C. C. 106

City of Cambridge

PETITION OF JANICE CAMPBELL, et al.

Petition filed with the City Clerk — April 25, 1978

(All hearings to be completed 65 days from filing date with the City Clerk.)
which is June 29, 1978.
5 days = April
31 days = May
29 days = June
65 days = June 29, 1978.

In City Council — May 1, 1978

Referred to Planning Board for report — May 3, 1978

Planning Board Hearing — May 30, 1978

(CITY COUNCIL must act within 90 days of the Planning Board's hearing which would be August 28, 1978.)

1 day = May
30 days = June
31 days = July
28 days = August
90 days = August 28, 1978.

City Council Hearing published — Chronicle June 1, 1978
June 8, 1978

Hearing before the City Council — June 15, 1978

Report to the City Council — June 26, 1978

Passed to a second reading — July 10, 1978
Published — July 13, 1978 - Chronicle

Ready for Ordination
Published

COMPLETION DATE: AUGUST 28, 1978 - 9/26/78 Time having expired. Placed on file

Campbell Petition

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 876-6800

RECEIVED BY
OFFICE OF CITY CLERK
JUN 26 4 53PM '78
LAW DEPARTMENT
CAMBRIDGE, MASS.

RUSSELL B. HIGLEY
CITY SOLICITOR

EDWARD A. CUNNINGHAM
ANDREW T. TRODDEN
LEGAL COUNSEL

CHARLES A. WATSON
LEGISLATIVE AGENT

RUSSELL B. HIGLEY

June 26, 1978

Ordinance Committee
Cambridge City Hall
Cambridge, Massachusetts

Dear Committee Members:

I am in receipt of your request for an opinion concerning an ordinance currently under your consideration. The proposed ordinance in question pertains to an amendment of Section 11.11 of the Zoning Ordinances of the City which controls Townhouse Development.

It should be pointed out initially, that a municipality may limit, by properly drafted regulations, the instances and conditions in which existing buildings may be demolished. Usually these issues are handled by a single comprehensive ordinance which applies to demolition for any and all purposes.

The ordinance which you have furnished me appears to regulate demolition of structures for the purpose of townhouse development only. Such a regulation is not patently unconstitutional as discriminating against the townhouse developer alone, if such regulations are reasonable and reflect a rational basis for their implementation and a legitimate governmental interest to be protected. Clearly, a municipality has a duty and an interest in the development of neighborhoods and the methods by which existing structures are demolished.

It is, therefore, my opinion that the City could constitutionally regulate the demolition of single and multifamily buildings even if such demolition related solely to subsequent townhouse development.

However, the ordinance as presently drafted appears to be deficient in several respects, as set forth below:

1. Paragraph A of said ordinance would have the sole effect of limiting townhouse development to those instances in which single or multi-family dwellings currently occupying property, or existing on property within the previous twelve months, are declared unfit for occupancy because of fire, flood or abandonment for two years. The question arises as to when these time periods, set forth above, begin. Is the twelve month period to toll as of the date a building permit is filed? Similarly, when does the two year period toll? Additionally, why are the standards for "unfit for occupancy" limited to the three criteria of fire, flood damage, or abandonment? There must exist some rational basis for limiting the causes of "unfit for occupancy" to the three abovementioned criteria, otherwise the regulation could arguably be applied in a discriminatory fashion to other property owners or developers who are similarly situated but whose property is rendered non-habitable for some other reason.

I would also recommend that the phrase, " a period of abandonment" be precisely defined. Is it not possible that such an abandoned building might nevertheless be structurally sound, thereby coming within the purview of paragraph B of the ordinance and thus triggering the permit requirement?

Paragraph B of the proposed ordinance should, in my opinión, be redrafted to incorporate language indicating that the Building Superintendent is the individual who must determine whether or not a structure is "structurally sound". Additionally, I would concur with the recommendation of the Executive Director of the Historical Commission, Mr. Charles M. Sullivan, that the Historical Commission should be consulted concerning the matters of architectural integrity of the area in question and the issue of dwellings having significant architectural or historical interest. Such consultation with the Historical Commission should be set forth in the ordinance.

I hope this correspondence is of some help to you.

If you have further questions in this regard, please let me know.

Very truly yours,

Russell B. Higley

Russell B. Higley
City Solicitor

RBH:cag

M. C. 106

V. C. Vellucci – Motion to Reconsider Vote of

City of Cambridge

City Council Failing MASSACHUSETTS to Pass to 2nd

Reading Zoning Amendment In City Council July 10 1978

of Janice Campbell et al

	YEA	NAY	ABSENT	PRESENT
Mr. Crane		✓		
Mr. Duehay	✓			
Mr. Frisoli		✓		
Ms. Graham	✓			
Ms. Preusser	✓			
Mr. Sullivan		✓		
Mr. Vellucci	✓			
Mr. Wylie		✓		
Mayor Danehy		✓		
	4	5	0	

Reconsideration Failed –

Councillor Wylie then Requested and Received

unanimous consent to change his vote to the

affirmative with the result the

Chair declared the motion carried on

a 5 to 4 vote –

Question now came on passing

to a second reading and on a yea

vote the motion carried

C. C. 186

City of Cambridge

MASSACHUSETTS

In City Council July 10 1978

Petition of Janice Campbell

	YEA	NAY	ABSENT	PRESENT
Mr. Crane		✓		
Mr. Duehay	✓			
Mr. Frisoli		✓		
Ms. Graham	✓			
Ms. Preusser	✓			
Mr. Sullivan		✓		
Mr. Vellucci	✓			
Mr. Wylie	✓			
Mayor Danehy		✓		
	5	4	0	0

Passed to 3rd Reading

form. #14

MOTION FOR RECONSIDERATION SUBMITTED BY COUNCILLOR ALFRED E. VELLUCCI

JUNE 26, 1978

Date

Councillor Alfred E. Vellucci has notified the City Clerk of his intention to move reconsideration of the vote of the City Council on June 26, 1978 failing to pass to a second reading the proposed amendment to the Zoning Ordinance of the City of Cambridge on the petition of Janice Campbell, et al.

Alfred Vellucci

Signature

FIRST PUBLICATION NO. 1955.

City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-Eight

AN ORDINANCE

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

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

The Zone Map accompanying ordinance passed to be ordained September 26, 1977 entitled: "The Zoning Ordinances of the City of Cambridge" is hereby amended by the insertion in Article Eleven entitled: "Special Regulations" of a new section 11.11A entitled: "Area of Non-Applicability" which reads as follows:-

Section 11.11A Area of Non-Applicability.

A. In order to insure that townhouse development under this Article does not interfere with traditional neighborhoods developmental patterns, as set out in Section 11.11 above, a permit for townhouse development under the development standards established herein shall not be allowed on any lot or parcel of land containing, or having contained within the previous twelve (12) months, one or more single or multi-family dwellings, unless such dwellings are certified by the City of Cambridge Superintendent of Buildings as being or having been unfit for occupancy because of fire, flood damage, or a period of abandonment of over two years.

B. The Board of Zoning Appeal may issue a Special Permit for Townhouse Development under this Article which requires the razing of an existing structurally sound single or multi-family dwelling or dwellings if the Board finds that the razing will not

1. affect the architectural integrity of the street or area where the dwelling is located.

2. will not add to congestion in the street or area, and

3. will not destroy a dwelling of significant architectural or historic interest.

Passed to a second reading at the City Council meeting held on July 10, 1978 and on or after July 24, 1978 the question may be on passing to be ordained.

ATTEST:- Paul E. Healy, City Clerk.

CAMPBELL PETITION

RECEIVED BY
OFFICE OF CITY CLERK
APR 25 9 11 AM '78
CAMBRIDGE, MASS.

Cambridge, April 24, 1978

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

The undersigned respectfully pray

That Article Eleven, Special Regulations, of the Zoning Ordinance of the City of Cambridge be hereby amended by the insertion of a new Section, Section 11.11A, to read as follows:

Section 11.11A Area of Non-Applicability

A. In order to insure that townhouse development under this Article does not interfere with traditional neighborhood developmental patterns, as set out in Section 11.11 above, a permit for townhouse development under the development standards established herein shall not be allowed on any lot or parcel of land containing, or having contained within the previous twelve (12) months, one or more single or multi-family dwellings, unless such dwellings are certified by the City of Cambridge Superintendent of Buildings as being or having been unfit for occupancy because of fire, flood damage, or a period of abandonment of over two years.

B. The Board of Zoning Appeal may issue a Special Permit for Townhouse Development under this Article which requires the razing of an existing structurally sound single or multi-family dwelling or dwellings if the Board finds that the razing will not 1) affect the architectural integrity of the street or area where the dwelling is located; 2) will not add to congestion in the street or area; and 3) will not destroy a dwelling of significant architectural or historic interest.

1. Janice Campbell, 54 Antrim St.
2. Robt Campbell, 54 Antrim St.
3. Jane Metzger 90 Antrim St.
4. Jane Richards 76 Antrim St.
5. Susan Horton 2 Bancroft St.
6. Barbara L Chinn 24 Mead St.
7. Francis Lieberman, 891 Mass Ave
8. Steven Hamilton 56 Conway Ave Camb MA.
9. Shanta Driver 206 Hurley St. Camb. Ma.
11. Dorothy W King 100 Trowbridge St., Cambridge

RECEIVED BY
OFFICE OF CITY CLERK
APR 25 9 11 AM '78
CAMBRIDGE, MASS.

Cambridge, April 24, 1978

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City of Cambridge:

The undersigned respectfully pray

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B. The Board of Zoning Appeal may issue a Special Permit for Townhouse Development under this Article which requires the razing of an existing structurally sound single or multi-family dwelling or dwellings if the Board finds that the razing will not 1) affect the architectural integrity of the street or area where the dwelling is located; 2) will not add to congestion in the street or area; and 3) will not destroy a dwelling of significant architectural or historic interest.

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6. Barbara L Clum 24 Mead St.
7. Francis Lieberman, 891 Mass Ave
8. Steven Goldstein 56 Conway Ave Camb. MA.
9. Shanta Driver 206 Hurley St. Camb. Ma.
11. Dorothy W King 100 Trowbridge St., cambridge

RECEIVED BY
CITY CLERK
MAY 1 1 28 PM '78
CAMBRIDGE, MASS.

Cambridge, ... 19 78

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

The undersigned respectfully pray that the Zoning Map accompanying the Zoning Ordinance of the City of Cambridge be amended as follows:

That Section 12.642 of the Zoning Ordinance of the City of Cambridge be amended by deleting the words "80 feet" in line 1 thereof and substituting therefore the words "120 feet."

i	Sharon Daron	25 Granville Road	✓ confirmed by election commission
ii	Robert I. Wolff Jr.	~~37 Hancock St~~ (19 Huron Ave)	
iii	Mark P. Hammer	93 Linnaean St	
iv	Andrea Batchelor	10 ARLINGTON ST.	
v	Esther Pallman	988 Mem. Dr. Cambridge	
vi	Susan F White	2 WAKE ST., CAMBR.	✓ election commission - confirmed old address was Peabody Terrace
vii	Janet Gronsky	37 Concord Ave, Cambridge	
viii	GEOFFREY TRUESDELL	10 DANA ST. CAMBRIDGE	
	Joan Worth	68, Wendell St. Cambridge	
ix	Margaret Bowers	91 Upton St. Cambridge 02194	
x	JACK I. JOSEPH	205 MT AUBURN ST. CAMBRIDGE 02138	

10 registered voters ✓

Wolff - 19 Huron Ave

RECEIVED BY
OFFICE OF CITY CLERK
APR 24 8 53 AM '78
CAMBRIDGE, MASS.

Cambridge, APRIL, 18, 1978

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

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

By striking out the designation Residence C-1 and substituting in place thereof the designation Residence B insofar as it relates to the following designated areas of land.

Premises of the following parcels as designated on Assessors' Plat #142. Odd numbers 19 through 49 Irving Street; Even numbers 24 through 52 Irving Street; Odd numbers 1663 through 1717 Cambridge Street; Even numbers 40 through 66 Kirkland Street; All numbers Kirkland Road. All numbers Ashton Place. All numbers Irving Terrace, and which includes all or parts of lots numbered 89, 88, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 124, 125, 15, 14, 112, 11, 10, 9, 8, 7, 6, 5, 4, 82, 81, 80, 86, 87, 85, 117, 36, 108, 118, 35, 18, 104, 129, 128, 19, 71, 96, 93, 20, 21, 72, 73, 74, 95, 77, 76, 122, 123, 94, 70, 29, 121, 24, 25, 26, 27, and 28 as shown on Assessors' Plat #142.

Premises of the following parcels as designated on Assessors' Plat #143. Odd numbers 3 through 17 Sumner Road; Odd numbers 1727 and 1737 Cambridge Street; Even number 38 Kirkland Street and which includes all or parts of lots numbered 4, 5, 6, 7, 8, 15, 16, 10 and 11 as designated on Assessors' Plat #143.

Premises of the following parcels as designated on Assessors' Plat #145. Odd numbers 37 through 43 Kirkland Street; Even number 4 Kirkland Place and which includes all or parts of lots numbered 29, 30 and 36 as designated on Assessors' Plat #145.

Premises of the following parcels as designated on Assessors' Plat #146. Odd numbers 49 through 55 Kirkland Street; Even numbers 4 and 6 Francis Avenue; Odd numbers 81 and 89 Irving Street and which includes all or parts of lots numbered 86, 87, 79 and 78 as designated on Assessors' Plat #146.

Premises of the following parcels as designated on Assessors' Plat #146A. Even numbers 78 through 86 Irving Street; Odd numbers 55 through 61 Kirkland Street and which includes all or parts of lots numbered 107, 108, 109 and 110 as designated on Assessors' Plat #146A and which is bounded and described as follows:

Beginning at a point said point being the intersection of the centerline of Cambridge Street and a line 100 feet distant from and parallel to the western street line of Sumner Road;

Thence running northerly along a line 100' distant from and parallel to the western streetline of Sumner Road 600 feet more or less to a point said point being the intersection of a line 100 feet distant from and parallel to the western streetline of Sumner Road and its extension and the centerline of Kirkland Street;

Thence running northeasterly along the centerline of Kirkland Street 50 feet more or less to a point said point being the intersection of the centerline of Kirkland Street and the centerline of Kirkland Place;

Thence running northwesterly along the centerline of Kirkland Place 130 feet more or less to a point said point being the intersection of the centerline of Kirkland Place and a line 100 feet distant from and parallel to the northwestern streetline of Kirkland Street;

Thence running northeasterly along a line 100 feet distant from and parallel to the northwestern streetline of Kirkland Street 840 feet more or less to a point said point being the intersection of a line 100 feet distant from and parallel to the northwestern streetline of Kirkland Street and a line 100 feet distant from and parallel to the eastern streetline of Irving Street and its projection.

Thence running southerly along a line 100 feet distant from and parallel to the eastern streetline of Irving Street and its projection 1100 feet more or less to a point said point being the intersection of a line 100 feet distant from and parallel to the eastern streetline of Irving Street and its projection and the centerline of Cambridge Street;

Thence running westerly along the centerline of Cambridge Street 710 feet more or less to the point of origin and which comprises an area of 668,500 square feet more or less.

Richard D. Dolan
Richard D. Dolan
Patton D. Dolan
6 Irving Place

Laura DeSimone
41 LAURA DE SIMONE
William DeSimone
41+43 Irving ST

John H Henn
John H Henn 37 Irving
Catherine E C Henn Street
Catherine E C Henn

Ruth Haberkern
Ruth Haberkern

Roger Holuka
Roger Holuka
39 IRVING ST CAMB

15
17

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Thence running northerly along a line 100' distant from and parallel to the western streetline of Sumner Road 600 feet more or less to a point said point being the intersection of a line 100 feet distant from and parallel to the western streetline of Sumner Road and its extension and the centerline of Kirkland Street;

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Thence running westerly along the centerline of Cambridge Street 710 feet more or less to the point of origin and which comprises an area of 668,500 square feet more or less.

	NAME	ADDRESS
✓	Eugene Clare Epps	6 Kirkland Road Cambridge
✓	Grinchie C. Sims	12 Kirkland Road Cambridge
✓	Laura L. Calledge	16 Kirkland Road, Cambridge
✓	Jane C. Jordan	14 Kirkland Road Cambridge
	Clive F. Hilliard	52 Kirkland St, Cambridge, Mass
✓	Paul Grimaud	50 Kirkland St Cambridge, Mass

Beginning at a point said point being the intersection of the centerline of Cambridge Street and a line 100 feet distant from and parallel to the western street line of Sumner Road;

Thence running northerly along a line 100' distant from and parallel to the western streetline of Sumner Road 600 feet more or less to a point said point being the intersection of a line 100 feet distant from and parallel to the western streetline of Sumner Road and its extension and the centerline of Kirkland Street;

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[signature] 6 Irving Terrace Cambridge Mass
Dorothea Flint & " " " " " "
Robert W. Flint & " " " "

Charles Burlingham Jr
CHARLES BURLINGHAM, JR.
62 KIRKLAND ST.
Adair M. Burlingham
Adair M. Burlingham
62 Kirkland St.

not my notes as of 1930 Dick Darling

Albert Feingold
ALBERT FEINGOLD
9 ASHTON PLACE - prop owner

Alberta M. Fraunces
ALBERTA M FRAUNCES
Arthur M. Fraunces
ARTHUR M. FRAUNCES
10 Ashton Place


RIVER HALL
ROBINSON HALL
EMERSON HALL
FOGG MUSEUM OF ART
ST.
SUMNER RD.
KIRKLAND
FRANCIS
IRVING
CAMBRIDGE
ASHTON PL.
KIRKLAND ST.
FELTON ST.
IRVING TER.
ST.
RINDGE TECHNICAL SCHOOL
BROADWAY
PUBLIC LIBRARY
TROWBRIDGE
NICHOLS
ADAMS
ROGERS
HIGH SCHOOL
BALDWIN ST.

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 876-6800

RECEIVED BY
OFFICE OF CITY CLERK
JUN 26 4 53PM '78
CAMBRIDGE, MASS.

RUSSELL B. HIGLEY
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EDWARD A. CUNNINGHAM
ANDREW T. TRODDEN
LEGAL COUNSEL

CHARLES A. WATSON
LEGISLATIVE AGENT

LAW DEPARTMENT
RUSSELL B. HIGLEY

June 26, 1978

Ordinance Committee
Cambridge City Hall
Cambridge, Massachusetts

Dear Committee Members:

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It should be pointed out initially, that a municipality may limit, by properly drafted regulations, the instances and conditions in which existing buildings may be demolished. Usually these issues are handled by a single comprehensive ordinance which applies to demolition for any and all purposes.

The ordinance which you have furnished me appears to regulate demolition of structures for the purpose of townhouse development only. Such a regulation is not patently unconstitutional as discriminating against the townhouse developer alone, if such regulations are reasonable and reflect a rational basis for their implementation and a legitimate governmental interest to be protected. Clearly, a municipality has a duty and an interest in the development of neighborhoods and the methods by which existing structures are demolished.

It is, therefore, my opinion that the City could constitutionally regulate the demolition of single and multifamily buildings even if such demolition related solely to subsequent townhouse development.

However, the ordinance as presently drafted appears to be deficient in several respects, as set forth below:

1. Paragraph A of said ordinance would have the sole effect of limiting townhouse development to those instances in which single or multi-family dwellings currently occupying property, or existing on property within the previous twelve months, are declared unfit for occupancy because of fire, flood or abandonment for two years. The question arises as to when these time periods, set forth above, begin. Is the twelve month period to toll as of the date a building permit is filed? Similarly, when does the two year period toll? Additionally, why are the standards for "unfit for occupancy" limited to the three criteria of fire, flood damage, or abandonment? There must exist some rational basis for limiting the causes of "unfit for occupancy" to the three abovementioned criteria, otherwise the regulation could arguably be applied in a discriminatory fashion to other property owners or developers who are similarly situated but whose property is rendered non-habitable for some other reason.

I would also recommend that the phrase, " a period of abandonment" be precisely defined. Is it not possible that such an abandoned building might nevertheless be structurally sound, thereby coming within the purview of paragraph B of the ordinance and thus triggering the permit requirement?

Paragraph B of the proposed ordinance should, in my opinion, be redrafted to incorporate language indicating that the Building Superintendent is the individual who must determine whether or not a structure is "structurally sound". Additionally, I would concur with the recommendation of the Executive Director of the Historical Commission, Mr. Charles M. Sullivan, that the Historical Commission should be consulted concerning the matters of architectural integrity of the area in question and the issue of dwellings having significant architectural or historical interest. Such consultation with the Historical Commission should be set forth in the ordinance.

I hope this correspondence is of some help to you.

If you have further questions in this regard, please let me know.

Very truly yours,

Russell B. Higley

Russell B. Higley
City Solicitor

RBH:cag

City of Cambridge

In City Council June 26, 1978

The Ordinance *Committee*

comprised of the entire membership of the City Council

to which was referred the petition of Janice Campbell, et al to amend the text of the Townhouse Zoning Ordinance to ensure that Townhouse Development does not interfer with the traditional neighborhood development patters and to provide that no permits be issued for Townhouse Development on any lot containing or having contained within the previous twelve months a dwelling or dwellings unless such dwellings have been certified by the Superintendent of Buildings as being or having been unfit for occupancy because of fire, flood damage, or a period of abandonment of over two years.

Provided further that the Board of Zoning Appeal be given discretionary power to grant a permit for Townhouse Development which requires that razing of a structurally sound dwelling if such razing will not affect the architectural integrity of the street or area, will not add to congestion in the street or area and will not destroy a dwelling of significant architectural or historic interest.

The committee was in receipt of a report from the Planning Board after a public hearing held on Tuesday, May 30, 1978 recommending the petition be denied.

After a hearing held on June 15, 1978 before the Committee on Ordinances the committee reports that the petition be referred back to the City Council and that the City Solicitor be requested to provide the City Council with his opinion as to the legality of the proposed amendment to the Zoning Ordinances and a second amendment submitted by the Historical Commission prior to action by the City Council.

For the Committee,

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

City of Cambridge

In City Council June 26, 1978

The Ordinance *Committee*

comprised of the entire membership of the City Council

to which was referred the petition of Janice Campbell, et al to amend the text of the Townhouse Zoning Ordinance to ensure that Townhouse Development does not interfer with the traditional neighborhood development patters and to provide that no permits be issued for Townhouse Development on any lot containing or having contained within the previous twelve months a dwelling or dwellings unless such dwellings have been certified by the Superintendent of Buildings as being or having been unfit for occupancy because of fire, flood damage, or a period of abandonment of over two years.

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The committee was in receipt of a report from the Planning Board after a public hearing held on Tuesday, May 30, 1978 recommending the petition be denied.

After a hearing held on June 15, 1978 before the Committee on Ordinances the committee reports that the petition be referred back to the City Council and that the City Solicitor be requested to provide the City Council with his opinion as to the legality of the proposed amendment to the Zoning Ordinances and a second amendment submitted by the Historical Commission prior to action by the City Council.

For the Committee,

Lawrence W. Frisoli

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

REPORT

Committee on Ordinance on the petition of Janice Campbell.

In City Council,

June 26, 1978

C. C. 106

Petition of Francis Campbell

City of Cambridge

Comm # 14

MASSACHUSETTS

In City Council June 26 1978

Passed on Passage & Second Reading

	YEA	NAY	ABSENT	PRESENT
Mr. Crane		✓		
Mr. Duehay	✓			
Mr. Frisoli		✓		
Ms. Graham	✓			
Ms. Preusser	✓			
Mr. Sullivan		✓		
Mr. Vellucci		✓		
Mr. Wylie	✓			
Mayor Danehy		✓		
	4	5	0	

C Graham moved to Comm Dev for a supplemental policy re- lety rate pay & vacation time

#14

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

June 14, 1978

The Honorable, The City Council:

SUBJECT: Petition by Janice Campbell et el to amend the Text of the Townhouse Section of the Zoning Ordinance

In accordance with Chapter 40A of the General Laws, the Planning Board held a public hearing on Tuesday, May 30, 1978, on a petition by Janice Campbell et al to amend the text of the Townhouse Section of the Zoning Ordinance.

INTENT OF THE PROPOSED AMENDMENT

The intent of the proposed amendment is "to insure that townhouse development under this Article does not interfere with traditional neighborhood developmental patterns, as set forth in Section 11.11..." of the Zoning Ordinance. To that end, the petitioners have proposed that no permit be issued for townhouse development on any lot containing or having contained within the previous twelve months a dwelling or dwellings unless such dwellings have been certified by the Superintendent of Buildings as being or having been unfit for occupancy because of fire, flood damage, or a period of abandonment of over two years.

In addition, the petitioners are proposing that the Board of Zoning Appeal be given discretionary power to grant a permit for townhouse development which requires the razing of a structurally sound dwelling if such razing will not affect the architectural integrity of the street or area, will not add to congestion in the street or area and will not destroy a dwelling of significant architectural or historical interest.

RECOMMENDATION

It is the opinion of the Planning Board that this proposal will not succeed in protecting traditional neighborhood development patterns for the following reasons:

The petition will not prevent demolitions but will only delay reuse of cleared parcels for 12 months.

Provisions in the petition which allow certification of buildings by the Superintendant of Buildings as unfit because of fire and flood damage do not extend to those structures which are unfit due to code violations or structural failure.

The petition does not address itself to those land uses other than Townhouse Development which also cause residential demolitions.

Further, the second section of the petition which gives the Board of Zoning Appeal power to issue a permit for Townhouse Development which would result in the razing of the structurally sound dwelling is vaguely written and would give the Board of Zoning Appeal the right to decide on the architectural significance, historical significance, and traffic patterns of a given area.

In addition the Planning Board is concerned that requiring review only of demolitions for Townhouse Development would be discriminatory and potentially unconstitutional.

The proposed zoning amendment will only postpone reuse and not prevent demolition. Land uses which result in a greater number of residential demolitions would remain uncontrolled. The Board of Zoning Appeal would be given discretionary power of a vague and inappropriate scope. The petition singles out Townhouse Development in a discriminatory fashion. Therefore, the Planning Board recommends that this petition be DENIED.

Respectfully submitted,

For the Planning Board

Arthur C. Parris

Arthur C. Parris
Chairman

ACP:mg

CITY OF CAMBRIDGE
CAMBRIDGE HISTORICAL COMMISSION
CITY HALL ANNEX, 57 INMAN STREET
CAMBRIDGE, MASSACHUSETTS 02139

(617) 876-6800
EXTENSION 344

RECEIVED BY
JUN 15 10 39 AM '78
CAMBRIDGE, MASS.

Robert G. Neiley
Chairman

William B. King
Vice Chairman

Dwight H. Andrews
Arthur H. Brooks, Jr.
James F. Clapp, Jr.
Charles W. Eliot, 2d
Joseph G. Sakey

John Lyons
Mrs. Charles M. Pierce
Bernard Rudolph
Alternates

Charles M. Sullivan
Executive Director

June 15, 1978

Councillor Lawrence W. Frisoli
Chairman, Committee on Ordinances
City Hall
Cambridge, Mass. 02139

Dear Councillor Frisoli:

I am writing on behalf of the Cambridge Historical Commission to suggest an amendment to the petition of Janice Campbell, et al, which will be heard by the Committee on June 15.

Paragraph B of the proposed amendment establishes criteria denying demolition of residential structures if this will "affect the architectural integrity of the street" or "destroy a dwelling of significant architectural or historical interest". We feel that tne Historical Commission is the agency best qualified to judge matters of architectural or historic interest, and suggest that the first paragraph of subsection B be altered to read as follows (insertion underlined):

> B. The Board of Zoning Appeal may issue a Special Permit for Townhouse Development under this article which requires the razing of an existing structurally sound single or multi-family dwelling if the Board, <u>after consultation with the Cambridge Historical Commission as to the matters referred to in paragraphs one and three below</u>, finds that the razing will not. . .

We feel that this insertion would serve the purposes of this amendment. However, we feel that the amendment is seriously flawed by its application solely to townhouse developments, and therefore take no position on its desirability as a whole.

Yours,

C. M. Sullivan ac

Charles M. Sullivan
Executive Director

CMS:ac

CCA
CAMBRIDGE CIVIC ASSOCIATION
2 ESSEX STREET
CAMBRIDGE, MASS. 02139
(617) 876-9176

RECEIVED BY
OFFICE OF CITY CLERK
JUN 14 10 33 AM '78
CAMBRIDGE, MASS.

June 13, 1978

To: Cambridge City Council
Re: Amendment to Change Height Limit on PUD Ordinance

The CCA is extremely concerned about the density of development in Parcel IB and the resulting impacts on Harvard Square. The scale and level of development is clearly a reflection of the land costs; the land costs are a reflection of the appraisers chosing to ignore the Harvard Square Policy plan guidelines.

The City Council vote on the proposed height amendment to the PUD ordinance is the only instance in which the legislative body of Cambridge has a chance to speak out on the level of density found in both development proposals for Parcel IB. The price of the land and the density that results from such land values undermine the principles of the Harvard Square Policy plan. Our primary concern is that the land price, and therefore the density, be reduced. This vote on the height amendment offers the City Council the opportunity to state its opposition to such density and as such we urge the City Council to reject the proposed amendment.

CA
CAMBRIDGE CIVIC ASSOCIATION
2 ESSEX STREET
CAMBRIDGE, MASS. 02139
(617) 876-9176

Statement

The CCA strongly urges the City to reject the proposed amendment to the PUD ordinance and to give the Harvard Square Policy plan a fair trial. If as a corollary, development of Parcel IB should be restricted to the statutory limits, that is entirely appropriate. It is proable that a proper appraisal of the land, taking the zoning limitations into account, would create much less financial need for higher densities and the CCA urges that this step be taken. It is essential that a plan endorsed by the City at large with the cooperation of many citizens and community groups not be destroyed by the pressure of developers claiming that they seek a minor technical change.

In this context, the CCA opposes the amendment of the PUD ordinance in order to allow increased heights for potential developers of Parcel IB. The proposed changes would in effect repudiate five years or more of work by the citizens, community groups and city planners of Cambridge to develop the Harvard Square plan. Approval would open the door for further attacks on a strategy for change which has not even been tested. It is vital that the City be aware that what is proposed is a change which will allow any developer to increase the height of buildings in a mixed development project to one hundred and twenty feet, or the equivalent of one floor higher than that of Holyoke Center. The effect on Harvard Square will be enormous, not merely from an aesthetic point of view but also from the additional people who will be added to its already crowded facilities and from the forced changes in its business environment.

The argument that these changes are compelled by land prices for Parcel IB is striking for its circularity and should be rejected. The appraisers of Parcel IB set the land price after specifically choosing to disregard the Harvard Square Polciy plan. Since they assumed its limitations would not be followed, they assumed greater densities and a higher price.

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 15, 1978 at 5:00 P. M. in the City Council Chamber, City Hall, Cambridge, Massachusetts on the petition of Janice Campbell, et al, to amend the text of the Zoning Ordinance as follows:-

By adding a new section, section 11.11A which shall read as follows:-

"Section 11.11A Area of Non-Applicability.

A. In order to insure that townhouse development under this Article does not interfere with traditional neighborhood developmental pattern, as set out in Section 11.11 above, a permit for townhouse development under the development standards established herein shall not be allowed on any lot or parcel of land containing, or having contained within the previous twelve (12) months, one or more single or multi-family dwellings, unless such dwellings are certified by the City of Cambridge Superintendent of Buildings as being or as having been unfit for occupancy because of fire, flood damage, or a period of abandonment of over two years.

B. The Board of Zoning Appeal may issue a Special Permit for Townhouse Development under this Article which requires the razing of an existing structurally sound single or multi-family dwelling or dwellings if the Board finds that the razing will not

1. Affect the architectural integrity of the street or area where the dwelling is located.

2. Will not add to congestion in the street or area, and

3. Will not destroy a dwelling of significant architectural or historic interest."

C. C. 106

City of Cambridge

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 Frisoli,
Chairman, Committee on Ordinances.

C. C. 106

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Campbell pg 1 of 2

City of Cambridge

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For the Committee,

Councillor Frisoli,
Chairman, Committee on Ordinances.

PUBLICATIONS Janice Campbell

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MASSACHUSETTS
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For the Committee,
Councillor Frisoli,
Chairman, Committee on Ordinances.

(C) Jun1,8

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For the Committee,
Councillor Frisoli,
Chairman, Committee on Ordinances.

(C) Jun1,8

PUBLISHED IN: Chronicle

EDITION:

DATE: June 1 & 8, 1978

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

June 14, 1978

The Honorable, The City Council:

SUBJECT: Petition by Janice Campbell et el to amend the Text of the Townhouse Section of the Zoning Ordinance

In accordance with Chapter 40A of the General Laws, the Planning Board held a public hearing on Tuesday, May 30, 1978, on a petition by Janice Campbell et al to amend the text of the Townhouse Section of the Zoning Ordinance.

INTENT OF THE PROPOSED AMENDMENT

The intent of the proposed amendment is "to insure that townhouse development under this Article does not interfere with traditional neighborhood developmental patterns, as set forth in Section 11.11..." of the Zoning Ordinance. To that end, the petitioners have proposed that no permit be issued for townhouse development on any lot containing or having contained within the previous twelve months a dwelling or dwellings unless such dwellings have been certified by the Superintendent of Buildings as being or having been unfit for occupancy because of fire, flood damage, or a period of abandonment of over two years.

In addition, the petitioners are proposing that the Board of Zoning Appeal be given discretionary power to grant a permit for townhouse development which requires the razing of a structurally sound dwelling if such razing will not affect the architectural integrity of the street or area, will not add to congestion in the street or area and will not destroy a dwelling of significant architectural or historical interest.

RECOMMENDATION

It is the opinion of the Planning Board that this proposal will not succeed in protecting traditional neighborhood development patterns for the following reasons:

The petition will not prevent demolitions but will only delay reuse of cleared parcels for 12 months.

Provisions in the petition which allow certification of buildings by the Superintendant of Buildings as unfit because of fire and flood damage do not extend to those structures which are unfit due to code violations or structural failure.

The petition does not address itself to those land uses other than Townhouse Development which also cause residential demolitions.

Further, the second section of the petition which gives the Board of Zoning Appeal power to issue a permit for Townhouse Development which would result in the razing of the structurally sound dwelling is vaguely written and would give the Board of Zoning Appeal the right to decide on the architectural significance, historical significance, and traffic patterns of a given area.

In addition the Planning Board is concerned that requiring review only of demolitions for Townhouse Development would be discriminatory and potentially unconstitutional.

The proposed zoning amendment will only postpone reuse and not prevent demolition. Land uses which result in a greater number of residential demolitions would remain uncontrolled. The Board of Zoning Appeal would be given discretionary power of a vague and inappropriate scope. The petition singles out Townhouse Development in a discriminatory fashion. Therefore, the Planning Board recommends that this petition be DENIED.

Respectfully submitted,

For the Planning Board

Arthur C. Parris

Arthur C. Parris
Chairman

ACP:mg

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Arthur C. Parris
Chairman

ACP:mg

#1 Negative

CITY OF CAMBRIDGE, MASSACHUSETTS

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For the Planning Board

Arthur C. Parris

Arthur C. Parris
Chairman

ACP:mg

Committee on Ordinances 5:25 / June 15 78

I

Called to order by James Campbell — Town house Ordinance

Present Coffman 520, Cloon 530, Durkin 522, Brehm 527, Ellyson 535, Vallum 535, Shriver 545, Gorak 600

James Campbell absent Mayor Bonsey

1/ 54 / Amphitheatre amend call for proposals

Amend present Ordinance to include historical site.

Official History must be done 1st Draft by Committee Ireland & Publicize —

by 1977 - 2 parts Project

Second. Mobile homes or Agency definitely decision on Hotel & more Comm. 80 lots on Creek mod for the development and open mkt also Agency historical

Amended homes

for 2 sections of homes which should be retained.

Not agreed 1st in general can be subject etc - Historical mkt for visitors —

Some rooms, one night impact as to future Cook Co mayor

Probably Agency neighborhood etc and other neighborhood groups not

2- Boone Kuhlman
121 Ogden Ave

Must be in good, detail one more happy or
clean cut - more dignity. little good - too
much bad - Emphasis keep for down.
Proposal will give Control on TH
this is only human solution -

3/ Hugh Russell RB Zoo member
1 ~~Jessie Pitt~~ Hollis Place - duplex
should be rental person to prevent thing
down good homes - Plus adoption
home Campbell TH and pro homes to
duplex or Co. ch ab p. control on this
m homes & Clean

535 PM Jimmie - re duplex happy move to
to big home and people will all
avoid out results what happen then -

4 - John Penn -
- 21 Lenox St attn - Can't see how
2 TH now duplex Comf - or from 2
persons

Blind homes etc - Could pass this as a
way means to prevent exploitation -
Compare to get old people out
not know why TH document should
be passed - Old Clothes work more
restrictions in demand

3/ Jan 1920 could handle convey boxes etc. The ordinance provided to regulate business conditions and security of buildings erected or altered after passage ordinance more than 4 feet

4/ Jan 1st - Bureau Office
419 Bureau of Land Negative
Mark Cook Forest Contractor 50 acres
for Cook negotiated 2 to 7th
In Town of by Architects
Architect has inspected map boxes for negotiation

11 Standard Legal Lots - Bureau
agent unable to buy etc.
Plans of 12 Apt Houses in
Negotiation - Why a Mahoney buy
Right or restriction
Not opening of goods last bid
50 people stood to attend Clear
stood for 10th Corner -

14 Centers Stood
Land Next Corn
Use of Corn to buy Trade Corn
Restrictions - one portion of negotiate -
Attorney Cook at 552 called for appeal

553 June 15/18 In Session at Valley Chase

1) Emery Hair Analysis
2 Berkley Place
4 Rents Payments on
3 Mill leasing gas or petroleum
3 Rents TH only on efficient basis
only
4 Not Consent clause non Basis
Height bar abutter proposal
Eng ch has policy for clean & all kind
Projects - Condos etc - not low
proposed developed bus Units
Maybe couple on TH area flood effect
of development Cent Analysis should
be cutoff to prevent etc
Mr Dion TH appeals - Allen Bldg cost
Lincoln Ln development

2/ Richard H Hubbard Co - owner of Kirkland Manor Trust
6466-BF-70 Kirkland Mill opposition
Rules 2/ Board of Borrowing
Carpe Diem - to talk to planet into
submission
22 purpose to prevent mobility, not
parking issues
Zoning case Mass Ave Bridge Dane Tyler

602 Townhouse Rockford

My prop could be used not much to
today Many there in the lot - Donegal
Law worked both yrs for last yrs -
Law replace old homes - destroyed by fire
- With other insurance pays mtge -
Modern 4 units 12 yrs to build
50 Installed pr Factory Home
replaced for 52 yrs - Mayfield
today Rent and value Lear
appraise - Female Govt
We buy Every Day -
Not all Bldgs are last assessed

612 pm Douglas Bell Harvard and Mason
125 Orchard Ave Mapleton State
Wish prepare a series of sketches re the
development and relation to neighborhood
4-6-10 - 2-3-5 - mixed block
Single more complex Pearl Wal Babson
Of ordinance as amd one parcel called
Ground with Emerald name
E & E Housing
Valentine Street / Pickens Ice Co 40 yrs
Pearl Street - Farm
Irving Hotel 2 St George 7th 30th
Bros of Neighborhood 4th 7th 272

Mrs L Bay St Mt Pl 2-7-72
Yello Cab - mm any use -
1971 HUD - transl dom -
Journ - Negative Pot 11/1972
Dom rel - Law no divorce re
dependent under Constitution -
Dep petition may change Pot
development Title dep up -
Only one cate act Interstate work
Children are Can hold
Dep Mortgage 207 Transl Act -
Transl built to map generally -
Only from law -

L Dudley - Sub my address & property
Rep owned Mt development
Will go Ucon Community room Pool
When to City Com
Before any Pot Ord Ref & property
recognized in Accord & Sub Section
by L Dudley -

1/6 5-7/pm L Sullivan attempted Clear
L Ch & Drake -

638 / Ordered / Hogan MD Report re
Mychal
Arnold
382 Bankhead
in w/ Preston

700 pm / Jenny closed

C Graham agreed to review all
docs RH MC - for opening
Atty fee ant - and refund petition
by C Cone

Referred to Atty Schedule or more
note then Note

C Hogan will be back by June 26
for 2nd reading
C Tomeski

Referred of CG and Cary Ed
and CC for 2nd Reading
for June 26 703 pm

C. C. 108

PUBLIC NOTICE
RELATIVE TO ZONING.

1st for Bd.

City of Cambridge

MASSACHUSETTS

Office of the City Clerk.

RECEIVED BY
OFFICE OF CITY CLERK
MAY 26 1 56 PM '78
CAMBRIDGE, MASS.

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C. C. 108

City of Cambridge

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

For the Committee,

Councillor Frisoli,
Chairman, Committee on Ordinances.

5:15 P.M

Jan 20

1-Health Pl. Comm -

Hosp.

C. C. 106

PUBLIC NOTICE
RELATIVE TO ZONING.

2nd Flr Bld.

RECEIVED &
OFFICE OF CITY CLERK
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Chairman, Committee on Ordinances.

RECEIVED BY
OFFICE OF CITY CLERK
APR 25 9 11 AM '78
CAMBRIDGE, MASS.

Cambridge, April 24, 1978

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

The undersigned respectfully pray

That Article Eleven, Special Regulations, of the Zoning Ordinance of the City of Cambridge be hereby amended by the insertion of a new Section, Section 11.11A, to read as follows:

Section 11.11A Area of Non-Applicability

A. In order to insure that townhouse development under this Article does not interfere with traditional neighborhood developmental patterns, as set out in Section 11.11 above, a permit for townhouse development under the development standards established herein shall not be allowed on any lot or parcel of land containing, or having contained within the previous twelve (12) months, one or more single or multi-family dwellings, unless such dwellings are certified by the City of Cambridge Superintendent of Buildings as being or having been unfit for occupancy because of fire, flood damage, or a period of abandonment of over two years.

B. The Board of Zoning Appeal may issue a Special Permit for Townhouse Development under this Article which requires the razing of an existing structurally sound single or multi-family dwelling or dwellings if the Board finds that the razing will not 1) affect the architectural integrity of the street or area where the dwelling is located; 2) will not add to congestion in the street or area; and 3) will not destroy a dwelling of significant architectural or historic interest.

V prop. owners

1. Janice Campbell, 54 Antrim St. ✓
2. Robt Campbell, 54 Antrim St. ✓
3. Jane Metzger 90 Antrim St. ✓
4. Jane Richards 76 Antrim St. ✓
5. Susan Horton 2 Bancroft St.
6. Barbara L Clinton 24 Mead St.
7. Francis Lieberman, 891 Mass Ave
8. Steven Goldstein 56 Conmore Ave, Camb. MA.
9. Shanta Driver 206 Hurley St. Camb. Ma.
10. [signature] 84 Jackson St. Camb.
11. Dorothy W King 100 Trowbridge St., Cambridge

1.

O-58A

PETITION

of Janice Campbell et. al.

for Amendment of the Zoning Ordinance

No. .....

April 24, 19 78

5/1/78
Referred to the Planning Boundron Hearing and Report.

In City Council, May 1 1978

Referred to the Committee on

Attest: Paul F. Healy

City Clerk.

Copy send 5-3-78

P.B. 5/30/78