- RESIDENCE "B"
- RESIDENCE "C-1"
- RESIDENCE "C-2"
- RESIDENCE "C-3"
- BUSINESS "A"
- BUSINESS "B"
- INDUSTRY "A"
- INDUSTRY "B"

ZONING MAP
OF THE
'Y OF CAMBRIDGE

AS AMENDED TO
DECEMBER 31, 1958

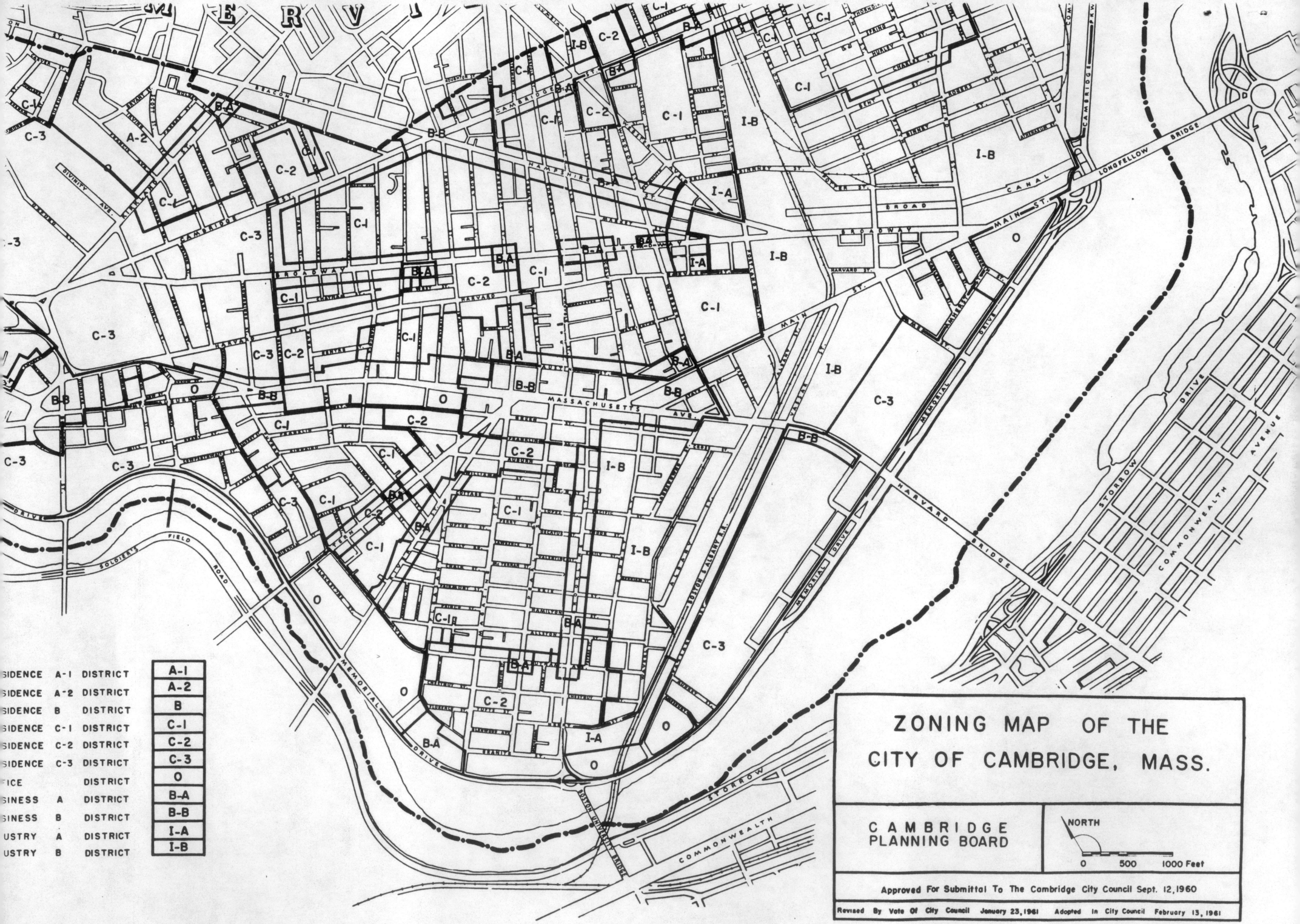
SCALE OF FEET
400 200 0 400 800 1200 1600 2000





LEGEND

RESIDENCE "A-1"	RESIDENCE "C-3"
RESIDENCE "A-2"	BUSINESS "A"
RESIDENCE "B"	BUSINESS "B"
RESIDENCE "C-1"	INDUSTRY "A"
RESIDENCE "C-2"	INDUSTRY "B"


SIDENCE A-1 DISTRICT
SIDENCE A-2 DISTRICT
SIDENCE B DISTRICT
SIDENCE C-1 DISTRICT
SIDENCE C-2 DISTRICT
SIDENCE C-3 DISTRICT
FICE DISTRICT
SINESS A DISTRICT
SINESS B DISTRICT
USTRY A DISTRICT
USTRY B DISTRICT
A-1
A-2
B
C-1
C-2
C-3
O
B-A
B-B
I-A
I-B
ZONING MAP OF THE
CITY OF CAMBRIDGE, MASS.
CAMBRIDGE
PLANNING BOARD
NORTH
0 500 1000 Feet
Approved For Submittal To The Cambridge City Council Sept. 12, 1960
Revised By Vote Of City Council January 23, 1961 Adopted In City Council February 13, 1961

CCM-101

City of Cambridge

Agenda Item # 8

IN CITY COUNCIL

May 16, 1994

ORDERED: That the City Manager be and hereby is requested to direct the City Solicitor to prepare a proposed amendment to the Municipal Code on the context of Agenda Item Number Eight of May 16, 1994, the same being a report from the task force on vending trucks, which was referred to the Ordinance Committee.

In City Council May 16, 1994.
Adopted by the affirmative vote of nine members.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury,
City Clerk

8.

CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300
FAX 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

May 16, 1994

To The Honorable, The City Council:

With reference to Awaiting Report Item No. 10, regarding a report from the task force on vending trucks, please find attached a response from Richard Scali, Executive Officer of the License Commission as well as a response from City Solicitor Russell Higley relative to suggested Ordinance changes.

Very truly yours,

Robert W. Healy
City Manager

RWH/mev
attachment

Printed on Recycled Paper

CITY OF CAMBRIDGE

Office of the City Solicitor
City Hall
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

Birge Albright
Legal Counsel

Gail S. Gabriel
Legal Counsel

Diane Wynshaw-Boris
Legal Counsel

Laura H. Yager
Legal Counsel

Linda A. Stamper
Legal Counsel

Arthur J. Goldberg
Legal Counsel

May 10, 1994

Robert W. Healy
City Manager
795 Massachusetts Avenue
Cambridge, MA 02139

Re: Vendor/Peddler Task Force - Suggested Ordinance Changes

Dear Mr. Healy:

By memorandum to you of February 3 (copy attached), Richard V. Scali, Executive Officer of the License Commission, requests my opinion on the following three questions:

1. The present ordinance only allows peddlers to stay in one spot for 10 minutes at a time. What is the possibility of extending that rule? Cambridge Municipal Code, §5.36.010.

2. In reference to the above 10-minute rule, the peddler must move, but how far? To next parking space? Next block? One rotation of a tire? This is vague and needs to be clarified.

3. Currently, Traffic and Parking has made it a policy that a peddler truck may be parked at a meter, just like a passenger vehicle, for one cycle of the meter. This is not clear in the peddler ordinance. How does this conflict or co-exist with the 10-minute rule?

I am also enclosing a copy of a memorandum from Mr. Scali, dated March 30, 1994, which, among other things, suggests certain changes to the Peddler Ordinance, Cambridge Municipal Code, Chapter 5.36.

My answers to the three questions are as follows:

Answer to Question #1

G.L. c. 101, §22 provides that the Director of Standards in the Executive Office of Consumer Affairs may grant a license to a hawker or peddler, who "shall be subject to such local rules and regulations as may be made in a city by the ... city council ...."

I believe that §5.36.010 is such a regulation, and that the stopping time stated therein may be changed as long as it remains reasonable.

Answer to Question #2

In his memorandum of March 30, 1994, Mr. Scali reports that the License Commission recommends that the 10 minute period in Code §5.36.010 be extended to 30 minutes. The question then arises, at the end of the 30 minutes how far must the vendor move? "Can he/she return to that spot that day?"

I believe that the question of where the vendor goes after the expiration of 30 minutes is a factual question which it is appropriate for the License Commission to answer, perhaps with the assistance of the Vendor/Peddler Task Force. The answer could then be embodied in a regulation or regulations promulgated by the Commission.

Answer to Question #3

After looking at Mr. Scali's memorandum of March 30, I gather that this question has been answered by subsequent developments. The License Commission is recommending that the 10 minute period in §5.36.010 be extended to 30 minutes, but also that "vendors may

park at a meter for one cycle of that meter." This will resolve the conflict between the policy of the Traffic and Parking Department and the present language of §5.36.010.

Very truly yours,

Russell B. Higley

RBH/jab
Enclosure

cc: Richard V. Scali

OPIN#2\VendOrd.Chg

CAMBRIDGE LICENSE COMMISSION
CITY OF CAMBRIDGE

831 MASSACHUSETTS AVE., 1ST FLOOR, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 349-6140

ALEX RODRIGUEZ
Commission Chairman

KEVIN FITZGERALD
Chief-of-Fire Department
Commission Member

HENRY BREEN
Police Representative
Commission Member

RICHARD V. SCALI
Commission Executive Officer

Date: February 3, 1994

To: Robert W. Healy, City Manager

Fr: Richard V. Scali, Executive Officer

Re: Vendor/Peddler Task Force
Suggested Ordinance Changes

At the meeting of the License Commission on January 27, 1994, the Commission made a number of suggestions as to information they wished to see at their continued hearing on the above matter on February 17, 1994, 2:00 pm.

One such item had to do with the possibility of changes to the peddler ordinance, Chapter 5.36. The areas of concern are:

1) The present ordinance only allows peddlers to stay in one spot for 10 minutes at a time. What is the possibility of extending that rule? Chapter 5.36.010.

2) In reference to the above 10 minute rule, the peddler must move, but how far? To next parking space? Next block? One rotation of the tire? This is vague and needs to be clarified.

3) Currently, Traffic and Parking has made it a policy that a peddler truck may be parked at a meter, just like a passenger vehicle for one cycle of the meter. This is not clear in the peddler ordinance. How does this conflict or co-exist with the 10 minute rule?

I have given my legal opinion to the commission that these rules can be clarified and changed. However, the commission wishes an official opinion from the City Solicitor through your office. Birge Albright had worked on a similar project in 1991 and may able to add to his research for these questions. If possible, this commission would like some guidance by February 24th when they next meet on this matter.

cc: Alex Rodriguez, Chairman; Kevin Fitzgerald, Fire Chief; Henry Breen, Police Captain; Russell Higley, City Solicitor; Donald Drisdell, Deputy Solicitor; Birge Albright, Law Dept.

CAMBRIDGE LICENSE COMMISSION
CITY OF CAMBRIDGE

831 MASSACHUSETTS AVE., 1ST FLOOR, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 349-6140

ALEX RODRIGUEZ
Commission Chairman

KEVIN FITZGERALD
Chief-of-Fire Department
Commission Member

HENRY BREEN
Police Representative
Commission Member

RICHARD V. SCALI
Commission Executive Officer

Date: March 30, 1994

To: All Interested Parties

Fr: Richard V. Scali, Executive Officer RVS

Re: Vendor/Peddler Final Regulations Passed
Ordinance Changes Recommended
Suggested Changes to Police Commissioner

Enclosed please find the final regulations passed by the License Commissioners, 3-0, on March 29, 1994.

These regulations are effective immediately and will be enforced by our staff and the Cambridge Police.

Please note that on page 2 of the report, there are suggested ordinance changes on the issues listed. The City Manager will receive these suggestions and will submit them to the City Council for review. If and until these items are passed by the City Council, these recommendations are not in effect.

Also on page 2 are suggestions for the Police Commissioner on the problem on Cambridge Street and Broadway with Tim' Ice Cream, Emory's, and Niki's Market. If and until the Police Commissioner acts, the situation in that area, shall stay status quo.

If you wish to advocate for the changes on page 2, you should contact your local City Councilor, the City Manager's office or the Police Commissioner depending on your issue of concern. We would also be happy to help in any way to get these recommendations passed as heard.

cc: Robert W. Healy, City Manager; Alex Rodriguez, Chairman; Kevin Fitzgerald, Fire Chief; Henry Breen, Police Captain; All Peddlers/Vendors; Greg Orphanos-Niki's Market; Lauren Preston, Traffic Dept.; Robert Bersani, Commissioner; Joseph Nicoloro, Health Dept.; Mary Ellen Vera, City Manager's office; Michael Owu, MIT; Andrea Boyer, Chief Investigator; Henderson Headley, Investigator; Leon Lashley, Officer; Cambridge Rindge and Latin High School; Amy Miller, Chronicle; Bill Primo, Tab; Jennifer Bloom, Boston Globe

VENDORS/PEDDLERS
REGULATIONS PASSED ON MARCH 29, 1994

WHEREAS, the License Commission in hearing the recommendations of the Vendor/Peddler Task Force on January 25, 1994 and the follow-up questions clarified, hereby votes 3-0, that the following regulations are instituted to protect the common good of the business and residential community as well as protect and provide the public with the services of the vendors/peddlers:

1) Trucks may not operate on public property, less than 300 feet(100 yards) from each other, food stores, or restaurants.

2) Each vendor must submit a route which has the location of all stops he/she intends to make during their scheduled work day.

3) The areas each vendor works will belong to the vendor assigned there and shall remain his/hers until he/she either no longer holds a license or is assigned another route. Route selections shall be by seniority.

4) Trucks are responsible for cleaning the area they work before moving on. The area in which a vendor makes his/her stop must be left clean and free of debris.

5) The License Commission places a limit on the number of vendors in the city to those that are currently licensed. Any future applicants have to display a need for another vendor and that there will not be harm to the common good in the area. Each vendor may only have one truck. Those with two or more currently licensed, may continue operate.

6) Canteen trucks should not be converted R.V.'s. Trucks should be vehicles designed as canteen or food service vehicles capable to being self-propelled, not towed by another vehicle.

7) The registration of the vehicle being used must be submitted to the License Commission for verification of ownership to match the licensed vendor.

8) Canteen trucks that service construction sites shall not be restricted from servicing such sites when a project begins in the area.

9) State peddlers license, certificate of inspection from the Health Department, Fire Department approval and a permit from the License Commission are required to operate in Cambridge. Original permits should be openly displayed enabling any Cambridge Police

officer or City Inspector to view without disrupting the vendors normal operation.

10) Vendors shall not place coolers containing items for sale or any item, on the public sidewalk or street without proper permits from the Department of Public Works. Such permits, if obtained, must be provided to the License Commission. This section does not pertain to vendors on private property.

11) The License Commission hereby approves the attached list of peddlers and sites as listed.

SUGGESTED CHANGES TO PEDDLER ORDINANCE 5.36

WHEREAS, after hearing the recommendations of the Task Force. the License Commission recommends that the City Council amend the Peddler ordinance Chapter 5.36:

1) Signs shall be posted for VENDORS ONLY for an allotted time subject to the Traffic and Parking Department's approval.

2) A $200.00 monthly fee shall be assessed for a special parking permit on public property.

3) The 10 minute standing rule should be changed to a longer period of time, i.e. 30 minutes. Chapter 5.36.010

4) Clarify that the vendors may park at a meter for one cycle of that meter. He/she must then move. Question as to how far a vendor must move. Can he/she return to that spot that day?

RECOMMENDATIONS TO THE POLICE COMMISSIONER

WHEREAS, it is clear from the Peddler Ordinance Chapter 5.36.060 that it is within the power of the Police Chief (Commissioner) to allow exceptions to allow peddlers within the Harvard Square zone enumerated in the ordinance, the License Commission in hearing the recommendations of the Vendor Task Force, recommends that the following exceptions be made:

1) To allow Tim's Ice Cream truck to operate within the Harvard Square zone. Tim is currently operating at the High School within the zone. This exception would simply ratify his position as currently exists.

2) To allow Emory Clarke to operate his truck, as currently licensed, farther away from the hospital, 300 feet away from stores, nearer to the high school, on Cambridge Street block between Irving and Trowbridge Streets.

NAME	LOCATION	PROBLEM	SOLUTION
EDITH ANALITO DBA BLUE GOOSE PIZZA	MIT PROPERTY	NONE	N/A
JAMES BENNETT DBA JIMMY,S CANTEEN	PRIVATE PROPERTY	NONE	N/A
JOHN CAMPBELL DBA GLOBAL CANTEEN	PRIVATE PROPERTY	NONE	N/A
EMORY CLARK DBA EMORY'S ICE CREAM	BROADWAY ST. AT HIGH SCHOOL	LESS THAN 200 FT. FROM BUSINESSES	MOVE 300 FT TOWARD HOSPITAL/300 FT IN RESTRICTED ZONE/ STAY PUT/STOP WORKING
AMANDA COHEN DBA JUSTIN LTD	77 MASS AVE.	POSSIBLY WITHIN KENDALL SQ. CAP AREA	ALLOWED TO WORK AREA
EDWARD CORREIA DBA FROSTY	PRIVATE PROPERTY SEASONAL/SUMMERS ONLY	NONE	N/A
LENNY DOYLE DBA LENNY'S CATERING	PRIVATE PROPERTY	NONE	N/A
WILLIAM FAY DBA CAMBRIDGE CATERING	PRIVATE PROPERTY	NONE	N/A
MOSHE KATZ DBA FALAFEL KING	MIT PROPERTY 77 MASS AVE WADSWORTH ST.	WORKING 3 TRUCKS WITH 1 STATE LIC. # 3 TRUCKS IN KENDALL SQ. AREA	SHOULD BE ALLOWED 1 TRUCK AND 1 LICENSE
LALZADA KHAN DBA JOHNNY'S POPCORN	3 CAMBRIDGE CTR PRIVATE PROPERTY (KENDALL SQ.)	MAY BE IN AREA OF KENDALL SQ. CAP	?
JOHN GALLAGHER DBA JACK'S SNACKS	PRIVATE PROPERTY	NONE	N/A
RICHARD HUTCHINS DBA ANDY'S PLACE	77 MASS AVE.	DESIRES TO RETURN TO AMES ST./ IN PROPOSED KENDALL CAP AREA	STAY AT 77 MASS AV. RELOCATE VASSAR ST

TIM MORROW DBA TIM'S ICE CREAM	BROADWAY ST AT HIGH SCHOOL	WORKS IN RESTRICTED AREA BY @ 1 METER	OBTAIN WAIVER FROM POLICE COMM./ MOVE BACK OUTSIDE RESTRICTED ZONE
ESHAGH NEMAN DBA GOLDEN FALAFEL	HARVARD UNIV. PROPERTY	AT THIS TIME NOT SECURE IN THIS LOCATION.	CONFIRMATION FROM HARVARD THAT HE IS ALLOWED TO STAY ON THE PROPERTY
HIEN NGUYEN DBA POPPA AND GOOSE	MAIN ST. TECH SQ.	THE OWNER HAS STATE LICENSE AND HAS BEEN OPERATING 2 TRUCKS UNDER SAME LICENSE (ALSO IN KENDALL SQ. AREA)	ALLOW FOR 1 LICENSE 1 TRUCK. THIS PERSON MUST SHOW PROOF OF SEPARATE OWNERSHIP.
DENNIS O'CONNELL DBA O'KIE'S CANTEEN	PRIVATE PROPERTY	NONE	N/A
JOHN VELOZO DBA VELOZO'S FOOD	HARVARD PROPERTY	NONE	N/A
XIAO-MIN DBA CHINESE KITCHEN	OXFORD ST. NORTH OF EVERETT ST. AND ON HARVARD PROPERTY	HARVARD SITE IS TEMPORARY PENDING THEIR APPROVAL	ALLOWED TO STAY IN CURRENT LOCATION
TOM TODESCO DBA TOMS LUNCH	MIT PROPERTY	IN KENDALL SQ. AREA	ALLOWED TO STAY AT CURRENT LOCATION
QING ZHANG DBA CHINESE FOOD & LUNCH	MAIN ST. / TECH SQ.	IN THE KENDALL SQ. AREA PROPOSED CAPPED AREA	ALLOWED TO STAY IN CURRENT LOCATION
CATHERINE VU DBA POPPA & GOOSE	TECH SQ. VASSAR STREET	NONE	N/A
MARK MORROW DBA TIM'S ICE CREAM	FILL IN FATHERS ROUTE WHEN HE IS OFF, AND LITTLE LEAGUE PARKS	SEE TIM MORROW'S ROUTE	SEE FATHERS ROUTE
TIM MORROW DBA TIM'S ICE CREAM	SAME AS ABOVE	SAME AS ABOVE NOTE NO ONE TRUCK WILL BE AT SAME SITE AT SAME TIME	SEE ABOVE

JOHN R. MOOT
44 Coolidge Hill Road
Cambridge, MA 02138

June 16, 1994

Memo to: The Ordinance Committee of the Cambridge City Council

Subject: The Richards Petition to rezone lots 67 and 78 on Assessor's Plat numbered 100, and a section of Riverside Road from Residence C to Business A.

This rezoning is one of the four primary demands of Stop & Shop (S&S) as a condition for the construction of a super store supermarket to replace the supermarket that they closed on May 14. The four demands are:

1.- The sale of Riverside Road to S&S for $1 million.

2.- Approval by the MDC of the use of Memorial Drive for egress by trucks serving the store.

3.- Permission from the MDC to install a traffic light at the intersection of Memorial Drive and Magazine Street.

4.- The rezoning of that portion of the property zoned Residence C to Business A, with the limitation that no building shall be constructed on that property over 35 feet high.

If all of these conditions are met, S&S agrees to build its super store. They do not, however, agree to keep it open for any given period of time. (See paragraph 4 of Exhibit A of the Purchase and Sale Agreement.) The City accepted the fact that S&S could not be expected to make a long term commitment to continue operating the store, because it might be unprofitable. Therefore, S&S can legally close the store the day after it is opened, should it so desire.

This agreement, unexpectedly perhaps, creates a situation where S&S will have greater financial incentives to close the store than to keep it open.

Should the store be closed, the sale of Riverside Road, the approval for trucks on Memorial Drive, the traffic light and the rezoning still stand. None, as presently written, expire if the store is closed. S&S would be free to sell or develop the entire 5 acre site as it chose after the store closed.

Will it make financial sense for the S&S to keep the store open even if it is reasonably profitable? I do not believe so. The S&S will own a 5 acre lot on Memorial Drive, all zoned Business A. From my conversations with commercial

realtors, this property would be worth between $15 and $20 million to a developer. You may wish to check out these figures.

Is the store likely to earn a fair return to S&S on that asset? I doubt it. The market will have only 255 parking spaces, about half the number at every other S&S super store. It does not take a rocket scientist to figure out that you cannot generate enough sales volume to make a super store profitable, if you have only 255 parking spaces when 500 are needed, even if one allows for several hundred "walkers" to the market. "Walkers" are not big shoppers.

The access to the store from Memorial Drive will be severely restricted by rush hour traffic and by the trucks coming out of the market, an average of one every 23 minutes. The traffic problem will become worse as Forest City is developed and several thousand cars exit from there onto Memorial Drive at rush hour. Memorial Drive does not compare favorably with the wide highways providing access to most other super stores.

Because of inadequate parking and restricted access, the store is, I believe, unlikely to be very profitable, if even profitable.

Will not the financial wizards at Kohlberg, Kravitz and Roberts, the owners of S&S, quickly determine that it makes more financial sense to sell the land than to operate the store?

And then where are we? The neighborhood will not have a store. The City will have lost control of a rare piece of riverfront land, 5 acres between the Riverside neighborhood and its parklands at Magazine Beach. And the S&S will have netted a profit of over $10 million!

The zoning change before this Ordinance Committee is an important element in this deal. It is a bad deal. This effort to squeeze a ten-acre super store into this five acre site is like trying to squeeze a fat foot into a slim slipper. The selfish sisters in Cinderella could not do it, and S&S cannot either.

But still S&S comes out a winner, and the neighborhood and the City the losers. Now is the time for this City Council to begin withdrawing from this agreement made by last year's Council. Do not make this zoning change.

Thank you for permiting me to share my thoughts with you on this important issue in the development of Cambridgeport.

John R. Moot

C. C. 106

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 Thursday, June 16, 1994 at 6:00 P. M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on the petition of Patrick C. Toomey on behalf of Charles A. Richards, Trustee of Memorial Realty Trust, to amend the Zoning Map of the City of Cambridge.

This petition would rezone the two lots numbered 67 and 78 on Assessor's Plat numbered 100, and a section of Riverside Road, from Residence C to Business A, as shown on the accompanying map. The rezoning would allow the area to be used for those uses other than residential; and would increase the Floor Area Ratio to 1.0 for nonresidential uses and 1.75 for residential uses.

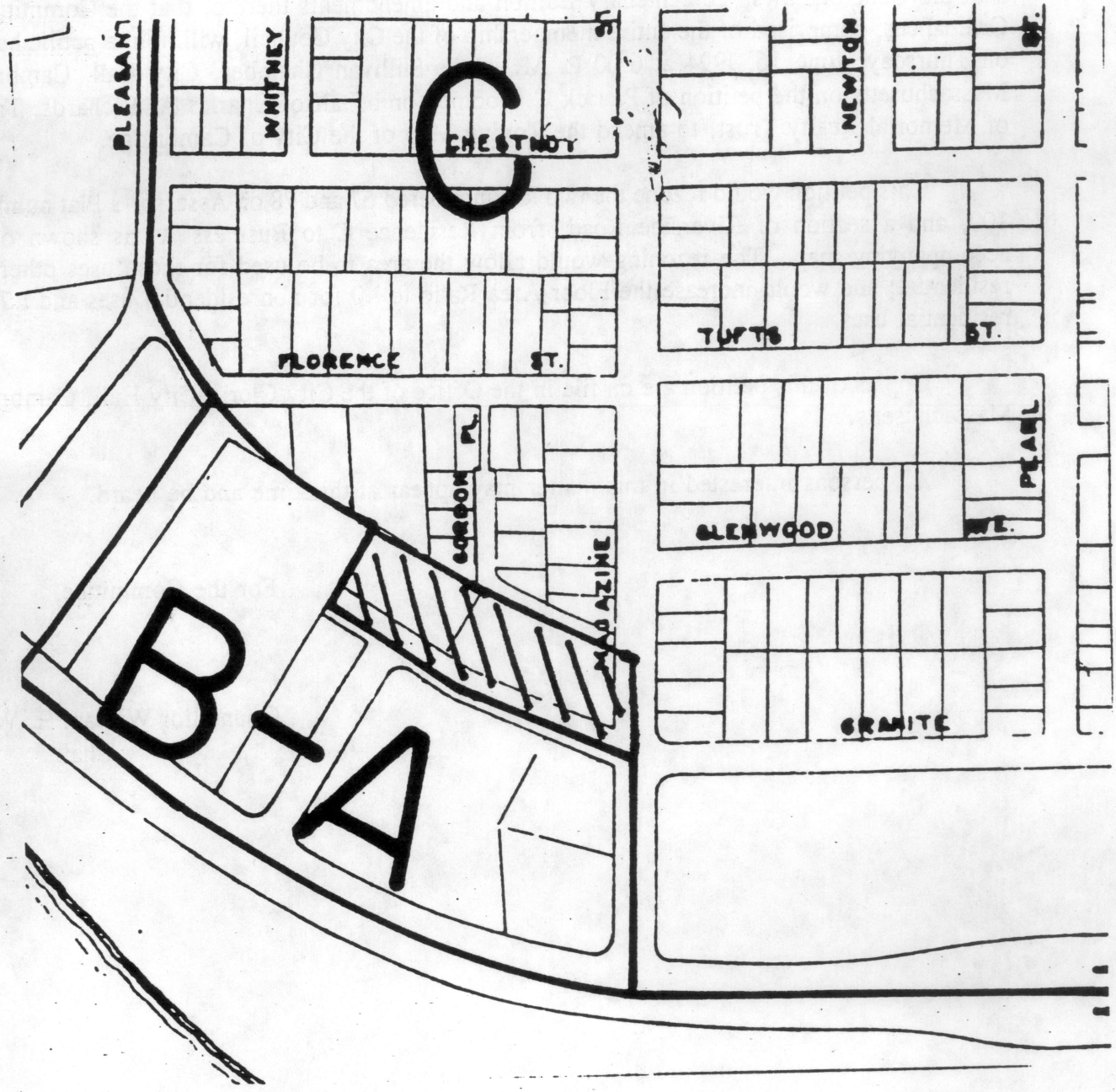
Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor William H. Walsh
Chair

RICHARDS PETITION - AREA PROPOSED TO BE REZONED FROM RESIDENCE C TO BUSINESS A. (5/94)



C. C. 106

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 Thursday, June 16, 1994 at 6:00 P. M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on the petition of Patrick C. Toomey on behalf of Charles A. Richards, Trustee of Memorial Realty Trust, to amend the Zoning Map of the City of Cambridge.

This petition would rezone the two lots numbered 67 and 78 on Assessor's Plat numbered 100, and a section of Riverside Road, from Residence C to Business A, as shown on the accompanying map. The rezoning would allow the area to be used for those uses other than residential; and would increase the Floor Area Ratio to 1.0 for nonresidential uses and 1.75 for residential uses.

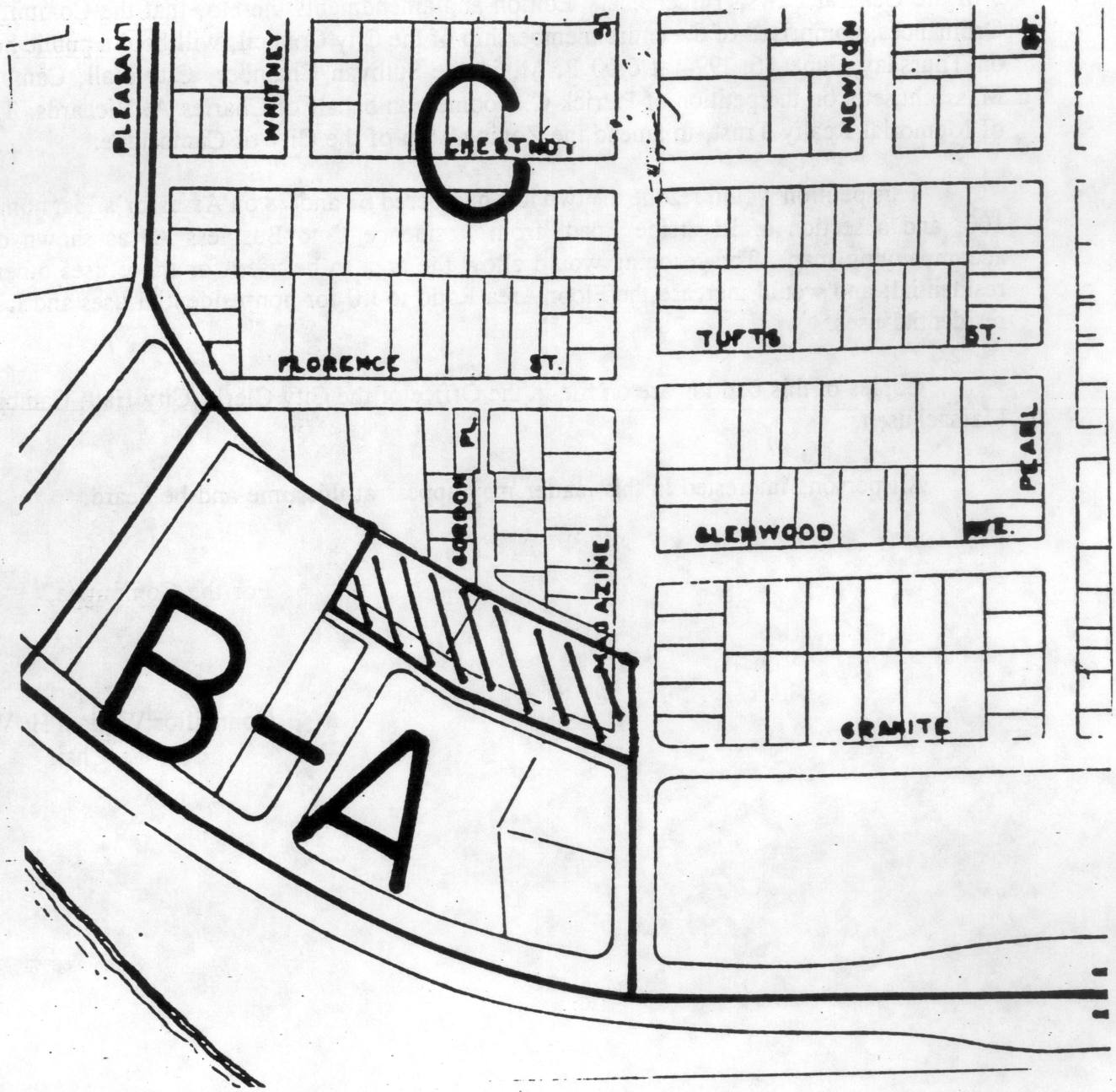
Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor William H. Walsh
Chair

RICHARDS PETITION - AREA PROPOSED TO BE REZONED FROM RESIDENCE C TO BUSINESS A. (5/94)



C. C. 106

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 Thursday, June 16, 1994 at 6:00 P. M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on the petition of Patrick C. Toomey on behalf of Charles A. Richards, Trustee of Memorial Realty Trust, to amend the Zoning Map of the City of Cambridge.

This petition would rezone the two lots numbered 67 and 78 on Assessor's Plat numbered 100, and a section of Riverside Road, from Residence C to Business A, as shown on the accompanying map. The rezoning would allow the area to be used for those uses other than residential; and would increase the Floor Area Ratio to 1.0 for nonresidential uses and 1.75 for residential uses.

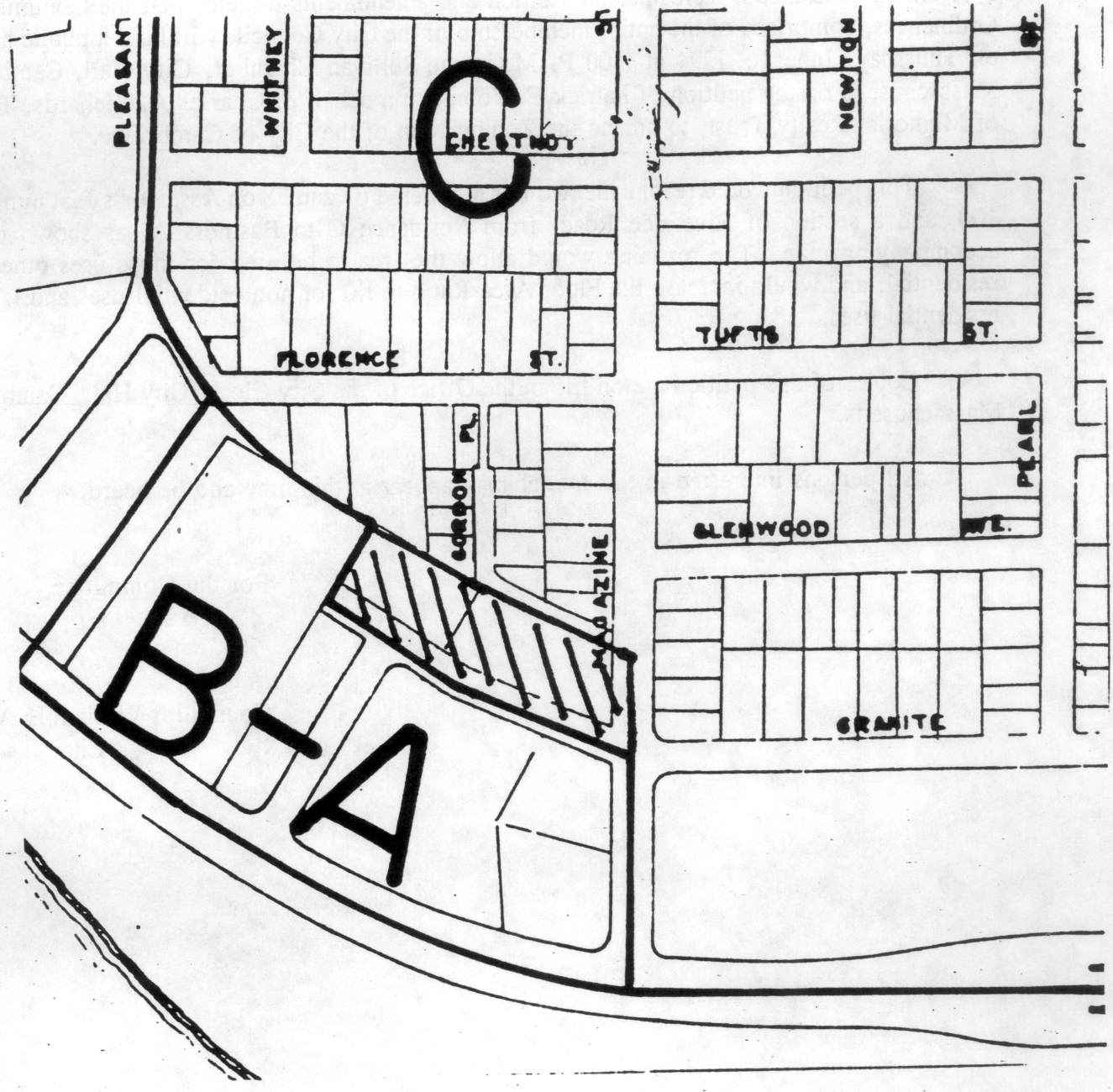
Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor William H. Walsh
Chair

RICHARDS PETITION - AREA PROPOSED TO BE REZONED FROM RESIDENCE C TO BUSINESS A. (5/94)



C. C. 106

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 Thursday, June 16, 1994 at 6:00 P. M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on the petition of Patrick C. Toomey on behalf of Charles A. Richards, Trustee of Memorial Realty Trust, to amend the Zoning Map of the City of Cambridge.

This petition would rezone the two lots numbered 67 and 78 on Assessor's Plat numbered 100, and a section of Riverside Road, from Residence C to Business A, as shown on the accompanying map. The rezoning would allow the area to be used for those uses other than residential; and would increase the Floor Area Ratio to 1.0 for nonresidential uses and 1.75 for residential uses.

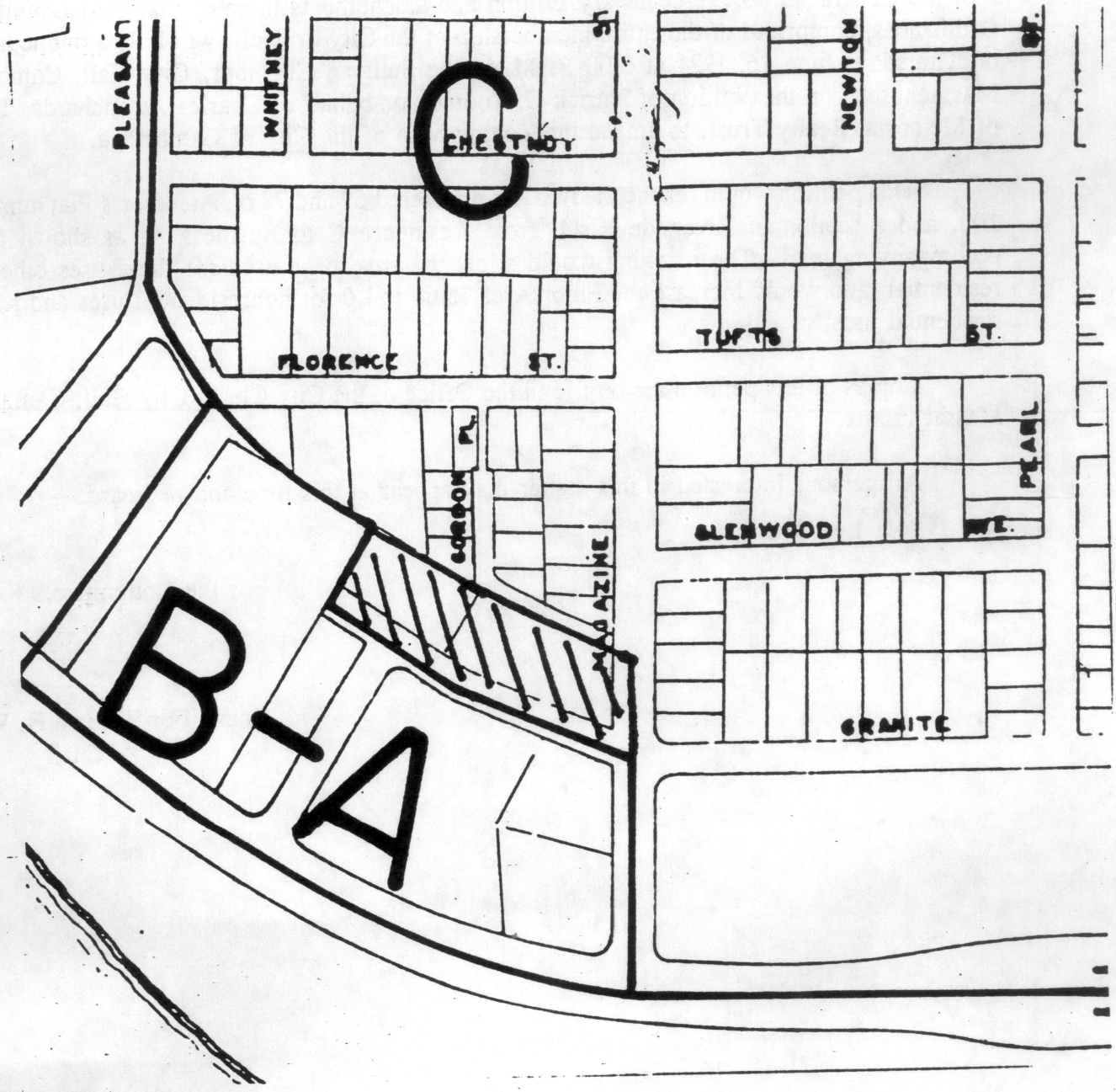
Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor William H. Walsh
Chair

RICHARDS PETITION - AREA PROPOSED TO BE REZONED FROM RESIDENCE C TO BUSINESS A. (5/94)



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

May 25, 1994

To Whom It May Concern:

Enclosed you will find a copy of a hearing scheduled before the Committee on Ordinances for Thursday, June 16, 1994 at 6:00 P. M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on the petition of Charles A. Richards, Trustee of Memorial Realty Trust, to amend the Zoning Map of the City of Cambridge as follows:

By rezoning two lots numbered 67 and 78 on Assessor's Plat numbered 100, and a section of Riverside Road, from Residence C to Business A.

The rezoning would allow the area to be used for those uses other than residential; and would increase the Floor Area Ratio to 1.0 for non-residential uses and 1.75 for residential uses.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD/dl
Enc. (l)

C. C. 106

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 Thursday, June 16, 1994 at 6:00 P. M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on the petition of Patrick C. Toomey on behalf of Charles A. Richards, Trustee of Memorial Realty Trust, to amend the Zoning Map of the City of Cambridge.

This petition would rezone the two lots numbered 67 and 78 on Assessor's Plat numbered 100, and a section of Riverside Road, from Residence C to Business A, as shown on the accompanying map. The rezoning would allow the area to be used for those uses other than residential; and would increase the Floor Area Ratio to 1.0 for nonresidential uses and 1.75 for residential uses.

Copies of this petition are on file in 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 William H. Walsh
Chair

RICHARDS PETITION - AREA PROPOSED TO BE REZONED FROM RESIDENCE C TO BUSINESS A. (5/94)



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

May 25, 1994

To Whom It May Concern:

Enclosed you will find a copy of a hearing scheduled before the Committee on Ordinances for Thursday, June 16, 1994 at 6:00 P. M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on the petition of Charles A. Richards, Trustee of Memorial Realty Trust, to amend the Zoning Map of the City of Cambridge as follows:

By rezoning two lots numbered 67 and 78 on Assessor's Plat numbered 100, and a section of Riverside Road, from Residence C to Business A. The rezoning would allow the area to be used for those uses other than residential; and would increase the Floor Area Ratio to 1.0 for non-residential uses and 1.75 for residential uses.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD/dl
Enc. (1)

C. C. 108

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 Thursday, June 16, 1994 at 6:00 P. M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on the petition of Patrick C. Toomey on behalf of Charles A. Richards, Trustee of Memorial Realty Trust, to amend the Zoning Map of the City of Cambridge.

This petition would rezone the two lots numbered 67 and 78 on Assessor's Plat numbered 100, and a section of Riverside Road, from Residence C to Business A, as shown on the accompanying map. The rezoning would allow the area to be used for those uses other than residential; and would increase the Floor Area Ratio to 1.0 for nonresidential uses and 1.75 for residential uses.

Copies of this petition are on file in 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 William H. Walsh
Chair

RICHARDS PETITION - AREA PROPOSED TO BE REZONED FROM RESIDENCE C TO BUSINESS A. (5/94)



GADSBY & HANNAH
BOSTON

125 SUMMER STREET
BOSTON, MASSACHUSETTS 02110
(617) 345-7000
TELEFAX: (617) 345-7050
TELEX: 681512 GADHAN BSN

1747 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006
(202) 429-9600
TELEFAX: (202) 429-9894
TELEX: 681512 GADHAN BSN

Direct Dial
(617) 345-7041

May 19, 1994

BY HAND DELIVERY

Ms. D. Margaret Drury
City Clerk
City Hall
795 Massachusetts Avenue
Cambridge, MA 02130

RE: ZONING AMENDMENT AND PETITION

Dear Ms. Drury:

Enclosed herewith please find a petition from Charles A. Richards, Trustee of Memorial Realty Trust, together with the zoning amendment which he asks be placed before the City Council pursuant to M.G.L.c. 40A, §5, and a check in the amount of Seventy-Five Dollars ($75.00) representing the filing fee. The petitioner, as Trustee, owns land which would be affected by the zoning change incorporated in the proposed amendment.

Please present this amendment to the zoning map to the City Council for submission to the Planning Board for review. Thank you for your attention. Kindly notify me when the City Council or the ordinance committee will conduct a public hearing on this proposed amendment.

Sincerely,

Chas Toomey

Patrick C. Toomey

PCT/kmc
Enclosure
cc: Charles A. Richards, Trustee
Memorial Realty Trust

MEMORIAL REALTY TRUST
Real Estate Department
P. O. Box 1942
Quincy, MA 02169
(617) 770-6217

May 9, 1994

To the Honorable City Council
of the City of Cambridge
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA

Re: Cambridge, MA

Dear Council Members:

The undersigned respectfully petitions that the City Council adopt the amendment to the Zoning Map of the City of Cambridge attached hereto. In my capacity as Trustee of Memorial Realty Trust, I am an individual owning land which would be affected by the adoption of the proposed amendment, and I am filing this petition with the City Council pursuant to M.G.L. c. 40A, Sec. 5.

The amendment relates to (i) land owned by the petitioner abutting Riverside Road and (ii) a portion of Riverside Road which is the subject of a Purchase and Sale Agreement dated as of November 30, 1993 by and between the City of Cambridge, Massachusetts, as seller, and the petitioner, as buyer. The area of land sought to be rezoned is shown as the cross-hatched area on the portion of the zoning map enclosed herewith.

Upon receipt of the proposed amendment, kindly submit it to the Planning Board for review. Thank you for your attention.

Yours truly,

Charles Richards

Charles A. Richards, Trustee

CAR:slo
Enclosure

Maycor3

Amend the Zoning Map of the City Cambridge as follows:

1.0 Amend the Zoning Map of the City of Cambridge by rezoning from Residence C to Business A an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the westerly extension of the centerline of Granite Street and the centerline of Magazine Street, and which point is approximately 290 feet north of the intersection of the southerly extension of the centerline of Magazine Street and the centerline of Memorial Drive,

1.1 Thence proceeding in a northwesterly direction along the existing zone line and the centerline of Riverside Road to the southerly sideline of lot numbered 83 on Assessor's Plat numbered 100, a distance of approximately 425 feet,

1.2 Thence turning and proceeding in an easterly direction along the existing zone line and the southerly sideline of lot numbered 83 on Assessor's Plat numbered 100 for a distance of approximately 120 feet to the centerline of the Passageway, approximately 21.30 feet wide, shown on Assessor's Plat numbered 100,

1.3 Thence turning and proceeding in a southeasterly direction along the centerline of the Passageway, approximately 21.30 feet wide, shown on Assessor's Plat numbered 100 to the centerline of Magazine Street, a distance of approximately 356 feet,

1.4 Thence turning and proceeding in a southwesterly direction along the centerline of Magazine Street to the point of origin, a distance of approximately 125 feet.

2.0 The above described area includes, but is not limited to, all of lots numbered 67 and 78 on Assessor's Plat numbered 100.

N:\PCTOOMEY\STOX0005.DOC

03 APR 19 PM 4:20



A-2

GADSBY & HANNAH
BOSTON

125 SUMMER STREET
BOSTON, MASSACHUSETTS 02110
(617) 345-7000
TELEFAX: (617) 345-7050
TELEX: 681-7512 GADHAN BSN

1747 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006
(202) 429-9600
TELEFAX: (202) 429-9894
TELEX: 681-7512 GADHAN BSN

Direct Dial
(617) 345-7041

May 19, 1994

BY HAND DELIVERY

Ms. D. Margaret Drury
City Clerk
City Hall
795 Massachusetts Avenue
Cambridge, MA 02130

RE: ZONING AMENDMENT AND PETITION

Dear Ms. Drury:

Enclosed herewith please find a petition from Charles A. Richards, Trustee of Memorial Realty Trust, together with the zoning amendment which he asks be placed before the City Council pursuant to M.G.L.c. 40A, §5, and a check in the amount of Seventy-Five Dollars ($75.00) representing the filing fee. The petitioner, as Trustee, owns land which would be affected by the zoning change incorporated in the proposed amendment.

Please present this amendment to the zoning map to the City Council for submission to the Planning Board for review. Thank you for your attention. Kindly notify me when the City Council or the ordinance committee will conduct a public hearing on this proposed amendment.

Sincerely,

Chris Toomey

Patrick C. Toomey

PCT/kmc
Enclosure
cc: Charles A. Richards, Trustee
Memorial Realty Trust

MEMORIAL REALTY TRUST
Real Estate Department
P. O. Box 1942
Quincy, MA 02169
(617) 770-6217

May 4, 1994

To the Honorable City Council
of the City of Cambridge
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA

Re: Cambridge, MA

Dear Council Members:

The undersigned respectfully petitions that the City Council adopt the amendment to the Zoning Map of the City of Cambridge attached hereto. In my capacity as Trustee of Memorial Realty Trust, I am an individual owning land which would be affected by the adoption of the proposed amendment, and I am filing this petition with the City Council pursuant to M.G.L. c. 40A, Sec. 5.

The amendment relates to (i) land owned by the petitioner abutting Riverside Road and (ii) a portion of Riverside Road which is the subject of a Purchase and Sale Agreement dated as of November 30, 1993 by and between the City of Cambridge, Massachusetts, as seller, and the petitioner, as buyer. The area of land sought to be rezoned is shown as the cross-hatched area on the portion of the zoning map enclosed herewith.

Upon receipt of the proposed amendment, kindly submit it to the Planning Board for review. Thank you for your attention.

Yours truly,

Charles Richards

Charles A. Richards, Trustee

CAR:slo
Enclosure

Maycor3

Amend the Zoning Map of the City Cambridge as follows:

1.0 Amend the Zoning Map of the City of Cambridge by rezoning from Residence C to Business A an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the westerly extension of the centerline of Granite Street and the centerline of Magazine Street, and which point is approximately 290 feet north of the intersection of the southerly extension of the centerline of Magazine Street and the centerline of Memorial Drive,

1.1 Thence proceeding in a northwesterly direction along the existing zone line and the centerline of Riverside Road to the southerly sideline of lot numbered 83 on Assessor's Plat numbered 100, a distance of approximately 425 feet,

1.2 Thence turning and proceeding in an easterly direction along the existing zone line and the southerly sideline of lot numbered 83 on Assessor's Plat numbered 100 for a distance of approximately 120 feet to the centerline of the Passageway, approximately 21.30 feet wide, shown on Assessor's Plat numbered 100,

1.3 Thence turning and proceeding in a southeasterly direction along the centerline of the Passageway, approximately 21.30 feet wide, shown on Assessor's Plat numbered 100 to the centerline of Magazine Street, a distance of approximately 356 feet,

1.4 Thence turning and proceeding in a southwesterly direction along the centerline of Magazine Street to the point of origin, a distance of approximately 125 feet.

2.0 The above described area includes, but is not limited to, all of lots numbered 67 and 78 on Assessor's Plat numbered 100.

N:\PCTOOMEY\STOX0005.DOC



A-2

CCH-101

City of Cambridge

~~33.~~
Calendar Item # 4
~~IN CITY COUNCIL~~
~~ORIGINAL ORDER~~

~~May 9, 1994~~
May 16, 1994

COUNCILLOR DUEHAY
COUNCILLOR SULLIVAN
VICE MAYOR RUSSELL
COUNCILLOR TRIANTAFILLOU
COUNCILLOR WALSH

ORDERED: That this City Council reaffirm its position in favor of the current proposal for a new Stop and Shop now pending before the MDC; and be it further

ORDERED: The City Council urge the MDC to allow delivery trucks on Memorial Drive in furtherance of that proposal; and be it further

ORDERED: That this City Council urges the Governor and Cambridge representatives in the legislature to intercede with the MDC to allow said truck use on Memorial Drive and to introduce legislation to that effect if necessary.

CCM-101

City of Cambridge

AMENDED ORDER
CALENDAR ITEM # 4

IN CITY COUNCIL
MAY 16, 1994

COUNCILLOR DUEHAY
COUNCILLOR SULLIVAN
COUNCILLOR RUSSELL
COUNCILLOR TRIANTAFILLOU
COUNCILLOR WALSH
COUNCILLOR MYERS

WHEREAS: The City of Cambridge is committed to a position in favor of the current proposal for a new Stop & Shop now pending before the Massachusetts District Commission (MDC); and

WHEREAS: A necessary component of the Stop & Shop project is that trucks have access to and from the project in a safe and appropriate manner, and an important consideration of having a Super Stop & Shop on the site is the related amount of additional traffic that will be generated by the development of the superstore on the site; now therefore be it

ORDERED: That this City Council reaffirm its position in favor of the current proposal for a new Stop & Shop now pending before the MDC and urge the MDC to allow delivery trucks on Memorial Drive in furtherance of the current proposal; and be it further

ORDERED: That the City Council request Alvin Thompson, State representatives for the district involved, in conjunction with Mayor Kenneth Reeves and the members of the City Council's Special Committee on Stop & Shop, and City Council and State Representative Tim Toomey, to meet with the MDC and to continue to negotiate to ascertain whether agreement as to hours for restricted truck access can further the store's completion; and be it further

ORDERED: That the City Council go on record urging the Governor and Cambridge representatives in the legislature to intercede with the MDC to allow said truck use on Memorial Drive and to introduce legislation to that effect with appropriate restrictions on hours if such legislation is necessary to enable the opening of the current proposed new Stop & Shop; and be it further

ORDERED: That the City Manager and his designated city staff be and hereby is requested to continue working with the Traffic and Transportation Committee of the City Council on traffic mitigation measures for Magazine Street that will be appropriate to this project and will benefit the neighborhood without affecting the development of the project in a safe and timely way; and be it further

ORDERED: That the City Council request the City Manager to work with Stop & Shop officials, Representative Thompson, Mayor Reeves, the Traffic and Transportation Committee, and other interested members of the City Council to bring improvements in safety and maneuvering ease at the Pleasant Street entrance, and take steps to address safety and aesthetic concerns for Pleasant Street residents; and be it further

ORDERED: That the City Clerk be and hereby is requested to forward copies of this resolution to the MDC Commissioners, the Governor and Cambridge's representatives in the state legislature.

In City Council May 16, 1994.
Adopted as amended by a yea and nay vote:-
Yeas 6; Nays 1; Absent 0; Present 2.
Attest:- D. Margaret Drury, City Clerk.

A true copy; D. Margaret Drury

ATTEST:-

D. Margaret Drury
City Clerk

CCH-101

City of Cambridge

~~33.~~
Calendar Item # 4
IN CITY COUNCIL
ORIGINAL ORDER

~~May 9, 1994~~
May 16, 1994

COUNCILLOR DUEHAY
COUNCILLOR SULLIVAN
VICE MAYOR RUSSELL
COUNCILLOR TRIANTAFILLOU
COUNCILLOR WALSH

ORDERED: That this City Council reaffirm its position in favor of the current proposal for a new Stop and Shop now pending before the MDC; and be it further

ORDERED: The City Council urge the MDC to allow delivery trucks on Memorial Drive in furtherance of that proposal; and be it further

ORDERED: That this City Council urges the Governor and Cambridge representatives in the legislature to intercede with the MDC to allow said truck use on Memorial Drive and to introduce legislation to that effect if necessary.

CCM-101

City of Cambridge

AMENDED ORDER
CALENDAR ITEM # 4

IN CITY COUNCIL
MAY 16, 1994

COUNCILLOR DUEHAY
COUNCILLOR SULLIVAN
COUNCILLOR RUSSELL
COUNCILLOR TRIANTAFILLOU
COUNCILLOR WALSH
COUNCILLOR MYERS

WHEREAS: The City of Cambridge is committed to a position in favor of the current proposal for a new Stop & Shop now pending before the Massachusetts District Commission (MDC); and

WHEREAS: A necessary component of the Stop & Shop project is that trucks have access to and from the project in a safe and appropriate manner, and an important consideration of having a Super Stop & Shop on the site is the related amount of additional traffic that will be generated by the development of the superstore on the site; now therefore be it

ORDERED: That this City Council reaffirm its position in favor of the current proposal for a new Stop & Shop now pending before the MDC and urge the MDC to allow delivery trucks on Memorial Drive in furtherance of the current proposal; and be it further

ORDERED: That the City Council request Alvin Thompson, State representatives for the district involved, in conjunction with Mayor Kenneth Reeves and the members of the City Council's Special Committee on Stop & Shop, and City Council and State Representative Tim Toomey, to meet with the MDC and to continue to negotiate to ascertain whether agreement as to hours for restricted truck access can further the store's completion; and be it further

ORDERED: That the City Council go on record urging the Governor and Cambridge representatives in the legislature to intercede with the MDC to allow said truck use on Memorial Drive and to introduce legislation to that effect with appropriate restrictions on hours if such legislation is necessary to enable the opening of the current proposed new Stop & Shop; and be it further

ORDERED: That the City Manager and his designated city staff be and hereby is requested to continue working with the Traffic and Transportation Committee of the City Council on traffic mitigation measures for Magazine Street that will be appropriate to this project and will benefit the neighborhood without affecting the development of the project in a safe and timely way; and be it further

ORDERED: That the City Council request the City Manager to work with Stop & Shop officials, Representative Thompson, Mayor Reeves, the Traffic and Transportation Committee, and other interested members of the City Council to bring improvements in safety and maneuvering ease at the Pleasant Street entrance, and take steps to address safety and aesthetic concerns for Pleasant Street residents; and be it further

ORDERED: That the City Clerk be and hereby is requested to forward copies of this resolution to the MDC Commissioners, the Governor and Cambridge's representatives in the state legislature.

In City Council May 16, 1994.
Adopted as amended by a yea and nay vote:-
Yeas 6; Nays 1; Absent 0; Present 2.
Attest:- D. Margaret Drury, City Clerk.

A true copy; D. Margaret Drury

ATTEST:-

D. Margaret Drury
City Clerk

CCM-101

City of Cambridge

~~33.~~
Calendar Item # 4
IN CITY COUNCIL
~~ORIGINAL ORDER~~

~~May 9, 1994~~
May 16, 1994

COUNCILLOR DUEHAY
COUNCILLOR SULLIVAN
VICE MAYOR RUSSELL
COUNCILLOR TRIANTAFILLOU
COUNCILLOR WALSH

ORDERED: That this City Council reaffirm its position in favor of the current proposal for a new Stop and Shop now pending before the MDC; and be it further

ORDERED: The City Council urge the MDC to allow delivery trucks on Memorial Drive in furtherance of that proposal; and be it further

ORDERED: That this City Council urges the Governor and Cambridge representatives in the legislature to intercede with the MDC to allow said truck use on Memorial Drive and to introduce legislation to that effect if necessary.

CCM-101

City of Cambridge

AMENDED ORDER
CALENDAR ITEM # 4

IN CITY COUNCIL
MAY 16, 1994

COUNCILLOR DUEHAY
COUNCILLOR SULLIVAN
COUNCILLOR RUSSELL
COUNCILLOR TRIANTAFILLOU
COUNCILLOR WALSH
COUNCILLOR MYERS

WHEREAS: The City of Cambridge is committed to a position in favor of the current proposal for a new Stop & Shop now pending before the Massachusetts District Commission (MDC); and

WHEREAS: A necessary component of the Stop & Shop project is that trucks have access to and from the project in a safe and appropriate manner, and an important consideration of having a Super Stop & Shop on the site is the related amount of additional traffic that will be generated by the development of the superstore on the site; now therefore be it

ORDERED: That this City Council reaffirm its position in favor of the current proposal for a new Stop & Shop now pending before the MDC and urge the MDC to allow delivery trucks on Memorial Drive in furtherance of the current proposal; and be it further

ORDERED: That the City Council request Alvin Thompson, State representatives for the district involved, in conjunction with Mayor Kenneth Reeves and the members of the City Council's Special Committee on Stop & Shop, and City Council and State Representative Tim Toomey, to meet with the MDC and to continue to negotiate to ascertain whether agreement as to hours for restricted truck access can further the store's completion; and be it further

ORDERED: That the City Council go on record urging the Governor and Cambridge representatives in the legislature to intercede with the MDC to allow said truck use on Memorial Drive and to introduce legislation to that effect with appropriate restrictions on hours if such legislation is necessary to enable the opening of the current proposed new Stop & Shop; and be it further

ORDERED: That the City Manager and his designated city staff be and hereby is requested to continue working with the Traffic and Transportation Committee of the City Council on traffic mitigation measures for Magazine Street that will be appropriate to this project and will benefit the neighborhood without affecting the development of the project in a safe and timely way; and be it further

ORDERED: That the City Council request the City Manager to work with Stop & Shop officials, Representative Thompson, Mayor Reeves, the Traffic and Transportation Committee, and other interested members of the City Council to bring improvements in safety and maneuvering ease at the Pleasant Street entrance, and take steps to address safety and aesthetic concerns for Pleasant Street residents; and be it further

ORDERED: That the City Clerk be and hereby is requested to forward copies of this resolution to the MDC Commissioners, the Governor and Cambridge's representatives in the state legislature.

In City Council May 16, 1994.
Adopted as amended by a yea and nay vote:-
Yeas 6; Nays 1; Absent 0; Present 2.
Attest:- D. Margaret Drury, City Clerk.

A true copy; D. Margaret Drury

ATTEST:-

D. Margaret Drury
City Clerk

MEMORIAL REALTY TRUST
Real Estate Department
P. O. Box 1942
Quincy, MA 02169
(617) 770-6217

May 19, 1994

RECEIVED BY CITY CLERK'S OFFICE
1994 MAY 19 PM 4:30
CAMBRIDGE MA.

To the Honorable City Council
of the City of Cambridge
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA

Re: Cambridge, MA

Dear Council Members:

The undersigned respectfully petitions that the City Council adopt the amendment to the Zoning Map of the City of Cambridge attached hereto. In my capacity as Trustee of Memorial Realty Trust, I am an individual owning land which would be affected by the adoption of the proposed amendment, and I am filing this petition with the City Council pursuant to M.G.L. c. 40A, Sec. 5.

The amendment relates to (i) land owned by the petitioner abutting Riverside Road and (ii) a portion of Riverside Road which is the subject of a Purchase and Sale Agreement dated as of November 30, 1993 by and between the City of Cambridge, Massachusetts, as seller, and the petitioner, as buyer. The area of land sought to be rezoned is shown as the cross-hatched area on the portion of the zoning map enclosed herewith.

Upon receipt of the proposed amendment, kindly submit it to the Planning Board for review. Thank you for your attention.

Yours truly,

Charles Richards

Charles A. Richards, Trustee

CAR:slo
Enclosure

Maycor3

GADSBY & HANNAH
BOSTON

125 SUMMER STREET
BOSTON, MASSACHUSETTS 02110
(617) 345-7000
TELEFAX: (617) 345-7050
TELEX: 6817512 GADHAN BSN

1747 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006
(202) 429-9600
TELEFAX: (202) 429-9894
TELEX: 6817512 GADHAN BSN

Direct Dial
(617) 345-7041

May 19, 1994

RECEIVED BY
OFFICE OF CITY CLERK
1994 MAY 19 PM 4:30
CAMBRIDGE MA.

BY HAND DELIVERY

Ms. D. Margaret Drury
City Clerk
City Hall
795 Massachusetts Avenue
Cambridge, MA 02130

RE: ZONING AMENDMENT AND PETITION

Dear Ms. Drury:

Enclosed herewith please find a petition from Charles A. Richards, Trustee of Memorial Realty Trust, together with the zoning amendment which he asks be placed before the City Council pursuant to M.G.L.c. 40A, §5, and a check in the amount of Seventy-Five Dollars ($75.00) representing the filing fee. The petitioner, as Trustee, owns land which would be affected by the zoning change incorporated in the proposed amendment.

Please present this amendment to the zoning map to the City Council for submission to the Planning Board for review. Thank you for your attention. Kindly notify me when the City Council or the ordinance committee will conduct a public hearing on this proposed amendment.

Sincerely,

Chris Toomey

Patrick C. Toomey

PCT/kmc
Enclosure
cc: Charles A. Richards, Trustee
Memorial Realty Trust

Amend the Zoning Map of the City Cambridge as follows:

1.0 Amend the Zoning Map of the City of Cambridge by rezoning from Residence C to Business A an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the westerly extension of the centerline of Granite Street and the centerline of Magazine Street, and which point is approximately 290 feet north of the intersection of the southerly extension of the centerline of Magazine Street and the centerline of Memorial Drive,

1.1 Thence proceeding in a northwesterly direction along the existing zone line and the centerline of Riverside Road to the southerly sideline of lot numbered 83 on Assessor's Plat numbered 100, a distance of approximately 425 feet,

1.2 Thence turning and proceeding in an easterly direction along the existing zone line and the southerly sideline of lot numbered 83 on Assessor's Plat numbered 100 for a distance of approximately 120 feet to the centerline of the Passageway, approximately 21.30 feet wide, shown on Assessor's Plat numbered 100,

1.3 Thence turning and proceeding in a southeasterly direction along the centerline of the Passageway, approximately 21.30 feet wide, shown on Assessor's Plat numbered 100 to the centerline of Magazine Street, a distance of approximately 356 feet,

1.4 Thence turning and proceeding in a southwesterly direction along the centerline of Magazine Street to the point of origin, a distance of approximately 125 feet.

2.0 The above described area includes, but is not limited to, all of lots numbered 67 and 78 on Assessor's Plat numbered 100.

N:\PCTOOMEY\STOX0005.DOC

CAMBRIDGE, MA
2006 MAY 19 PM 1:30
CITY CLERK'S OFFICE

LEGAL NOTICES

LEGAL NOTICE OF MORTGAGEE'S SALE OF REAL ESTATE

358 Windsor Street, Cambridge, MA

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Glenn A. Adams, Jr.** and **Kieu N. Hua** to Norwest Mortgage, Inc., dated July 15, 1988 and recorded in the Middlesex County (Southern District) Registry of Deeds at Book 19196, Page 316, of which mortgage the undersigned is the present holder, by assignment dated August 9, 1989 and recorded in said Registry at Book 20007, Page 473, for the breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 2:00 P.M. on the 16th day of June, 1994, at or upon the premises more particularly described below, being all and singular the premises described in said mortgage, to wit:

A certain parcel of land with the buildings thereon situated in Cambridge, being now numbered **358 Windsor Street** and being bounded and described as follows:

Beginning at a point on Windsor Street distant four hundred four and 33/100 (404.33) feet;

Northerly from its intersection with the Northerly line of Plymouth Street, then running

Easterly on land now or formerly of Henry Vandine, one hundred (100) feet; then running

Southerly on land now or formerly of said Vandine, twenty-seven and 50/100 (27.50) feet; then running

Westerly on land now or formerly of one Marchett, one hundred (100) feet; then running

Northerly on said Windsor Street, twenty-seven and 50/100 (27.50) feet to point of beginning.

Containing 2800 square feet of land, more or less.

The premises will be sold subject to and with the benefit of all rights, restrictions, easements, improvements, outstanding tax titles, municipal or other public taxes, assessments, betterments, liens or claims in the nature of liens and existing encumbrances of record created prior to the mortgage, or entitled to precedence over the mortgage, if any there be, insofar as the same are still in force and applicable to the premises. In the event of any typographical errors in the publication of this notice, the description in the recorded Mortgage shall control.

TERMS OF THE SALE

Five thousand and 00/100 Dollars ($5,000.00) cash, bank draft or other form acceptable to the said mortgagee, to be paid at the time and place of the sale; high bidder to sign mortgagee's purchase and sale agreement upon acceptance of bid; balance of the purchase price to be paid in cash or current funds in or within twenty-one (21) days from date of sale with deed at the offices of ATTORNEY ANNMARIE ROARK, 229 Billerica Road, Chelmsford, Massachusetts, 01824, attorney for mortgagee. Other terms to be announced at the sale.

Federal Home Loan Mortgage Corporation
333 West Wacker Drive, Ste. 2100
Chicago, IL 60606-1287
Present Holder of Mortgage,
By its attorney
ATTORNEY ANNMARIE ROARK
229 Billerica Road
Chelmsford, MA 01824
(508) 256-4167

(C)May19,26,June2
#38388

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **JOHN GOMES AND ADELINA GOMES** TRUSTEES OF J.F. GOMES REALTY TRUST under a Declaration of Trust dated October 25, 1985 and recorded at Middlesex South Registry of Deeds in Book 16287, Page 163, TO CENTRAL BANK, dated March 29, 1990 and recorded with the Middlesex County (South District) Registry of Deeds, in Book 20469, Page 542 of which Mortgage the undersigned CENTRAL BANK is the present holder, for breach of the conditions contained in said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction on MONDAY, the 13TH day of JUNE, 1994 at 10:00 A.M. upon the mortgage premises, now known and numbered as **1174-1178 Cambridge Street,** Cambridge, Massachusetts, all and singular the premises described in said mortgage.

TO WIT:

The land at 1174-1178 Cambridge Street, Cambridge, Middlesex County, Massachusetts being shown as Lot A on a plan entitled "Subdivision of Land in Cambridge", dated November 9, 1948, by Edward Smith, Engineer, recorded with Middlesex County (Southern District) Registry of Deeds, Book 7366, Page 301.

Together with the benefit of a nine foot right of way shown on the above-mentioned plan.

SAID PREMISES ARE SUBJECT TO THE FOLLOWING ENCUMBRANCES:

1. Rights of others in the nine foot right of way shown on the above mentioned plan.

2. Order for sidewalk construction by the City of Cambridge, dated November 15, 1965, recorded with said Deeds, Book 11003, Page 194.

3. Title to and rights of the public and others in so much of the premises as lies within the bounds of Cambridge Street and Tremont Street.

For Mortgagor's Title see Deed dated November 27, 1985 and recorded with said Deeds in Book 16827, Page 171.

Said premises will be sold subject to and/or with the benefit of any and all restrictions, easements, improvements, covenants, outstanding tax titles, municipal or other public taxes, water bills, municipal liens and assessments, existing encumbrances liens or claims in the nature of liens, now existing or hereafter arising, having priority over the mortgage, if any there be.

Said premises will also be sold subject to all leases and tenancies having priority over said mortgage, to tenancies or occupations by persons on the premises now or at the time of the said auction which tenancies or occupations are subject to said mortgage, to rights or claims in personal property installed by tenants or former tenants now located on the premises, and also to all laws and ordinances including, but not limited to, all building and zoning laws and ordinances.

In the event of typographical errors in the publication of this notice, the description in the mortgage shall control.

No representations, express or implied, are made with respect to any matter concerning the premises which will be sold "as is".

TERMS OF SALE:

FIVE THOUSAND DOLLARS ($5,000.00) shall be required to be paid to the mortgagee in cash, by certified check or by cashier's check by the purchaser at the time and place of the auction sale as a deposit on the full purchase price. The deposit of the successful bidder shall be fully accounted for at the time the balance of the purchase price is paid. The balance of the purchase price shall be paid by the purchaser in cash, by certified check, Bank Treasurer's check or cashier's check by the purchaser in or within thirty (30) days after the date of the Public Auction at 10:00 A.M. at the office of David I. Cohen, Esquire, Attorney for the Mortgagee, 76 Sanderson Avenue, Suite 2, Lynn, Massachusetts. The successful bidder shall be required to sign at the Public Auction a Memorandum of Sale containing the above terms and any additional terms announced at the Public Auction. The Auction shall not be closed until the successful bidder has made the deposit and executed the Memorandum of Sale.

In the event the successful bidder fails to fulfill the agreements herein or in the relevant Memorandum of Sale contained, or fails to pay the purchase price at the appointed time and place, the deposit shall be forfeited and become the property of the CENTRAL BANK (Central Cooperative Bank) without recourse to the bidder and the current holder of the Mortgage reserves the right, at its election, to sell the mortgaged property to the second highest bidder at the Public Auction or to re-advertise and resell such property at Public Auction.

CENTRAL BANK (Central Cooperative Bank) the current holder of the mortgage reserves the right to postpone this sale at a later date by public proclamation at the time and date appointed for the Public Auction and to further postpone any adjourned sale date by public proclamation at the time and date appointed for the adjourned sale date.

The purchase will be responsible for all closing costs, state documentary stamps and recording fees.

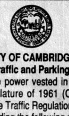
ALL BIDDERS WILL BE REQUIRED TO DISPLAY TO THE AUCTIONEER THE LISTED DEPOSIT IN ORDER TO QUALIFY TO BID.

OTHER TERMS TO BE ANNOUNCED AT THE TIME AND PLACE OF SALE.

Dated: May 12, 1994

CENTRAL BANK
(Central Cooperative Bank)
Present Holder of said Mortgage
By its attorney,
David I. Cohen, Esquire
76 Sanderson Avenue, Suite 2
Lynn, MA 01902-1937
(617) 581-1170

(C)May19,26,June2
#38370



CITY OF CAMBRIDGE
Traffic and Parking

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.

REGULATION NO. 94-14

Regulation No. 66-1 Schedule 7B "Parking Prohibited During Certain Hours On Certain Sides Of Certain Streets (Resident Permit Parking) is hereby amended by amending the following:

Elmer Street, west side
From: **Hingham Street northerly**
To: **186'N of Hingham Street to 217'N of Hingham Street**
All hours, except Sunday

This regulation shall take effect 7 June 1994.
PROMULGATED DATE May 12, 1994

George Teso
Traffic Director

(C)May19,26,June2
#38381

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT
(SEAL) **Case No. 206412**

To **WILLIAM G. COUGHLIN, TRUSTEE OF ABP 205 NOMINEE TRUST** u/d/t dated September 25, 1987 and registered with the Middlesex South Registry District of the Land Court (the "Registry") as Document No. 756584 and to all persons entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended: COLONY NYRO PARTNERS, L.P. claiming to be the holder of a mortgage covering real property in Cambridge, Middlesex County, Massachusetts, known as and numbered **205 Alewife Brook Parkway,** Cambridge, Massachusetts given by William G. Coughlin, Trustee of ABP 205 Nominee Trust to COOLIDGE BAND AND TRUST COMPANY (last assigned to Colony NRYQ Partners, L.P., by Assignment) dated September 22, 1987 and registered with the Registry as Document 756585 has filed with said court a complaint for authority to foreclose said mortgage in the manner following: by entry and possession and exercise of power of sale.

If you are entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended and you object to such foreclosure you or your attorney should file a written appearance and answer in said court at Boston on or before the 27th day of June 1994, or you may be forever barred from claiming that such foreclosure is invalid under said act.

Witness, ROBERT V. CAUCHON, Chief Justice of said Court this 10th day of May 1994.

Charles W. Trombly, Jr.
Recorder

(C)May26
#39029

SALE OF REAL ESTATE
EXECUTOR
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY
COURT DEPARTMENT
Middlesex Division Docket No. 94P0166E
Estate of **Evelyn M. Bowden**
late of **Cambridge**
in the County of Middlesex
NOTICE

A petition has been presented in the above-captioned matter praying that for license to sell at private sale - certain real estate of said deceased.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on June 21, 1994.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the eighteenth day of May in the year of our Lord one thousand nine hundred and ninety four.

Donna M. Lambert
Register of Probate

(C)May26
#39063

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that **Emory's Mobile Ice Cream (Emory J. Clark),** holder of a peddler's license is applying for a change in route. This applicant is currently a holder of a peddler's license.

The route is as follows: 300 feet east on Cambridge Street near the hospital, 11:30 a.m. to 2:45 p.m.; Garden and Walden Streets, St. Peter's Field, 3:00 p.m. Saturdays at 10:00 a.m.; parking lot on New Street, 4:00 p.m.; Tobin Field on Concord Avenue side of field, in front of my store, Saturdays at 10:00 a.m., 5:00 p.m.; Donnelly Field, E. Cambridge, 6:00 p.m. Saturdays at 10:00 a.m.; Golden Star Swimming Pool at Donnelly Field, summer hours Noon to 6:00 p.m.; Center Park at Norfolk and Broadway, Saturdays at 10:00 a.m.; 6:30 p.m.; Garden and Walden Streets, 7:00 p.m. (when lights for night games are on hours will be until 10 p.m.)

The hearing on this application will be held on Tuesday evening, June 7, 1994, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge.

Alex Rodriguez
Kevin Fitzgerald
Henry Breen
License Commission

(C)May26
#39039

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that **Richard Spinale d/b/a Richie's Canteen** is applying for a peddler's license (mobile truck) to sell food and non-alcoholic beverages, Monday through Friday, from 6:40 a.m. to 3:45 p.m. The route is as follows: 6:40 a.m. Kendall Boiler, Binney Street; 6:50 a.m., American Engineered Components, Binney Street; 8:30 a.m., Dara Tech, Sixth Street; 8:40 a.m., Boston Trucking Co., First Street; 9:50 a.m., Planet Sportswear/Kendall Press, Charles Street; 9:00 a.m., Beautease/MetPath, Rogers Street; 9:15 a.m., Metropolitan Pipe, Binney Street; 9:30 a.m., Biogen Construction, Cambridge Center; 9:45 a.m., Biogen II, 14 Cambridge Center; 10:00 a.m., East Cambridge Savings Bank (no sales); 10:10 a.m., Barbour Stockwell, 83 Doc Linskey Way; 10:20 a.m., Kaufman Co., Second Street; 10:30 a.m., Charles Street Parking Lot; 10:40 a.m., Thypin Steel Co., Binney Street; 10:50 a.m., NYNEX Mobile, Binney Street; 11:00 a.m., Genzyme, Binney Street; 11:10 a.m. Metro Cellular, Binney Street; 11:20 a.m., Biogen/Idec Corporate Parking Lot, Binney Street; 11:30 a.m., Elan Phrma/Advance Tire, Charles Street; 11:40 a.m., Fran Dan, Charles Street; 11:50 a.m., P.C.'s for Everyone, Thorndike Street; 11:55 a.m., MetPath/Beautease, Rogers Street; 12:00 noon, Biogen Construction, Cambridge Center; 12:15 p.m., DaraTech, Sixth Street; 12:30 p.m., Phase One Office Products, Fulkerson Street; 12:40 p.m., Biogen I, Binney Street; 12:50 p.m., Biogen II, Cambridge Center; 1:05 p.m., Metropolitan Pipe, Binney Street; 1:15 p.m., Sygena Parking Lot, One Kendall Square; 1:25 p.m., Dara Tech, Sixth Street; 1:35 p.m., Beautease/MetPath, Rogers Street; 1:45 p.m., Planet Sportswear/Kendall Press, Charles Street; 2:30 p.m., Phase One Office Products, Fulkerson Street; 2:40 p.m., Elan Pharma/Advance Tire, Charles Street; 2:50 p.m., FranDan, Charles Street; 3:00 p.m., Kaufman Co., Second Street; 3:10 p.m., NYNEX Mobile, Binney Street; 3:20 p.m., Beautease/Met Path, Rogers Street; 3:30 p.m., Concorde Groupe, Binney Street; 3:40 p.m., Sixth Street.

The hearing on this application will be held on Tuesday evening, June 7, 1994 at six o'clock in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, second floor, Cambridge.

Alex Rodriguez
Kevin Fitzgerald
Henry Breen
License Commission

(C)May26
#39045

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that **Joseph E. Marsden, Jr., d/b/a Quick Suburban Catering** is applying for a peddler's license (mobile truck) to sell food and non-alcoholic beverages, Monday through Friday. The route is as follows: 6:50 a.m., Boston Pipe, 171 Sydney Street; 7:00 a.m., American Science and Engineering, 40 Erie Street; 8:15 a.m., Cambridge Electric, Blackstone Street; 8:30 a.m., Boston Pipe, 40 Erie Street; 8:45 a.m., Vertex Pharmaceuticals, Sydney Street; 9:30 a.m., American Science and Engineering, 40 Erie Street; 10:00 a.m., California Paint; 12:00 noon, American Science and Engineering, 40 Erie Street; 12:20 p.m., Massachusetts Foundry, Sydney Street; 12:30 p.m., Boston Pipe, 171 Sydney Street; 2:20 p.m., Boston Pipe, 171 Erie Street; 2:30 p.m., American Science and Engineering; 40 Erie Street.

The hearing on this application will be held on Tuesday evening, June 7, 1994 at six o'clock in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, second floor, Cambridge.

Alex Rodriguez
Kevin Fitzgerald
Henry Breen
License Commission

(C)May26
#39041

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Pursuant to General Laws, Chapter 140, notice is hereby given that the License Commission has received an application from **Marriott Hotels, Inc. d/b/a Cambridge Center Marriott Hotel, William K. Skoglund, manager,** holder of an all alcoholic beverages as a hotel license at Two Cambridge Center has applied for its entertainment license be extended to include (1) Juke Box, (1) additional pool table, (2) additional Video games in addition to dancing by patrons, live musical instruments and/or live vocalists, with amplification, three (3) pool tables, one (1) audio tape machine which may play music below, at, or above conversation level (includes DJ), twelve (12) TV's and three (3) video games already licensed.

The hearing on this application will be held on Tuesday evening, June 7, 1994, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge.

Alex Rodriguez
Kevin Fitzgerald
Henry Breen
License Commission

(C)May26
#39040

CITY OF CAMBRIDGE
PURCHASING DEPARTMENT

Sealed bids will be received at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass., until 11:00 o'clock A.M. **THURSDAY, JUNE 9, 1994** at which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge:

COOPERATIVE BID FOR DIESEL FUEL (1)
BRONZE STATUARY RESTORATION (2)
LABORATORY COURIER SERVICES (3)
GLASS & PLASTICS (4)

The City of Cambridge reserves the right to waive any minor informalities or to reject any and all bids if it is in the City's best interest to do so.

Specifications may be obtained at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass.

Each bid must be in a sealed envelope plainly marked "Bid for 'Designate Item' " and addressed to Diane Wynshaw-Boris, Purchasing Agent, City Hall, Cambridge, Massachusetts.

Diane Wynshaw-Boris
Purchasing Agent

(C)May26
#39046

ADVERTISEMENT

The Cambridge Housing Authority, the Awarding Authority, invites sealed bids from general contractors for the **Sprinkler Systems Upgrade at the Frank J. Manning Apartments** for the Elderly 667-1 in Cambridge, Massachusetts in accordance with the documents prepared by SEA Consultants, 485 Massachusetts Avenue, Cambridge, Massachusetts 02139.

The Project consists of utilizing existing standpipes to provide complete sprinkler coverage of all apartments, corridors, community space, as well as two floors of administrative offices for the Cambridge Housing Authority, at the 19 story Manning Apartments Building. The work is estimated to cost $385,000.

General bidders must be certified by the Division of Capital Planning and Operation in the following category of work: **Fire Protection Sprinkler Systems.**

Bids are subject to M.G.L. c.149 §44A-J and to minimum wage rates as required by M.G.L. c.149 §§26 to 27D inclusive.

General Bids will be received until 2:00 p.m. on June 30, 1994 and public opened forthwith at Cambridge Housing Authority, 17 Sellers Street, Cambridge, Massachusetts 02139.

Filed Sub-Bids for the trades listed below will be received until 2:00 p.m. on June 16, 1994, at the Cambridge Housing Authority, 17 Sellers Street and publically opened forthwith.

SUBTRADES
Section 9 Painting
Section 16 Electrical

Mailed Bids should be sent to 17 Sellers Street, Cambridge, Massachusetts 02139. CHA assumes no responsibility for mailed bids not received by 5:00 PM on on the day prior to the opening.

General bids and sub-bids shall be accompanied by a bid deposit that is not less than five (5%) of the bid amount (including all add alternates), and made payable to the Cambridge Housing Authority.

Bid Forms and Contract Documents will be available for pickup at 17 Sellers Street, Cambridge, Massachusetts 02139 after 10:00 AM on Wednesday, May 25, 1994 upon deposit of a company, certified or cashier's check in the amount of $50.00 per set, payable to the Cambridge Housing Authority. This deposit will be refunded for up to two sets for general bidders and for one set for sub-bidders upon return of the sets in good condition within thirty days of receipt of general bids. Otherwise the deposit shall be the property of the Awarding Authority. Additional sets may be purchased for $50.00.

General bidders must agree to contract with minority and women-owned businesses as certified by the State office of Minority and Women Business Assistance (SOMWBA). The amount of participation which shall be reserve ed for such enterprises shall not be less than seventeen (17%) percent of the final contract price, including accepted alternates, of which at least twelve (12%) percent shall be for minority business enterprises and five (5%) percent shall be reserved for women-owned business enterprises.

The job site and existing building will be available for inspection at 10:00 AM on June 7, 1994. Prospective bidders should meet at the Frank J. Manning Apartment Community Room at 237 Franklin Street, Cambridge, MA.

The Contract Documents may be seen, but not removed at:

Contractors' Association of Boston
25 Centre Street
Roxbury, MA 02119

Construction Market Data
75 Second Avenue - Suite 320
Needham, MA 02194

F.W. Dodge, Prudential Tower
800 Boylston Street - Suite 320
Boston, MA 02199
(or closest regional F.W. Dodge Company)

(C)May26
#39042

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court No. 89P4950
NOTICE OF FIDUCIARY'S ACCOUNT

To all persons interested in the estate of **Charlotte Wylie** of Cambridge, in said County, a mentally ill person.

You are hereby notified pursuant to Mass. R.Civ.P. Rule 72 that the 4th account of Marion R. Fremont-Smith as Guardian (the fiduciary) of the property of said Ward has been presented to said Court for allowance.

If you desire to preserve your right to file an objection to said account, you or your attorney must file a written appearance in said Court at Cambridge on or before the 21st day of June, 1994, the return day of this citation. You may upon written request by registered or certified mail to the fiduciary, or to the attorney for the fiduciary, obtain without cost a copy of said account. If you desire to object to any item of said account, you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciary pursuant to Mass. R.Civ.P. Rule 5.

WITNESS, SHEILA E. McGOVERN, Esquire, First Judge of said Court, this 17th day of May, 1994.

Donna M. Lambert
Register

(C)May26
#39037

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY
COURT DEPARTMENT
PROBATE OF WILL AND CODICIL
WITHOUT SURETIES
Middlesex Division Docket No. 94P1456E
Estate of **Alice W. Ellis**
also known as **Alice Whiting Ellis**
Died on March 6, 1994
late of **Cambridge**
in the County of Middlesex
NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will and codicil of said deceased may be proved and allowed and that Isabel Kurzon of Cambridge in the county of Middlesex; Deborah Ellis Bigelow of Alexandria in the Commonwealth of Virginia; and Priscilla Ellis of Boston in the County of Suffolk be appointed executrices without giving surety on their bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on June 14, 1994.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the seventeenth day of May in the year of our Lord one thousand nine hundred and ninety four.

Donna M. Lambert
Register of Probate

(C)May26
#39036

LEGAL NOTICE
Technical Assistance for Training Program Development. Employment Resources, Inc. (ERI) intends to issue Second Round Requests for Proposals in mid-June for Fiscal Year 1995 (7/1/94-6/30/95) Job Training Partnership Act (JTPA) Titles IIA and IIC and MassJOBS occupational skills training programs and school-to-work transition programs. Occupational skills proposals will be solicited in the following areas **only:** environtech, biotech, other technical, health, and child care, with emphasis on non-traditional occupations for women. Concept papers will be solicited from area comprehensive high schools for school-to-work transition services to juniors and seniors. Programs will provide services to unemployed residents of the following cities and towns: Arlington, Belmont, Burlington, Cambridge, Chelsea, Everett, Malden, Medford, Melrose, North Reading, Reading, Revere, Somerville, Stoneham, Wakefield, Watertown, Wilmington, Winchester, Winthrop, and Woburn.

In anticipation of the RFP process, ERI plans to provide technical assistance in program development to any interested potential bidders between May 23 and June 15. Please contact Linda Bass (occupational skills) or Sue Walsh (school-to-work) at (617) 494-1154 or c/o ERI, 432 Columbia St., Cambridge, MA 02141 if you would like to arrange for individualized technical assistance. **Please note that RFPs are not available at this time.** New England Relay Service for TDD Users: 1-800-439-2370 (V/TTY).

(C)May26
#39026

LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Pursuant to M.G.L. c. 21E, Section 14(a) and the Massachusetts Contingency Plan (310 CMR 40.00), The Department of Environmental Protection announces that a Preliminary Assessment and/or Limited Site Investigation has been performed at the following location: **#3-2745, MIT, 27 TUDOR STREET, CAMBRIDGE, MA.**

This investigation has confirmed that a release of oil and/or hazardous materials has occurred at this location. Therefore, the Department has identified it as a confirmed disposal site. The Department has also determined that this site is a non-priority disposal site (as defined by M.G.L. c. 21E, Section 2). M.G.L. c. 21E, Section 3A (f) (3) requires that, if feasible, permanent solutions be implemented at disposal sites. If a permanent solution is not feasible, then a temporary solution must be implemented, and a plan for achieving a permanent solution must be developed.

This site has also been granted a Waiver of Approvals by DEP. Waiver sites are non-priority disposal sites which have been granted a Waiver of Approvals by the Department, pursuant to 310 MCR 40.537. This waiver allows the person granted it to conduct remedial response actions at the disposal site without prior Department approval of these actions.

M.G.L. c. 21E and the Massachusetts Contingency Plan provide several opportunities for public notice of and involvement in decisions regarding response actions at disposal sites, including:

* The Chief Municipal Official and Board of Health of the community in which the site is located will be provided with notices of the results of investigations, plans for remedial responses, and field work involving the use of heavy construction equipment and/or protective clothing (310 CMR 40.202).

* Upon receipt of a petition from ten or more residents of the municipality in which the disposal site is located, or of a municipality potentially affected by a disposal site, a plan for involving the public in decisions regarding response actions at the site will be prepared and presented at a public meeting. This plan will be revised based on comments received, and will be implemented over the course of the response action (310 CMR 40.203).

For information on how to make an appointment to review the files and obtain more information on the confirmed disposal site referenced above, and the opportunities for public involvement during its remediation, please contact Karen Stromberg, DEP Northeast Regional Office, Site Assessment and Cleanup Section, 10 Commerce Way, Wcburn, MA 01801 (Telephone: 617/935-2160).

(C)May26
#39014

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY
COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division Docket No. 93P2174E
Estate of **Charles Abreu**
Died on December 12, 1992
late of **Cambridge**
in the County of Middlesex
NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Bella Abreu of Cambridge in the County of Middlesex be appointed executrix without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on June 14, 1994.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the seventeenth day of May in the year of our Lord one thousand nine hundred and ninety four.

Donna M. Lambert
Register of Probate

(C)May26
#39035

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that **Jamal Abu-Rubieh,** doing business as **Jimmaize,** has applied for a common victualer's license to be exercised on the 1st floor at 204 Hampshire Street. Said license if granted would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises, and to have a total occupancy of 20 persons. Said license if granted would be exercised from 6 a.m. to 2 a.m. daily.

A hearing on said application will be held on Tuesday, June 7, 1994 at 7:00 p.m., in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue. Any person wishing to comment on said application may attend the hearing or such person may prior to the hearing submit a written statement to the License Commission, Michael J. Lombardi Municipal Building, 1st floor, 831 Massachusetts Avenue, Cambridge, Mass., 02139.

Alex Rodriguez
Kevin Fitzgerald
Henry Breen
License Commission

(C)May26
#39017

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138, as amended that **H.H.F. Foods Corp. d/b/a Bagellicous Dell, Heather Herbert Balany manager** has applied for a license to sell wines and malt beverages as a restaurant license at 10 Rogers Street. This applicant is currently a holder of a common victualer license at said address, is also requesting an increase in capacity from 24 to 34.

This applicant has also applied for an entertainment license to include audio tape machine only playing background music below ordinary conversation level and 1 radio.

The officers and directors of H.H.F. Foods Corp. are: Heather Balany, President, Treasurer, Clerk and Director.

The premises are described as follows: Dining area, sales area, kitchen and storage area on the first floor.

The hearing on this application will be held on Tuesday evening, June 7, 1994, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge.

Alex Rodriguez
Kevin Fitzgerald
Henry Breen
License Commission

(C)May26
#39018

PUBLIC NOTICE
RELATIVE TO ZONING
CITY OF CAMBRIDGE
MASSACHUSETTS
OFFICE OF THE CITY CLERK

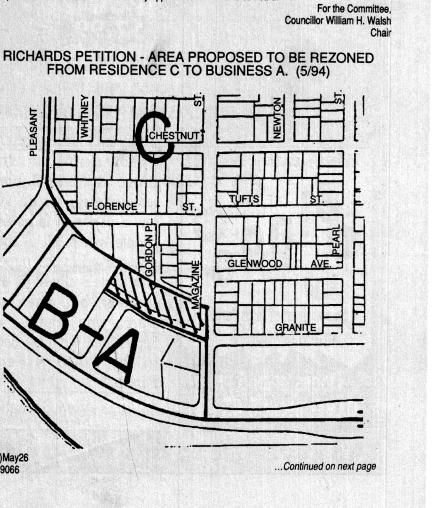
Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on Thursday, June 16, 1994 at 6:00 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on the petition of Patrick C. Toomey on behalf of Charles A. Richards, Trustee of Memorial Realty Trust, to amend the Zoning Map of the City of Cambridge.

This petition would rezone the two lots numbered 67 and 78 on Assessor's Plat numbered 100, and a section of Riverside Road, from Residence C to Business A, as shown on the accompanying map. The rezoning would allow the area to be used for those uses other than residential; and would increase the Floor Area Ration to 1.0 for nonresidential uses and 1.75 for residential uses.

Copies of this petition are on file in 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 William H. Walsh
Chair

RICHARDS PETITION - AREA PROPOSED TO BE REZONED
FROM RESIDENCE C TO BUSINESS A. (5/94)



(C)May26
#39066

...Continued on next page

Forum explores reform, Drug Czar just says 'no'

POLICY, from page 1

Brown, a former New York City police commissioner whose official title is director of the White House Office of National Drug Policy, once worked as an undercover narcotics cop and said he has "seen first-hand the misery and despair" caused by drugs. Issues like legalization and decriminalization, he said, simply are not worth exploring.

But some disagree.

JUDGE JAMES P. Gray of Orange County, California, said he was "invigorated" that Brown attended the forum, but disappointed "that we were not able to engage in the dialogue with Mr. Brown," who met briefly with reporters after delivering his speech, but did not field questions as many had hoped.

Gray said drug prohibition drives prices so high that "sellers of drugs are role models" and young people receive the destructive message that "you can probably do nothing in your life that will bring you more money than the selling of drugs."

The nation should be looking for ways to fix a system whose failure leads to violence in the streets and prisons jammed with users and small-time dealers, according to Gray. But instead or recognizing that no amount of enforcement can stem humans' desire for substances, Gray said our leaders seem intent on simply "issuing a decree to repeal the law of supply and demand."

Like many others at the conference, he emphasized that "just because we discuss our options does not mean that we condone drug abuse... I certainly believe that heroin, cocaine and marijuana are dangerous drugs. I don't take them and I never will."

Gray said violent crime dropped 65 percent in the year after prohibition was repealed in 1933, and predicted the same will happen in America, if and when we "come to our senses."

The prohibition analogy permeated the forum dialogue during speeches and during an afternoon "round-table" discussion.

> ***"I felt about a half an hour or so ago that I was hallucinating. Was there actually a congressman up here, talking, and making sense?"***
>
> **Ethan Nadelman, Princeton**

MICHAEL MORIARTY, who resigned from his role as a prosecutor on the NBC drama "Law and Order" to protest television censorship, stood up in the crowd and said, "We are indeed repeating history," this time with "another form of prohibition."

"To be analogous I presume we're for repeal," responded Rep. Frank (D-Mass.), who impressed reform-minded participants with his stance.

Frank said he believes "throwing people in jail for personal use" is a mistake. He suggested the nation must "come up with a scheme that takes the criminal element out of drugs," allows people the right to make their own choices, and protects young people and other populations most vulnerable to the dangers of drug use.

"Make it legal but make it hard to get ... I think we should look at that," Frank mused during remarks that preceded a panel discussion. "I think interdiction is a grave error and we ought to be focusing on treatment."

Ethan Nadelman, a Princeton PhD who specializes in the issue, amused the 100 or so people listening to the afternoon session by opening his remarks with a gentle jab at Congress.

"I felt about a half an hour or so ago that I was hallucinating," he said. "Was there actually a congressman up here, talking, and making sense?"

Nadelman argued that prohibition is based on the premise that "adult citizens do not have the capacity to act in their own interest" and need a government "Big Brother" to protect them from drugs.

"Drug users," he reminded, "are citizens in most cases and human beings in all."

THE ACTOR Moriarty, an Emmy and Tony winner who recently has crusaded against censorship and for personal freedoms, delivered a from-the-hip talk that blasted Attorney General Janet Reno for blaming drug-related violence on television.

Moriarty described a meeting he attended with Reno and a group of television network executives, during which the AG was "abusive" and "arrogant in her display of power," scolding the TV execs for perpetuating violence.

But Moriarty believes the nation's "War on Drugs," not television, deserves the blame and that Washington is simply looking for "scapegoats," in Hollywood and elsewhere.

"How dare the attorney general blame television for violence in the streets created by a heartlessly prosecuted drug war," said Moriarty, who called his talk "Fear of Freedom."

He noted that a NY Times editorial suggested that "legalizing drugs would let the genie out of the bottle," then wondered what makes the Times to think the genie isn't already out and wreaking havoc.

Moriarty, who said he has been described as"disgruntled, noisy, flaky, hysteric" and, his favorite, "a firebrand," noted that, like many Americans, "I'm personally addicted to caffeine, another substance from Colombia."

OTHERS WHO SPOKE included Jeff Lawrence, a student at North Adams State College, who introduced himself as a member of the "youth of America."

"I've been jailed for using drugs," said Lawrence, who added that it's clear to him that the current policy is failing, but that "some people still want to go down with Capt. [Lee] Brown on a sinking ship."

The Rev. Richard Dalton, executive director of the US Urban Ministries Alliance, does not support legalization.

"Why legalization?" asked the Rev. Dalton, who argued that legalization would only create a society of "zombies" looking for the next high.

He made people laugh with his hypothetical advertisements that might appear if drugs were legalized.

"Aren't you tired of being up all the time? C'mon down ... to opium." Or, "PCP — You deserve a break today."

The church has a role in combating the drug problem through "love and compassion," he said.

In the bigger picture, said Dalton, "The US has failed at developing a domestic policy that addresses the social and economic decay" in the inner-city.

CIVIL LIBERTIES Union of Massachusetts Director John Roberts closed the day by speaking of "the enormous cost to liberty that the war on drugs has wrought." Many victims have been "caught in the crossfire" of the drug war, he said, and personal liberty is one.

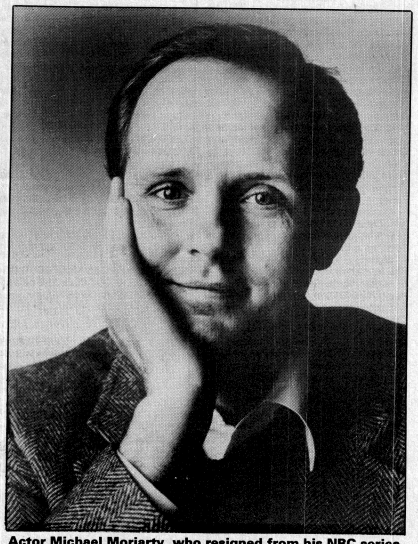
Roberts noted that representatives of the Drug Enforcement Administration were invited to take part, but were "too busy."

"Oh, they were here," said a man in the back, suggesting that the DEA was probably keeping a watchful eye on the forum.

Conference director Michael Weddle, a Putnam Avenue resident and former New Hampshire state representative, said he made a special effort to make sure both sides of the debate were representative.

He related that he even told Drug Czar Brown a joke about "a pothead, an alcoholic and an acid freak" during an aside; he did not mention Brown's reaction.

Cambridge Police Officer Frank Pasquarello, who opposes legalization, took part in a panel discussion with, among others, a Little Rock, Arkansas, police captain who favors legalization.



Actor Michael Moriarty, who resigned from his NBC series "Law and Order" in a protest over censorship, offered outspoken views about the nation's war on drugs during a day-long conference held Saturday at Harvard Law School.

> ***"How dare the attorney general blame television for violence in the streets created by a heartlessly prosecuted drug war."***
>
> **Michael Moriarty, actor-activist**

"I thought it was pretty interesting to get ideas from all over the country," said Pasquarello, who believes people everywhere are "frustrated" with drugs and violence. He said the nation should take "a very strong look" at its current policies.

THOSE WHO DID NOT speak at the forum included two key figures — Surgeon General Jocelyn Elders and Colombian Prosecutor General Gustavo de Greiff.

Conference organizers, including Laura Murphy Lee, director of the American Civil Liberties Union in Washington DC, suggested that the Clinton administration is deliberately suppressing debate on the issue.

As evidence, Lee and others noted that Surgeon General Elders, who several months ago embarrassed the administration by stating publicly that legalization is at least worth exploring, had initially agreed to serve as the forum's keynote speaker, then mysteriously withdrew.

And de Greiff, who helped bring down Pablo Escobar's infamous Medellin drug cartel, but who has suggested that some form of legalization may be needed to combat the explosion of drug-related violence, also withdrew.

The Colombian official sent a letter blaming his absence on "false" accusations against him by the Department of Justice and Sen. John Kerry, and "fear" that de his views on legalization would prompt "retaliations" against his country.

Trial set for man charged with killing wife

A trial date has been set for the North Cambridge man charged with beating his wife to death in September.

Dennis Whalen, 54, of Elm Street is scheduled for trial Aug. 15 in Middlesex Superior Court on charges he murdered his wife by hitting her with a hammer more than a dozen times on Sept. 25, 1993.

The former railroad worker told police he found her lying in a pool of blood in the living room of their home.

He was jailed on $100,000 cash bail or $1 million surety and is being held in Cambridge Jail in East Cambridge on the single charge of murder.

At the time, defense attorney John Mee of Boston told the court that Whalen had for years been depressed and abusing alcohol as a result the accidental death of a daughter three years earlier. He said Whalen was willing to check into a psychiatric program.

Except for a few years, the Whalens had lived for about 25 years on the street that borders Somerville.

They had another daughter, Lori, who lived in Wakefield at the time of her mother's murder.

LEGAL NOTICES

...continued from previous page

LEGAL NOTICE
U-HAUL COMPANY
SELF-STORAGE FACILITY SALE

Self-Storage Facility Operator's Sale for non-payment of storage charges pursuant to the power of sale contained in M.G.L., Chapter 105-A, Section 4, General Charges, and for the satisfaction of the Facility Operator's Lien. The following property will be sold at Public Auction at 1:00 P.M., Wednesday, June 15, 1994, on the premises of Central Square Moving & Storage Center, 844 Main Street, Cambridge, MA: All household furniture, trunks, books, tools, clothes, appliances, antiques, bric-a-brac, and miscellany held for the accounts of: **Lucille Holmes,** Rm. 364; **Rena Murrell,** Rm. 497; **Nancy Broughton,** Rm. 581. Sale per order of U-Haul Company of Boston, Inc. Tel. (617) 354-0500. Terms: Cash. Sale subject to cancellation. Wm. F. Moon & Co., Auctioneers, North Attleboro, MA 02760. Lic. #151.
(C)May26,June2
#39020

LEGAL NOTICE
JIM CLARK MOVING COMPANY
SELF-STORAGE FACILITY SALE

Self-Storage Facility Operator's Sale for non-payment of storage charges, uniform commercial code Section 6-A, Par. 7-210 enforcement of the warehouseman's lien. the following property will be sold at Public Auction at 9:00 A.M., Tuesday, June 21, 1994 on the premises of Jim Clark Moving Co., 1 Monsignor O'Brian Hwy., Cambridge, MA 02142. All Household furniture, trunks, books, tools, clothes, appliances, antiques, bric-a-brac miscellany held for the accounts of: **Structure Tone,** Lot #6; **France Prenelus,** Lot #5; **David Strohm,** c/o Greylock, Lot #7; **Kimberly Lange,** Lot #4; **Vicki Horne,** Lot #8; **Don Kilburn,** Lot #3; **Metriplex, V. Com/P.S. Stutman,** Lot #9; **George Jones,** Lot #2; **Philip Weinstein,** Lot #11; **Philip Cooper,** Lot #1; **Scott Ashley,** Lot #10; **Elizabeth Rice-Smith,** Lot #12; **Executive International Movers,** Lot #13. Sale per order of Jim CLark Moving Co. of Cambridge, MA. Tel. (617) 742-2233. Terms: Cash. Sale subject to cancellation. William F. Moon & Co., Auctioneer, North Attleboro, MA. State Lic. #151.
(C)May26,June2
#39201

LEGAL NOTICE

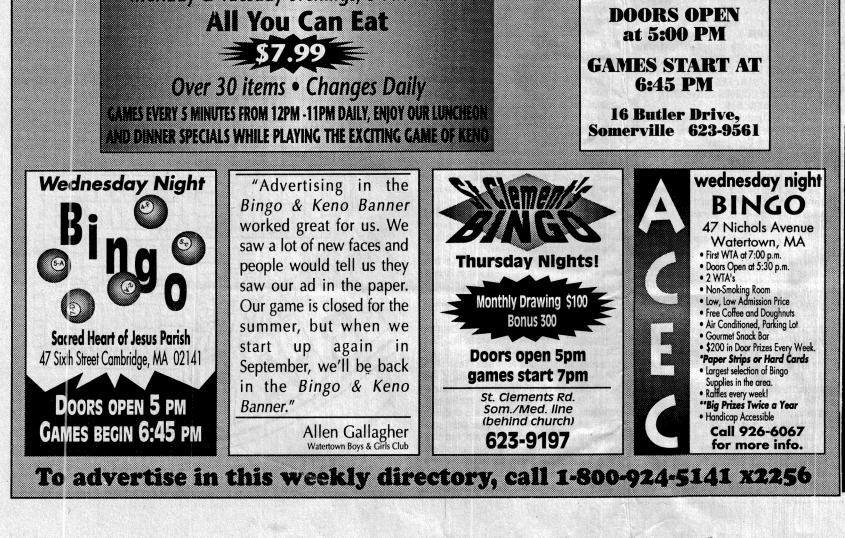
TO: **Rafeal Rutz**
44-A San Juan Street
Boston, MA 02118

B&B Towing 41 Mooney Street Cambridge, MA. 02138 has had in its possession a **1983 BMW 3201 sedan** last registered to you in 1993 vin **#WBAAG4300D8074588.**

This vehicle has not been claimed after due notice. This vehicle will be sold at private sale at B&B Towing 41 Mooney Street Cambridge, MA 02138 on May 27, 1994.

Michael Sorrentino
Owner & Officer
B&B Towing

(C)May12,19,26
#33336





HOME HANDYMAN
Ed Ver Planck

Adequate lighting can prevent a lot of home accidents...There should be at least one light in every room that can be turned on by a switch by the door...This will eliminate the risk of moving about in a dark room trying to find the lamp switch .... Every flight of stairs should be well lighted, and the light should have a three-way switch so it can be turned on from the top or bottom of the stairs... Fluorescent paints can be very helpful when it's not practical to provide all the light you need or call attention to a particular hazard.

We are a new phone center at **DICKSON BROS.** Tel. 876-6760. Open 8:30-6 pm; Sat. 8:30-5:30 pm. Major credit cards honored. Custom paint colors, lumber, gift items and much more. We will custom cut shades for you at **DICKSON BROS...TRUE VALUE HARDWARE.** 26 Brattle Street, Cambridge. *YES, WE DELIVER.*

Joey & Maria's COMEDY WEDDING
The Original
The Godfather Don Ziti cordially invites you to attend the WEDDING OF JOEY & MARIA
2nd SMASH YEAR!
Sundays 6pm
Dinner & Show $35.00
All Inclusive
"Brilliant Comedy Dinner Theater"
Pat Whitley, WHDH/RKO
"A Night of Fun"
Sara Edwards, Channel 7
RSVP
687-2442
Grill 93
The Wake of Matty O'Malley
Comedy Irish Wake Sun. June 12,19 & July 17 6pm $35.00 all inc Dinner & Show
****LIVE IRISH BAND****

Wednesday Night Bingo
Sacred Heart of Jesus Parish
47 Sixth Street Cambridge, MA 02141
DOORS OPEN 5 PM
GAMES BEGIN 6:45 PM

"Advertising in the *Bingo & Keno Banner* worked great for us. We saw a lot of new faces and people would tell us they saw our ad in the paper. Our game is closed for the summer, but when we start up again in September, we'll be back in the *Bingo & Keno Banner.*"
Allen Gallagher
Watertown Boys & Girls Club

St. Clement's BINGO
Thursday Nights!
Monthly Drawing $100 Bonus 300
Doors open 5pm
games start 7pm
St. Clements Rd.
Som./Med. line
(behind church)
623-9197

ACEC
wednesday night BINGO
47 Nichols Avenue
Watertown, MA
• First WTA at 7:00 p.m.
• Doors Open at 5:30 p.m.
• 2 WTA's
• Non-Smoking Room
• Low, Low Admission Price
• Free Coffee and Doughnuts
• Air Conditioned, Parking Lot
• Gourmet Snack Bar
• $200 in Door Prizes Every Week.
*Paper Strips or Hard Cards
• Largest selection of Bingo Supplies in the area.
• Raffles every week!
**Big Prizes Twice a Year
• Handicap Accessible
Call 926-6067 for more info.

To advertise in this weekly directory, call 1-800-924-5141 x2256

Forum to focus on older worker 'job crisis'

A public forum on "The Job Crisis Facing Older Workers" is scheduled for Saturday, June 18, 9:30 am to 12:30 pm in the auditorium of the Volpe National Transportation Systems Center, 55 Broadway.

The forum is sponsored by a coalition of 16 Boston-area advocacy groups and organizations intent on focusing the attention of national policy-makers on the growing unemployment and under-employment dilemma of mature men and women with high levels of education, professional skills and long-time experience.

The centerpiece of the public hearing will be live testimony given by men and women of mid-life, describing their personal difficulties in attempting to return to the work force.

Many have had their professional careers cut short. Some have been forced to use up their life's savings, financially stressed to sell their homes, and accept part-time or temporary employment at wages far below their value and worth; or worse, continue to be unemployed long after their unemployment benefits have run out.

The victim population has remained disorganized and voiceless until now. With more than one-third of their productive lives ahead, these workers need a federal social policy that offers more optimism for their working future.

James L. Medoff, a Harvard professor of economics, will speak on "Downsizing and Older Americans." Juliet Brudney, author and columnist (her "Living with Work" column appears in the Boston Globe), will act as moderator. Members of the US Congress and Massachusetts state officials are expected to attend and will be encouraged to develop and propose policy in support of these disenfranchised citizens.

The hearing will feature testimony by men and women of mid-life, describing their difficulties in attempting to return to the work force.

Older workers are major targets of massive company cost-cutting efforts and have been severely hurt by the declining economy. This age group of older workers (40 years and beyond) has now become the most at risk of all population groups because of ongoing restructuring and downsizing of the work force, age discrimination and a lack of public understanding.

Older workers have been singled out as a group that is being replaced by younger, less experienced, lower-paid workers, or by temporary or contract workers who do not receive company benefits. Some of these personnel actions have been determined as age discriminatory, and many older workers now report two years or more of unemployment.

"Analysis reveals that mid-life job loss is accelerating and pervasive," Medoff reports. Middle-aged workers were 45 percent more likely to suffer permanent layoff in the 1980s than in the 1970s and are 55 percent more likely to be so in the 1990s.

An entire generation of mature workers, many with undergraduate and advanced college degrees and 20 or more years of experience are still at risk. If policy-makers do not act now, younger professionals will face the same ominous employment future when reaching this age level.

Among the coalition of 16 sponsoring organizations planning this public forum include: Somerville-Cambridge Elder Services, UMass-Boston, Gray Panthers of Greater Boston, the Mass. Association of Older Americans, and the Mass. Senior Action Council.

The forum is free and open to all interested citizens.

For further information, call Frances Chaikin at 354-4103 or Hilda Scott at 868-3311.



PHOTO BY JANE TYSKA

John and Barbara Kelly visit the grave of John's brother on Memorial Day at Cambridge Cemetery.

COMMUNITY NOTES

Public hearing focuses on alcohol, drug addiction

Vice Mayor Sheila Russell, chair of the city council's Human Services and Youth Committee, in collaboration with the Cambridge Human Services Commission, will hold an educational hearing on alcohol, alcoholism and drug addiction to identify what services are available in Cambridge and service gaps and inadequacies.

The hearing will be held on Wednesday, June 8, 5:30 pm in council chambers, 795 Mass. Ave., and will target youth, alcohol and drugs. Invited speakers will present an overview of existing services. Public comments regarding service needs will be welcome.

Summer course to be aired on Channel 3

For the first time, Bunker Hill Community College in Boston is offering a three-credit college summer telecourse titled "Discovering Psychology" to be aired for 13 weeks starting June 20 on Continental Cablevision in Cambridge, Channel 3. For enrollment information and schedule, contact Bunker Hill Community College at 241-8600, Ext. 350.

Meal delivery volunteers needed

Cambridge Cares About AIDS, Inc. needs volunteers to deliver hot meals to people with HIV/AIDS, their children and their caregivers. For more information about the meal delivery program and other volunteer services, call Caroline Ross at 661-3040.

New programs at the Y

The Cambridge Family YMCA is offering new programs including an early morning stretch class from 6:15-6:45 am, a yoga class from 7-8 am, and a noontime aerobics/step aerobics class. For more information on these and other YMCA programs, contact Dennis Heenan at 661-9622.

New bus routes service to begin in September

To meet the commuting needs of hundreds of area residents, three new MBTA bus routes have been announced by the Weld-Cellucci administration.

Beginning in September new routes will include Cross-town Cambridge: from Central Station, Cambridge to the South End Medical area via Mass. Ave.; and Cross-town Ruggles: from Kendall Station to Ruggles Station via the Longwood medical area, Boston University and MIT. Start with the fall schedule, these routes will operate weekdays between 6:30 am and 6:30 pm.

"By matching economic development with transportation access, today we meet the public transportation needs of Boston and Cambridge and mark the beginning of the great transportation loop," said Lt. Gov. Paul Cellucci. "Transportation is a top priority for this administration and we will keep pace with the transit needs of this nation's leading region in medical and educational resources."

Buses will operate on a limited service schedule and will stop only at certain stops. All buses will be clearly marked with the MBTA's Cross-town bus logo.

YMCA offers swim lessons for children

The Cambridge Family YMCA is sponsoring a learn-to-swim week June 6-10. This one week of lessons is for children who do not know how to swim or who can swim with little progress. Children will be taught the fundamentals of breathing, floating, paddle stroke and safety practices.

There will be two main age groups including the 3- to 5-year-old group referred to as Skippers II and the 6- to 13-year-old group referred to as Progressive Swimming. Registrations will be accepted until June 4. Space is limited and early registration is recommended.

For more information, contact the Cambridge Family YMCA at 661-9622.

Governor honors elder volunteer for dedicated work

BY TANA SHERMAN

When he was in his mid-thirties, John Ciampa of Somerville was seriously injured in an accident at the paintbrush factory where he worked. At the same time, his wife was struggling with cancer and their young daughter underwent open heart surgery. Instead of giving in to self-pity, Ciampa became involved in his community, beginning a long career of volunteer work.

"I started to look at where I could help out," he said. "I remember going to church and saying, 'If I ever get out of this mess, I'm going to do whatever I can to help others.'"

Twenty-five years later, Ciampa is a disability rights advocate and an active member of the board of directors of Somerville-Cambridge Elder Services (SCES). He was recently honored for his work with elders by being named the regional winner of the Silver DOVE Award. Presented by Gov. William Weld to 26 volunteers statewide at a ceremony at the State House, the Silver DOVE Award stands for "Devoted, Outstanding Volunteer to Elders."

"Today you see a lot of the elderly suffering and having hardships," said Ciampa. "I remember my mother and grandmother. I thought sooner or later I would pay them back and this is how I'm doing it."

Ciampa is chairperson of the Somerville Commission for Persons with Disabilities and a member of the boards of directors of SCES, ElderLink, Community Action Agency of Somerville, Somerville Community Corporation, and Cambridge and Somerville Legal Services. He is state certified as a Community Access Monitor for accessibility compliance, and he also volunteers for the city of Somerville's quarterly surplus food distribution.

"People know that when you want something done, call John Ciampa," said Ellen Taylor, director of the Somerville Commission for Persons with Disabilities. "One is most struck by John's generosity of spirit, compassion and the earnestness with which he approaches his responsibilities as a disability rights advocate."

He is also a staunch advocate for elders. "John often takes the time to call and speak on behalf of elders in need of assistance who might not be able to speak out on their own," said John O'Neill, SCES administrator. "He is a longtime supporter of SCES and our programs for elders."

Ciampa was elected to the SCES board six years ago and now serves on the program and membership committees.

Mary Mullen, who serves on the SCES board with Ciampa, said, "I have never met a more dedicated volunteer. There isn't any task too large or too small for John to handle. Though John has a handicap himself, it has not prevented him from carrying his very heavy load of volunteer work. I know, personally, that John has inspired many people to become involved in volunteer work for the elders of Somerville."

He is slightly uncomfortable with the public recognition surrounding his Silver DOVE Award. "I really don't like talking about me," he said. "I just like to be plain old me. I was nervous about receiving the award at the State House, but it's nice to have."

In presenting the Silver DOVE Awards, Gov. Weld said, "These volunteers make a remarkable contribution to their communities and the state." He credited the state's 40,000 volunteers with helping Massachusetts to be a leader in providing quality services to its elderly residents.

For more information about volunteer opportunities serving elders in Somerville and Cambridge, please call Vivian Hilborn, Volunteer Coordinator, at Somerville-Cambridge Elder Services, 628-2601, ext. 3114.

Tana Sherman is the community information supervisor at Somerville-Cambridge Elder Services.

SENIOR CIRCUIT

Lunch menu

The following is the Somerville-Cambridge Elder Services' congregate centers lunch menu:

June 6-10: Monday — Beef Patty Burgundy, Delmonico potatoes, squash, pears. Tuesday — Minestrone soup, baked chicken breast, parslied potato, spice cake. Wednesday — Baked rotini with meat sauce, mixed vegetables, apple. Thursday — Hot turkey sandwich, mashed potato, peas, fruited jello. Friday — Stuffed cabbage, rice, carrots, chilled pineapple.

June 13-17: Monday — Chili, baked potato, broccoli, applesauce. Tuesday — Macaroni and cheese, mixed vegetables, cantaloupe. Wednesday — Father's Day special: Yankee pot roast, red bliss potatoes, peas and mushrooms, strawberry shortcake. Thursday — Baked chicken tarragon, rice pilaf, Harvard beets, chilled peaches. Friday — Tuna salad plate, potato salad vinaigrette, chocolate pudding.

Mammography team to visit senior centers

Two Cambridge senior centers are sponsoring a visit by the Mammography Center from Caritas Christi Diagnostic Support Services on June 14.

The Mammography Center will be at the Pearl Street Senior Center, 15 Pearl St., Tuesday, June 14, 8:30 am to noon, and at the North Cambridge Senior Center, 2050 Mass. Ave., 1-5 pm.

More than 46,000 women in the United States will die from breast cancer this year alone, including 1,300 in Massachusetts and 5,100 new cases will be diagnosed in the state. Medical experts agree that early detection through mammography dramatically increases the chances to be cured.

The Mammography Center, which brings convenient, quality breast health care to women across New England, will provide mammograms, breast health care information and physician referrals through the Caritas Christi Doctor Referral Line during its visit to Cambridge. The screening, including watching a video about breast self-examination, takes about 30 minutes.

To make an appointment, or for more information on mammography screenings and fees, call 1-800-71WOMEN. Mammography is covered by many insurance plans and Medicare. The Caritas Christi Health Care System is one of the largest health care providers in New England.

Seeking health benefits counselors

Health Benefits Counselors are urgently needed for ensuring that elders obtain their benefits under medical insurance plans. Training provided under the SHINE Program through Somerville-Cambridge Elder Services. For more info call Vivian Hilborn, 628-2601, X 3114.

N 44 O 68 BINGO & KENO BANNER

★ ★ KENO ★ ★ ★
at Union Market Station Restaurant,
★ ★ 17 Nichols Ave., Watertown ★
DINNER BUFFET
Monday & Tuesday evenings, 5 PM - 9 PM
All You Can Eat
$7.99
Over 30 items • Changes Daily
GAMES EVERY 5 MINUTES FROM 12PM -11PM DAILY, ENJOY OUR LUNCHEON AND DINNER SPECIALS WHILE PLAYING THE EXCITING GAME OF KENO

St. Polycarps BINGO
Saturday Night
PROGRESSIVE BONUS 300
DOORS OPEN at 5:00 PM
GAMES START AT 6:45 PM
16 Butler Drive, Somerville 623-9561

Wednesday Night Bingo
Sacred Heart of Jesus Parish
47 Sixth Street Cambridge, MA 02141
DOORS OPEN 5 PM
GAMES BEGIN 6:45 PM

"Advertising in the *Bingo & Keno Banner* worked great for us. We saw a lot of new faces and people would tell us they saw our ad in the paper. Our game is closed for the summer, but when we start up again in September, we'll be back in the *Bingo & Keno Banner*."
Allen Gallagher
Watertown Boys & Girls Club

St. Clement's BINGO
Thursday Nights!
Monthly Drawing $100 Bonus 300
Doors open 5pm games start 7pm
St. Clements Rd. Som./Med. line (behind church)
623-9197

ACEC
wednesday night BINGO
47 Nichols Avenue Watertown, MA
• First WTA at 7:00 p.m.
• Doors Open at 5:30 p.m.
• 2 WTA's
• Non-Smoking Room
• Low, Low Admission Price
• Free Coffee and Doughnuts
• Air Conditioned, Parking Lot
• Gourmet Snack Bar
• $200 in Door Prizes Every Week.
Paper Strips or Hard Cards
• largest selection of Bingo Supplies in the area.
• Raffles every week!
**Big Prizes Twice a Year*
• Handicap Accessible
Call 926-6067 for more info.

To advertise in this weekly directory, call 1-800-924-5141 x2256

LEGAL NOTICES

LEGAL NOTICE OF MORTGAGEE'S SALE OF REAL ESTATE

358 Windsor Street, Cambridge, MA

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Glenn A. Adams, Jr.** and **Kieu N. Hua** to Norwest Mortgage Inc., dated July 15, 1988 and recorded in the Middlesex County (Southern District) Registry of Deeds at Book 19196, Page 316, of which mortgage the undersigned is the present holder, by assignment dated August 9, 1989 and recorded in said Registry at Book 20007, Page 473, for the breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 2:00 P.M. on the 16th day of June, 1994, at or upon the premises more particularly described below, being all and singular the premises described in said mortgage, to wit:

A certain parcel of land with the buildings thereon situated in Cambridge, being now numbered **358 Windsor Street** and being bounded and described as follows:

Beginning at a point on Windsor Street distant four hundred four and 33/100 (404.33) feet;

Northerly from its intersection with the Northerly line of Plymouth Street, then running

Easterly on land now for formerly of Henry Vandine, one hundred (100) feet; then running

Southerly on land now or formerly of said Vandine, twenty-seven and 50/100 (27.50) feet; then running

Westerly on land now or formerly of one Marchett, one hundred (100) feet; then running

Northerly on said Windsor Street, twenty-seven and 50/100 (27.50) feet to point of beginning.

Containing 2800 square feet of land, more or less.

The premises will be sold subject to and with the benefit of all rights, restrictions, easements, improvements, outstanding tax titles, municipal or other public taxes, assessments, betterments, liens or claims in the nature of liens and existing encumbrances of record created prior to the mortgage, or entitled to precedence over the mortgage, if any there be, insofar as the same are still in force and applicable to the premises. In the event of any typographical errors in the publication of this notice, the description in the recorded Mortgage shall control.

TERMS OF THE SALE

Five thousand and 00/100 Dollars ($5,000.00) cash, bank draft or other form acceptable to the said mortgagee, to be paid at the time and place of the sale. high bidder to sign mortgagee's purchase and sale agreement upon acceptance of bid; balance of the purchase price to be paid in cash or current funds in or within twenty-one (21) days from date of sale with and at the offices of ATTORNEY ANNMARIE ROARK, 229 Billerica Road, Chelmsford, Massachusetts, 01824, attorney for mortgagee. Other terms to be announced at the sale.

Federal Home Loan Mortgage Corporation
333 West Wacker Drive, Ste. 1100
Chicago, IL 60606-1287
Present Holder of Mortgage,
By its attorney
ATTORNEY ANNMARIE ROARK
229 Billerica Road
Chelmsford, MA 01824
(508) 256-4167

(C)May19,26,June2
#38388

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **JOHN GOMES AND ADELINA GOMES** TRUSTEES OF J.F. GOMES REALTY TRUST under a Declaration of Trust dated October 25, 1985 and recorded at Middlesex South Registry of Deeds in Book 16287, Page 133, TO CENTRAL BANK, dated March 29, 1990 and recorded with the Middlesex County (South District) Registry of Deeds, in Book 20469, Page 542 of which Mortgage the undersigned CENTRAL BANK is the present holder, for breach of the conditions contained in said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction on MONDAY, the 13TH day of JUNE, 1994 at 10:00 A.M. upon the mortgage premises, now known and numbered as **1174-1178 Cambridge Street,** Cambridge, Massachusetts, all and singular the premises described in said mortgage.

TO WIT:

The land at 1174-1178 Cambridge Street, Cambridge, Middlesex County, Massachusetts being shown as Lot A on a plan entitled "Subdivision of Land in Cambridge", dated November 9, 1948, by Edward Smith, Engineer, recorded with Middlesex County (Southern District) Registry of Deeds, Book 7366, Page 301.

Together with the benefit of a nine foot right of way shown on the above mentioned plan.

SAID PREMISES ARE SUBJECT TO THE FOLLOWING ENCUMBRANCES:

1. Rights of others in the nine foot right of way shown on the above mentioned plan.

2. Order for sidewalk construction by the City of Cambridge, dated November 15, 1965, recorded with said Deeds, Book 11003, Page 193.

3. Title to and rights of the public and others in so much of the premises as lies within the bounds of Cambridge Street and Tremont Street.

For Mortgagor's Title see Deed dated November 27, 1985 and recorded with said Deeds in Book 16827, Page 171.

Said premises will be sold subject to and/or with the benefit of any and all restrictions, easements, improvements, covenants, outstanding tax titles, municipal or other public taxes, water bills, municipal liens and assessments, existing encumbrances liens or claims in the nature of liens, now existing or hereafter arising, having priority over the mortgage, if any there be.

Said premises will also be sold subject to all leases and tenancies having priority over said mortgage, to tenancies or occupations by persons on the premises now or at the time of the said auction which tenancies or occupations are subject to said mortgage, to rights or claims in personal property installed by tenants or former tenants now located on the premises, and also to all laws and ordinances including, but not limited to, all building and zoning laws and ordinances.

In the event of typographical errors in the publication of this notice, the description in the mortgage shall control.

No representations, express or implied, are made with respect to any matter concerning the premises which will be sold "as is".

TERMS OF SALE:

FIVE THOUSAND DOLLARS ($5,000.00) shall be required to be paid to the mortgagee in cash, by certified check or by cashier's check by the purchaser at the time and place of the auction sale as a deposit on the full purchase price. The deposit of the successful bidder shall be fully accounted for at the time the balance of the purchase price is paid. The balance of the purchase price shall be paid by the purchaser in cash, by certified check, Bank Treasurer's check or cashier's check by the purchaser in or within thirty (30) days after the date of the Public Auction at 10:00 A.M. at the office of David I. Cohen, Esquire, Attorney for the Mortgagee, 76 Sanderson Avenue, Suite 2, Lynn, Massachusetts. The successful bidder shall be required to sign at the Public Auction a Memorandum of Sale containing the above terms and any additional terms announced at the Public Auction. The Auction shall not be closed until the successful bidder has made the deposit and executed the Memorandum of Sale.

In the event the successful bidder fails to fulfill the agreements herein or in the relevant Memorandum of Sale contained, or fails to pay the purchase price at the appointed time and place, the deposit shall be forfeited and become the property of the CENTRAL BANK (Central Cooperative Bank) without recourse to the bidder and the current holder of the Mortgage reserves the right, at its election, to sell the mortgaged property to the second highest bidder at the Public Auction or to re-advertise and resell such property at Public Auction.

CENTRAL BANK (Central Cooperative Bank) the current holder of the mortgage reserves the right to postpone this sale at a later date by public proclamation at the time and date appointed for the Public Auction and to further postpone any adjourned sale date by public proclamation at the time and date appointed for the adjourned sale date.

The purchase will be responsible for all closing costs, state documentary stamps and recording fees.

ALL BIDDERS WILL BE REQUIRED TO DISPLAY TO THE AUCTIONEER THE LISTED DEPOSIT IN ORDER TO QUALIFY TO BID.

OTHER TERMS TO BE ANNOUNCED AT THE TIME AND PLACE OF SALE.

Dated: May 12, 1994

CENTRAL BANK
(Central Cooperative Bank)
Present Holder of said Mortgage
By its attorney,
David I. Cohen, Esquire
76 Sanderson Avenue, Suite 2
Lynn, MA 01902-1937
(617) 581-1170

(C)May19,26,June2
#38370

CITY OF CAMBRIDGE
Traffic and Parking

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.

REGULATION NO. 94-14

Regulation No. 66-1 Schedule 7B "Parking Prohibited During Certain Hours On Certain Sides Of Certain Streets (Resident Permit Parking) is hereby amended by amending the following:

Elmer Street, west side

From: **Hingham Street northerly**

To: **186'N of Hingham Street to 217'N of Hingham Street**

All hours, except Sunday

This regulation shall take effect 7 June 1994.

PROMULGATED DATE May 12, 1994

George Teso
Traffic Director

(C)May19,26,June2
#38381

CITY OF CAMBRIDGE
Traffic and Parking

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.

REGULATION NO. 94-16

Regulation No. 66-1 Schedule 7B "Parking Prohibited During Certain Hours On Certain Streets, (Resident Permit Parking") is hereby amended by adding the following:

Second Street, both sides, Gore Street to Cambridge Street. All Hours, Except Sunday.

This regulation shall take effect 9 June 1994.

PROMULGATED DATE May 13, 1994

George Teso
Traffic Director

(C)May26,June2,9
#39015

LEGAL NOTICE
U-HAUL COMPANY
SELF-STORAGE FACILITY SALE

Self-Storage Facility Operator's Sale for non-payment of storage charges pursuant to the power of sale contained in M.G.L., Chapter 105-A, Section 4, General Charges, and for the satisfaction of the Facility Operator's Lien. The following property will be sold at Public Auction at 1:00 P.M., Wednesday, June 15, 1994, on the premises of Central Square Moving & Storage Center, 844 Main Street, Cambridge, MA: All household furniture, trunks, books, tools, clothes, appliances, antiques, bric-a-brac, and miscellany held for the accounts of: **Lucille Holmes,** Rm. 364; **Rena Murrell,** Rm. 497; **Nancy Broughton,** Rm. 581. Sale per order of U-Haul Company of Boston, Inc. Tel. (617) 354-0500. Terms: Cash. Sale subject to cancellation. Wm. F. Moon & Co., Auctioneers, North Attleboro, MA 02760. Lic. #151.

(C)May26,June2
#39020

LEGAL NOTICE
JIM CLARK MOVING COMPANY
SELF-STORAGE FACILITY SALE

Self-Storage Facility Operator's Sale for non-payment of storage charges, uniform commercial code Section 6-A, Par. 7-210 enforcement of the warehouseman's lien. the following property will be sold at Public Auction at 9:00 A.M., Tuesday, June 21, 1994 on the premises of Jim Clark Moving Co., 1 Monsignor O'Brien Hwy., Cambridge, MA 02142. All Household furniture, trunks, books, tools, clothes, appliances, antiques, bric-a-brac miscellany held for the accounts of: **Structure Tone,** Lot #6; **France Prenelus,** Lot #5; **David Strohm,** c/o Greylock, Lot #7; **Kimberly Lange,** Lot #4; **Vicki Horne,** Lot #6; **Don Kilburn,** Lot #3; **Metriplex, V. Com/P.S. Stutman,** Lot #9; **George Jones,** Lot #2; **Philip Weinstein,** Lot #11; **Philip Cooper,** Lot #1; **Scott Ashley,** Lot #10; **Elizabeth Rice-Smith,** Lot #12; **Executive International Movers,** Lot #13. Sale per order of Jim CLark Moving Co. of Cambridge, MA. Tel. (617) 742-2233. Terms: Cash. Sale subject to cancellation. William F. Moon & Co., Auctioneer, North Attleboro, MA. State Lic. #151.

(C)May26,June2
#39201

CITY OF CAMBRIDGE
PURCHASING DEPARTMENT

Sealed bids will be received at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass., until 11:00 o'clock A.M. **THURSDAY, JUNE 16, 1994** at which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge:

COLLECTION SERVICES (D.H.S.P.) (1)
X-RAY TUBE (2)
PAINTING OF CROSSWALKS (3)
RUBBISH, TRASH REMOVAL SERVICES (CAMBRIDGE HOSPITAL) (4)
NEW HAGGERTY SCHOOL - SCHOOL FURNITURE & EQUIPMENT (FILE NO. 2899 (0)
REBID: COFFON BUILDING-SECOND FLOOR INTERIOR PAINTING (2895A (7))

The City of Cambridge reserves the right to waive any minor informalities or to reject any or all bids if it is in the City's best interest to do so.

Specifications may be obtained at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass.

Each bid must be in a sealed envelope plainly marked "Bid for 'Designate Item' " and addressed to Diane Wynshaw-Boris, Purchasing Agent, City Hall, Cambridge, Massachusetts.

Diane Wynshaw-Boris
Purchasing Agent

(C)June2
#39102

NOTICE OF MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Lenore H. Jackson** and **Leonard L. Jackson** to Grove Bank for Savings, dated January 5, 1988 and recorded with the Middlesex County (Southern District) Registry of Deeds at Book 18801, Page 137, of which mortgage Grove Bank f/k/a Grove Bank for Savings is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 1:00 p.m. on July 6, 1994, on the mortgaged premises located at **Unit 202, Charles Street Condominium, 200-212 Charles Street,** a/k/a 202 Charles Street, East Cambridge, Middlesex County, Massachusetts, all and singular the premises described in said mortgage,

TO WIT:

Condominium Unit No. 202 in The CHARLES STREET CONDOMINIUM, created by a Master Deed (the "Master Deed") dated December 21, 1987 and recorded with Middlesex South Registry of Deeds on December 21, 1987 in Book 18772, Page 238 in accordance with and subject to the provisions of Massachusetts General Laws Chapter 183A as amended (Chapter 183A"). The Unit is more particularly described in the Master Deed, is shown on the plans recorded simultaneously with the Master Deed, and is conveyed together with the Mortgagor's undivided interest in the common areas and facilities of the Condominium (the "common areas and facilities") as set forth in the Master Deed.

The Unit and such undivided interest in the common areas and facilities are conveyed with the benefit of and subject to the rights, easements, restrictions, covenants, agreements, obligations, conditions and other provisions referred to or set forth in the Master Deed, the provisions of the instrumnet establishing the unit owners' organization formed in accordance with Section 10 of Chapter 183A, (the "Condominium Trust"), the By-Laws contained therein and any rules and regulations promulgated pursuant thereto (hereinafter collectively called the "Condominium Documents"), insofar as the same are now in force and applicable. The Unit together with the foregoing undivided interest and appurtenant rights and the fixtures hereinafter mentioned ar sometimes herein referred to as the "mortgaged premises".

For mortgagors' title see deed recorded with Middlesex County (Southern District) Registry of Deeds in Book 18801, Page 133.

The unit is subject to and has the benefit of all rights, restrictions, easements, agreements, interests and provisions contained in the Master Deed, the Declaration of Trust and the Rules and regulations and By-Laws adopted thereto, as any of the same may be amended from time to time, as well as the provisions of Chapter 183A of the Massachusetts General Laws, as the same may be amended from time to time.

These premises will be sold and conveyed subject to and with the benefit of all rights, rights of way, restrictions, easements, covenants, liens or claims in the nature of liens; improvements, public assessments, any and all unpaid taxes, tax titles, tax liens, water and sewer liens and any other municipal assessments or liens, or existing encumbrances of record, which are in force and are applicable, created prior to the said mortgage which is being foreclosed whether or not reference to such restrictions, easements, improvements, liens or encumbrances is made in the deed.

TERMS OF SALE:

A deposit of Five Thousand ($5,000.00) Dollars by certified or bank check will be required to be paid by the purchaser at the time and place of sale. The balance is to be paid by certified or bank check at the Law Offices of Mark P. Harmon, 27 Needham Street, P.O. Box 388, Newton Highlands, Massachusetts 02161, within thirty (30) days from the date of sale. Deed will be provided to purchaser for recording upon receipt in full of the purchase price.

Other terms, if any, to be announced at the sale.

GROVE BANK F/K/A
GROVE BANK FOR SAVINGS
Present Holder of said mortgage
By its Attorneys
LAW OFFICES OF MARK P. HARMON
Joanne M. Zotto, Esquire
27 Needham Street
P.O. Box 388
Newton Highlands, MA 02161
(617) 244-7505

(C)June2,9,16
#39100

CAMBRIDGE HOUSING AUTHORITY (CHA)
NOTICE OF FAMILY PUBLIC HOUSING WATING LIST CLOSING

The Cambridge Housing Authority (CHA), 270 Green Street, Cambridge, Massachusetts is no longer accepting applications for conventional state and federally aided family public housing effective June 1, 1994. This closing was made necessary due to the exceptionally long waiting list for family public housing. Applications for state and federally aided elderly/disabled housing and Single Room Occupancy (SRO) housing will still be accepted.

The CHA will continually review the status of our family housing waiting lists and will reopen our lists when we are able to meet the needs of additional applicants

Equal Housing Opportunity

(C)June.2
#39117

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division DOCKET NO.94P1878E
Estate of **James F. Morris**
late of **Cambridge**
in the County of Middlesex
Died on March 27, 1994
NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that **Susan M. Smith of Weymouth** in the county of Norfolk be appointed executrix without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on June 27, 1994.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the nineteenth day of May in the year of our Lord one thousand nine hundred and ninety four.

Donna M.Lambert
Register of Probate

(C)June.2
#39110

CAMBRIDGE SAVINGS BANK
1374 Massachusetts Avenue
Cambridge, Massachusetts

A **Special Meeting** of the Corporators of the Cambridge Savings Bank will be held at the Cambridge Savings Bank, 1374 Massachusetts Avenue, Cambridge, on Wednesday, June 15, 1994 at Five O'Clock p.m. for the election of six new Corporators and other business as may be legally presented.

Francis W.K. Smith
Clerk

(C)June2
#39095

LEGAL NOTICE

REQUEST FOR PROPOSALS. Employment Resources, Inc., the Metro North Service Delivery Area (SDA) providing employment and training services, has approximately $500,000+ available in federal Job Training Partnership Act (JTPA) Economic Dislocation Workers' Adjustment Assistance Act (EDWAA) funding for education and occupational skills training programs for Fiscal Year 1995 (07/01/94 - 06/30/95). ERI is seeking proposals from interested parties to provide training and/or educational services to dislocated residents of the following cities and towns: Arlington, Belmont, Burlington, Cambridge, Chelsea, Everett, Malden, Medford, Melrose, North Reading, Reading, Revere, Somerville, Stoneham, Wakefield, Watertown, Wilmington, Winchester, Winthrop, and Woburn. Two Requests for proposals will be issued: Occupational Skills Training (Health, Technical, Medical Clerical, and Clerical), and Education. Private non-profit or nonprofit firms, public organizations, women- and minority-owned businesses are encouraged to apply. Deadline for submission of proposals is July 5, 1994 at ERI. Proposal submission requires one original and ten copies. Specification packages will be available on or after June 6, 1994 and may be obtained by at ERI or by calling Amy Weatherbee Bragan at (617) 494-1154. For more information, contact Amy Weatherbee Bragan at (617) 494-1154 or c/o ERI, 432 Columbia Street, Cambridge, MA 02141. A Bidder's Conference will be held at ERI on June 6, 1994, 2:00 - 4:00 p.m. New England Relay Service for TDD Users: 1-800-439-2370 (V/TTY). ERI is an equal opportunity employer.

(C)June2
#39079

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
Middlesex Division Docket No. 94P1301GM
NOTICE OF
GUARDIANSHIP - MINOR -
WITHOUT SURETIES
NOTICE

To all persons interested in **Shaquila Anderson** of Cambridge in said County Middlesex, a minor.

A petition has been presented in the above-captioned matter praying that Renee Green of Cambridge in the county of Middlesex be appointed guardian of said minor with custody without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before June 13, 1994.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twenty ninth day of April, in the year of our Lord one thousand nine hundred and ninety four.

Donna M. Lambert
Register of Probate

(C)June2
#39099

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL ADMINISTRATION WITH THE WILL ANNEXED WITHOUT SURETIES
Middleeex Division Docket No. 94P2372E
Estate of **Georgia Chochrek**
died November 27, 1992
late of **Cambridge**
in the County of Middlesex
NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Joanne L. Laidley of Cambridge in the County of Middlesex be appointed administratrix with the will annexed of said estate without surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on June 22, 1994.

In addition you must file a written affidavit of objections to the petition stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the nineteenth day of May in the year of our Lord one thousand nine hundred and ninety four.

Donna M. Lambert
Register of Probate

(C)June2
#39084

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division Docket No. 94P1830E
Estate of **Christine F. Casserly**
also known as **Christine Frances Casserly**
Died on March 20, 1994
late of **Somerville**
in the County of Middlesex
NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that John J. Casserly of Boston in the County of Suffolk be appointed executor without giving surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on June 20, 1994.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the nineteenth day of May in the year of our Lord one thousand nine hundred and ninety four.

Donna M. Lambert
Register of Probate

(C)June2
#39088

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division Docket No. 94P2192E
Estate of **Hazel Rourke**
Died on April 3, 1994
late of **Cambridge**
in the County of Middlesex
NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Justin P. Rourke of Cambridge in the County of Middlesex be appointed executor without giving surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on June 13, 1994.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twenty fourth day of May in the year of our Lord one thousand nine hundred and ninety four.

Donna M. Lambert
Register of Probate

(C)June2
#39086

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division Docket No. 94P1744E
Estate of **Joseph C. Hawthorne**
also known as **Joseph Campbell Hawthorne**
Died on March 20, 1994
late of **Cambridge**
in the County of Middlesex
NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Hazel R. Hawthorne of Cambridge and John L. Worden III of Arlington both in the County of Middlesex be appointed executors without giving surety on their bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on June 23, 1994.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twenty third day of May in the year of our Lord one thousand nine hundred and ninety four.

Donna M. Lambert
Register of Probate

(C)June2
#39075

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division Docket No. 94P1659E
Estate of **Louis F. Champoux**
Died on March 21, 1994
late of **Cambridge**
in the County of Middlesex
NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Caroline L. O'Connor of Winchester in the County of Middlesex be appointed executrix without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on June 13, 1994.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twenty fourth day of May in the year of our Lord one thousand nine hundred and ninety four.

Donna M. Lambert
Register of Probate

(C)June2
#39085

COMMONWEALTH OF MASSACHUSETTS
Middlesex ss. Probate Court No. 94D1637D1
Summons by Publication
Abdellah Goulma Plaintiff
vs.
Sabrina Marie Miller Defendant

To the above-named Defendant:

A complaint has been presented to this Court by your spouse, Abdellah Goulma, seeking Divorce

You are required to serve upon Mario Bozza, Esq., plaintiff's attorney, whose address is 63 Commercial Wharf, Boston, MA 02110 your answer on or before July 11, 1994. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.

Witness, SHEILA E. McGOVERN, Esq., First Judge of said Court at Cambridge.
5-14-1994

Donna M. Lambert
Register of Probate

(C)June2,9,16
#39034

MASSHIGHWAY

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS HIGHWAY DEPARTMENT
NOTICE OF A PUBLIC HEARING

A Design Public Hearing will be held by the Massachusetts Highway Department to discuss the **proposed pavement and safety improvements to Massachusetts Avenue** from **Memorial Drive to Lafayette Square** in the City of Cambridge.

WHERE: Central Square Library
45 Pearl Street
Cambridge, MA

WHEN: Tuesday, June 21, 1994 at 7:00 P.M.

PURPOSE: The purpose of this hearing is to provide the public with the opportunity to become fully acquainted with the proposed Traffic and Roadway Improvement Project. All views and comments made at the hearing will be reviewed and considered to the maximum extent possible.

PROPOSAL: In general, the project will provide traffic and roadway improvements to upgrade traffic flow and safety. Roadway improvements are proposed to upgrade roadway pavement, lane continuity, sidewalks and bicycle/pedestrian safety. The work will include minor roadway realignment at Lafayette Square and pavement rehabilitation. The work will also include bicycle lanes, new street lighting, drainage system improvements, traffic signals and pavement markings.

The rehabilitated roadway will provide four (4) travel lanes, two in each direction, a parking lane and a four (4) foot wide bicycle lane on the easterly side and a bicycle lane on the westerly side. The new roadway section will replace the existing roadway section that is in poor condition. Drainage system improvements and new sidewalks will be incorporated where required.

Land acquisitions will be required for the purposes of widening and geometric improvements. Temporary construction easements will be required throughout the project area. The Department's policy regarding land acquisitions will be discussed at the hearing.

An Environmental Notification Form will be filed with the Office of Environmental Affairs in accordance with Massachusetts Environmental Protection Agency regulations. This project will not impact 4F lands.

Written views received by the Department subsequent to the date of this notice and up to five (5) days prior to the date of the hearing shall be displayed for public inspection and copying at the time and date listed above.

Written statements and other exhibits in place of, or in addition to, oral statements made at the Public Hearing regarding the proposed undertaking are to be submitted to Ross B. Dindio, P.E., Chief Engineer, Massachusetts Highway Department, Ten Park Plaza, Boston, MA 02116. Such submissions will also be accepted at the hearing. The final day of receipt of these statements and exhibits will be ten (10) days after this Public Hearing.

Laurinda T. Bedingfield, Commissioner
Ross B. Dindio, P.E., Chief Engineer
Boston, Massachusetts

(C)June2,9
#39049

PUBLIC NOTICE
RELATIVE TO ZONING
CITY OF CAMBRIDGE
MASSACHUSETTS
OFFICE OF THE CITY CLERK

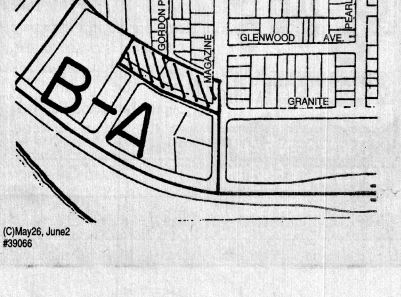
Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on Thursday, June 16, 1994 at 6:00 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on the petition of Patrick C. Toomey on behalf of Charles A. Richards, Trustee of Memorial Realty Trust, to amend the Zoning Map of the City of Cambridge.

This petition would rezone the two lots numbered 67 and 78 on Assessor's Plat numbered 100, and a section of Riverside Road, from Residence C to Business A, as shown on the accompanying map. The rezoning would allow the area to be used for those uses other than residential; and would increase the Floor Area Ration to 1.0 for nonresidential uses and 1.75 for residential uses.

Copies of this petition are on file in 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 William H. Walsh
Chair

RICHARDS PETITION - AREA PROPOSED TO BE REZONED FROM RESIDENCE C TO BUSINESS A. (5/94)



(C)May26, June2
#39066

Forum explores reform, Drug Czar just says 'no'

POLICY, from page 1

Brown, a former New York City police commissioner whose official title is director of the White House Office of National Drug Policy, once worked as an undercover narcotics cop and said he has "seen first-hand the misery and despair" caused by drugs. Issues like legalization and decriminalization, he said, simply are not worth exploring.

But some disagree.

JUDGE JAMES P. Gray of Orange County, California, said he was "invigorated" that Brown attended the forum, but disappointed "that we were not able to engage in the dialogue with Mr. Brown," who met briefly with reporters after delivering his speech, but did not field questions as many had hoped.

Gray said drug prohibition drives prices so high that "sellers of drugs are role models" and young people receive the destructive message that "you can probably do nothing in your life that will bring you more money than the selling of drugs."

The nation should be looking for ways to fix a system whose failure leads to violence in the streets and prisons jammed with users and small-time dealers, according to Gray. But instead or recognizing that no amount of enforcement can stem humans' desire for substances, Gray said our leaders seem intent on simply "issuing a decree to repeal the law of supply and demand."

Like many others at the conference, he emphasized that "just because we discuss our options does not mean that we condone drug abuse... I certainly believe that heroin, cocaine and marijuana are dangerous drugs. I don't take them and I never will."

Gray said violent crime dropped 65 percent in the year after prohibition was repealed in 1933, and predicted the same will happen in America, if and when we "come to our senses."

The prohibition analogy permeated the forum dialogue during speeches and during an afternoon "round-table" discussion.

> ***"I felt about a half an hour or so ago that I was hallucinating. Was there actually a congressman up here, talking, and making sense?"***
> **Ethan Nadelman, Princeton**

MICHAEL MORIARTY, who resigned from his role as a prosecutor on the NBC drama "Law and Order" to protest television censorship, stood up in the crowd and said, "We are indeed repeating history," this time with "another form of prohibition."

"To be analogous I presume we're for repeal," responded Rep. Frank (D-Mass.), who impressed reform-minded participants with his stance.

Frank said he believes "throwing people in jail for personal use" is a mistake. He suggested the nation must "come up with a scheme that takes the criminal element out of drugs," allows people the right to make their own choices, and protects young people and other populations most vulnerable to the dangers of drug use.

"Make it legal but make it hard to get ... I think we should look at that," Frank mused during remarks that preceded a panel discussion. "I think interdiction is a grave error and we ought to be focusing on treatment."

Ethan Nadelman, a Princeton PhD who specializes in the issue, amused the 100 or so people listening to the afternoon session by opening his remarks with a gentle jab at Congress.

"I felt about a half an hour or so ago that I was hallucinating," he said. "Was there actually a congressman up here, talking, and making sense?"

Nadelman argued that prohibition is based on the premise that "adult citizens do not have the capacity to act in their own interest" and need a government "Big Brother" to protect them from drugs.

"Drug users," he reminded, "are citizens in most cases and human beings in all."

THE ACTOR Moriarty, an Emmy and Tony winner who recently has crusaded against censorship and for personal freedoms, delivered a from-the-hip talk that blasted Attorney General Janet Reno for blaming drug-related violence on television.

Moriarty described a meeting he attended with Reno and a group of television network executives, during which the AG was "abusive" and "arrogant in her display of power," scolding the TV execs for perpetuating violence.

But Moriarty believes the nation's "War on Drugs," not television, deserves the blame and that Washington is simply looking for "scapegoats," in Hollywood and elsewhere.

"How dare the attorney general blame television for violence in the streets created by a heartlessly prosecuted drug war," said Moriarty, who called his talk "Fear of Freedom."

He noted that a NY Times editorial suggested that "legalizing drugs would let the genie out of the bottle," then wondered what makes the Times to think the genie isn't already out and wreaking havoc.

Moriarty, who said he has been described as"disgruntled, noisy, flaky, hysteric" and, his favorite, "a firebrand," noted that, like many Americans, "I'm personally addicted to caffeine, another substance from Colombia."

OTHERS WHO SPOKE included Jeff Lawrence, a student at North Adams State College, who introduced himself as a member of the "youth of America."

"I've been jailed for using drugs," said Lawrence, who added that it's clear to him that the current policy is failing, but that "some people still want to go down with Capt. [Lee] Brown on a sinking ship."

The Rev. Richard Dalton, executive director of the US Urban Ministries Alliance, does not support legalization.

"Why legalization?" asked the Rev. Dalton, who argued that legalization would only create a society of "zombies" looking for the next high.

He made people laugh with his hypothetical advertisements that might appear if drugs were legalized.

"Aren't you tired of being up all the time? C'mon down ... to opium." Or, "PCP — You deserve a break today."

The church has a role in combating the drug problem through "love and compassion," he said.

In the bigger picture, said Dalton, "The US has failed at developing a domestic policy that addresses the social and economic decay" in the inner-city.

CIVIL LIBERTIES Union of Massachusetts Director John Roberts closed the day by speaking of "the enormous cost to liberty that the war on drugs has wrought." Many victims have been "caught in the crossfire" of the drug war, he said, and personal liberty is one.

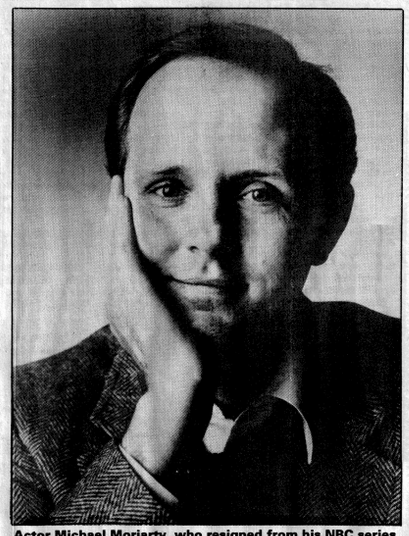
Roberts noted that representatives of the Drug Enforcement Administration were invited to take part, but were "too busy."

"Oh, they were here," said a man in the back, suggesting that the DEA was probably keeping a watchful eye on the forum.

Conference director Michael Weddle, a Putnam Avenue resident and former New Hampshire state representative, said he made a special effort to make sure both sides of the debate were representative.

He related that he even told Drug Czar Brown a joke about "a pothead, an alcoholic and an acid freak" during an aside; he did not mention Brown's reaction.

Cambridge Police Officer Frank Pasquarello, who opposes legalization, took part in a panel discussion with, among others, a Little Rock, Arkansas, police captain who favors legalization.



Actor Michael Moriarty, who resigned from his NBC series "Law and Order" in a protest over censorship, offered outspoken views about the nation's war on drugs during a day-long conference held Saturday at Harvard Law School.

> ***"How dare the attorney general blame television for violence in the streets created by a heartlessly prosecuted drug war."***
> **Michael Moriarty, actor-activist**

"I thought it was pretty interesting to get ideas from all over the country," said Pasquarello, who believes people everywhere are "frustrated" with drugs and violence. He said the nation should take "a very strong look" at its current policies.

THOSE WHO DID NOT speak at the forum included two key figures — Surgeon General Jocelyn Elders and Colombian Prosecutor General Gustavo de Greiff.

Conference organizers, including Laura Murphy Lee, director of the American Civil Liberties Union in Washington DC, suggested that the Clinton administration is deliberately suppressing debate on the issue.

As evidence, Lee and others noted that Surgeon General Elders, who several months ago embarrassed the administration by stating publicly that legalization is at least worth exploring, had initially agreed to serve as the forum's keynote speaker, then mysteriously withdrew.

And de Greiff, who helped bring down Pablo Escobar's infamous Medellin drug cartel, but who has suggested that some form of legalization may be needed to combat the explosion of drug-related violence, also withdrew.

The Colombian official sent a letter blaming his absence on "false" accusations against him by the Department of Justice and Sen. John Kerry, and "fear" that de his views on legalization would prompt "retaliations" against his country.

Trial set for man charged with killing wife

A trial date has been set for the North Cambridge man charged with beating his wife to death in September.

Dennis Whalen, 54, of Elm Street is scheduled for trial Aug. 15 in Middlesex Superior Court on charges he murdered his wife by hitting her with a hammer more than a dozen times on Sept. 25, 1993.

The former railroad worker told police he found her lying in a pool of blood in the living room of their home.

He was jailed on $100,000 cash bail or $1 million surety and is being held in Cambridge Jail in East Cambridge on the single charge of murder.

At the time, defense attorney John Mee of Boston told the court that Whalen had for years been depressed and abusing alcohol as a result the accidental death of a daughter three years earlier. He said Whalen was willing to check into a psychiatric program.

Except for a few years, the Whalens had lived for about 25 years on the street that borders Somerville.

They had another daughter, Lori, who lived in Wakefield at the time of her mother's murder.

HOME HANDYMAN
Ed Ver Planck

Adequate lighting can prevent a lot of home accidents...There should be at least one light in every room that can be turned on by a switch by the door...This will eliminate the risk of moving about in a dark room trying to find the lamp switch .... Every flight of stairs should be well lighted, and the light should have a three-way switch so it can be turned on from the top or bottom of the stairs... Fluorescent paints can be very helpful when it's not practical to provide all the light you need or call attention to a particular hazard.

We are a new phone center at **DICKSON BROS.** Tel. **876-8768. Open 8:30-6 pm; Sat. 8:30-5:30 pm.** Major credit cards honored. Custom paint colors, lumber, gift items and much more. We will custom cut shades for you at **DICKSON BROS...TRUE VALUE HARDWARE.** 26 Brattle Street, Cambridge. *YES, WE DELIVER.*

LEGAL NOTICES

...continued from previous page

LEGAL NOTICE
U-HAUL COMPANY
SELF-STORAGE FACILITY SALE

Self-Storage Facility Operator's Sale for non-payment of storage charges pursuant to the power of sale contained in M.G.L., Chapter 105-A, Section 4, General Charges, and for the satisfaction of the Facility Operator's Lien. The following property will be sold at Public Auction at 1:00 P.M., Wednesday, June 15, 1994, on the premises of Central Square Moving & Storage Center, 844 Main Street, Cambridge, MA: All household furniture, trunks, books, tools, clothes, appliances, antiques, bric-a-brac, and miscellany held for the accounts of: **Luellie Holmes,** Rm. 364; **Rena Murrell,** Rm. 467; **Nancy Broughton,** Rm. 581. Sale per order of U-Haul Company of Boston, Inc. Tel. (617) 354-0500. Terms: Cash. Sale subject to cancellation. Wm. F. Moon & Co., Auctioneers, North Attleboro, MA 02760. Lic. #151.
(C)May26,June2
#39020

LEGAL NOTICE
JIM CLARK MOVING COMPANY
SELF-STORAGE FACILITY SALE

Self-Storage Facility Operator's Sale for non-payment of storage charges, uniform commercial code Section 6-A, Par. 7-210 enforcement of the warehouseman's lien. the following property will be sold at Public Auction at 9:00 A.M., Tuesday, June 21, 1994 on the premises of Jim Clark Moving Co., 1 Monsignor O'Brian Hwy., Cambridge, MA 02142. All Household furniture, trunks, books, tools, clothes, appliances, antiques, bric-a-brac miscellany held for the accounts of: **Structure Tone,** Lot #6; **France Prenelus,** Lot #5; **David Strohm,** c/o Greylock, Lot #7; **Kimberly Lange,** Lot #4; **Vicki Horne,** Lot #8; **Don Kilburn,** Lot #3; **Metriplex, V. Com/P.S. Stutman,** Lot #9; **George Jones,** Lot #2; **Philip Weinstein,** Lot #11; **Philip Cooper,** Lot #1; **Scott Ashley,** Lot #10; **Elizabeth Rice-Smith,** Lot #12; **Executive International Movers,** Lot #13. Sale per order of Jim Clark Moving Co. of Cambridge, MA. Tel. (617) 742-2233. Terms: Cash. Sale subject to cancellation. William F. Moon & Co., Auctioneer, North Attleboro, MA. State Lic. #151.
(C)May26,June2
#39201

LEGAL NOTICE

TO: **Rafeal Rutz**
44-A San Juan Street
Boston, MA. 02118

B&B Towing 41 Mooney Street Cambridge, MA. 02138 has had in its possession a **1983 BMW 320i sedan** last registered to you in 1993 vin #WBAAG4300D8074588.

This vehicle has not been claimed after due notice. This vehicle will be sold at private sale at B&B Towing 41 Mooney Street Cambridge, MA 02138 on May 27, 1994.

Michael Sorrentino
Owner & Officer
B&B Towing

(C)May12,19,26
#33336

N 44 O 68 BINGO & KENO BANNER

★ KENO ★
at Union Market Station Restaurant,
17 Nichols Ave., Watertown
DINNER BUFFET
Monday & Tuesday evenings, 5 PM - 9 PM
All You Can Eat
$7.99
Over 30 items • Changes Daily
GAMES EVERY 5 MINUTES FROM 12PM -11PM DAILY, ENJOY OUR LUNCHEON AND DINNER SPECIALS WHILE PLAYING THE EXCITING GAME OF KENO

St. Polycarps BINGO
Saturday Night
PROGRESSIVE BONUS 300
DOORS OPEN at 5:00 PM
GAMES START AT 6:45 PM
16 Butler Drive, Somerville 623-9561

Wednesday Night Bingo
Sacred Heart of Jesus Parish
47 Sixth Street Cambridge, MA 02141
DOORS OPEN 5 PM
GAMES BEGIN 6:45 PM

"Advertising in the *Bingo & Keno Banner* worked great for us. We saw a lot of new faces and people would tell us they saw our ad in the paper. Our game is closed for the summer, but when we start up again in September, we'll be back in the *Bingo & Keno Banner.*"
Allen Gallagher
Watertown Boys & Girls Club

St. Clement's BINGO
Thursday Nights!
Monthly Drawing $100 Bonus 300
Doors open 5pm games start 7pm
St. Clements Rd. Som./Med. line (behind church)
623-9197

ACEC

wednesday night BINGO
47 Nichols Avenue Watertown, MA
• First WTA at 7:00 p.m.
• Doors Open at 5:30 p.m.
• 2 WTA's
• Non-Smoking Room
• Low, Low Admission Price
• Free Coffee and Doughnuts
• Air Conditioned, Parking Lot
• Gourmet Snack Bar
• $200 in Door Prizes Every Week.
*Paper Strips or Hard Cards
• Largest selection of Bingo Supplies in the area.
• Raffles every week!
Big Prizes Twice a Year
• Handicap Accessible
Call 926-6067 for more info.

Joey & Maria's COMEDY WEDDING
The Original
The Godfather Don Ziti cordially invites you to attend the WEDDING OF JOEY & MARIA
2nd SMASH YEAR!
Sundays 6pm
Dinner & Show $35.00
All Inclusive
"Brilliant Comedy"
Dinner Theater
Pat Whitley, WHDH/RKO
"A Night of Fun"
Sara Edwards, Channel 7
RSVP 687-2442
Grill 93
The Wake of Matty O'Malley
Comedy Irish Wake Sun. June 12,19 & July 17 6pm $35.00 all inc Dinner & Show
****LIVE IRISH BAND****

To advertise in this weekly directory, call 1-800-924-5141 x2256

Rent control foes hail two recent court decisions

BY AMY MILLER
Chronicle Staff

While the state's highest court considers a referendum question that would eliminate rent control, landlords are heralding two recent court decisions that boost their cause.

In one case, the court agreed that some 75 to 100 landlords who rent to tenants receiving state subsidies are not subject to rent control limits.

The city has appealed the ruling, saying it neither fits the law nor helps tenants who had more protection under the state's earlier subsidy program than a voucher program begun in late 1992.

"We don't feel the way the [state] program is administered constitutes rent regulation; it doesn't provide the protection for tenants of the former program," said Terrence Morris, director of the Cambridge Rent Board.

Landlords David and Eric Yogel sued the city and two tenants after the rent board ruled that the landlords renting under the state's new Massachusetts Rental Voucher Program (MRVP) program should not be exempt from rent laws as was the case under Chapter 707 laws.

For landlords, this meant reductions of several hundred dollars in the rents they could ask. Not only that, landlords say, the city's interpretation would deter landlords from renting to lower-income residents. In the past, landlords with rent control units signed up for state and federal subsidy programs because they could then charge more in rent than city rent control limits allowed. Without that, the incentive to join the program would be gone and at least some landlords would be apt to choose wealthier tenants over low-income tenants.

Regardless of the ramifications, Judge H. Zobel in Middlesex Superior Court on April 8 agreed with the Yogels and said rent control law exempts landlords renting to MRVP tenants. The law says "units for which a governmental unit, agency or authority ... regulates the rents" are exempt.

The city rent board and Yogel's tenants, Christine Berrouet of Broadway and Marie Valmont of Prospect Street, argued that because tenants now must negotiate rents with their landlords, the units should not be considered government regulated. Under the old 707 program, the Cambridge Housing Authority, which administers most of these units in Cambridge, negotiated maximums rents with the state. Tenants had to pay 30 percent of their income. Tenants now get a set amount from the state, regardless of the rent they negotiate.

The housing authority, originally named as a party in the suit, has come out agreeing with landlords at least on one point: that low income tenants are forced out of town by the city's interpretation.

"A loss of exemption for units covered by those programs undermines the ability of the city to sustain its low-income population within its boundaries," said CHA Director Dan Wuenschel in an April 27 letter to Florrie Darwin, chair of the rent board. The exemption "provided a very important incentive to landlord participation in the program and result in their willingness to house low-income and disabled persons of low income," he said.

Wuenschel said that operating rent control along with the voucher programs made it "virtually impossible for low-income tenants to find units to rent in Cambridge" and led to "a steady exodus of tenants."

But rent board attorney Vali Buland notes that 64 of the 77 tenants receiving vouchers and living in CHA units will see rent increases averaging $105 under the current ruling. It will leave low-income poor people paying more for rent than their professional neighbors in rent controlled apartments.

Recognizing that questions about the effects of either interpretation on low-income tenants, Buland said the city is ready to look for creative solutions that better serve all the parties involved.

Attorney Anita Cohen, who argued for the Yogels, said dozens of landlords will be thrilled with the ruling. She held a mini-press conference to discuss this case, as well as another recent ruling that landlords consider a victory.

In the case of Soto v. the Cambridge Rent Board, the US Appeals Court backed a lower court interpretation of an old city law in favor of a landlord. The landlords, Pepita Soto and James Headley, claimed they had three units in their owner-occupied house, rather than four. With three, they could exempt the units from rent control.

Landlords claim this February ruling in favor of Soto and Headley of 86 Henry St. may benefit many of the 52 other landlords caught in the law that lasted for only 11 days after it was passed Dec. 26, 1989.

But city officials say the ruling was made in a way that gave it very limited influence.

"Soto has no impact," said Morris of the Rent Board. "The Appeals Court ... didn't issue an opinion published for any precedental value, but limited the opinion to the specific facts of that case."

In essence, the Appeals Court backed an interpretation of ordinance 1093 that had already been handed down by the Middlesex Superior Court on the Soto case. However, the lower court has ruled in another case in favor of the rent board's interpretation of the law, passed in late 1989 as Mayor Al Vellucci left office.

The ordinance, known to some as a 1093, ideally would clear up years of confusion over how many units were in various rent control buildings in Cambridge. Many landlords who had created extra units without zoning permits reduced the number of units they held after rent control laws were written. Under rent control, landlords who live in their own buildings are exempt from the regulation if the building has three or few units.

The case arose over two different ways of reading the law, which said that "the legal number of units in the property shall be the largest number of units which does not exceed ... the zoning code, the state building code and the current rent control records."

The court backed Soto and Headley and said this meant the maximum number that existed in physical reality in August 1988. The city argued that the law referred to the maximum listed on the rent control records at that date.

Soto's building, originally a three-unit, was converted to a four-unit in the early 1960s when the owner partitioned the first floor. No zoning permission was granted. Soto and Headley bought the property in 1986, already registered as a four-family with the rent control board. In 1987, they removed the partition but sought no removal permit.

While landlords celebrate these small victories they are watching what could be a much more far-reaching matter.

The state Supreme Court is due to decide any day now whether an anti-rent control referendum question will be allowed on the state ballot in November. Tenant activists and the city claim the petition violates state law by letting voters statewide address an issue of local concern.

> ***"We don't feel the way the [state] program is administered constitutes rent regulation; it doesn't provide the protection for tenants of the former program."***
> **Terrence Morris**

ADVERTISEMENT

Romantic European Tour

Munich, Lively City in the Heart of Bavaria

This is one in a series of articles about the cities and places to be visited on the 10-day tour - "Romantic Europe" being offered by The Community Newspaper Company and Lufthansa German Airlines.

Capital of Bavaria and third largest city in the Federal Republic of Germany, Munich was founded by monks in 1158. In 1180 the Duchy of Bavaria passed to the Wittelsbachs. Through territorial division, Munich became their residence in 1225 and remained closely connected with the fate of this art-loving ruling family up to 1918.

The Wittelsbach Dynasty ruled Bavaria for more than 800 years, leaving its mark on the land, its art and culture. They provided the start for the city's most important collections, appointed renowned musicians, supported the fine arts and promoted the city's building activity.

The artistic sense of King Ludwig I had the greatest influence on the image of the city. His motto was "I want to make out of Munich, a city that is such an honor to Germany, that no one will know Germany until he has seen Munich."

A versatile and vital town, Munich absorbs the present into the fabric of its past. Glass walled palaces and churches, handsome shopping boulevards lead into the dignified main thoroughfare of Ludwigstrasse, where the spacious English Garden offers a splendid wooded city oasis.

Munich's main landmark is the Frauenkirche, Church of Our Blessed Lady, has two impressive 99 meter high towers crowned with so called "Italian caps," after the fashion of Italian Renaissance cupolas. The late Gothic cathedral, which is the largest building of the medieval city, was the work of the citizens - an expression of their self-confidence and pride.

Each day, shortly before 11 o'clock, residents and visitors alike, take up positions in front of the Rathaus (City Hall). Here at the center of the Marienplatz, everyone wants to see and hear the glockenspiel at 11 o'clock sharp.



Thirty two almost life-size figures on two levels represent a knightly jousting tournament and the dance of the Schaeffler (a group of medieval folk dancers) - here, as before, courtly and middle-class life combine.

Situated on the edge of the city is Nymphenburg Palace whose grounds were the site of the 1972 Olympic Dressage competition. A gift from King Ferdinand to his wife, a former royal summer residence is today the elegant setting for frequent candle-light concerts.

The Residenz, a few blocks from the Marienplatz, was the palace of Bavarian Rulers from 1384 to 1918. Its most attractive feature is the Civillies Theater; a white and gold rococo gem where Mozart directed the first performance of "Idomaneo" in 1781.

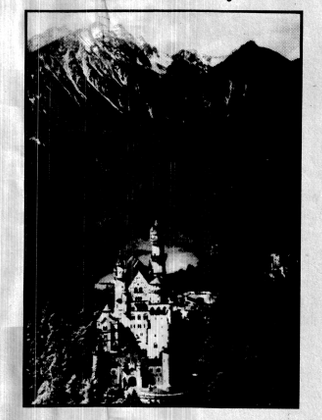
The city is a most fascinating blend of business, history and fun, a unique synthesis of cosmopolitan sophistication and traditional old-time Bavarian charm.

Munich is a sparkling, friendly city that welcomes guests with an inimitable brand of hospitality and zest for living.

For further information regarding the "Romantic Europe" Tour please contact your travel agent or call the Romantic Tour Hotline at (703) 644-3179 or 1-800-523-6767.

Join Us on a Tour of Romantic Europe!

Munich • Rothenburg • Berchtesgaden • Oberammergau
Neuschwanstein Castle • Salzburg • Innsbruck
10 Days You'll Never Forget...



only $1985*
* per person, double occupancy plus $35 Govt Taxes

Tour Departs October 5, 1994

Tour Features:
- Round-trip airfare on Lufthansa from Boston
- Superior first class hotel accommodations
- Touring and airport/hotel transfers by private deluxe motorcoach
- Services of a multi-lingual tour manager
- Buffet breakfast each and every day
- Special dinners including hearty Bavarian dinner in Munich with live entertainment and beer.
- Guided city sightseeing in Munich, Rothenburg, Innsbruck and Salzburg.
- Visit famous Neuschwanstein Castle
- Pre-registration at hotels
- Baggage handling, including tips, taxes and service charges.

WIN A FREE TRIP FOR TWO!
Sponsored By:
Lufthansa
COMMUNITY NEWSPAPER COMPANY

ONE ENTRY PER FAMILY

❑ Please enter me in the contest. ❑ Send me a free brochure.

(Mr.) (Mrs.) (Ms.) _____
First Last
Address _____
City _____ State _____ Zip _____
Phone _____

Mail to: Lufthansa's Romantic Europe. P.O. Box 2282 Springfield, VA 22152-0282

No purchase necessary. One entry per family. Mailed entries must be received by noon Monday August 15, 1994. Send completed entry coupon to Lufthansa's Romantic Europe, P.O. Box 2282, Springfield, VA 22152-0282. Entries become the property of Community Newspaper Company, Lufthansa German Airlines and Romantic Tours. One winner will be drawn at random from all entries received by mail. Prize award contingent upon operation of the specified tour program departing Boston on October 5, 1994. Chances of winning are determined by the number of entries received. Must be 18 years of age to enter. Winners and guests free the above-mentioned, their affiliates, and travel sponsors from any and all liability whatsoever and may be asked to sign waivers so stating. The winner will be required to provide his social security number for tax purposes. The winner gives permission to publish his name, town, and likeness with regard to the outcome of this drawing. Prize may not be exchanged for cash. Employees and their immediate families not eligible. Newspapers available for review at no charge at our offices.

ADVERTISEMENT

High school's West Indian club hears Jamaican prime minister

Students in the West Indian club at Cambridge Rindge and Latin recently went to a lecture given by the prime minister of Jamaica at the Science Center at Harvard.

The group of students, led by club advisor and language arts teacher Nadine Nelson, heard the Honorable P.J. Patterson talk about "The Emergent Caribbean and its Role in the Hemisphere."

He spoke about the economics of the Caribbean, with many islands in debt, said Nelson. The prime minister is doing a tour of the US in an attempt to appeal to the 2.5 million Jamaicans living in this country, which is as many as live in Jamaica, said Nelson, whose parents are Jamaican.



CRLS senior Andrea Harvey of Jamaica shares a moment with Jamaican Prime Minister P.J. Patterson during his recent visit. Harvey played the Jamaican National Anthem on the viola.

Senior Andrea Harvey of Jamaica, a student in House A of the CRLS Leadership House, played the Jamaican National Anthem on the viola.

The Abeng West Indian Club, named after a kind of conch shell, was formed as an official club at CRLS in the fall.

The club produces a newsletter and includes students from Jamaica, Haiti, Trinidad, Barbados, Dominican Republic and other Caribbean nations.

Teacher Tom Conward and Betty Clinton helped organize the group and are still working with it.

Sashae Skeete, a senior from Barbados, is president of the club. Lisa Roberts, a junior who is also from Barbados, is vice president. Glenton Smith of Jamaica, a senior, is the treasurer.

A recent newsletter included an interview with Clarence Gaynor, assistance house administrator in House A, by junior Sandra Evee of the US Virgin Islands, whose father was from Jamaica and mother was from Barbados.

The club, which has about 50 members and meets twice a month, hopes to hold a Caribbean Week in June for the high school, with members of the community invited.

SPORTS

Volleyball team nets comeback

BY JONATHAN R. SEGAL
Chronicle Sports

The capacity to come back from a deficit and streak to victory has eluded the young Cambridge Rindge & Latin boys volleyball team all season. That is, until now.

On Monday the Falcons finally showed that revival was not a foreign concept to them, as the team overcame a first-game loss against North Quincy to take the next two games and the match.

With the victory, the tournament-bound Falcons raised their record to 12-7. More importantly, the team proved to head coach Linda Town that it could be resilient.

"Too many of our losses the team has just gotten down on itself and lived off its past mistakes," Town said. "Today they blocked it out and came through."

After losing the first game and trailing 8-2 in the second, the Falcons mounted a surge, the likes of which has not been seen around the War Memorial Gym in quite some time. Cambridge went on to win the second game 15-12 and the third 15-13 to secure the victory.

"Hopefully we're peaking at the right time," said Town, who offered particular praise for the play of senior middle hitter Aristides Silva. The team has one match remaining, today at Don Bosco.

After jumping out to a 7-2 record, the Falcons struggled throughout the second half of the season, going 5-5 and losing to teams they should have defeated. This propensity for letdown was no more evident than a loss to Latin Academy, a team "we clearly should have beaten," said Town.

But Town writes off her team's recent travails to inexperience. "They're only young players so this is going to happen," she said. "Still, they have to learn that no one expects perfection from them, that they have to move forward and forget their errors."

The state tournament seedings will take place June 1, so the Falcons must wait another week to see who they'll play in the first round. Town predicts her team will draw a low seed, forcing the Falcons to face a strong foe in the first round.

"We definitely won't be home," Town said. "And we'll probably have to play New Bedford, Hollis-ton or Natick, who are three of the best teams around."

Tournament play will most likely begin June 3, Town said, and will consist of a best-of-five format, unlike the regular season which is only best-of-three.

Collins leaps, sprints to victory at league meet

The Cambridge Rindge & Latin boys outdoor track team finished fourth in the Greater Boston League (GBL) championships on Monday with 59 points, as several Falcons had outstanding individual performances.

Sophomore Jeremy Collins led the way with two first places. In the long jump, Collins hurled himself 20' 6-1/2" to finish ahead of all other GBL competitors. His 22.9 in the 200 was also good enough for top honors. "His performance was clearly the highlight of the whole meet," said head coach Frank McCarthy.

Senior Rich Gilreath earned the Falcons' other first-place finish with a 1:58.8 in the 800, which McCarthy said was one of the five best times in the state for that distance this year. "It really is an excellent time," he said.

Other Falcons placing in the GBL meet were senior Pierre Julien, who earned a fourth place in the 100 with an 11.7, junior Zack Grunko, who finished second in the mile with a 4:41.8, and freshmen Adrian Worrell, who finished third in the 800 with a 2:06.1. The mile relay team of Gilreath, Grunko, Worrell and junior Curtis Henry finished second in 3:36.

Also performing well for the Falcons were sophomore Ed Ellcock, who finished seventh in the shot put with a distance of 39' 4", freshmen Dylan Rykierson, who finished seventh in the two-mile with a 10:58, and Henry who finished fifth in the 400 with a 54.4

McCarthy, whose team struggled to a 1-5 record this season, said he was proud following the meet. "It was a tough season so these performances are very pleasing," he said.

The girls track coach could not be reached for results at presstime.

— Jonathan R. Segal

ATTENTION ADVERTISERS...
Don't Miss Our Latest
Supplement Coming Soon!

Summer Guide '94

A SPECIAL SUPPLEMENT TO NORTH SHORE & BAY STATE COMMUNITY NEWSPAPERS

Let North Shore & Bay State Community Newspapers be your advertising guide to local events and summer activities with our 1994 Summer Guide.



- This special section will reach nearly 400,000 readers in over 25 communities from Amesbury to Watertown.
- This guide will also be read by thousands of visitors who can pick up copies conveniently located at local area chambers of commerce and travel bureaus.
- Our readers are your customers. They are young, wealthy, well educated and active. They enjoy many hobbies including hiking, jogging, golfing, camping, antiquing and sightseeing. You can put your message right in front of these readers by advertising in our Summer Guide.
- We make it easy to target your local market in any one of our four zones. Or you can take advantage of generous discounts by buying multiple zones. Call your advertising representative by June 10 to be a part of this important section.

ADVERTISING DEADLINE: June 10, 1994

PUBLICATION DATES: Midweek Papers, June 22, 1994
Weekend Papers, June 26, 1994

CIRCULATION: 180,000+

BAY STATE COMMUNITY NEWSPAPERS NORTH SHORE COMMUNITY NEWSPAPERS

Call your advertising representative for more information or to reserve space today

(617)628-6200

COMPETITIVE OR LOWER PRICES
WE DELIVER!
876-4868 876-3979
1414 Cambridge St.
Inman Square
Cambridge
Inman Pharmacy

Adults 4.99
Child 3.50
Grill 93
River Rd
Andover,Ma
Rt 93 at Exit 45
508-687-2442
Gigantic Breakfast
Buffet Sat & Sun 8-11
CUSTOM OMELETTE & BELGIAN WAFFLE STATIONS
Made Right Before Your Eyes !!!!
Country Bacon
Corned Beef Hash
Sausages-Pancakes
Eggs Benedict-Quiche
French Toast
Home Made Muffins
Danish & Juice
SUNDAY BRUNCH Live Jazz Band
10:30 to 3pm Over 100 Feet Long-
Carved Roast Beef-Turkey-Ham-Seafood Newburg, soups, salads, and Viennese Dessert Bar & Fresh Fruit **OVER 100 ITEMS** Adult $10.99 Child 5.99

Focus On
Women's Health
A new medical practice specializing in healthcare for women.



Elaine Hsieh, M.D.
Internal Medicine
22 Mill Street, Suite 204
Arlington 02174

For more information or to schedule an appointment, please call (617) 646-3420.

Dr. Hsieh is affiliated with Mount Auburn Hospital. Most major HMO's and insurance plans accepted.

LEGAL NOTICES

LEGAL NOTICE OF MORTGAGEE'S SALE OF REAL ESTATE
358 Windsor Street, Cambridge, MA

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Glenn A. Adams, Jr.** and **Kieu N. Hua** to Norwest Mortgage, Inc., dated July 15, 1988 and recorded in the Middlesex County (Southern District) Registry of Deeds at Book 19196, Page 316, of which mortgage the undersigned is the present holder, by assignment dated August 9, 1989 and recorded in said Registry at Book 20007, Page 473, for the breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 2:00 P.M. on the 16th day of June, 1994, at or upon the premises more particularly described below, being all and singular the premises described in said mortgage, to wit:

A certain parcel of land with the buildings thereon situated in Cambridge, being now numbered **358 Windsor Street** and being bounded and described as follows:

Beginning at a point on Windsor Street distant four hundred four and 33/100 (404.33) feet;

Northerly from its intersection with the Northerly line of Plymouth Street, then running

Easterly on land now for formerly of Henry Vandine, one hundred (100) feet; then running

Southerly on land now or formerly of said Vandine, twenty-seven and 50/100 (27.50) feet; then running

Westerly on land now or formerly of one Marchett, one hundred (100) feet; then running

Northerly on said Windsor Street, twenty-seven and 50/100 (27.50) feet to point of beginning.

Containing 2800 square feet of land, more or less.

The premises will be sold subject to and with the benefit of all rights, restrictions, easements, improvements, outstanding tax titles, municipal or other public taxes, assessments, betterments, liens or claims in the nature of liens and existing encumbrances of record created prior to the mortgage, or entitled to precedence over the mortgage, if any there be, insofar as the same are still in force and applicable to the premises. In the event of any typographical errors in the publication of this notice, the description in the recorded Mortgage shall control.

TERMS OF THE SALE

Five thousand and 00/100 Dollars ($5,000.00) cash, bank draft or other form acceptable to the said mortgagee, to be paid at the time and place of the sale; high bidder to sign mortgagee's purchase and sale agreement upon acceptance of bid; balance of the purchase price to be paid in cash or current funds in or within twenty-one (21) days from date of sale with and at the offices of ATTORNEY ANNMARIE ROARK, 229 Billerica Road, Chelmsford, Massachusetts, 01824, attorney for mortgagee. Other terms to be announced at the sale.

Federal Home Loan Mortgage Corporation
333 West Wacker Drive, Ste. 3100
Chicago, IL 60606-1287
Present Holder of Mortgage,
By its attorney
ATTORNEY ANNMARIE ROARK
229 Billerica Road
Chelmsford, MA 01824
(508) 256-4167

(C)May19,26,June2
#38388

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **JOHN GOMES AND ADELINA GOMES** TRUSTEES OF J.F. GOMES REALTY TRUST under a Declaration of Trust dated October 25, 1985 and recorded at Middlesex South Registry of Deeds in Book 16287, Page 163, TO CENTRAL BANK, dated March 29, 1990 and recorded with the Middlesex County (South District) Registry of Deeds, in Book 20469, Page 542 of which Mortgage the undersigned CENTRAL BANK is the present holder, for breach of the conditions contained in said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction on MONDAY, the 13TH day of JUNE, 1994 at 10:00 A.M. upon the mortgage premises, now known and numbered as **1174-1178 Cambridge Street,** Cambridge, Massachusetts, all and singular the premises described in said mortgage.

TO WIT:

The land at 1174-1178 Cambridge Street, Cambridge, Middlesex County, Massachusetts being shown as Lot A on a plan entitled "Subdivision of Land in Cambridge", dated November 9, 1948, by Edward Smith, Engineer, recorded with Middlesex County (Southern District) Registry of Deeds, Book 7366, Page 301.

Together with the benefit of a nine foot right of way shown on the above mentioned plan.

SAID PREMISES ARE SUBJECT TO THE FOLLOWING ENCUMBRANCES:

1. Rights of others in the nine foot right of way shown on the above mentioned plan.
2. Order for sidewalk construction by the City of Cambridge, dated November 15, 1965, recorded with said Deeds, Book 11003, Page 193.
3. Title to and rights of the public and others in so much of the premises as lies within the bounds of Cambridge Street and Tremont Street.

For Mortgagor's Title see Deed dated November 27, 1985 and recorded with said Deeds in Book 16827, Page 171.

Said premises will be sold subject to and/or with the benefit of any and all restrictions, easements, improvements, covenants, outstanding tax titles, municipal or other public taxes, water bills, municipal liens and assessments, existing encumbrances liens or claims in the nature of liens, now existing or hereafter arising, having priority over the mortgage, if any there be.

Said premises will also be sold subject to all leases and tenancies having priority over said mortgage, to tenancies or occupations by persons on the premises now or at the time of the said auction which tenancies or occupations are subject to said mortgage, to rights or claims in personal property installed by tenants or former tenants now located on the premises, and also to all laws and ordinances including, but not limited to, all building and zoning laws and ordinances.

In the event of typographical errors in the publication of this notice, the description in the mortgage shall control.

No representations, express or implied, are made with respect to any matter concerning the premises which will be sold "as is".

TERMS OF SALE:

FIVE THOUSAND DOLLARS ($5,000.00) shall be required to be paid to the mortgagee in cash, by certified check or by cashier's check by the purchaser at the time and place of the auction sale as a deposit on the full purchase price. The deposit of the successful bidder shall be fully accounted for at the time the balance of the purchase price is paid. The balance of the purchase price shall be paid by the purchaser in cash, by certified check, Bank Treasurer's check or cashier's check by the purchaser in or within thirty (30) days after the date of the Public Auction at 10:00 A.M. at the office of David I. Cohen, Esquire, Attorney for the Mortgagee, 76 Sanderson Avenue, Suite 2, Lynn, Massachusetts. The successful bidder shall be required to sign at the Public Auction a Memorandum of Sale containing the above terms and any additional terms announced at the Public Auction. The Auction shall not be closed until the successful bidder has made the deposit and executed the Memorandum of Sale.

In the event the successful bidder fails to fulfill the agreements herein or in the relevant Memorandum of Sale contained, or fails to pay the purchase price at the appointed time and place, the deposit shall be forfeited and become the property of the CENTRAL BANK (Central Cooperative Bank) without recourse to the bidder and the current holder of the Mortgage reserves the right, at its election, to sell the mortgaged property to the second highest bidder at the Public Auction or to re-advertise and resell such property at Public Auction.

CENTRAL BANK (Central Cooperative Bank) the current holder of the mortgage reserves the right to postpone this sale at a later date by public proclamation at the time and date appointed for the Public Auction and to further postpone any adjourned sale date by public proclamation at the time and date appointed for the adjourned sale date.

The purchase will be responsible for all closing costs, state documentary stamps and recording fees.

ALL BIDDERS WILL BE REQUIRED TO DISPLAY TO THE AUCTIONEER THE LISTED DEPOSIT IN ORDER TO QUALIFY TO BID.

OTHER TERMS TO BE ANNOUNCED AT THE TIME AND PLACE OF SALE.

Dated: May 12, 1994

CENTRAL BANK
(Central Cooperative Bank)
Present Holder of said Mortgage
By its attorney,
David I. Cohen, Esquire
76 Sanderson Avenue, Suite 2
Lynn, MA 01902-1937

(617) 581-1170
(C)May19,26,June2
#38370

CITY OF CAMBRIDGE
Traffic and Parking

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.

REGULATION NO. 94-14

Regulation No. 66-1 Schedule 7B "Parking Prohibited During Certain Hours On Certain Sides Of Certain Streets (Resident Permit Parking) is hereby amended by amending the following:

Elmer Street, west side
From: **Hingham Street northerly**
To: **186'N of Hingham Street to 217'N of Hingham Street**
All hours, except Sunday

This regulation shall take effect 7 June 1994.

PROMULGATED DATE May 12, 1994

George Teso
Traffic Director

(C)May19,26,June2
#38381

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT
(SEAL) **Case No. 206412**

To **WILLIAM G. COUGHLIN, TRUSTEE OF ABP 205 NOMINEE TRUST** u/d/t dated September 25, 1987 and registered with the Middlesex South Registry District of the Land Court (the "Registry") as Document No. 756584 and to all persons entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended: COLONY NYRO PARTNERS, L.P. claiming to be the holder of a mortgage covering real property in Cambridge, Middlesex County, Massachusetts, known as and numbered **205 Alewife Brook Parkway,** Cambridge, Massachusetts given by William G. Coughlin, Trustee of ABP 205 Nominee Trust to COOLIDGE BAND AND TRUST COMPANY (and assigned to Colony NRYO Partners, L.P., by Assignment) dated September 22, 1987 and registered with the Registry as Document 756585 has filed with said court a complaint for authority to foreclose said mortgage in the manner following: by entry and possession and exercise of power of sale.

If you are entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended and you object to such foreclosure you or your attorney should file a written appearance and answer in said court at Boston on or before the 27th day of June 1994, or you may be forever barred from claiming that such foreclosure is invalid under said act.

Witness, ROBERT V. CAUCHON, Chief Justice of said Court this 10th day of May 1994.

Charles W. Trombly, Jr.
Recorder

(C)May26
#39029

SALE OF REAL ESTATE
EXECUTOR
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY
COURT DEPARTMENT
Middlesex Division Docket No. 94P0166E

Estate of **Evelyn M. Bowden**
late of **Cambridge**
in the County of Middlesex
NOTICE

A petition has been presented in the above-captioned matter praying that for license to sell at - private sale - certain real estate of said deceased.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on June 21, 1994.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the eighteenth day of May in the year of our Lord one thousand nine hundred and ninety four.

Donna M. Lambert
Register of Probate

(C)May26
#39063

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that **Emory's Mobile Ice Cream (Emory J. Clark),** holder of a peddler's license is applying for a change in route. This applicant is currently a holder of a peddler's license.

The route is as follows: 300 feet east on Cambridge Street near the hospital, 11:30 a.m. to 2:45 p.m.; Garden and Walden Streets, St. Peter's Field, 3:00 p.m. Saturdays at 10:00 a.m.; parking lot on New Street, 4:00 p.m.; Tobin Field on Concord Avenue side of field, in front of my store, Saturdays at 10:00 a.m., 5:00 p.m.; Donnelly Field, E. Cambridge, 6:00 p.m. Saturdays at 10:00 a.m.; Golden Star Swimming Pool at Donnelly Field, summer hours: Noon to 8:00 p.m.; Center Park at Norfolk and Broadway, Saturdays at 10:00 a.m.; 6:30 p.m.; Garden and Walden Streets, 7:00 p.m. (when lights for night games are on hours will be until 10 p.m.)

The hearing on this application will be held on Tuesday evening, June 7, 1994, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge.

Alex Rodriguez
Kevin Fitzgerald
Henry Breen
License Commission

(C)May26
#39039

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that **Richard Spinale d/b/a Richie's Canteen** is applying for a peddler's license (mobile truck) to sell food and non-alcoholic beverages, Monday through Friday, from 6:40 a.m. to 3:45 p.m. The route is as follows: 6:40 a.m., Kendall Boiler, Binney Street; 6:50 a.m., American Engineered Components, Binney Street; 8:30 a.m., Dara Tech, Sixth Street; 8:40 a.m., Boston Trucking Co., First Street; 8:50 a.m., Planet Sportswear/Kendall Press, Charles Street; 9:00 a.m., Beautease/MetPath, Rogers Street; 9:15 a.m., Metropolitan Pipe, Binney Street; 9:30 a.m., Biogen Construction, Cambridge Center; 9:45 a.m., Biogen II, 14 Cambridge Center; 10:00 a.m., East Cambridge Savings Bank (no sales); 10:10 a.m., Barbour Stockwell, 83 Doc Linskey Way; 10:20 a.m., Kaufman Co., Second Street; 10:30 a.m., Charles Street Parking Lot; 10:40 a.m., Thypin Steel Co., Binney Street; 10:50 a.m., NYNEX Mobile, Binney Street; 11:00 a.m., Genzyme, Binney Street; 11:10 a.m. Metro Cellular, Binney Street; 11:20 a.m., Biogen/Concorde Group Parking Lot, Binney Street; 11:30 a.m., Elan Phrma/Advance Tire, Charles Street; 11:40 a.m., Fran Dan, Charles Street; 11:50 a.m., P.C.'s for Everyone, Thorndike Street; 11:55 a.m., MetPath/Beautease, Rogers Street; 12:00 noon, Biogen Construction, Cambridge Center; 12:15 p.m., DaraTech, Sixth Street; 12:30 p.m., Phase One Office Products, Fulkerson Street; 12:40 p.m., Biogen I, Binney Street; 12:50 p.m., Biogen II, Cambridge Center; 1:05 p.m., Metropolitan Pipe, Binney Street; 1:15 p.m., Sygena Parking Lot, One Kendall Square; 1:25 p.m., Dara Tech, Sixth Street; 1:35 p.m., Beautease/MetPath, Rogers Street; 1:45 p.m., Planet Sportswear/Kendall Press, Charles Street; 2:30 p.m., Phase One Office Products, Fulkerson Street; 2:40 p.m., Elan Pharma/Advance Tire, Charles Street; 2:50 p.m., FranDan, Charles Street; 3:00 p.m., Kaufman Co., Second Street; 3:10 p.m., NYNEX Mobile, Binney Street; 3:20 p.m., Beautease/Met Path, Rogers Street; 3:30 p.m., Concorde Groupe, Binney Street; 3:40 p.m., Sixth Street.

The hearing on this application will be held on Tuesday evening, June 7, 1994 at six o'clock in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, second floor, Cambridge.

Alex Rodriguez
Kevin Fitzgerald
Henry Breen
License Commission

(C)May26
#39045

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that **Joseph E. Marsden, Jr., d/b/a Quick Suburban Catering** is applying for a peddler's license (mobile truck) to sell food and non-alcoholic beverages, Monday through Friday. The route is as follows: 6:50 a.m., Boston Pipe, 171 Sydney Street; 7:00 a.m., American Science and Engineering, 40 Erie Street; 8:15 a.m., Cambridge Electric, Blackstone Street; 8:30 a.m., Boston Pipe, 40 Erie Street; 8:45 a.m., Vertex Pharmaceuticals, Sydney Street; 9:30 a.m., American Science and Engineering, 40 Erie Street; 10:00 a.m., California Paint; 12:00 noon, American Science and Engineering, 40 Erie Street; 12:20 p.m., Massachusetts Foundry, Sydney Street; 12:30 p.m., Boston Pipe, 171 Sydney Street; 2:20 p.m., Boston Pipe, 171 Erie Street; 2:30 p.m., American Science and Engineering; 40 Erie Street.

The hearing on this application will be held on Tuesday evening, June 7, 1994 at six o'clock in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, second floor, Cambridge.

Alex Rodriguez
Kevin Fitzgerald
Henry Breen
License Commission

(C)May26
#39041

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Pursuant to General Laws, Chapter 140, notice is hereby given that the License Commission has received an application from **Marriott Hotels, Inc. d/b/a Cambridge Center Marriott Hotel, William K. Skoglend, manager,** holder of an all alcoholic beverages as a hotel license at Two Cambridge Center has applied for its entertainment license be extended to include (1) Juke Box, (1) additional pool table, (2) additional Video games in addition to dancing by patrons, live musical instruments and/or live vocalists, with amplification, three (3) pool tables, one (1) audio tape machine which may play music below, at, or above conversation level (includes DJ), twelve (12) TV's and three (3) video games already licensed.

The hearing on this application will be held on Tuesday evening, June 7, 1994, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge.

Alex Rodriguez
Kevin Fitzgerald
Henry Breen
License Commission

(C)May26
#39040

CITY OF CAMBRIDGE
PURCHASING DEPARTMENT

Sealed bids will be received at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass., until 11:00 o'clock A.M. **THURSDAY, JUNE 9, 1994** at which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge:

COOPERATIVE BID FOR DIESEL FUEL (1)
BRONZE STATUARY RESTORATION (2)
LABORATORY COURIER SERVICES (3)
GLASS a PLASTICS (4)

The City of Cambridge reserves the right to waive any minor informalities or to reject any and all bids if it is in the City's best interest to do so.

Specifications may be obtained at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass.

Each bid must be in a sealed envelope plainly marked "Bid for 'Designate Item' " and addressed to Diane Wynshaw-Boris, Purchasing Agent, City Hall, Cambridge, Massachusetts.

Diane Wynshaw-Boris
Purchasing Agent

(C)May26
#39046

ADVERTISEMENT

The Cambridge Housing Authority, the Awarding Authority, invites sealed bids from general contractors for the **Sprinkler Systems Upgrade at the Frank J. Manning Apartments** for the Elderly 667-1 in Cambridge, Massachusetts in accordance with the documents prepared by SEA Consultants, 485 Massachusetts Avenue, Cambridge, Massachusetts 02139.

The Project consists of utilizing existing standpipes to provide complete sprinkler coverage of all apartments, corridors, community space, as well as two floors of administrative offices for the Cambridge Housing Authority, at the 19 story Manning Apartments Building. The work is estimated to cost $385,000.

General bidders must be certified by the Division of Capital Planning and Operation in the following category of work: **Fire Protection Sprinkler Systems.**

Bids are subject to M.G.L. c.149 §44A-J and to minimum wage rates as required by M.G.L. c.149 §§26 to 27D inclusive.

General Bids will be received until 2:00 p.m. on June 30, 1994 and public opened forthwith at Cambridge Housing Authority, 17 Sellers Street, Cambridge, Massachusetts 02139.

Filed Sub-Bids for the trades listed below will be received until 2:00 p.m. on June 16, 1994, at the Cambridge Housing Authority, 17 Sellers Street and publically opened forthwith.

SUBTRADES
Section 9 Painting
Section 16 Electrical

Mailed Bids should be sent to 17 Sellers Street, Cambridge, Massachusetts 02139. CHA assumes no responsibility for mailed bids not received by 5:00 PM on on the day prior to the opening.

General bids and sub-bids shall be accompanied by a bid deposit that is not less than five (5%) of the bid amount (including all add alternates), and made payable to the Cambridge Housing Authority.

Bid Forms and Contract Documents will be available for pickup at 17 Sellers Street, Cambridge, Massachusetts 02139 after 10:00 AM on Wednesday, May 25, 1994 upon deposit of a company, certified or cashier's check in the amount of $50.00 per set, payable to the Cambridge Housing Authority. This deposit will be refunded for up to two sets for general bidders and for one set for sub-bidders upon return of the sets in good condition within thirty days of receipt of general bids. Otherwise the deposit shall be the property of the Awarding Authority. Additional sets may be purchased for $50.00.

General bidders must agree to contract with minority and women-owned businesses as certified by the State office of Minority and Women Business Assistance (SOMWBA). The amount of participation which shall be reserve ed for such enterprises shall not be less than seventeen (17%) percent of the final contract price, including accepted alternates, of which at least twelve (12%) percent shall be for minority business enterprises and five (5%) percent shall be reserved for women-owned business enterprises.

The job site and existing building will be available for Inspection at 10:00 AM on June 7, 1994. Prospective bidders should meet at the Frank J. Manning Apartment Community Room at 237 Franklin Street, Cambridge, MA.

The Contract Documents may be seen, but not removed at:

Contractors' Association of Boston
25 Centre Street
Roxbury, MA 02119

Construction Market Data
75 Second Avenue - Suite 320
Needham, MA 02194

F.W. Dodge, Prudential Tower
800 Boylston Street - Suite 320
Boston, MA 02199
(or closest regional F.W. Dodge Company)

(C)May26
#39042

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court No. 89P4950
NOTICE OF FIDUCIARY'S ACCOUNT

To all persons interested in the estate of **Charlotte Wylie** of Cambridge, in said County, a mentally ill person.

You are hereby notified pursuant to Mass. R.Civ.P. Rule 72 that the 4th account of Marion R. Fremont-Smith as Guardian (the fiduciary) of the property of said Ward has been presented to said Court for allowance.

If you desire to preserve your right to file an objection to said account, you or your attorney must file a written appearance in said Court at Cambridge on or before the 21st day of June, 1994, the return day of this citation. You may upon written request by registered or certified mail to the fiduciary, or to the attorney for the fiduciary, obtain without cost a copy of said account. If you desire to object to any item of said account, you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciary pursuant to Mass. R.Civ.P. Rule 5.

WITNESS, SHEILA E. McGOVERN, Esquire, First Judge of said Court, this 17th day of May, 1994.

Donna M. Lambert
Register

(C)May26
#39037

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY
COURT DEPARTMENT
PROBATE OF WILL AND CODICIL
WITHOUT SURETIES
Middlesex Division Docket No. 94P1456E

Estate of **Alice W. Ellis**
also known as **Alice Whiting Ellis**
Died on March 4, 1994
late of **Cambridge**
in the County of Middlesex
NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will and codicil of said deceased may be proved and allowed and that Isabel Kurzon of Cambridge in the county of Middlesex; Deborah Ellis Bigelow of Alexandria in the Commonwealth of Virginia; and Priscilla Ellis of Boston in the County of Suffolk be appointed executrices without giving surety on their bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on June 14, 1994.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the seventeenth day of May in the year of our Lord one thousand nine hundred and ninety four.

Donna M. Lambert
Register of Probate

(C)May26
#39036

LEGAL NOTICE

Technical Assistance for Training Program Development. Employment Resources, Inc. (ERI) intends to issue Second Round Requests for Proposals in mid-June for Fiscal Year 1995 (7/1/94-6/30/95) Job Training Partnership Act (JTPA) Titles IIA and IIC and MassJOBS occupational skills training programs and school-to-work transition programs. Occupational skills proposals will be solicited in the following areas **only:** envirotech, biotech, other technical, health, and child care, with emphasis on non-traditional occupations for women. Concept papers will be solicited from area comprehensive high schools for school-to-work transition services to juniors and seniors. Programs will provide services to unemployed residents of the following cities and towns: Arlington, Belmont, Burlington, Cambridge, Chelsea, Everett, Malden, Medford, Melrose, North Reading, Reading, Revere, Somerville, Stoneham, Wakefield, Watertown, Wilmington, Winchester, Winthrop, and Woburn.

In anticipation of the RFP process, ERI plans to provide technical assistance in program development to any interested potential bidders between May 23 and June 15. Please contact Linda Bass (occupational skills) or Sue Walsh (school-to-work) at (617) 494-1154 or c/o ERI, 432 Columbia St., Cambridge, MA 02141 if you would like to arrange for individualized technical assistance. **Please note that RFPs are not available at this time.** New England Relay Service for TDD Users: 1-800-439-2370 (V/TTY).

(C)May26
#39026

LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Pursuant to M.G.L. c. 21E, Section 14(a) and the Massachusetts Contingency Plan (310 CMR 40.00), The Department of Environmental Protection announces that a Preliminary Assessment and/or Limited Site Investigation has been performed at the following location: **#3-2745, MIT, 27 TUDOR STREET, CAMBRIDGE, MA.**

This investigation has confirmed that a release of oil and/or hazardous materials has occurred at this location. Therefore, the Department has identified it as a confirmed disposal site. The Department has also determined that this site is a non-priority disposal site (as defined by M.G.L. c. 21E, Section 2). M.G.L. c. 21E, Section 3A (f) (3) requires that, if feasible, permanent solutions be implemented at disposal sites. If a permanent solution is not feasible, then a temporary solution must be implemented, and a plan for achieving a permanent solution must be developed.

This site has also been granted a Waiver of Approvals by DEP. Waiver sites are non-priority disposal sites which have been granted a Waiver of Approvals by the Department, pursuant to 310 MCR 40.537. This waiver allows the person granted it to conduct remedial response actions at the disposal site without prior Department approval of these actions.

M.G.L. c. 21E and the Massachusetts Contingency Plan provide several opportunities for public notice of and involvement in decisions regarding response actions at disposal sites, including:

- The Chief Municipal Official and Board of Health of the community in which the site is located will be provided with notices of the results of investigations, plans for remedial responses, and field work involving the use of heavy construction equipment and/or protective clothing (310 CMR 40.202).
- Upon receipt of a petition from ten or more residents of the municipality in which the disposal site is located, or of a municipality potentially affected by a disposal site, a plan for involving the public in decisions regarding response actions at the site will be prepared and presented at a public meeting. This plan will be revised based on comments received, and will be implemented over the course of the response action (310 CMR 40.203).

For information on how to make an appointment to review the files and obtain more information on the confirmed disposal site referenced above, and the opportunities for public involvement during its remediation, please contact Karen Stromberg, DEP Northeast Regional Office, Site Assessment and Cleanup Section, 10 Commerce Way, Woburn, MA 01801 (Telephone: 617/935-2160).

(C)May26
#39014

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY
COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division Docket No. 93P2174E

Estate of **Charles Abreu**
Died on December 12, 1992
late of **Cambridge**
in the County of Middlesex
NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Bella Abreu of Cambridge in the County of Middlesex be appointed executrix without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on June 14, 1994.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the seventeenth day of May in the year of our Lord one thousand nine hundred and ninety four.

Donna M. Lambert
Register of Probate

(C)May26
#39018

CITY OF CAMBRIDGE
Traffic and Parking

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.

REGULATION NO. 94-15

Regulation No. 66-1 Schedule 7B "Parking Prohibited During Certain Hours On Certain Sides Of Certain Streets (Resident Permit Parking) is hereby amended by amending the following:

Sixth Street, east side
From: **Cambridge Street northerly**
To: **Binney Street**
All hours, except Sunday

This regulation shall take effect 9 June 1994.

PROMULGATED DATE May 13, 1994

George Teso
Traffic Director

(C)May26,June2,9
#39015

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that **Jamal Abu-Rubieh,** doing business as **Jimmaize,** has applied for a common victualer's license to be exercised on the 1st floor at 204 Hampshire Street. Said license if granted would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises, and to have a total occupancy of 20

Forum to focus on older worker 'job crisis'

A public forum on "The Job Crisis Facing Older Workers" is scheduled for Saturday, June 18, 9:30 am to 12:30 pm in the auditorium of the Volpe National Transportation Systems Center, 55 Broadway.

The forum is sponsored by a coalition of 16 Boston-area advocacy groups and organizations intent on focusing the attention of national policy-makers on the growing unemployment and under-employment dilemma of mature men and women with high levels of education, professional skills and long-time experience.

The centerpiece of the public hearing will be live testimony given by men and women of mid-life, describing their personal difficulties in attempting to return to the work force.

Many have had their professional careers cut short. Some have been forced to use up their life's savings, financially stressed to sell their homes, and accept part-time or temporary employment at wages far below their value and worth; or worse, continue to be unemployed long after their unemployment benefits have run out.

The victim population has remained disorganized and voiceless until now. With more than one-third of their productive lives ahead, these workers need a federal social policy that offers more optimism for their working future.

James L. Medoff, a Harvard professor of economics, will speak on "Downsizing and Older Americans." Juliet Brudney, author and columnist (her "Living with Work" column appears in the Boston Globe), will act as moderator. Members of the US Congress and Massachusetts state officials are expected to attend and will be encouraged to develop and propose policy in support of these disenfranchised citizens.

The hearing will feature testimony by men and women of mid-life, describing their difficulties in attempting to return to the work force.

Older workers are major targets of massive company cost-cutting efforts and have been severely hurt by the declining economy. This age group of older workers (40 years and beyond) has now become the most at risk of all population groups because of ongoing restructuring and downsizing of the work force, age discrimination and a lack of public understanding.

Older workers have been singled out as a group that is being replaced by younger, less experienced, lower-paid workers, or by temporary or contract workers who do not receive company benefits. Some of these personnel actions have been determined as age discriminatory, and many older workers now report two years or more of unemployment.

"Analysis reveals that mid-life job loss is accelerating and pervasive," Medoff reports. Middle-aged workers were 45 percent more likely to suffer permanent layoff in the 1980s than in the 1970s and are 55 percent more likely to be so in the 1990s.

An entire generation of mature workers, many with undergraduate and advanced college degrees and 20 or more years of experience are still at risk. If policy-makers do not act now, younger professionals will face the same ominous employment future when reaching this age level.

Among the coalition of 16 sponsoring organizations planning this public forum include: Somerville-Cambridge Elder Services, UMass-Boston, Gray Panthers of Greater Boston, the Mass. Association of Older Americans, and the Mass. Senior Action Council.

The forum is free and open to all interested citizens.

For further information, call Frances Chaikin at 354-4103 or Hilda Scott at 868-3311.



PHOTO BY JANE TYSKA

John and Barbara Kelly visit the grave of John's brother on Memorial Day at Cambridge Cemetery.

Governor honors elder volunteer for dedicated work

BY TANA SHERMAN

When he was in his mid-thirties, John Ciampa of Somerville was seriously injured in an accident at the paintbrush factory where he worked. At the same time, his wife was struggling with cancer and their young daughter underwent open heart surgery. Instead of giving in to self-pity, Ciampa became involved in his community, beginning a long career of volunteer work.

"I started to look at where I could help out," he said. "I remember going to church and saying, 'If I ever get out of this mess, I'm going to do whatever I can to help others.'"

Twenty-five years later, Ciampa is a disability rights advocate and an active member of the board of directors of Somerville-Cambridge Elder Services (SCES). He was recently honored for his work with elders by being named the regional winner of the Silver DOVE Award. Presented by Gov. William Weld to 26 volunteers statewide at a ceremony at the State House, the Silver DOVE Award stands for "Devoted, Outstanding Volunteer to Elders."

"Today you see a lot of the elderly suffering and having hardships," said Ciampa. "I remember my mother and grandmother. I thought sooner or later I would pay them back and this is how I'm doing it."

Ciampa is chairperson of the Somerville Commission for Persons with Disabilities and a member of the boards of directors of SCES, ElderLink, Community Action Agency of Somerville, Somerville Community Corporation, and Cambridge and Somerville Legal Services. He is state certified as a Community Access Monitor for accessibility compliance, and he also volunteers for the city of Somerville's quarterly surplus food distribution.

"People know that when you want something done, call John Ciampa," said Ellen Taylor, director of the Somerville Commission for Persons with Disabilities. "One is most struck by John's generosity of spirit, compassion and the earnestness with which he approaches his responsibilities as a disability rights advocate."

He is also a staunch advocate for elders. "John often takes the time to call and speak on behalf of elders in need of assistance who might not be able to speak out on their own," said John O'Neill, SCES administrator. "He is a longtime supporter of SCES and our programs for elders."

Ciampa was elected to the SCES board six years ago and now serves on the program and membership committees.

Mary Mullen, who serves on the SCES board with Ciampa, said, "I have never met a more dedicated volunteer. There isn't any task too large or too small for John to handle. Though John has a handicap himself, it has not prevented him from carrying his very heavy load of volunteer work. I know, personally, that John has inspired many people to become involved in volunteer work for the elders of Somerville."

He is slightly uncomfortable with the public recognition surrounding his Silver DOVE Award. "I really don't like talking about me," he said. "I just like to be plain old me. I was nervous about receiving the award at the State House, but it's nice to have."

In presenting the Silver DOVE Awards, Gov. Weld said, "These volunteers make a remarkable contribution to their communities and the state." He credited the state's 40,000 volunteers with helping Massachusetts to be a leader in providing quality services to its elderly residents.

For more information about volunteer opportunities serving elders in Somerville and Cambridge, please call Vivian Hilborn, Volunteer Coordinator, at Somerville-Cambridge Elder Services, 628-2601, ext. 3114.

Tana Sherman is the community information supervisor at Somerville-Cambridge Elder Services.

SENIOR CIRCUIT

Lunch menu

The following is the Somerville-Cambridge Elder Services' congregate centers lunch menu:

June 6-10: Monday — Beef Patty Burgundy, Delmonico potatoes, squash, pears. Tuesday — Minestrone soup, baked chicken breast, parsliced potato, spice cake. Wednesday — Baked rotini with meat sauce, mixed vegetables, apple. Thursday — Hot turkey sandwich, mashed potato, peas, fruited jello. Friday — Stuffed cabbage, rice, carrots, chilled pineapple.

June 13-17: Monday — Chili, baked potato, broccoli, applesauce. Tuesday — Macaroni and cheese, mixed vegetables, cantaloupe. Wednesday — Father's Day special: Yankee pot roast, red bliss potatoes, peas and mushrooms, strawberry shortcake. Thursday — Baked chicken tarragon, rice pilaf, Harvard beets, chilled peaches. Friday — Tuna salad plate, potato salad vinaigrette, chocolate pudding.

Mammography team to visit senior centers

Two Cambridge senior centers are sponsoring a visit by the Mammography Center from Caritas Christi Diagnostic Support Services on June 14.

The Mammography Center will be at the Pearl Street Senior Center, 15 Pearl St., Tuesday, June 14, 8:30 am to noon, and at the North Cambridge Senior Center, 2050 Mass. Ave., 1-5 pm.

More than 46,000 women in the United States will die from breast cancer this year alone, including 1,300 in Massachusetts and 5,100 new cases will be diagnosed in the state. Medical experts agree that early detection through mammography dramatically increases the chances to be cured.

The Mammography Center, which brings convenient, quality breast health care to women across New England, will provide mammograms, breast health care information and physician referrals through the Caritas Christi Doctor Referral Line during its visit to Cambridge. The screening, including watching a video about breast self-examination, takes about 30 minutes.

To make an appointment, or for more information on mammography screenings and fees, call 1-800-71WOMEN. Mammography is covered by many insurance plans and Medicare. The Caritas Christi Health Care System is one of the largest health care providers in New England.

Seeking health benefits counselors

Health Benefits Counselors are urgently needed for ensuring that elders obtain their benefits under medical insurance plans. Training provided under the SHINE Program through Somerville-Cambridge Elder Services. For more info call Vivian Hilborn, 628-2601, X 3114.

COMMUNITY NOTES

Public hearing focuses on alcohol, drug addiction

Vice Mayor Sheila Russell, chair of the city council's Human Services and Youth Committee, in collaboration with the Cambridge Human Services Commission, will hold an educational hearing on alcohol, alcoholism and drug addiction to identify what services are available in Cambridge and service gaps and inadequacies.

The hearing will be held on Wednesday, June 8, 5:30 pm in council chambers, 795 Mass. Ave., and will target youth, alcohol and drugs. Invited speakers will present an overview of existing services. Public comments regarding service needs will be welcome.

Summer course to be aired on Channel 3

For the first time, Bunker Hill Community College in Boston is offering a three-credit college summer telecourse titled "Discovering Psychology" to be aired for 13 weeks starting June 20 on Continental Cablevision in Cambridge, Channel 3. For enrollment information and schedule, contact Bunker Hill Community College at 241-8600, Ext. 350.

Meal delivery volunteers needed

Cambridge Cares About AIDS, Inc. needs volunteers to deliver hot meals to people with HIV/AIDS, their children and their caregivers. For more information about the meal delivery program and other volunteer services, call Caroline Ross at 661-3040.

New programs at the Y

The Cambridge Family YMCA is offering new programs including an early morning stretch class from 6:15-6:45 am, a yoga class from 7-8 am, and a noontime aerobics/step aerobics class. For more information on these and other YMCA programs, contact Dennis Heenan at 661-9622.

New bus routes service to begin in September

To meet the commuting needs of hundreds of area residents, three new MBTA bus routes have been announced by the Weld-Cellucci administration.

Beginning in September new routes will include Cross-town Cambridge: from Central Station, Cambridge to the South End Medical area via Mass. Ave.; and Cross-town Ruggles: from Kendall Station to Ruggles Station via the Longwood medical area, Boston University and MIT. Start with the fall schedule, these routes will operate weekdays between 6:30 am and 6:30 pm.

"By matching economic development with transportation access, today we meet the public transportation needs of Boston and Cambridge and mark the beginning of the great transportation loop," said Lt. Gov. Paul Cellucci. "Transportation is a top priority for this administration and we will keep pace with the transit needs of this nation's leading region in medical and educational resources."

Buses will operate on a limited service schedule and will stop only at certain stops. All buses will be clearly marked with the MBTA's Cross-town bus logo.

YMCA offers swim lessons for children

The Cambridge Family YMCA is sponsoring a learn-to-swim week June 6-10. This one week of lessons is for children who do not know how to swim or who can swim with little progress. Children will be taught the fundamentals of breathing, floating, paddle stroke and safety practices.

There will be two main age groups including the 3- to 5-year-old group referred to as Skippers II and the 6- to 13-year-old group referred to as Progressive Swimming. Registrations will be accepted until June 4. Space is limited and early registration is recommended.

For more information, contact the Cambridge Family YMCA at 661-9622.

N 44 O 68 BINGO & KENO BANNER

★ KENO ★
at Union Market Station Restaurant,
17 Nichols Ave., Watertown
DINNER BUFFET
Monday & Tuesday evenings, 5 PM - 9 PM
All You Can Eat
$7.99
Over 30 items • Changes Daily
GAMES EVERY 5 MINUTES FROM 12PM-11PM DAILY, ENJOY OUR LUNCHEON AND DINNER SPECIALS WHILE PLAYING THE EXCITING GAME OF KENO

St. Polycarp BINGO
Saturday Night
PROGRESSIVE BONUS 300
DOORS OPEN at 5:00 PM
GAMES START AT 6:45 PM
16 Butler Drive, Somerville 623-9561

Wednesday Night Bingo
Sacred Heart of Jesus Parish
47 Sixth Street Cambridge, MA 02141
DOORS OPEN 5 PM
GAMES BEGIN 6:45 PM

"Advertising in the *Bingo & Keno Banner* worked great for us. We saw a lot of new faces and people would tell us they saw our ad in the paper. Our game is closed for the summer, but when we start up again in September, we'll be back in the *Bingo & Keno Banner*."
Allen Gallagher
Watertown Boys & Girls Club

St. Clement's BINGO
Thursday Nights!
Monthly Drawing $100 Bonus 300
Doors open 5pm games start 7pm
St. Clements Rd. Som./Med. line (behind church)
623-9197

ACEC
wednesday night
BINGO
47 Nichols Avenue
Watertown, MA
• First WTA at 7:00 p.m.
• Doors Open at 5:30 p.m.
• 2 WTA's
• Non-Smoking Room
• Low, Low Admission Price
• Free Coffee and Doughnuts
• Air Conditioned, Parking Lot
• Gourmet Snack Bar
• $200 in Door Prizes Every Week.
*Paper Strips or Hard Cards
• Largest selection of Bingo Supplies in the area.
• Raffles every week!
**Big Prizes Twice a Year
• Handicap Accessible
Call 926-6067 for more info.

To advertise in this weekly directory, call 1-800-924-5141 x2256

LEGAL NOTICES

LEGAL NOTICE OF MORTGAGEE'S SALE OF REAL ESTATE

358 Windsor Street, Cambridge, MA

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Glenn A. Adams, Jr.** and **Kieu N. Hua** to Norwest Mortgage, Inc., dated July 15, 1988 and recorded in the Middlesex County (Southern District) Registry of Deeds at Book 19196, Page 316, of which mortgage the undersigned is the present holder, by assignment dated August 9, 1989 and recorded in said Registry at Book 20007, Page 473, for the breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 2:00 P.M. on the 16th day of June, 1994, at or upon the premises more particularly described below, being all and singular the premises described in said mortgage, to wit:

A certain parcel of land with the buildings thereon situated in Cambridge, being now numbered **358 Windsor Street** and being bounded and described as follows:

Beginning at a point on Windsor Street distant four hundred four and 33/100 (404.33) feet;

Northerly from its intersection with the Northerly line of Plymouth Street, then running

Easterly on land now or formerly of Henry Vandine, one hundred (100) feet; then running

Southerly on land now or formerly of said Vandine, twenty-seven and 50/100 (27.50) feet; then running

Westerly on land now or formerly of one Marchett, one hundred (100) feet; then running

Northerly on said Windsor Street, twenty-seven and 50/100 (27.50) feet to point of beginning.

Containing 2800 square feet of land, more or less.

The premises will be sold subject to and with the benefit of all rights, restrictions, easements, improvements, outstanding tax titles, municipal or other public taxes, assessments, betterments, liens or claims in the nature of liens and existing encumbrances of record created prior to the mortgage, or entitled to precedence over the mortgage, if any there be, insofar as the same are still in force and applicable to the premises. In the event of any typographical errors in the publication of this notice, the description in the recorded Mortgage shall control.

TERMS OF THE SALE

Five thousand and 00/100 Dollars ($5,000.00) cash, bank draft or other form acceptable to the said mortgagee, to be paid at the time and place of the sale; high bidder to sign mortgagee's purchase and sale agreement upon acceptance of bid; balance of the purchase price to be paid in cash or current funds in or within twenty-one (21) days from date of sale with deed at the offices of ATTORNEY ANNMARIE ROARK, 229 Billerica Road, Chelmsford, Massachusetts, 01824, attorney for mortgagee. Other terms to be announced at the sale.

Federal Home Loan Mortgage Corporation
333 West Wacker Drive, Ste. 3100
Chicago, IL 60606-1287
Present Holder of Mortgage,
By its attorney
ATTORNEY ANNMARIE ROARK
229 Billerica Road
Chelmsford, MA 01824
(508) 256-4167

(C)May19,26,June2
#38388

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **JOHN GOMES AND ADELINA GOMES TRUSTEES OF** J.F. GOMES REALTY TRUST under a Declaration of Trust dated October 25, 1985 and recorded at Middlesex South Registry of Deeds in Book 16287, Page 163, TO CENTRAL BANK, dated March 29, 1990 and recorded with the Middlesex County (South District) Registry of Deeds, in Book 20469, Page 542 of which Mortgage the undersigned CENTRAL BANK is the present holder, for breach of the conditions contained in said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction on MONDAY, the 13TH day of JUNE, 1994 at 10:00 A.M. upon the mortgage premises, now known and numbered as **1174-1178 Cambridge Street,** Cambridge, Massachusetts, all and singular the premises described in said mortgage.

TO WIT:

The land at 1174-1178 Cambridge Street, Cambridge, Middlesex County, Massachusetts being shown as Lot A on a plan entitled "Subdivision of Land in Cambridge", dated November 9, 1948, by Edward Smith, Engineer, recorded with Middlesex County (Southern District) Registry of Deeds, Book 7366, Page 301.

Together with the benefit of a nine foot right of way shown on the above mentioned plan.

SAID PREMISES ARE SUBJECT TO THE FOLLOWING ENCUMBRANCES:

1. Rights of others in the nine foot right of way shown on the above mentioned plan.

2. Order for sidewalk construction by the City of Cambridge, dated November 15, 1965, recorded with said Deeds, Book 11003, Page 193.

3. Title to and rights of the public and others in so much of the premises as lies within the bounds of Cambridge Street and Tremont Street.

For Mortgagor's Title see Deed dated November 27, 1985 and recorded with said Deeds in Book 16827, Page 171.

Said premises will be sold subject to and/or with the benefit of any and all restrictions, easements, improvements, covenants, outstanding tax titles, municipal or other public taxes, water bills, municipal liens and assessments, existing encumbrances liens or claims in the nature of liens, now existing or hereafter arising, having priority over the mortgage, if any there be.

Said premises will also be sold subject to all leases and tenancies having priority over said mortgage, to tenancies or occupations by persons on the premises now or at the time of the said auction which tenancies or occupations are subject to said mortgage, to rights or claims in personal property installed by tenants or former tenants now located on the premises, and also to all laws and ordinances including, but not limited to, all building and zoning laws and ordinances.

In the event of typographical errors in the publication of this notice, the description in the mortgage shall control.

No representations, express or implied, are made with respect to any matter concerning the premises which will be sold "as is".

TERMS OF SALE:

FIVE THOUSAND DOLLARS ($5,000.00) shall be required to be paid to the mortgagee in cash, by certified check or by cashier's check by the purchaser at the time and place of the auction sale as a deposit on the full purchase price. The deposit of the successful bidder shall be fully accounted for at the time the balance of the purchase price is paid. The balance of the purchase price shall be paid by the purchaser in cash, by certified check, Bank Treasurer's check or cashier's check by the purchaser in or within thirty (30) days after the date of the Public Auction at 10:00 A.M. at the office of David I. Cohen, Esquire, Attorney for the Mortgagee, 76 Sanderson Avenue, Suite 2, Lynn, Massachusetts. The successful bidder shall be required to sign at the Public Auction a Memorandum of Sale containing the above terms and any additional terms announced at the Public Auction. The Auction shall not be closed until the successful bidder has made the deposit and executed the Memorandum of Sale.

In the event the successful bidder fails to fulfill the agreements herein or in the relevant Memorandum of Sale contained, or fails to pay the purchase price at the appointed time and place, the deposit shall be forfeited and become the property of the CENTRAL BANK (Central Cooperative Bank) without recourse to the bidder and the current holder of the Mortgage reserves the right, at its election, to sell the mortgaged property to the second highest bidder at the Public Auction or to re-advertise and resell such property at Public Auction.

CENTRAL BANK (Central Cooperative Bank) the current holder of the mortgage reserves the right to postpone this sale at a later date by public proclamation at the time and date appointed for the Public Auction and to further postpone any adjourned sale date by public proclamation at the time and date appointed for the adjourned sale date.

The purchase will be responsible for all closing costs, state documentary stamps and recording fees.

ALL BIDDERS WILL BE REQUIRED TO DISPLAY TO THE AUCTIONEER THE LISTED DEPOSIT IN ORDER TO QUALIFY TO BID.

OTHER TERMS TO BE ANNOUNCED AT THE TIME AND PLACE OF SALE.

Dated: May 12, 1994

CENTRAL BANK
(Central Cooperative Bank)
Present Holder of said Mortgage
By its attorney,
David I. Cohen, Esquire
76 Sanderson Avenue, Suite 2
Lynn, MA 01902-1937
(617) 581-1170

(C)May19,26,June2
#38370

CITY OF CAMBRIDGE
Traffic and Parking

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.

REGULATION NO. 94-14

Regulation No. 66-1 Schedule 7B "Parking Prohibited During Certain Hours On Certain Sides Of Certain Streets (Resident Permit Parking) is hereby amended by amending the following:

Elmer Street, west side
From: **Hingham Street northerly**
To: **186'N of Hingham Street to 217'N of Hingham Street**

All hours, except Sunday

This regulation shall take effect 7 June 1994.

PROMULGATED DATE May 12, 1994

George Teso
Traffic Director

(C)May19,26,June2
#38381

CITY OF CAMBRIDGE
Traffic and Parking

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.

REGULATION NO. 94-16

Regulation No. 66-1 Schedule 7B "Parking Prohibited During Certain Hours On Certain Streets, (Resident Permit Parking") is hereby amended by adding the following:

Second Street, both sides, Gore Street to Cambridge Street. All Hours, Except Sunday.

This regulation shall take effect 9 June 1994.

PROMULGATED DATE May 13, 1994

George Teso
Traffic Director

(C)May26,June2,9
#39015

LEGAL NOTICE
U-HAUL COMPANY
SELF-STORAGE FACILITY SALE

Self-Storage Facility Operator's Sale for nonpayment of storage charges pursuant to the power of sale contained in M.G.L., Chapter 105-A, Section 4, General Charges, and for the satisfaction of the Facility Operator's Lien. The following property will be sold at Public Auction at 1:00 P.M., Wednesday, June 15, 1994, on the premises of Central Square Moving & Storage Center, 844 Main Street, Cambridge, MA: All household furniture, trunks, books, tools, clothes, appliances, antiques, bric-a-brac, and miscellany held for the accounts of: **Lucille Holmes,** Rm. 364; **Rena Murrell,** Rm. 497; **Nancy Broughton,** Rm. 581. Sale per order of U-Haul Company of Boston, Inc. Tel. (617) 354-0500. Terms: Cash. Sale subject to cancellation. Wm. F. Moon & Co., Auctioneers, North Attleboro, MA 02760. Lic. #151.

(C)May26,June2
#39020

LEGAL NOTICE
JIM CLARK MOVING COMPANY
SELF-STORAGE FACILITY SALE

Self-Storage Facility Operator's Sale for nonpayment of storage charges, uniform commercial code Section 6-A, Par. 7-210 enforcement of the warehouseman's lien, the following property will be sold at Public Auction at 9:00 A.M., Tuesday, June 21, 1994 on the premises of Jim Clark Moving Co., 1 Monsignor O'Brian Hwy., Cambridge, MA 02142. All Household furniture, trunks, books, tools, clothes, appliances, antiques, bric-a-brac miscellany held for the accounts of: **Structure Tone,** Lot #6; **France Prenelus,** Lot #5; **David Strohm,** c/o Greylock, Lot #7; **Kimberly Lange,** Lot #4; **Vicki Horne,** Lot #8; **Don Kilburn,** Lot #3; **Metriplex, V. Com/P.S. Stutman,** Lot #9; **George Jones,** Lot #2; **Philip Weinstein,** Lot #11; **Philip Cooper,** Lot #1; **Scott Ashley,** Lot #10; **Elizabeth Rice-Smith,** Lot #12; **Executive International Movers,** Lot #13. Sale per order of Jim Clark Moving Co. of Cambridge, MA. Tel. (617) 742-2233. Terms: Cash. Sale subject to cancellation. William F. Moon & Co., Auctioneer, North Attleboro, MA. State Lic. #151.

(C)May26,June2
#39201

CITY OF CAMBRIDGE
PURCHASING DEPARTMENT

Sealed bids will be received at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass., until 11:00 o'clock A.M. **THURSDAY, JUNE 16, 1994** at which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge:

COLLECTION SERVICES (D.H.S.P.) (1)
X-RAY TUBE (2)
PAINTING OF CROSSWALKS (3)
RUBBISH, TRASH REMOVAL SERVICES (CAMBRIDGE HOSPITAL) (4)
NEW HAGGERTY SCHOOL - SCHOOL FURNITURE & EQUIPMENT (FILE NO. 2899 (0)
REBID: COFFON BUILDING-SECOND FLOOR INTERIOR PAINTING (2895A (7))

The City of Cambridge reserves the right to waive any minor informalities or to reject any or all bids if it is in the City's best interest to do so.

Specifications may be obtained at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass.

Each bid must be in a sealed envelope plainly marked "Bid for 'Designate Item' " and addressed to Diane Wynshaw-Boris, Purchasing Agent, City Hall, Cambridge, Massachusetts.

Diane Wynshaw-Boris
Purchasing Agent

(C)June2
#39102

NOTICE OF MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Lenore H. Jackson** and **Leonard L. Jackson** to Grove Bank for Savings, dated January 5, 1988 and recorded with the Middlesex County (Southern District) Registry of Deeds at Book 18801, Page 137, of which mortgage Grove Bank f/k/a Grove Bank for Savings is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 1:00 p.m. on July 6, 1994, on the mortgaged premises located at **Unit 202, Charles Street Condominium, 200-212 Charles Street,** a/k/a 202 Charles Street, East Cambridge, Middlesex County, Massachusetts, all and singular the premises described in said mortgage,

TO WIT:

Condominium Unit No. 202 in The CHARLES STREET CONDOMINIUM, created by a Master Deed (the "Master Deed") dated December 21, 1987 and recorded with Middlesex South Registry of Deeds on December 21, 1987 in Book 18772, Page 238 in accordance with and subject to the provisions of Massachusetts General Laws Chapter 183A as amended (Chapter 183A"). The Unit is more particularly described in the Master Deed, is shown on the plans recorded simultaneously with the Master Deed, and is conveyed together with the Mortgagor's undivided interest in the common areas and facilities of the Condominium (the "common areas and facilities") as set forth in the Master Deed.

The Unit and such undivided interest in the common areas and facilities are conveyed with the benefit of and subject to the rights, easements, restrictions, covenants, agreements, obligations, conditions and other provisions referred to or set forth in the Master Deed, the provisions of the instrument establishing the unit owners' organization formed in accordance with Section 10 of Chapter 183A, (the "Condominium Trust"), the By-Laws contained therein and any rules and regulations promulgated pursuant thereto (hereinafter collectively called the "Condominium Documents"), insofar as the same are now in force and applicable. The Unit together with the foregoing undivided interest and appurtenant rights and the fixtures hereinafter mentioned are sometimes herein referred to as "the mortgaged premises".

For mortgagors' title see deed recorded with Middlesex County (Southern District) Registry of Deeds in Book 18801, Page 133.

The unit is subject to and has the benefit of all rights, restrictions, easements, agreements, interests and provisions contained in the Master Deed, the Declaration of Trust and the Rules and regulations and By-Laws adopted thereto, as any of the same may be amended from time to time, as well as the provisions of Chapter 183A of the Massachusetts General Laws, as the same may be amended from time to time.

These premises will be sold and conveyed subject to and with the benefit of all rights, rights of way, restrictions, easements, covenants, liens or claims in the nature of liens; improvements, public assessments, any and all unpaid taxes, tax titles, tax liens, water and sewer liens and any other municipal assessments or liens, or existing encumbrances of record, which are in force and are applicable, created prior to the said mortgage which is being foreclosed whether or not reference to such restrictions, easements, improvements, liens or encumbrances is made in the deed.

TERMS OF SALE:

A deposit of Five Thousand ($5,000.00) Dollars by certified or bank check will be required to be paid by the purchaser at the time and place of sale. The balance is to be paid by certified or bank check at the Law Offices of Mark P. Harmon, 27 Needham Street, P.O. Box 388, Newton Highlands, Massachusetts 02161, within thirty (30) days from the date of sale. Deed will be provided to purchaser for recording upon receipt in full of the purchase price.

Other terms, if any, to be announced at the sale.

GROVE BANK F/K/A
GROVE BANK FOR SAVINGS
Present Holder of said mortgage
By its Attorneys
LAW OFFICES OF MARK P. HARMON
Joanne M. Zoto, Esquire
27 Needham Street
P.O. Box 388
Newton Highlands, MA 02161
(617) 244-7505

(C)June2,9,16
#39100

CAMBRIDGE HOUSING AUTHORITY (CHA)
NOTICE OF FAMILY PUBLIC HOUSING WAITING LIST CLOSING

The Cambridge Housing Authority (CHA), 270 Green Street, Cambridge, Massachusetts is no longer accepting applications for conventional state and federally aided family public housing effective June 1, 1994. This closing was made necessary due to the exceptionally long waiting list for family public housing. Applications for state and federally aided elderly/disabled housing and Single Room Occupancy (SRO) housing will still be accepted.

The CHA will continually review the status of our family housing waiting lists and will reopen our lists when we are able to meet the needs of additional applicants

Equal Housing Opportunity

(C)June.2
#39117

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division DOCKET NO.94P1878E
Estate of **James F. Morris**
late of **Cambridge**
in the County of Middlesex
Died on March 27, 1994
NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that **Susan M. Smith of Weymouth** in the county of Norfolk be appointed executrix without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on June 27, 1994.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twenty sixth day of May in the year of our Lord one thousand nine hundred and ninety Four.

Donna M.Lambert
Register of Probate

(C)June.2
#39110

CAMBRIDGE SAVINGS BANK
1374 Massachusetts Avenue
Cambridge, Massachusetts

A **Special Meeting** of the Corporators of the Cambridge Savings Bank will be held at the Cambridge Savings Bank, 1374 Massachusetts Avenue, Cambridge, on Wednesday, June 15, 1994 at Five O'Clock p.m. for the election of six new Corporators and other business as may be legally presented.

Francis W.K. Smith
Clerk

(C)June2
#39095

LEGAL NOTICE

REQUEST FOR PROPOSALS. Employment Resources, Inc., the Metro North Service Delivery Area (SDA) providing employment and training services, has approximately $500,000+ available in federal Job Training Partnership Act (JTPA) Economic Dislocation Workers' Adjustment Assistance Act (EDWAA) funding for education and occupational skills training programs for Fiscal Year 1995 (07/01/94 - 06/30/95). ERI is seeking proposals from interested parties to provide training and/or educational services to dislocated residents of the following cities and towns: Arlington, Belmont, Burlington, Cambridge, Chelsea, Everett, Malden, Medford, Melrose, North Reading, Reading, Revere, Somerville, Stoneham, Wakefield, Watertown, Wilmington, Winchester, Winthrop, and Woburn. Two Requests for proposals will be issued: Occupational Skills Training (Health, Technical, Medical Clerical, and Clerical), and Education. Private profit or nonprofit firms, public organizations, women- and minority-owned businesses are encouraged to apply. Deadline for submission of proposals is July 5, 1994 at ERI. Proposal submission requires one original and ten copies. Specification packages will be available on or after June 6, 1994 and may be obtained by at ERI or by calling Amy Weatherbee Bragan at (617) 494-1154. For more information, contact Amy Weatherbee Bragan at (617) 494-1154 or c/o ERI, 432 Columbia Street, Cambridge, MA 02141. A Bidder's Conference will be held at ERI on June 6, 1994, 2:00 - 4:00 p.m. New England Relay Service for TDD Users: 1-800-439-2370 (V/TTY). ERI is an equal opportunity employer.

(C)June2
#39079

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
Middlesex Division Docket No. 94P1301GM
NOTICE OF
GUARDIANSHIP - MINOR -
WITHOUT SURETIES
NOTICE

To all persons interested in **Shaquila Anderson** of Cambridge in said County Middlesex, a minor.

A petition has been presented in the above-captioned matter praying that Renee Green of Cambridge in the county of Middlesex be appointed guardian of said minor with custody without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before June 13, 1994.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twenty ninth day of April, in the year of our Lord one thousand nine hundred and ninety four.

Donna M. Lambert
Register of Probate

(C)June2
#39099

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT ADMINISTRATION WITH THE WILL ANNEXED WITHOUT SURETIES
Middlesex Division Docket No. 94P2372E
Estate of **Georgia Chochrek**
died November 27, 1992
late of **Cambridge**
in the County of Middlesex
NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Joanne L. Laidley of Cambridge in the County of Middlesex be appointed administratrix with the will annexed of said estate without surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on June 22, 1994.

In addition you must file a written affidavit of objections to the petition stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the nineteenth day of May in the year of our Lord one thousand nine hundred and ninety four.

Donna M. Lambert
Register of Probate

(C)June2
#39084

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division Docket No. 94P1830E
Estate of **Christine F. Casserly**
also known as **Christine Frances Casserly**
Died on March 20, 1994
late of **Somerville,**
in the County of Middlesex
NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that John J. Casserly of Boston in the County of Suffolk be appointed executor without giving surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on June 20, 1994.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the nineteenth day of May in the year of our Lord one thousand nine hundred and ninety four.

Donna M. Lambert
Register of Probate

(C)June2
#39088

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division Docket No. 94P2192E
Estate of **Hazel Rourke**
Died on April 3, 1994
late of **Cambridge**
in the County of Middlesex
NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Justin P. Rourke of Cambridge in the County of Middlesex be appointed executor without giving surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on June 13, 1994.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twenty third day of May in the year of our Lord one thousand nine hundred and ninety four.

Donna M. Lambert
Register of Probate

(C)June2
#39086

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division Docket No. 94P1744E
Estate of **Joseph C. Hawthorne**
also known as **Joseph Campbell Hawthorne**
Died on March 20, 1994
late of **Cambridge**
in the County of Middlesex
NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Hazel R. Hawthorne of Cambridge and John L. Worden III of Arlington both in the County of Middlesex be appointed executors without giving surety on their bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on June 23, 1994.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twenty third day of May in the year of our Lord one thousand nine hundred and ninety four.

Donna M. Lambert
Register of Probate

(C)June2
#39075

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division Docket No. 94P1659E
Estate of **Louis F. Champoux**
Died on March 21, 1994
late of **Cambridge**
in the County of Middlesex
NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Caroline L. O'Connor of Winchester in the County of Middlesex be appointed executrix without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on June 13, 1994.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twenty third day of May in the year of our Lord one thousand nine hundred and ninety four.

Donna M. Lambert
Register of Probate

(C)June2,9
#39036

PUBLIC NOTICE
RELATIVE TO ZONING
CITY OF CAMBRIDGE
MASSACHUSETTS
OFFICE OF THE CITY CLERK

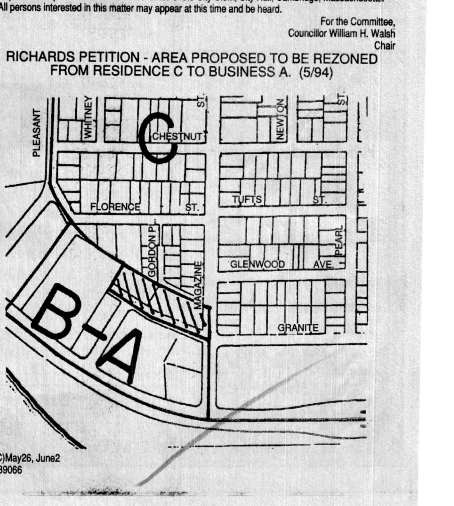
Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on Thursday, June 16, 1994 at 6:00 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on the petition of Patrick C. Toomey on behalf of Charles A. Richards, Trustee of Memorial Realty Trust, to amend the Zoning Map of the City of Cambridge.

This petition would rezone the two lots numbered 67 and 78 on Assessor's Plat numbered 100, and a section of Riverside Road, from Residence C to Business A, as shown on the accompanying map. The rezoning would allow the area to be used for those uses other than residential; and would increase the Floor Area Ration to 1.0 for nonresidential uses and 1.75 for residential uses.

Copies of this petition are on file in 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 William H. Walsh
Chair

RICHARDS PETITION - AREA PROPOSED TO BE REZONED FROM RESIDENCE C TO BUSINESS A. (5/94)



(C)June2,9,16
#39085

COMMONWEALTH OF MASSACHUSETTS
Middlesex ss. Probate Court No. 94D1637D1
Summons by Publication
Abdellah Goulma Plaintiff
vs.
Sabrina Marie Miller Defendant

To the above-named Defendant:

A complaint has been presented to this Court by your spouse, Abdellah Goulma, seeking Divorce

You are required to serve upon Mario Bozza, Esq., plaintiff's attorney, whose address is 63 Commercial Wharf, Boston, MA 02110 your answer on or before July 11, 1994. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.

Witness, SHEILA E. McGOVERN, Esq., First Judge of said Court at Cambridge.

5-14-1994

Donna M. Lambert
Register of Probate

(C)June2,9,16
#39034

MASS HIGHWAY

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS HIGHWAY DEPARTMENT
NOTICE OF A PUBLIC HEARING

A Design Public Hearing will be held by the Massachusetts Highway Department to discuss the **proposed pavement and safety improvements to Massachusetts Avenue from Memorial Drive to Lafayette Square** in the City of Cambridge.

WHERE: Central Square Library
45 Pearl Street
Cambridge, MA

WHEN: Tuesday, June 21, 1994 at 7:00 P.M.

PURPOSE: The purpose of this hearing is to provide the public with the opportunity to become fully acquainted with the proposed Traffic and Roadway Improvement Project. All views and comments made at the hearing will be reviewed and considered to the maximum extent possible.

PROPOSAL: In general, the project will provide traffic and roadway improvements to upgrade traffic flow and safety. Roadway improvements are proposed to upgrade roadway pavement, lane continuity, sidewalks and bicycle/pedestrian safety. The work will include minor roadway realignment at Lafayette Square and pavement rehabilitation. The work will also include bicycle lanes, new street lighting, drainage system improvements, traffic signals and pavement markings.

The rehabilitated roadway will provide four (4) travel lanes, two in each direction, a parking lane and a four (4) foot wide bicycle lane on the easterly side and a bicycle lane on the westerly side. The new roadway section will replace the existing roadway section that is in poor condition. Drainage system improvements and new sidewalks will be incorporated where required.

Land acquisitions will be required for the purposes of widening and geometric improvements. Temporary construction easements will be required throughout the project area. The Department's policy regarding land acquisitions will be discussed at the hearing.

An Environmental Notification Form will be filed with the Office of Environmental Affairs in accordance with Massachusetts Environmental Protection Agency regulations. This project will not impact 4F lands.

Written views received by the Department subsequent to the date of this notice and up to five (5) days prior to the date of the hearing shall be displayed for public inspection and copying at the time and date listed above.

Written statements and other exhibits in place of, or in addition to, oral statements made at the Public Hearing regarding the proposed undertaking are to be submitted to Ross B. Dindio, P.E., Chief Engineer, Massachusetts Highway Department, Ten Park Plaza, Boston, MA 02116. Such submissions will also be accepted at the hearing. The final day of receipt of these statements and exhibits will be ten (10) days after this Public Hearing.

Laurinda T. Bedingfield, Commissioner
Ross B. Dindio, P.E., Chief Engineer
Boston, Massachusetts

(C)June2,9
#39049

(C)May26, June2
#39066

City residents help commemorate Stonewall riots, participate in Gay Games

Sue Hyde was impressed with the way the New York celebration of gay liberation drew people from all over the world, not just the United States.

And Debbie Karlan came back thrilled to have helped a new friend from San Francisco finish the Gay Games marathon.

Karin Aguilar-San Juan, returned with a trophy, a silver medal in marshal arts.

And Lee Swislow was moved by the feeling that she was there as a basketball player first, openly gay, but not as a gay person in hiding.

These and other gay Cantabrigians were among the tens of thousands of people who went to New York last weekend for a week of events recalling the 1969 Stonewall riots. These four women, there for either the Gay Games or to recognize the 25th anniversary of the riots that are considered the birth of the modern gay liberation movement, they each came back with a personal tale of what made the journey most meaningful.

"It was mind expanding, really," said Hyde, a Pearl Street resident who went to New York Wednesday with her partner and their baby. "I don't work exclusively in local politics, but I'm very involved so it was refreshing to get a different view of the world."

Speakers from other countries proved significant events do take place outside the US, said Hyde, a leader of the Cambridge Lavender Alliance. Three speakers from South Africa at Sunday's final rally talked, for instance, about being from the first country ever to include anti-discrimination protection for gay people in their constitution.

"The gay community in this country tends to think that Stonewall is very important, that it was a watershed for *our* gay and lesbian political movement," said Hyde. "But every one of the speakers from a country other than the United States cited Stonewall as the most significant historical marker for their own movements."

The week of events leading up to the final march Sunday recalled the riots one June night in 1969 when police raided a bar in a crackdown on the city's gay community. Police, for a change, were greeted by rebellion and violence in return.

Many of the Cambridge residents went specifically to compete in the games.

For Aguilar-San Juan, a Magazine street resident, the trip brought a high from winning. In a highly competitive atmosphere, Aguilar-San Juan competed against 20 other women in Chinese marshal arts and came home with the silver.

"I was more nervous than I've had ever been," said Aguilar-San Juan, who is in graduate school in sociology at Brown University. Part of her nervousness grew from competing in front of athletic women she respected so much.

"Usually it's just people I don't care about or men I hate who are already prepared to be condescending towards me and don't expect me to do anything," said San Juan-Aguilar. At the Gay Games, however, "the deities of the women's marshal arts world were watching."

Aguilar-San Juan's partner, Debbie Karlan, also had an athletic high. Karlan met a friend of a friend for the first time on the 17th mile of the Gay Games marathon Saturday. With the other woman, Karlan ran the last nine miles of the marathon, through the village, up the FDR drive and into Central Park.

"This was a highlight... to support someone doing something that had been one of the greatest experiences of my life," said Karlan.

Both Karlan and San Juan-Aguilar went to Sunday's full blown march by the United Nations as and rally as well as the alternative march earlier that day. The alternative march was scheduled in protest of the more conservative tone of the main rally.

Another Magazine Street resident, Swislow went to New York to play basketball and left Saturday morning. She attended the drag queen march Friday, but was there primarily for the Gay Games as a member of the local basketball team, Kate Clinton's Hot Flashes.

Swislow, director of the Multidisciplinary AIDS Program at Cambridge Hospital, decided to head to the city when she heard the gay athletic event that occurs every four years would coincide with Stonewall.

"It seemed too cool to pass up," she said. "I thought I'm going to 45 for these gay games and I'll be 49 for the next," she said, explaining that she predicted this could be her last chance. Now she sees things differently.

"It was so much fun I'm all set to go again in four years. I don't care how old I am," said Swislow, who with seven of her team mates played at Lehman College in the Bronx.

Swislow tried to give an upbeat report on the title brought home by the 4-year-old team, named after a lesbian comic. She said they were just six points away from a bronze.

But the truth is the team, made up of 16 mostly Cambridge and Jamaica Plain lesbians, generally doesn't play competitively and they faced off against only three other teams in the Women's B division, the "the middle-aged ladies division."

Swislow was particularly moved by the feeling of safety in New York afforded to gay people who may not be out in their own communities.

"I realized my whole identify in New York at the gay games was as an athlete. That's not how people usually see me in the world," she said. "Being able to be out about it was incredibly powerful." As someone who is already open about her sexuality, Swislow said the joy was in "watching people who don't usually have the freedom to be out."

Mayor Ken Reeves was scheduled to attend the weekend march, but ended up occupied in Cambridge, said his assistant, Isaac Graves.

—Amy Miller

URBAN SURVIVAL

Do we need the death penalty?

BY GEORGE DONNELLY
Bay State Community Newspaper Co.

An eye for an eye. A tooth for a tooth.

And now, with increasing frequency across the country, a life for a life. It seems almost every week you read about another execution.

Just last week, a North Carolina man was gassed to death 14 years after he broke into a man's home and murdered him in cold blood as the victim begged for his life.

This time it was the murderer, David Lawson, who was begging for his life. The Associated Press reported: "The chamber's double-paned windows made it difficult to make out the muffled words of David Lawson, but he seemed to yell: 'I'm human! I'm human!' and 'Don't kill me!' "

Lawson had said in his final statement: "I am a human being, no more and no less than any other human being. It is no more right for the state of North Carolina to take my life than it was for me to kill."

A relative of the murder victim, however, approved of the more painful method of gas. "I personally think lethal injection is too easy," he said. "I think they should have to suffer. He (Lawson) did have to suffer some."

The death penalty appeals to the gut. If you murder someone, you will die, and justice will be served.

Pandering to the criminal element certainly helps perpetuate crime. We need a deterrent. Why should society coddle murderers?

But how can the state willfully engage in a murder of its own? And what if the justice system failed, as it sometimes does?

With the state Senate's sudden passage of a capital punishment bill last week, this emotional issue is now on the front burner of state politics. A State House hearing is scheduled July 1 on the issue, but it is widely believed the leadership in the House of Representatives will kill capital punishment. O.J. Simpson faces charges on two capital crimes in California, a sensational event that has forced many to weigh their feelings on the death penalty.

Reading the arguments of both sides, I think capital punishment forces us to weigh which is the worse atrocity, inadequately punishing murderers — or forcing the state-sponsored murder of someone who was wrongly convicted.

There are other issues with the death penalty, not the least of which is whether the state should be in the business of killing people. That didn't seem to trouble the majority of the Senate, including Sen. Charles Shannon, who represents Somerville, Medford and Winchester and voted for the capital punishment bill. "Someone has to do it," Shannon said this week. "The state is authorized by the people."



Shannon said his support of the death penalty reflect his sense that society has to take a stand again the cheapening of life. "You read in the newspaper everyday somebody's life is taken on a whim, a challenge. [For] a sneaker, a hat. That itself speaks to what is taking place, life has come to the value of nothing but a sneaker. You've got to take a stand and say enough is enough."

Not only does the idea of the state taking life not bother Shannon, but neither does the flaws in the judicial system. He referred to the recent infamous caning of an American teen in Singapore. "It's just like the president of Singapore said, we worry about the majority, not the individual. Sometimes a caning that should not have happened happens or a life will be taken that shouldn't have, but the majority will be in peace and safety."

Death penalty opponents argue that the death penalty doesn't make us any safer and deflects attention from addressing the real issues. "Many people have grasped at the death penalty as a quick-fix remedy to address the inability of our criminal justice system to protect the public and deliver swift, firm, and equal justice," said Attorney General Scott Harshbarger in a statement against the death penalty.

"In reality," Harshbarger said, "the death penalty cures nothing. Were there a death penalty in Massachusetts, it would apply to only a small percentage of cases involving serious violent crime, yet it would exact an incredibly high and unnecessary economic and social cost."

The death penalty has not proven to be a deterrent, Harshbarger argues, saying "the vast majority of heinous crimes are not the result of calculated planning, but rather the result of irrational and spontaneous acts."

Death penalty proponents argue that it's just a matter of time before the message gets out that if you take a life, you will have to pay with your own.

The sympathy belongs with the victims and their families, not the murderer, Shannon said. "You can't hear from the victim. You won't ever know the thoughts of the person [whose] life was taken."

The issue may ultimately boil down to society's own conscience, not the murderer's. Can we, in an imperfect society and its fallible legal system, willingly take life? "If this is really the best we can do," stated Harshbarger, "then our public value system is bankrupt and we have truly lost our way."

For Sen. Michael Barrett of Cambridge, the issues boils down to what kind of state he wants his kids to live in. "With all our terror, I am convinced to my core that the sensationalizing of death and violence will get a boost from the death penalty. Getting the state government into the killing game, with all the messy media sideshows it will involve, will undermine the reverence for life." Rather than reduce violence, Barrett predicts, we will discover that violence, in the form of the "carnival" atmosphere that surrounds death row cases, saturates our lives more than ever.

COMMUNITY NOTES

No rubbish collection July 4

There will be no rubbish collection by the Cambridge Department of Public Works on Monday, July 4, due to the Independence Day holiday. All household collection, commercial account rubbish collection and recycling collection routes will be picked up one day behind schedule for the remainder of the week.

Potluck picnic to be held July 17

In celebration of the first International Year of the Family, the Parents Forum will hold a potluck picnic on Sunday, July 17, from 4 to 6 pm, at Danehy Park, Sherman Street, Cambridge. No fires and no alcohol will be allowed. Raindate is July 24.

For further information, call 864-3802.

Families First to hold fun fest July 17

Families First parenting programs will hold a fun fest at New England Car Stereo's Sound Jam '94 on Sunday, July 17, from 9:30 am to 5 pm, at Suffolk Downs in East Boston.

The day's activities will include pony rides around Suffolk Downs Winner's Circle, petting zoo, moonbounce, speed pitch, face painting, and more for children ages 2 to 12. For older children and parents there will be antique cars, mobile electronics exposition, and a raffle.

Admission is $2. There will be a small charge for Families First activity tickets with proceeds to benefit Families First.

Volunteers are needed. Call Jill or Maria at 868-7687 if you can give a couple of hours that day.

Somerville Hospital honors employees

Nine Cambridge residents were among 104 employees honored recently at Somerville Hospital's annual employee recognition ceremonies. Board chairman Robert Arnold and hospital President Norman Girard thanked the employees for their years of service and presented them with gifts. Honored for 20 years of service were Dr. David Osler and Lorraine Travers; for 10 years Jagjit Brar; and for five years, Michelle Correia, Auvril Gibson, Lisa McKim, Denise Renaud, Dr. Arnold Robbins and Dalmir Silva.

JIMMIES DISCOUNT OUTLET
Featuring Discounts up to 80% off Retail Prices
WEEKLY SPECIALS
FAB or DYNAMO Liquid LAUNDRY DETERGENT 50 or 64 oz. size Reg. Price $3.99 ea. OUR PRICE 2/$5.00
MURPHY'S OIL SOAP 17 oz. Spray Formula Reg. Price $1.89 ea. OUR PRICE $1.00 ea.
COLGATE SHAVE CREAM 11 oz. can Reg. $1.09 ea. OUR PRICE 2/$1.00
22-24 Bow St., Somerville 625-5605
Across from Shawmut Bank, Union Square

BINGO!
Giant Raffle
AT MALDEN CATHOLIC HIGH SCHOOL
Separate Non-smoking Room
(99 CRYSTAL ST. - BEHIND PURITY SUPREME)
TUESDAYS AT 7 P.M.
Averaging 10 $500 Games on Tues.
SUNDAYS AT 1 P.M.
Large Free Parking Area • Call 322-3098

Whale Safaris!
★ See The Great Whales!!
★ Half Day (4 hr.) Trips From Gloucester
★ Free Brochure
CAPE ANN WHALE WATCH
S·A·F·A·R·I·S
Toll Free 1-800-877-5110

VACATIONS are for KNITTING!
Woolcott & Co.
"The Knitting Store in Harvard Square"
547-2837
61 JFK St.

COFFEE AS YOU LIKE IT®
1815 Mass. Ave., Porter Exchange Building, Cambridge
864-3008
✧ Gift Baskets ✧ Gourmet Coffee Beans ✧ Fine Teas ✧ And More
Come in and register for a $25 Gift Certificate from our store! Winner picked July 15th!
GET A THERMAL MUG FREE!
with your $10 purchase or more of coffee beans and our equipment! A $4 value FREE!
BRAUN, ROTEL, SEACO, & BIALETTI ARE ON SALE!
No rain checks and offer good only while supplies last.

JULY 1 - AUGUST 14, 1994
SUMMER SHOWHOUSE
Featuring many of New England's finest designers showcased in a magnificent Lowell home, birthplace of the American Industrial Revolution.
NESMITH
To benefit the Middlesex Community College Foundation, Inc. Call 1.800.443.3332 for information. Showhouse closed Mondays.
Designer Showhouse
Tickets available at Middlesex Community College campuses; The Coffee Mill, Lowell; Country Curtains, Beverly; Ethan Allen Furniture (Burlington, Natick, Norwood); JCCNS, Marblehead; >>> The Lowell Gallery; The Sheraton Inn, Lowell; Talbots (Acton, Burlington, Marblehead, Bedford NH); Today's Home, Middleton; and The Welles Emporium, Ltd., Lowell.
>>> MASSACHUSETTS

Main Street Video
"The Finest in Adult"
Rent 1 Video & Receive 2nd Free (with this ad)
Sales 628-5514 Rentals
1 Main Street, Somerville

Best Wishes
Mark Savenor
For A Speedy Recovery!

LEGAL NOTICES

Traffic and Parking

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.

REGULATION NO. 94-18

Regulation No. 66-1 Schedule 6D "Parking Prohibited At All Times On Certain Sides Of Certain Streets, Tow Away Zone" (Handicapped Persons And Disabled Veterans) is hereby amended by adding the following:

Shepard Street, south side, 118'W of Avon Street to 139'W of Avon Street.

Prospect Street, east side, 148'S of Cambridge Street to 168'S of Camb. St.

Eighth Street, west side, 107'N of Thorndike Street to 133'N of Thorndike Street.

Linskey Way, south side, 168'W of First Street to 221'W of First Street.

And is further amended by removing the following:

Seventh Street, east side, 140'S of Otis Street to 162'S of Otis Street.

Linskey Way, south side, 100'W of First Street to 128'W of First Street.

This regulation shall take effect 28 June 1994.

PROMULGATED DATE June 6, 1994

George Teso, Traffic Director

(C)June16,23,30
#39199

Commonwealth of Massachusetts
The Trial Court
Probate and Family Court Department
Middlesex Division Docket No. 94A0274-T1
Citation
M.G.L. c. 210, § 3

In the matter of **Crystal Ann Randall,** minor

To Traci Randall of Woburn, Mass and Richard Myers of Cambridge, Mass and any unknown or unnamed father, parent(s) of the above named child.

A petition has been presented to said court by The Department of Social Services 810 Memorial Dr. Cambridge, Mass. praying that said court finds that the - mother - father - of said child lack(s) the current ability, capacity, fitness and readiness to assume parental responsibility for said child; that the petitioner's plan for adoption of the child will serve the child's best interests; and, under the provisions of the General Laws of Massachusetts, Chapter 210, Section 3, dispense with the need for the consent of or notice to the within named -mother - father - on any petition for the adoption of said minor child subsequently sponsored by the petitioner.

IF YOU DESIRE TO OBJECT THERETO YOU OR YOUR ATTORNEY MUST FILE A WRITTEN APPEARANCE IN SAID COURT AT Middlesex Probate Court, 208 Cambridge St. Cambridge, Mass before TEN O'CLOCK in the forenoon (10:00 A.M.) on July 25, 1994.

You are entitled to the appointment of an attorney if you are an indigent person. An indigent person is defined by SJC Rule 3:10, Determination of indigency will be made by the Court. Contact the Assistant Register - Adoptions Clerk of said Court

Witness, Sheila E. McGovern Esquire, First Justice of said Court.

Date May 12, 1994

Donna M. Lambert, Register of Probate Court

(C)June16,23,30
#39191

Commonwealth of Massachusetts
The Trial Court
Probate and Family Court Department
Middlesex Division Docket No. 94A0273-T1
Citation
M.G.L. c. 210, § 3

In the Matter of **Adam Scott Myers,** minor

To Traci Randall Woburn, Mass and/or Richard Myers of Cambridge, Mass. and any unknown or unnamed father, parent(s) of the above named child.

A petition has been presented to said court by The Department of Social Services, 810 Memorial Drive, Cambridge, Mass. praying that said court finds that the - mother - father - of said child lack(s) the current ability, capacity, fitness and readiness to assume parental responsibility for said child; that the petitioner's plan for adoption of the child will serve the child's best interests; and, under the provisions of the General Laws of Massachusetts, Chapter 210, Section 3, dispense with the need for the consent of or notice to the within named - mother - father - on any petition for the adoption of said minor child subsequently sponsored by the petitioner.

IF YOU DESIRE TO OBJECT THERETO YOU OR YOUR ATTORNEY MUST FILE A WRITTEN APPEARANCE IN SAID COURT AT Middlesex Probate Court, 208 Cambridge ST., Cambridge, Mass. before TEN O'CLOCK in the forenoon (10:00 A.M.) on July 25, 1994.

You are entitled to the appointment of an attorney if you are an indigent person. An indigent person is defined by SJC RULE 3:10, Determination of indigency will be made by the Court. Contact the Assistant Register - Adoptions Clerk of said Court.

Witness, Sheila E. McGovern Esquire, First Justice of said Court.

Date May 12, 1994

Donna M. Lambert, Register of Probate Court

(C)June16,23,30
#39126

MORTGAGEE'S NOTICE OF SALE OF REAL ESTATE

By virtue and in execution of the power of sale contained in a certain mortgage, given by **Richard E. Lenza to Century Bank and Trust Company dated January 17, 1983,** recorded with Middlesex County, Southern District, Registry of Deeds in Book 14864, Page 194, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage, and for the purpose of foreclosing the same, will be sold at public auction on the mortgaged premises hereinafter described in said mortgage, and being numbered 10 Prentiss Street, Cambridge, Massachusetts on July 7, 1994 at 9:00 a.m., all and singular the premises described in said mortgage to wit:

The land at **10 Prentiss Street, Cambridge,** Middlesex County, Massachusetts, being shown as Lot A on a Plan entitled "Land in Cambridge Premises in Cambridge: W. A. Mason & Son, Surveyors, dated April, 1919, recorded with said Deeds in Book 4253, Page End.

For a title reference see deed recorded with said Deeds in Book 14864, Page 193.

TERMS OF SALE: Said premises will be sold subject to any and all unpaid taxes and assessments, tax sales, tax titles and other municipal lien and water liens if any there are, the successful bidder will be required to pay the cost of all deed and transfer taxes, including documentary stamps, imposed by the Commonwealth of Massachusetts or any other governmental or quasi-governmental authority, ($5,000.00) FIVE THOUSAND AND NO/100 in cash, bank check or certified check will be required to be paid by the purchaser at any time and place of sale, the balance to be paid within twenty (20) days thereafter and shall be deposited in escrow with the office of Sims & Sims, P. C., Attorney for the Mortgagee, 231 Main Street, Brockton, Massachusetts, 02401.

The Mortgagee reserves the right to postpone the sale to a later date by public proclamation at the time and date appointed for the sale and to further postpone at any adjourned sale date by public proclamation at the time and date appointed for the adjourning sale date.

Other terms to be announced at the sale.

FEDERAL NATIONAL MORTGAGE ASSOCIATION
(PRESENT HOLDER OF SAID MORTGAGE)
ALVIN JACK SIMS,
Attorney for the Mortgagee
231 Main Street
Brockton, Massachusetts 02401

(C)June 16, 23, 30
39908

LEGAL NOTICE
MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Monica Cox** and **Ricardo Cox** to Leslie Goldie Espinoza and Dallas Guinn Perkins, Jr., dated September 30, 1985 and recorded with Middlesex South District Registry of Deeds in Book 16480, Page 432, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage, and for the purpose of foreclosing, the same will be sold at Public Auction at 9:00 A.M., on the 19th day of July, 1994 on the mortgaged premises described below, being known as Unit 2, **162 Hampshire Street,** Cambridge, Massachusetts, all and singular the premises described in said mortgage to wit:

The Unit ("Unit") known as Unit Number 2 of the 162 Hampshire Street Condominium, the post office address of which is 162 Hampshire Street, Cambridge, Middlesex County, Massachusetts, a condominium established pursuant to Massachusetts General Laws Chapter 183A, by Master Deed dated April 8, 1985 and recorded with the Middlesex County Southern District Registry of Deeds in Book 16094, Page 341, which Unit is shown on the floor plans filed with said Master Deed. Said Unit is mortgaged together with the undivided 16.667 percent interest in the common areas and facilities appurtenant thereto.

Said premises will be sold subject to any and all unpaid taxes, assessments, betterments and municipal liens, if any there be.

The Mortgagee reserves the right to postpone the sale to a later date by public proclamation at the time and date appointed for the sale and to further postpone at any adjourned sale date by public proclamation at the time and date appointed for the adjourned sale date.

In the event that the successful bidder at the foreclosure sale shall default in purchasing the within-described premises pursuant to the terms of this Notice of Sale and/or the terms of the Memorandum of Sale executed at the time of foreclosure, the Mortgagee reserves the right to sell the property by foreclosure Deed to the second highest bidder provided that the second highest bidder shall deposit with Mortgagee's attorneys, Rainen Law Office, P.C., the amount of the required deposit as set forth herein within three (3) business days after written notice of default of the previous highest bidder and title shall be conveyed to said second highest bidder within twenty (20) days of said written notice. If the second highest bidder shall default, the mortgagee may purchase for the amount bid by the second highest bidder.

TERMS OF SALE: A deposit of Five Thousand Dollars ($5,000.00) will be required for a bid on the mortgaged premises. The deposit shall be paid in cash or by certified check at the time and place of the sale as earnest money. The balance is to be paid in cash or by certified check within thirty (30) days of the date of the sale with the firm of Rainen Law Office, P.C., at which time and place the deed shall be delivered.

Other terms, if any, to be announced at sale.

Leslie Goldie Espinoza and
Dallas Guinn Perkins, Jr.
present holder of said mortgage by
Edward Rainen, Esquire
Rainen Law Office, P.C.
Two Center Plaza
Suite 520
Boston, Massachusetts 02108
Telephone: (617) 367-8284

(C)June23,30,July7
#38802

MORTGAGEE'S NOTICE OF SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain Mortgage, given by **Julian W. Peterson to Boston Federal Savings Bank,** a corporation organized under the laws of the United States of America, dated September 26, 1988 and recorded with the Middlesex South District Registry of Deeds in Book 19366, at Page 210, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 10:00 o'clock A.M. on the 19th day of July, 1994, at the mortgaged premises, at Unit 111, Spring Condominium, 71 Fulkerson Street, Cambridge, Middlesex County, Massachusetts, all and singular the premises described in said mortgage, to wit:

A certain residential condominium located in Cambridge, Massachusetts, together with any improvements now or hereafter situated thereon, as described in Exhibit "A" attached hereto prior to the execution hereof and incorporated by reference as if fully set out therein.

EXHIBIT "A"
ATTACHED TO MORTGAGE

Condominium Unit No. 111 (the "Unit"), located at 71 Fulkerson Street in Cambridge, Middlesex County, Massachusetts, in the Spring Condominium (the "Condominium"), a condominium established pursuant to M.G.L., Ch. 183A by Master Deed dated July 19, 1988, recorded on July 19, 1988, with the Middlesex South District Registry of Deeds, at Book 19204, Page 383, as may be further amended from time to time by amendments duly recorded (the "Master Deed"), which Unit is shown on the floor plans filed with said Master Deed and on the copy of the portion of said plans attached to the first Unit Deed of said Unit, to which is affixed the verified statement of a registered architect in the form required by Section 9 of said Chapter 183A, recorded with said Deeds herewith.

Said Unit is conveyed together with:

1. An undivided 3.039 percentage interest in the common areas and facilities of the Condominium described in said Master Deed.

2. Easements of record and easements as set forth in the first Unit Deed of this Unit and in the Master Deed.

3. An easement for the exclusive use of parking space No. 73 and 105 as shown on the site plan recorded with the Master Deed, an easement for the exclusive use of the patio or balcony to which there is direct access from the interior of said units as shown on the aforementioned plans.

Said Unit is conveyed subject to:

1. Easements in favor of adjoining Units as set forth in the first Unit Deed for this Unit and in the Master Deed.

2. The provisions of the Master Deed, the Condominium Trust and By-Laws and floor plans of the Condominium recorded with the Master Deed, as the same may be amended by instruments recorded in the Middlesex South District Registry of Deeds, which provisions, together with any amendments thereto, shall constitute convenants running with the land.

3. The Unit is intended for residential purposes only.

4. Subject to and with the benefit of all easements, restrictions and reservations of record, if any insofar as the same are now in force and applicable.

5. M.G.L. Chapter 183A.

Being the same premises conveyed to the mortgagor by a deed from Far VI Limited Partnership, to be recorded with said Deeds herewith.

TERMS OF SALE: Said real estate will be sold to the highest bidder who will be required to deposit Ten Thousand Dollars ($10,000.00) by certified check or bank cashier's check at the time and place of sale and the balance shall be paid by certified check or bank cashier's check at the offices of Kenneth S. May, Esq., 20th Floor, 50 Milik Street, Boston, Massachusetts 02109 within twenty-eight (28) days from the date of sale. The undersigned reserves the right to reject any and all bids and to adjourn, continue or cancel the foreclosure sale in the event it shall in his satisfactory to it is made or for any other reason. Said premises will be sold subject to

(i) terms and provisions of the Master Deed of the Spring Condominium dated July 19, 1988 and recorded with the Middlesex South District Registry of Deeds in Book 19204, Page 383, as amended of record, and of the Spring Condominium Trust dated July 19, 1988 recorded with said Deeds in Book 19204, Page 406;

(ii) terms and provisions of a Grant of Easement to FAR VI, Inc. dated November 19, 1986, recorded with said Deeds in Book 17601, Page 13, as affected by Agreement dated May 18, 1987 recorded with said Deeds in Book 18135, Page 290;

(iii) terms and provisions of a Deed from FAR VI Limited Partnership to FAR V Limitec Partnership dated May 18, 1987 recorded with said Deeds in Book 18135, Page 288, and Cross Easement Agreement dated July 9, 1987, recorded with said Deeds in Book 18304, Page 524;

(iv) Reservation of Rights by Far VI Limitec Partnership dated July 19, 1988 recorded with said Deeds as Instrument 640 of July 19, 1988, and Confirmatory Reservation of Rights recorded as Instrument 510 of July 26, 1988 (Book 19215, Page 396);

(v) Easement to Cambridge Electric Light Company dated October 25, 1987 recorded with said Deeds in Book 18693, Page 488;

(vi) Notice of Decision of Granting a Special Permit recorded with said Deeds in Book 17433, Page 479, as modified by Minor Amendment dated September 2, 1988 recorded with said Deeds in Book 18921, Page 536, and Minor Amendment #2 dated June 30, 1988 recorded as Instrument 468 of July 22, 1988;

(vii) all other instruments of record not included in the description of the mortgaged premises, all to the extent in force and applicable;

(viii) any and all taxes, tax titles, municipal liens, betterments and assessments;

(ix) common expenses and assessments or other payments assessed against the mortgaged premises by the Trustees of the Spring Condominium Trust; and

(x) the rights of tenants and parties in possession.

Other terms to be announced at the sale.

Boston Federal Savings Bank, present
holder of said Mortgage
By Its Attorney
Kenneth S. May, Esq.
20th Floor, 50 Milk St.
Boston, Massachusetts 02109
(617) 350-7966

(C)June23,30,July7
#39926

FINAL PUBLICATION NO. 2650.
First publication in the Chronicle on
June 16, 1994
City of Cambridge
Calendar Item # 11
IN CITY COUNCIL
June 27, 1994

ORDERED: That the order passed June 7, 1993, appropriating $40,000,000 for the **Cambridge Hospital,** is amended to read as follows:

ORDERED: That $50,000,000.00 is appropriated for construction of additions to the Cambridge Hospital, including a new ambulatory care center and an underground parking facility, and for remodeling, reconstructing and making extraordinary repairs to the existing Hospital facility, including new equipment and furnishings and related landscaping, paving and other site improvements; and that to meet this appropriation $20,000,000.00 shall be transferred from unrestricted Hospital funds, and the Treasurer with the approval of the City Manager is authorized to borrow $30,000,000 under G.L. c. 44 §§7(3) and 7(3A).

In City Council June 27, 1994.

Adopted by a yea and nay vote: Yeas 7; Nays 2; Absent 0.

ATTEST:- D. Margaret Drury
City Clerk

(C)June30
#38837

FIRST PUBLICATION NO. 2649.
CITY OF CAMBRIDGE
In the Year One Thousand,
Nine Hundred Ninety-Four
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:

Amend the Zoning Map of the City of Cambridge by rezoning from Residence C to Business A an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the westerly extension of the centerline of Granite Street and the centerline of Magazine Street, and which point is approximately 290 feet north of the intersection of the southerly extension of the centerline of Magazine Street and the centerline of Memorial Drive.

1.1 Thence proceeding in a northwesterly direction along the existing zone line and the centerline of Riverside Road to the southerly sideline of lot numbered 83 on Assessor's Plat numbered 100, a distance of approximately 425 feet.

1.2 Thence turning and proceeding in an easterly direction along the existing zone line and the southerly sideline of lot numbered 83 on Assessor's Plat numbered 100 for a distance of approximately 120 feet to the centerline of the Passageway, approximately 21.30 feet wide, shown on Assessor's Plat numbered 100.

1.3 Thence turning and proceeding in a southeasterly direction along the centerline of the Passageway, approximately 21.30 feet wide, shown on Assessor's Plat numbered 100 to the centerline of Magazine Street, a distance of approximately 356 feet.

1.4 Thence turning and proceeding in a southwesterly direction along the centerline of Magazine Street to the point of origin, a distance of approximately 125 feet.

2.0 The above described area includes, but is not limited to, all of lots numbered 67 and 78 on Assessor's Plat numbered 100.

Passed to a second reading at the City Council meeting held on June 27, 1994 and on or after July 11, 1994 the question comes on ordination.

ATTEST:- D. Margaret Drury
City Clerk

(C)June30
#38836

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT
(SEAL) **Case No. 207655**

To **Farouk O. Martins;** and to all persons entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended: Massachusetts Housing Finance Agency, claiming to be the holder of a mortgage covering real property in Cambridge, numbered **2 Gore Street Place,** given by Farouk O. Martins to Commonwealth Mortgage Company, Inc., dated December 14, 1987, recorded with Middlesex County (Southern District) Registry of Deeds, Book 18768, Page 405, and now held by Plaintiff by assignment, has filed with said court a complaint for authority to foreclose said mortgage in the manner following: by entry and possession and exercise of power of sale.

If you are entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended and you object to such foreclosure you or your attorney should file a written appearance and answer in said court at Boston on or before the 1st day of August 1994, or you may be forever barred from claiming that such foreclosure is invalid under said act.

Witness, Robert V. Cauchon, Chief Justice of said Court this 14th day of June 1994.

Charles W. Trombly, Jr.
Recorder

(C)June30
#38830

MORTGAGEE'S SALE OF REAL ESTATE

By virtue of and in execution of the POWER OF SALE contained in a certain Mortgage given by **JOHN L. SENNOTT,** TRUSTEE OF JS REALTY TRUST U/D/T dated November 19, 1990 recorded with Middlesex South District Registry of Deeds in Book 20873, Page 542, to BOSTON BANK OF COMMERCE dated as of November 19, 1990, recorded with Middlesex South District Registry of Deeds in Book 20873, Page 548, of which Mortgage the undersigned is the present holder, for breach of the conditions of said Mortgage, and for the purpose of foreclosing, the same will be sold at Public Auction at 11:00 o'clock a.m. on the 22nd day of July, 1994, on the mortgaged premises located at **Unit 3, Tremont Street Condominium, 57 Tremont Street,** Cambridge, Middlesex County, Massachusetts, all and singular the premises described in said Mortgage, to wit:

Unit 3 of 57 Tremont Street Condominium, a Condominium created by Master Deed dated February 26, 1988 and recorded with the Middlesex County South District Registry of Deeds in Book 18897, Page 36.

Together with a 34.0 percentage interest in the common areas and facilities of the Condominium as set forth in the Master Deed and the same undivided percentage interest in The 57 Tremont Street Condominium Trust.

Subject to and with the benefit of the provisions of said Master Deed, said condominium Trust, the By-laws and Rules and Regulations of the Condominium and Massachusetts General Laws Chapter 183A.

For Mortgagor's title see Deed from Robert L. Burpee dated November 19, 1990, recorded with Middlesex South District Registry of Deeds in Book 20873, Page 547.

TERMS OF SALE: The above premises will be sold subject as above and to all restrictions, easements, and encumbrances of record created prior to said mortgage, and to all outstanding tax titles, municipal or other public taxes, assessments or liens, if any.

FIVE THOUSAND ($5,000.00) DOLLARS will be required to be paid by bank check or certified check by the purchaser at the time and place of sale as a deposit. The balance is to be paid by bank check or certified check within thirty (30) days thereafter to Joseph A. Gordon, Esquire, 40 Broad Street, Suite 805, Boston, Massachusetts 02109, at which time the Deed will be delivered to the Buyer. Other terms, if any, to be announced at the sale.

DATED: June 27, 1994

SIGNED:
BOSTON BANK OF COMMERCE
Present Holder of said mortgage,
By its attorney,
Joseph A. Gordon
40 Broad Street, Suite 805
Boston, Massachusetts 02109
(617) 338-0900

(C)June30,July7,14
#33829

LEGAL NOTICE
U-HAUL COMPANY
SELF-STORAGE FACILITY SALE

Self-Storage Facility Operator's Sale for nonpayment of storage charges pursuant to the power of sale contained in M.G.L., Chapter 105-A, Section 4, General Charges, and for the satisfaction of the Facility Operator's Lien. The following property will be sold at Public Auction at 1:00 P.M., Wednesday, July 6, 1994, on the premises of Central Square Moving & Storage Center, 844 Main St., Cambridge, MA.: All household furniture, trunks, books, tools, clothes, appliances, antiques, bric-a-brac, and miscellany held for the accounts of: **Jonathen Andrews,** Rm. #121; **Lucille Holmes,** Rm. 364; **Josse Meza,** Rm. #395; **Jennifer Cares,** Rm. #440; **Rena Murrell,** Rm. 497; **Nancy Broughton,** Rm. 581. Sale per order of U-Haul Company of Boston, Inc. Tel. (617) 354-0500. Terms: Cash. Sale subject to cancellation. Wm. F. Moon & Co., Auctioneers, North Attleboro MA 02760. MA Lic. #151.

(C) June16,23,30
#39915

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court 94P2209T

To all persons interested in the estate of **Carmelo Galvagno Trust** of Cambridge in said County

A petition has been presented to said Court, praying that Carlo Galvagno be removed from his office as co-trustee

If you desire to object thereto you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the fifteenth day of July 1994, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this fifteenth day of June 1994.

Donna M. Lambert
Register

(C)June30
#38821

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that **Kevin M. Keane** d/b/a **Kevin's Canteen** has applied for a peddler's license (mobile truck), Monday through Friday, 6:30 a.m. - 12:40 p.m.

The route is as follows: 6:30 to 7:45 a.m., Badger Bldg, Parking lot, Third St.; 7:50 a.m., Cambridge School Dept., Trowbridge Street; 8:30 a.m., J.B. D Allesandro (Road Construction); DeWolffe & Mt. Auburn); 8:50 a.m., J. B. D Allesandro (Road construction), Follen & Garden Sts.; 9:00 a.m., Construction, 6 Walker Street; 9:20 a.m., Biogen, 190 Bent Street; 9:30 a.m., Boston Pet, 119 First Street; 9:40 a.m., Meditech, 255 Bent Street; 9:50 a.m., Boston Concession Group, Inc., 111 Sixth Street; 10:00 a.m., Cambridge Electric Motor Service, Inc., 300 Bent Street; 11:30 a.m., Advance Tire, 101 Fulkerson Street; 11:40 a.m., TRW, 195 Binney Street; 12:05 p.m., Construction, JFK St.; 12:20 p.m., Construction, 6 Walker Street; 12:40 p.m., Meditech, 255 Bent Street.

The hearing on this application will be held on Tuesday evening, July 12, 1994, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge.

Alex Rodriguez
Kevin Fitzgerald
Henry Breen
License Commission

(C)June30
#32844

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138, as amended that **Parkingway Wines, Inc., Edward Riley, manager,** holder of an all alcoholic beverages as a package goods store, at 598-614 Massachusetts Avenue has applied for a transfer of stock by gift.

Transfer of stock: 24 shares (or 12%) to current stockholder, Mr. Thomas Cifrino.

The transaction will result in Thomas Cifrino 46 shares or 23%; James Cifrino 84 shares or 42%.

The hearing on this application will be held on Tuesday evening, July 12, 1994, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge, Mass., 02139.

Alex Rodriguez
Kevin Fitzgerald
Henry Breen
License Commission

(C)June30
#38813

PUBLIC NOTICE
CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

The **Final Statement of Objectives and Projected Use of Funds** for the Year #20 (Cambridge Fiscal Year 1994-95) Cambridge Community Development Block Grant Program is available for public distribution. Copies may be obtained at the Office of the Community Development Department, 57 Inman Street, or by telephoning Janet Cudmore-Realle at 349-4600. This document, which forms the major part of the City's application to the U.S. Department of Housing and Urban Development for Federal funding of the Year #20 Cambridge Community Development Block Grant Program, is unchanged for the proposal published in the Cambridge Chronicle of April 14, 1994 and the TAB of April 19, 1994.

(C)June30
#38827

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT
(SEAL) **Case No. 207890**

To **Mary M. Gormley** of Cambridge, Middlesex County, Massachusetts and to all persons entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended: Harlow Properties, Inc., a corporation duly organized under the laws of the Commonwealth of Massachusetts and having a place of business at 10 Chauncy Street, Cambridge, Massachusetts, claiming to be the holder of a mortgage covering real property in Cambridge, Massachusetts being **Unit #25, 77-79 Martin Street Condominium, 77-79 Martin Street,** given by Mary M. Gormley to Harlow Properties, Inc. dated November 30, 1978 and recorded at Middlesex South District Registry of Deeds in Book 13597, Page 275, has filed with said court a complaint for authority to foreclose said mortgage in the manner following: by entry and possession and exercise of power of sale.

If you are entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended and you object to such foreclosure you or your attorney should file a written appearance and answer in said court at Boston on or before the 1st day of August 1994, or you may be forever barred from claiming that such foreclosure is invalid under said act.

Witness, ROBERT V. CAUCHON, Chief Justice of said Court this 22nd day of June 1994.

Charles W. Trombly, Jr.
Recorder

(C)June30
#33326

CITY OF CAMBRIDGE
PURCHASING DEPARTMENT

Sealed bids will be received at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass., until 11:00 o'clock A.M. **THURSDAY, JULY 14, 1994** at which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge:

DELIVERY & TRANSPORTATION SERVICES
(1)
ELEVATOR MAINTENANCE AT VARIOUS LOCATIONS (2)
HIGH DENSITY MODEM SYSTEM (FILE NO. 2898A 1)

The City of Cambridge reserves the right to waive any minor informalities or to reject any or all bids if it is in the City's best interest to do so.

Specifications may be obtained at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass.

Each bid must be in a sealed envelope plainly marked "Bid for "Designate Item " " and addressed to Diane Wynshaw-Boris, Purchasing Agent, City Hall, Cambridge, Massachusetts.

Diane Wynshaw-Boris
Purchasing Agent

(C)June30
#38826

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT
(SEAL) **Case No. 207888**

To **Joyce Backman** of Cambridge, Middlesex County, Massachusetts and to all persons entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended: Harlow Properties, Inc., a corporation duly organized under the laws of the Commonwealth of Massachusetts and having a place of business at 10 Chauncy Street, Cambridge, Massachusetts claiming to be the holder of a mortgage covering real property in said Cambridge, Massachusetts, being **Unit #4, 31 Concord Avenue Condominium, 31 Concord Avenue** given by Susan A. Balk, Trustee of the B&B Realty Trust, to Harlow Properties, Inc. dated August 16, 1977 and recorded with Middlesex South District Registry of Deeds in Book 13273, Page 327 has filed with said court a complaint for authority to foreclose said mortgage in the manner following: by entry and possession and exercise of power of sale.

If you are entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended and you object to such foreclosure you or your attorney should file a written appearance and answer in said court at Boston on or before the 1st day of August 1994, or you may be forever barred from claiming that such foreclosure is invalid under said act.

Witness, ROBERT V. CAUCHON, Chief Justice of said Court this 22nd day of June 1994.

Charles W. Trombly, Jr.
Recorder

(C)June30
#33325

NOTICE TO PUBLIC
Combined Notice of Intent to
Request Release of Funds and
Finding of No Significant Impact
on the Environment
City of Cambridge
Community Development Department
57 Inman Street
Cambridge, MA 02139
Telephone: (617) 349-4600

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

On or about July 15, 1994, the above-mentioned City will request the U.S. Department of Housing and Urban Development (HUD) to release Federal funds under HOME Investment Partnerships Act (42 U.S.C. 12701 et seq) for the following activities:

HOME Program funds will be used for the Moderate and Substantial Rehabilitation, Construction, Acquisition and First Time Homebuyer Assistance of affordable housing for the low and very-low income residents of Cambridge. The City will set aside 15% of the HOME funds ($107,400) for designated Community Housing Development Organizations (CHDOs). Total HOME Funds $716,000

City of Cambridge Massachusetts

An environmental review of the overall program has been made by the City of Cambridge and is available for public examination and copying at the office cited above. Based on this review, the City of Cambridge has determined that some of the activities (Single Family Rehabilitation, Multi-Family Rehabilitation, and First Time Homebuyer Assistance and First Time Homebuyer Rehabilitation) are categorically excluded from the National Environmental Policy Act (NEPA of 1969) (P.L. 91-190). All other proposed activities (New Construction and Acquisition) have been determined to have no significant impact on the environment. All interested agencies, groups and persons disagreeing with this finding are invited to submit written comments for consideration by the City to the office of the undersigned. Such written comments should be received by Elsa Campbell at the address specified on or before July 14, 1994. All such comments so received will be considered and the City of Cambridge will not request the release of Federal funds or take any administrative action on the above-named activities prior to the date specified in the preceding sentence. The City of Cambridge is certifying to HUD that the City of Cambridge and the City Manager, in his official capacity as City Manager, consent to accept the jurisdiction of the Federal courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision making and action; and that these responsibilities have been satisfied. The legal effect of the certification is that, upon its approval, the City of Cambridge may use the above cited Federal Funds and HUD will have satisfied its responsibilities under the National Environmental Policy Act of 1969. HUD will accept an objection to its approval of the release of funds and acceptance of the City's certification only if it is on one of the following bases: (a) that the certification was not, in fact, executed by the City Manager or other City official or applicant approved by HUD; (b) that the City's environmental review record for the activities indicates omission of a required process; or (c) that the City has failed to comply with one or more other applicable requirements listed in 24CFR58.75 (Permissible Bases for Objections). Objections must be prepared and submitted in the manner of the required procedure (24CFR58), and may be addressed to the Regional Environmental Officer, HUD at 10 Causeway Street, Boston, MA 02222-1092. Objections to the release of funds on bases other than those stated above will not be considered by HUD. No objections received after fifteen days from the date of Request for Release of Funds listed above will be considered by HUD.

June 30, 1994

Robert W. Healy
City Manager

(C)June30
#38822

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138, as amended that **Bradford Cafe, Inc., Louis J. Hanzis, manager,** holder of an all alcoholic beverages as a restaurant license at 452 Massachusetts Avenue has applied to transfer its license to Southern Side Ltd. d/b/a Southern Side Cafe, Joseph A. Sater manager at 534 Massachusetts Avenue.

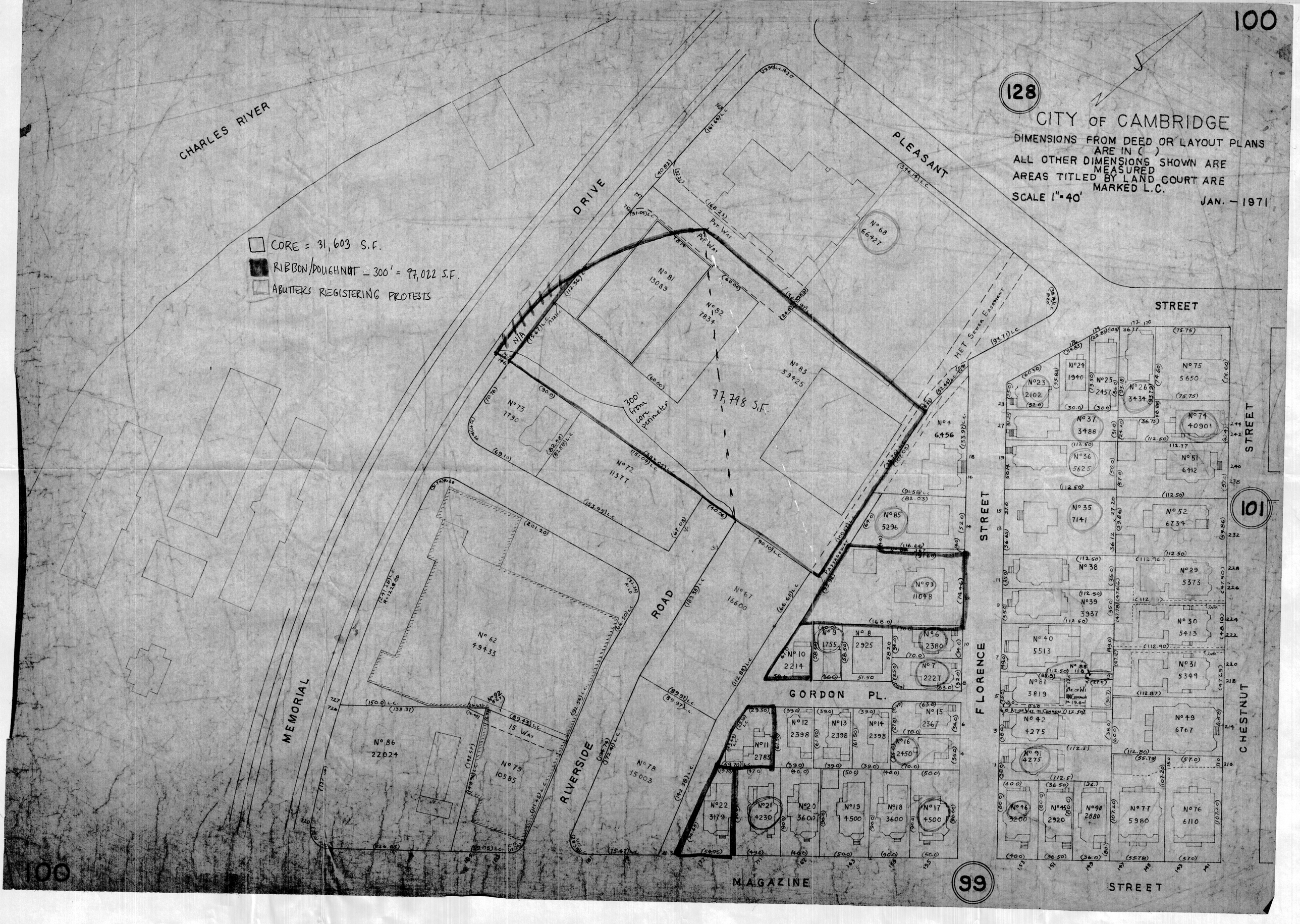
This applicant has also applied for an entertainment license to include dancing by patrons; 1 dart board, reading of poetry or other works; live musical instruments and/or live vocalists, with amplification; 1 juke box; 1 video juke box; 1 audio tape machine only playing background music below ordinary conversation level; 1 audio tape machine which may play music below, at, or above conversation level; 1 TV, 1 radio; 1 cinema screen and 1 stage.

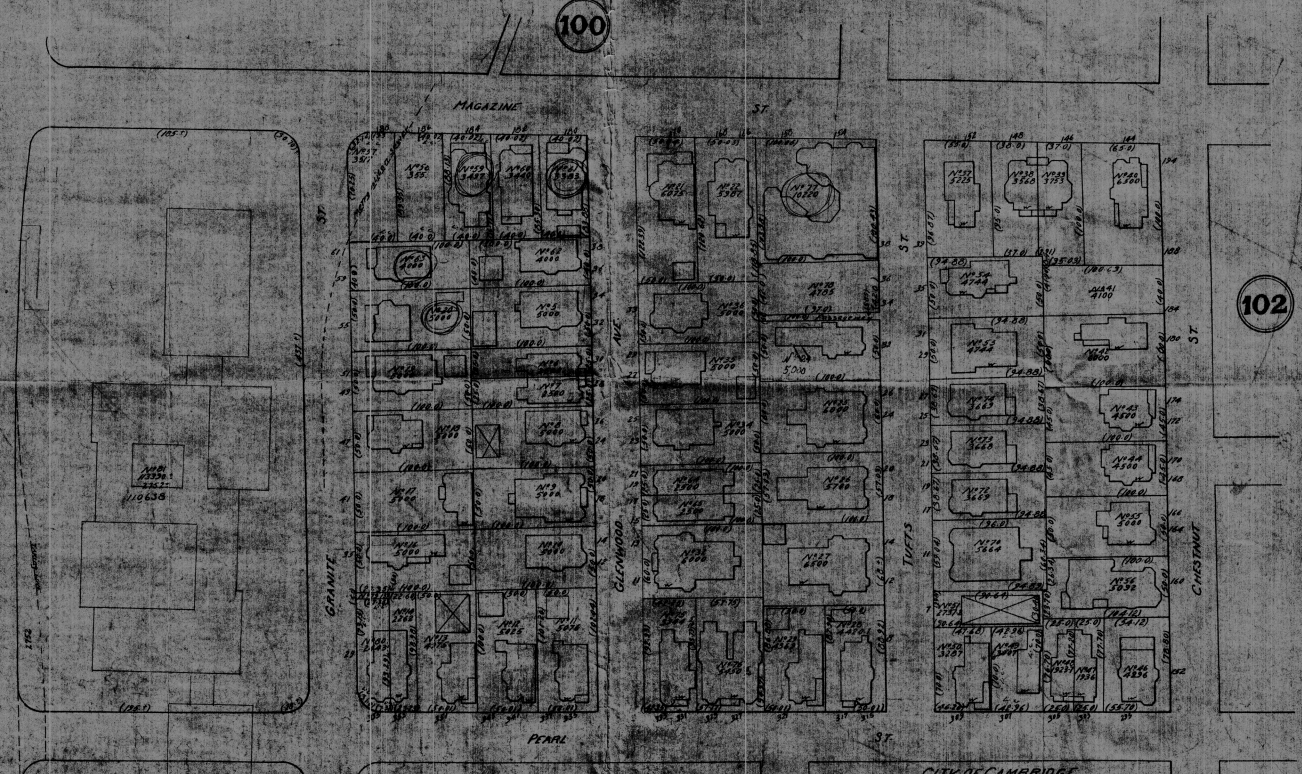
Officers and directors of Southern Side Ltd are: Joseph A. Sater, President, Treasurer and Director; Bernard F. Shadrawy, Jr., Clerk.

The premises are described as follows: Dining room and kitchen on the first floor; and cellar for storage.

The hearing on this application will be held on Tuesday evening, July 12, 1994, at six o'clock,

Continued from previous page


100
128
CITY OF CAMBRIDGE
DIMENSIONS FROM DEED OR LAYOUT PLANS ARE IN ( )
ALL OTHER DIMENSIONS SHOWN ARE MEASURED
AREAS TITLED BY LAND COURT ARE MARKED L.C.
SCALE 1"=40'
JAN. - 1971
CORE = 31,603 S.F.
RIBBON/DOUGHNUT - 300' = 97,022 S.F.
ABUTTERS REGISTERING PROTESTS
CHARLES RIVER
DRIVE
PLEASANT
STREET
MEMORIAL
RIVERSIDE
ROAD
GORDON PL.
FLORENCE
STREET
CHESTNUT
STREET
MAGAZINE
STREET
MET SEWER EASEMENT
PVT. WAY
15 WAY
300' from core perimeter
77,798 S.F.
N/A
N°68 66427
N°81 13089
N°82 7834
N°83 59425
N°73 7790
N°72 11377
N°67 16600
N°62 49433
N°86 22024
N°79 10585
N°78 15003
N°4 6456
N°85 5296
N°93 11048
N°10 2214
N°9 1755
N°8 2925
N°6 2380
N°7 2227
N°11 2783
N°12 2398
N°13 2398
N°14 2398
N°15 2367
N°16 2450
N°22 3179
N°21 4230
N°20 3600
N°19 4500
N°18 3600
N°17 4500
N°23 2102
N°24 1940
N°25 2457
N°26 3434
N°75 5650
N°37 3488
N°74 4090±
N°36 5625
N°51 6412
N°35 7141
N°52 6734
N°38
N°29 5373
N°39 3937
N°30 5413
N°40 5513
N°31 5349
N°81 3819
N°42 4275
N°49 6767
N°91 4275
N°46 3200
N°45 2920
N°90 2880
N°77 5980
N°76 6110
101
99
100



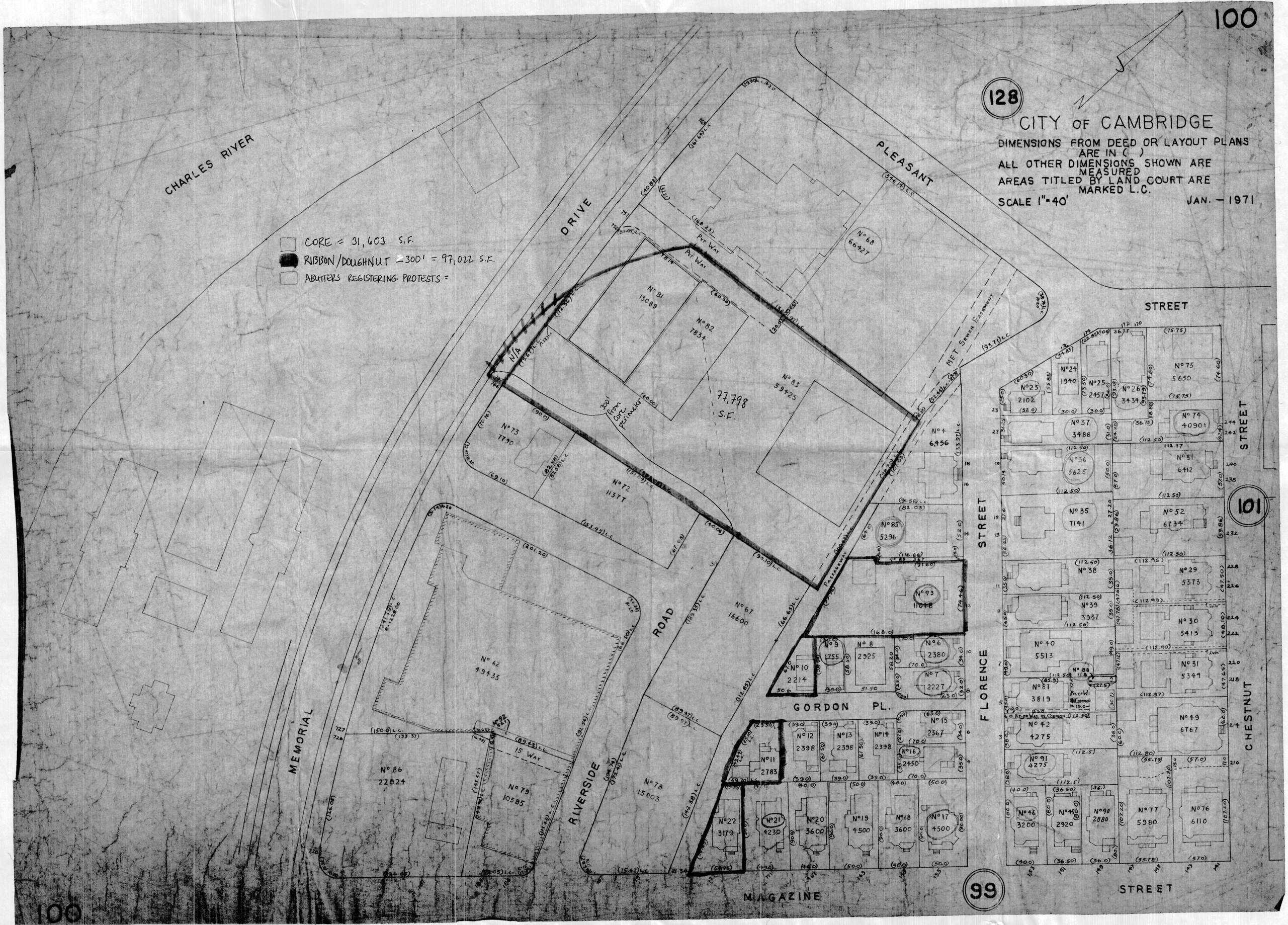
CITY OF CAMBRIDGE

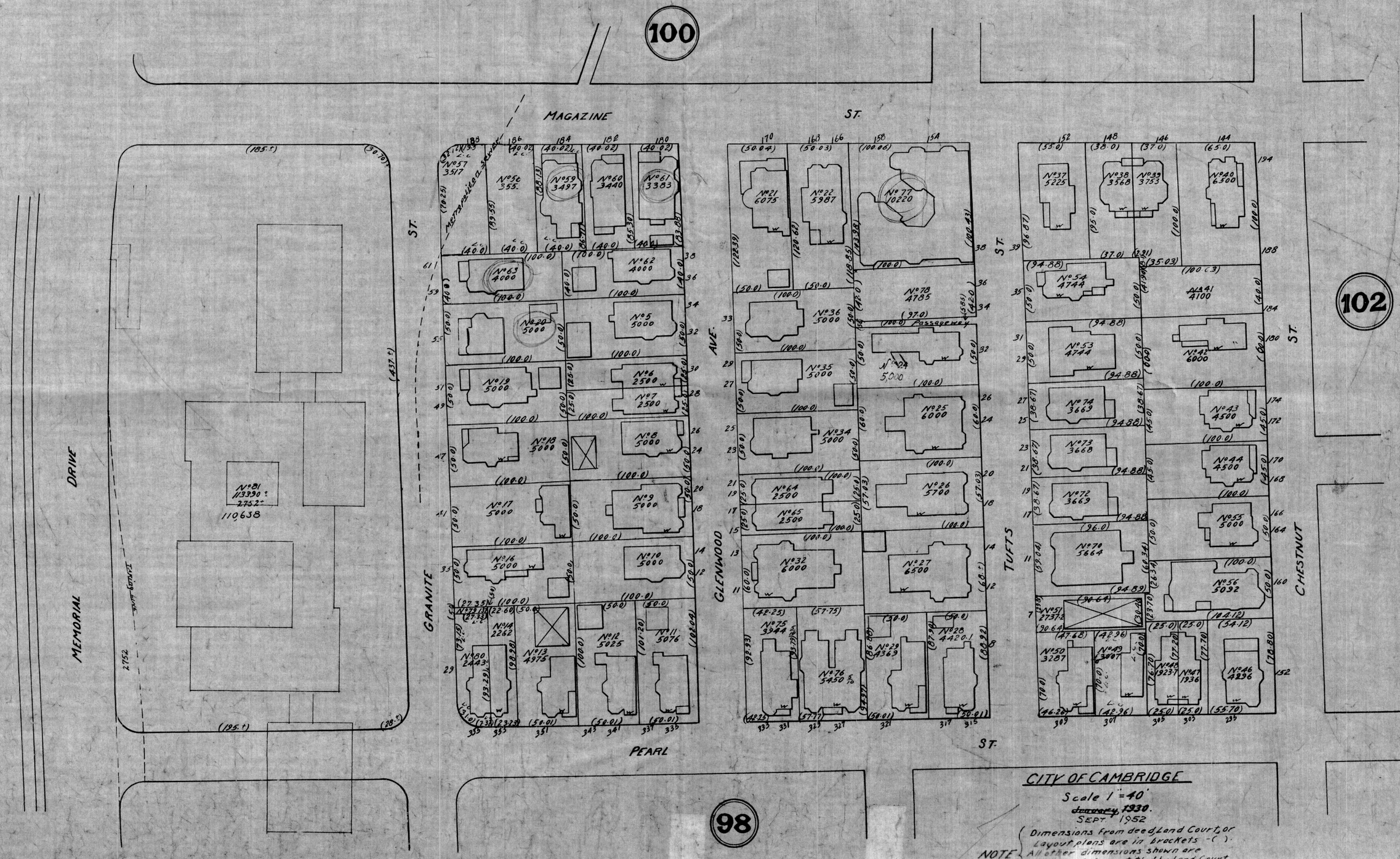
Scale 1" = 40'

~~January~~ 1938

SEPT. 1952

NOTE { Dimensions from are Land Court Layout plans are in brackets ( ).
All other dimensions shown are measured. Areas filled by Land Court are in blue.


128
CITY OF CAMBRIDGE
DIMENSIONS FROM DEED OR LAYOUT PLANS ARE IN ( )
ALL OTHER DIMENSIONS SHOWN ARE MEASURED
AREAS TITLED BY LAND COURT ARE MARKED L.C.
SCALE 1"=40'
JAN. - 1971
CORE = 31,603 S.F.
RIBBON/DOUGHNUT - 300' = 97,022 S.F.
ABUTTERS REGISTERING PROTESTS =
CHARLES RIVER
DRIVE
PLEASANT
STREET
MEMORIAL
RIVERSIDE
ROAD
GORDON PL.
FLORENCE
STREET
CHESTNUT
STREET
MAGAZINE
STREET
MET. SEWER EASEMENT
PASSAGEWAY
15 WAY
77,798 S.F.
300' from core perimeter
N/A
N° 68 66427
N° 81 13089
N° 82 7834
N° 83 59425
N° 73 7790
N° 72 11377
N° 67 16600
N° 62 49433
N° 86 22824
N° 79 10585
N° 78 15003
N° 4 6456
N° 85 5296
N° 93 11048
N° 9 1755
N° 8 2925
N° 6 2380
N° 7 2227
N° 10 2214
N° 11 2783
N° 12 2398
N° 13 2398
N° 14 2398
N° 15 2367
N° 16 2450
N° 22 3179
N° 21 4230
N° 20 3600
N° 19 4500
N° 18 3600
N° 17 4500
N° 23 2102
N° 24 1940
N° 25 2457
N° 26 3434
N° 75 5650
N° 37 3488
N° 74 4090±
N° 36 5625
N° 51 6412
N° 35 7141
N° 52 6734
N° 38
N° 29 5373
N° 39 3937
N° 30 5413
N° 40 5513
N° 31 5349
N° 87 3819
N° 88 118
N° 42 4275
N° 49 6767
N° 91 4275
N° 46 3200
N° 45 2920
N° 90 2880
N° 77 5980
N° 76 6110
101
99
100



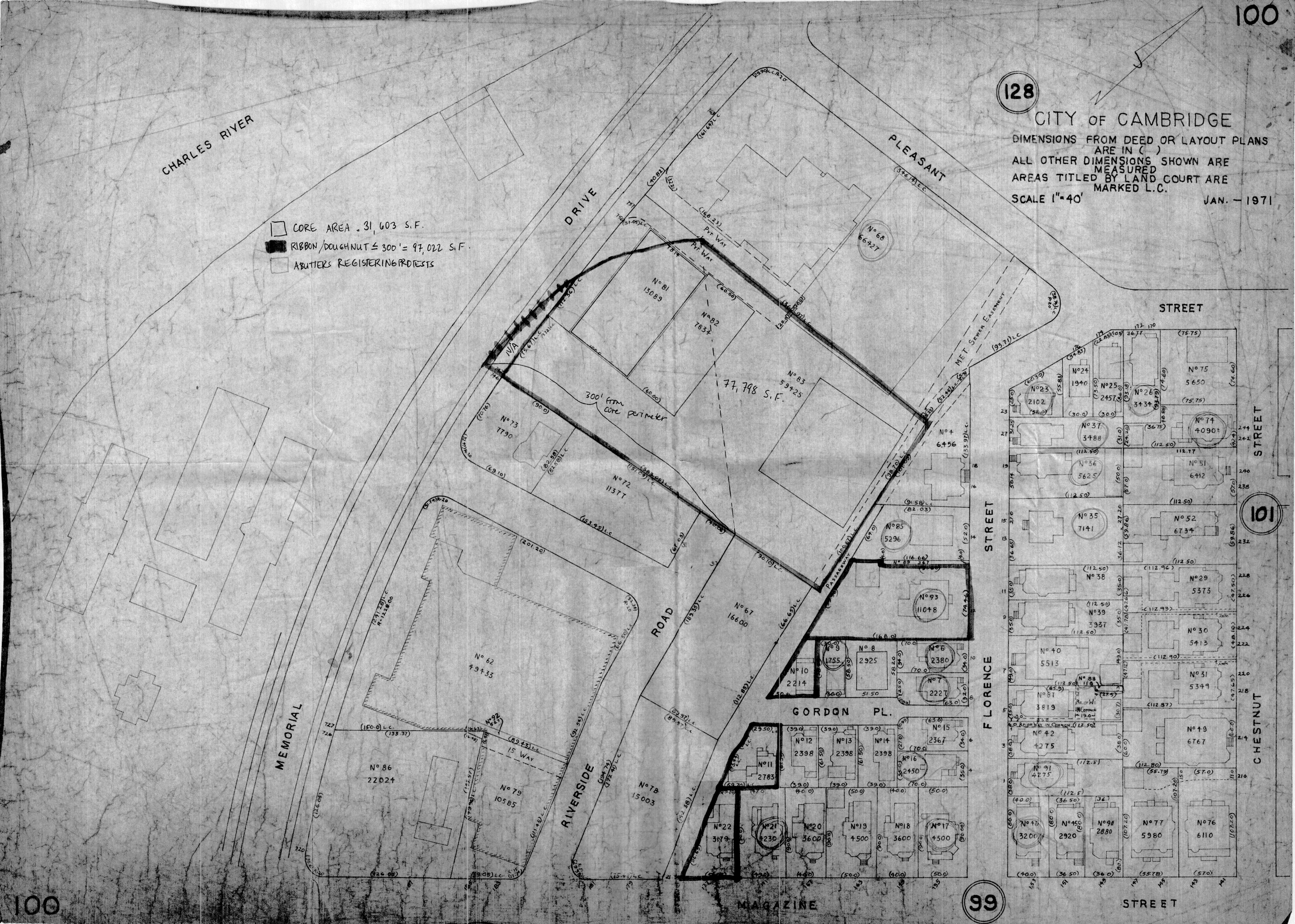
CITY OF CAMBRIDGE

Scale 1" = 40'

~~January~~ 1930.

SEPT. 1952

NOTE { Dimensions from deed, Land Court, or Layout plans are in brackets -( ). All other dimensions shown are measured. Areas titled by Land Court are in blue.


100
128
CITY OF CAMBRIDGE
DIMENSIONS FROM DEED OR LAYOUT PLANS ARE IN ( )
ALL OTHER DIMENSIONS SHOWN ARE MEASURED
AREAS TITLED BY LAND COURT ARE MARKED L.C.
SCALE 1"=40'
JAN. - 1971
CHARLES RIVER
CORE AREA - 31,603 S.F.
RIBBON/DOUGHNUT ≤ 300' = 97,022 S.F.
ABUTTERS REGISTERING PROTESTS
DRIVE
PLEASANT
STREET
MEMORIAL
RIVERSIDE
ROAD
GORDON PL.
FLORENCE
STREET
CHESTNUT
STREET
MAGAZINE
STREET
300' from core perimeter
77,798 S.F.
MET SEWER EASEMENT
PASSAGEWAY
15 WAY
N/A
101
99
100

100

MAGAZINE ST.

MEMORIAL DRIVE

GRANITE ST.

AVE.

GLENWOOD ST.

TUFTS ST.

CHESTNUT ST.

PEARL ST.

102

98

99

CITY OF CAMBRIDGE

Scale 1"=40'

~~January~~ 1930.

SEPT. 1952

NOTE { Dimensions from deed, Land Court, or Layout plans are in brackets -( ). All other dimensions shown are measured. Areas titled by Land Court are in blue.

128

CITY OF CAMBRIDGE

DIMENSIONS FROM DEED OR LAYOUT PLANS ARE IN ( )
ALL OTHER DIMENSIONS SHOWN ARE MEASURED
AREAS TITLED BY LAND COURT ARE MARKED L.C.
SCALE 1"=40' JAN. — 1971

CORE = 31,603 S.F.
RIBBON/DOUGHNUT ≤ 300' = 97,022 S.F.
ABUTTERS REGISTERING PROTEST

CHARLES RIVER DRIVE

PLEASANT STREET

MEMORIAL ROAD

RIVERSIDE

GORDON PL.

FLORENCE STREET

CHESTNUT STREET

MAGAZINE STREET

77,798 S.F.

300' from core perimeter

N/A

15 WAY

MET. SEWER EASEMENT

Pvt Way

Pvt Way

Pvt Way

Pvt Way

Passageway

N° 1 6,456
N° 2 2102
N° 3 3488
N° 4 6,456
N° 5 5625
N° 6 2380
N° 7 2227
N° 8 2925
N° 9 1755
N° 10 2214
N° 11 2783
N° 12 2398
N° 13 2398
N° 14 2398
N° 15 2367
N° 16 2450
N° 17 4500
N° 18 3600
N° 19 4500
N° 20 3600
N° 21 4230
N° 22 3179
N° 23 2102
N° 24 1940
N° 25 2457
N° 26 3434
N° 27 3488
N° 28 4090±
N° 29 5373
N° 30 5413
N° 31 5349
N° 32 5625
N° 33 6412
N° 34 7141
N° 35 6734
N° 36 5625
N° 37 3488
N° 38
N° 39 3937
N° 40 5513
N° 41 3819
N° 42 4275
N° 43 2920
N° 44 2880
N° 45 3200
N° 46 5980
N° 47 6110
N° 48 6767
N° 49 5650
N° 50 5296
N° 51 6412
N° 52 6734
N° 53 7141
N° 54 1940
N° 55 2457
N° 56 3434
N° 57 4090±
N° 58 5373
N° 59 5413
N° 60 5349
N° 61 5513
N° 62 49433
N° 63 11048
N° 64 16600
N° 65 5296
N° 66 66427
N° 67 16600
N° 68 66427
N° 69 13089
N° 70 7834
N° 71 59425
N° 72 11377
N° 73 7790
N° 74 15003
N° 75 5650
N° 76 6110
N° 77 5980
N° 78 2880
N° 79 10585
N° 80 22021
N° 81 3819
N° 82 4275
N° 83 5925
N° 84 3937
N° 85 5296
N° 86 22021
N° 87 3819
N° 88 118
N° 89 4275
N° 90 2920
N° 91 4275
N° 92 4275
N° 93 11048

101
99
100

100

MAGAZINE ST.

MEMORIAL DRIVE

GRANITE ST.

AVE.

GLENWOOD

TUFTS ST.

CHESTNUT ST.

PEARL ST.

102

98

93

CITY OF CAMBRIDGE

Scale 1"=40'

~~Survey, 1930.~~

SEPT. 1952

NOTE { Dimensions from deed, Land Court, or Layout plans are in brackets -( ). All other dimensions shown are measured. Areas titled by Land Court are in blue.


A-2
BA
C
BA-1
BA
C-3
C-2
C-1
C-1
C-3
C-2
C-1
C-1
C-2
C-3
C-1
C-2
C-3
C-1
C-2
C-3

Consent Comm. # 11 0-18

Amendment to the Zoning Ordinances on the petition of Patrick C. Toomey on behalf of Charles A. Richards, Trustee of Memorial Realty Trust, from Residence C to Business A in an area bounded by Granite Street, Magazine Street, Memorial Drive and Riverside Road.

In City Council,

May 23, 1994

Referred to the Planning Board and Ordinance Committee for hearing and report.

5/25/94 Copy sent to Planning Board & Ord Committee