

EAST CAMBRIDGE PLANNING TEAM

69 Spring Street

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East Cambridge, Mass. 02141

CAMBRIDGE, MASS.

July 21, 1982

Mr. Hugh Russell, Chairman
Board of Zoning Appeal
c/o Building Department
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Dear Mr. Russell:

SUBJECT: Board of Zoning Appeal Case #4934

On June 3, 1982, the Board of Zoning Appeal heard a request by Joseph S. Sico for a use variance to operate an automotive repair facility at 60 Winter Street. After hearing testimony both for and against the request, the Board unanimously voted to deny the petition. That decision was based on several issues, two of which addressed parking congestion and hours of operation. These issues represent specific incompatibilities between the repair facility and the surrounding residential community.

At the hearing, the Board spoke in regard to permitting the shop operator, Robert Baxtor, 30 to 60 days to vacate the site. The intent was to provide Mr. Baxtor a reasonable opportunity to find a new location for his business. However, the City has agreed to let the repair shop remain in operation until September, 1982, 90 days from the hearing date. This action has disturbed some neighborhood residents who believe that 90 days places an undue hardship on the community and that the Board of Zoning Appeal's decision should be enforced without further delay. The concern is that should Mr. Baxtor refuse to vacate the premises in September, it could take several more months of court proceedings before the repair business moves from the neighborhood.

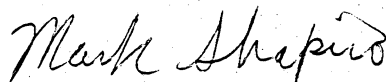
We have also been informed that the City has negotiated an understanding with Mr. Baxtor, restricting the street area in which he may park vehicles and specifying the hours of operation. The hours of operation that the City and Mr. Baxtor agreed to are unacceptable to us due to the density of the residential uses surrounding the repair shop. Since the building at 60 Winter Street is not properly equipped for repair use, it presents a serious health hazard to adjacent residents. Noise, paint fumes and lack of proper plumbing and drainage increase the negative impact of this facility on the community. Although we understand that the original 10 p.m. deadline, three nights per week, has been cut back to 8 p.m., we feel that any operation after normal business hours (i.e. 9-5, 10-6) creates an unaccept-

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able nuisance and disturbance for those living in the area. In addition, repair work continues to occur into the night (11 p.m.- 12 a.m.) despite the shop operator's agreement to stop work at 8 p.m.

The Board of Zoning Appeal decision to deny the variance was filed with the City Clerk on June 18, 1982. The twenty day appeal period expired on July 8, 1982. No appeal was filed as of July 9, 1982. Since we are anxious to reestablish the residential character of the Winter Street area, we respectfully request the Board of Zoning Appeal to instruct the Building Department to take immediate action to enforce the Board's decision.

Sincerely,



Mark Shapiro, Chairman
East Cambridge Stabilization Committee

Francis J. Budryk, President
East Cambridge Planning Team

MS/FJB:jp

cc: ✓ City Council
Robert W. Healy, City Manager
Building Department

13.

15-557

Comm. from Paul E. Healy, City Clerk, transmitting comm. from the East Cambridge Planning Team Re: enforcement of the Board of Zoning Appeal decision as it relates to BZA Case No. 4934.

In City Council,

September 13, 1982

Sept 13, 1982

*Referral to the
City Manager for*

Report

*copy sent to the City Manager 9/14/82
mk*