

NEIGHBORHOOD NINE ASSOCIATION

14 Avon Place, Cambridge, Mass. 02140

December 14, 1977

To the Honorable City Council:

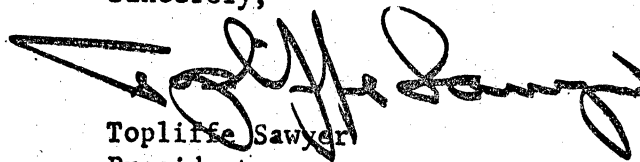
Neighborhood Nine Association has supported this down-zoning petition because it has been the only tool that you have given the residents around Observatory Hill until now which prevents issuance of a building permit to Harvard University.

We needed this delay while we worked to resolve our differences with the University through a constructive dialogue.

There are still a number of issues which must be resolved through this dialogue process, however, before the serious threats to the residents are dispelled. We need more time to work with the University together with the staff of the Community Development Department to get the new process really headed towards a harmonious conclusion.

Therefore, we urge that you table action on this petition pending future action upon it by the new Council in 1978.

Sincerely,



Topcliffe Sawyer
President



CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

October 4, 1977

The Honorable, the City Council

Dear Councillors:

SUBJECT: Planning Board Recommendation on a Petition to Rezone Land in the Mellen Street Area.

In accordance with Chapter 40A of the General Laws, the Planning Board held a public hearing on Tuesday, August 16, 1977 on a petition by Peter Desmond et al to rezone land generally bounded by Wendell Street, Everett Street, Oxford Street and Massachusetts Avenue from a Residence C-3 designation to a Residence C-1 designation.

1. The Character of the Wendell/Mellen Street Area

The area in question is at the southern edge of the residential section of the Agassiz Neighborhood, abutting Harvard University and Lesley College. While the area immediately to the north is essentially homogenous in residential use, scale and type of structure, with a general density of twenty-five (25) to thirty-five (35) dwelling units per acre, the Wendell/Mellen Street area has become a mix of two and three family dwellings, older three and four story apartment buildings, and institutional uses.

Given the proximity of intensive institutional uses, it was almost inevitable that this area would be among the first to undergo change. By 1960, many trends were evident in the area which have continued to date; a drop in the number of families, decreases in the number of births, school age population, and school enrollment, increases in the student and unmarried population, and large increases in rents. At present, all but fifteen of the parcels within the area proposed for rezoning are owned by the universities. Many of the universities' parcels are dormitories, several house academic uses, some are vacant and some are housing.

2. Zoning

The Wendell/Mellen Street area is presently zoned Residence C-3. The area immediately to the north is zoned Residence C-1 as the result of an earlier rezoning. The development controls of these two districts are widely disparate. Residence C-3 allows 144 units per acre with unlimited height. Residence C-1 allows 36 units per acre with a 35-foot height limit. Development interests would prefer the Residence C-3 designation to give maximum flexibility for use of their property. The petitioners are seeking a Residence C-1 designation to prevent high density, unlimited height development. The high densities permitted under Residence C-3 have allowed the conversion of many two and three family houses to apartments in the petition area. This has led to a condition where buildings have remained at C-1 scale, while densities have increased to near 70 dwelling units per acre or approximately Residence C-2 density. Given the ownership of most of the petition area, the potential for redevelopment under Residence C-3 zoning, the proximity of a low scale, low density residential neighborhood, and the inadequacy of parking and recreation facilities, there is a high probability that development at Residence C-3 heights and densities would have a very negative impact on the area.

Recommendation

The Planning Board feels that the central issue of this petition is transition between low scale residential uses as exist in the neighborhood and high density, potentially high scale institutional or commercial residential uses. To that end an effective zone of transition should be established.

It is the sense of the Planning Board that a Residence C-2 designation which carries an eighty-five (85) foot height limit and a permitted density of seventy-two (72) units per acre will allow enough development flexibility given conditions in the area yet will be more in keeping with existing density and scale and will provide an effective transition area between the Harvard Square C-3 zoning and the C-1 zoning of the residential neighborhood.

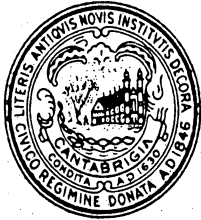
The Planning Board recommends that the Residence C-1 zoning designation requested in the petition be amended to a Residence C-2 designation and that the petition be APPROVED AS AMENDED.

Very truly yours,

For the Cambridge Planning Board

Arthur C. Parris

Arthur C. Parris
Chairman



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 876-6800

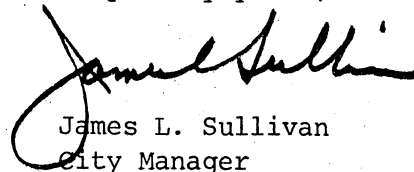
EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

October 17, 1977

To the Honorable, the City Council:

I transmit herewith communication from Arthur C. Paris,
Chairman of the Cambridge Planning Board, dated October 4,
1977, relative to the Planning Board recommendation on a peti-
tion to rezone land in the Mellen Street area.

Very truly yours,



James L. Sullivan
City Manager

JLS/b

ZONING AMENDMENT HEARING NOTICE

The Planning Board of the City of Cambridge will hold a public hearing on Tuesday, January 17, 1978 at 7:30 p.m. in the City Council Chamber, City Hall, Cambridge, Mass. on a petition by Peter Desmond et al. to amend the map accompanying the text of the Zoning Ordinance of the City of Cambridge by striking out the designation Residence c-3 and substituting in place thereof the designation Residence C-1 for the area shown on the attached map.

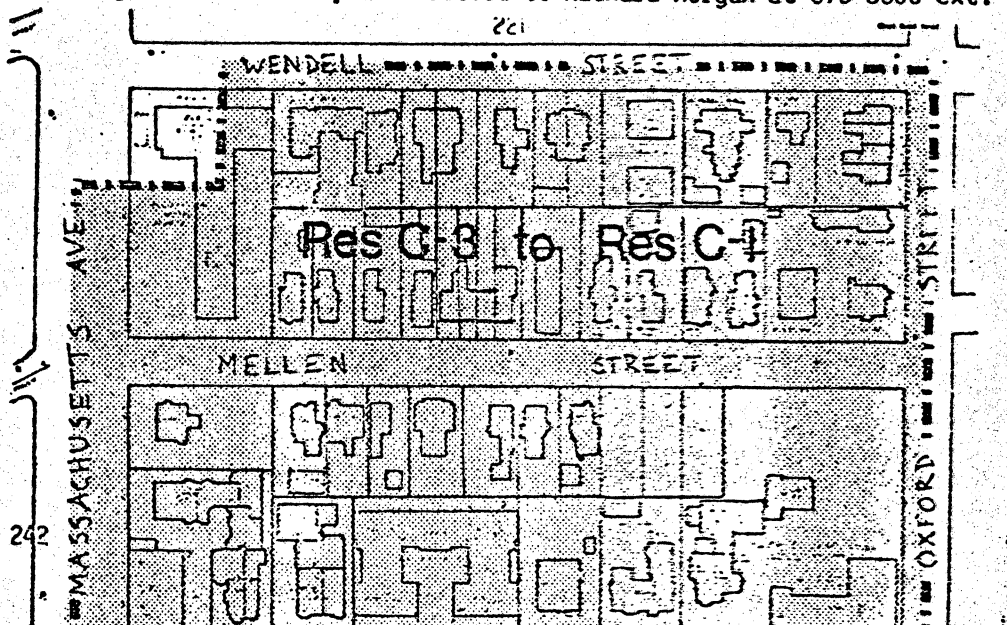
Residence C-3 is a high density designation which has no height limit, a permitted floor area ratio (building area to lot area) of 3.0, and a permitted density of one hundred forty four (144) dwelling units per acre. Residence C-1 is a moderate density designation with a height limit of thirty-five (35) feet, a permitted floor area ratio of .75, and a permitted density of thirty-six (36) dwelling units per acre. Both Residence C-3 and Residence C-1 allow only residential and institutional uses.

This is a notice for a rehearing of the petition originally heard by the Planning Board on August 16, 1977. Under the new state Zoning Act, the City Council must take final action on a rezoning petition within 90 days of the date of the Planning Board's public hearing on that petition. Due to a misunderstanding of the new state law, the City Council failed to act on this petition within the time limit. Readvertisement and rehearing of the petition by the Planning Board is required to reinstitute the rezoning process.

The public hearing is the first step in the process by which the Planning Board arrives at a recommendation on the proposed amendment. The Planning Board will then submit its recommendation to the City Council which may then adopt or reject the amendment.

You are receiving this notice because the property you own or live in is located in or near the affected area. The Planning Board urges all interested citizens to attend this hearing and present their views.

Question concerning this notice may be directed to Richard Horgan at 876-6800 ext. 346.



Cambridge, June 24, 19 77

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

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

By striking out the designation Residence C-3 and substituting in place thereof
the designation Residence C-1 insofar as it relates to the following described
areas of land:

Premises of the following parcels as designated on Assessors Plat #156. Odd
numbers 7 through 37 Mellen Street, even numbers 8 through 34 Wendell Street,
odd numbers 61 through 69 Oxford Street, odd numbers 1637 and 1645 Massa-
chusetts Avenue and which includes all or parts of lots numbered 26, 86, 60,
61, 29, 30, 31, 32, 33, 83, 36, 37, 38, 39, 40, 57, 56, 55, 82, 53, 52, 51,
50, 49, 48, 47, 46, 45, 87, 80, 82, 90, 41, 91, 92 as shown on Assessors'
Plat #156;

Premises of the following parcels as designated on Assessors' Plat #157. Odd
numbers 3 through 37 Everett Street, odd numbers 1607 through 1627 Massa-
chusetts Avenue, odd numbers 45 through 53 Oxford Street and even numbers
6 through 24 Mellen Street and which includes all or parts of lots numbered
1, 39, 26, 52, 53, 54, 49, 50, 23, 3, 4, 5, 6, 7, 8, 23, 51, 20, 68, 19,
61, 64, 65, 66, 67, 62, 63 as shown on Assessors' Plat #157; and which is
bounded and described as follows:

Beginning at a point said point being the intersection of a line 100 feet distant
from and parallel to the southeastern streetline of Massachusetts Avenue and
the centerline of Wendell Street;

Thence running southwesterly along a line 100 feet distant from and parallel to
the southeastern streetline of Massachusetts Avenue 125 feet more or less to a
point said point being the intersection of a line 100 feet distant from and paral-
lel to the southeastern streetline of Massachusetts Avenue and a line 100 feet
distant from and parallel to the southwestern streetline of Wendell Street;

Thence running northwesterly along a line 100 feet distant from and parallel to
the southwestern streetline of Wendell Street and its extension 150 feet more or
less to a point said point being the intersection of a line 100 feet distant from
and parallel to the southwestern streetline of Wendell Street and its extension
and the centerline of Massachusetts Avenue;

Thence running southwesterly along the centerline of Massachusetts Avenue 515 feet more or less to a point said point being the intersection of the centerline of Massachusetts Avenue and the centerline of Everett Street and its extension;

Thence running southeasterly along the centerline of Everett Street and its extension 925 feet more or less to a point said point being the intersection of the centerline of Everett Street and its extension and the centerline of Oxford Street;

Thence running northeasterly along the centerline of Oxford Street 660 feet more or less to a point said point being the intersection of the centerline of Oxford Street and the centerline of Wendell Street and its extension;

Thence running northwesterly along the centerline of Wendell Street and its extension 775 feet more or less to the point of origin and which comprises an area of 591,750 square feet more or less.

RECEIVED BY
OFFICE OF CITY CLERK
AUG 31 8 43 AM '77
CAMBRIDGE, MASS.

LAW OFFICES
TAYLOR, GANSON & PERRIN
TWENTY-FOURTH FLOOR
100 FEDERAL STREET
BOSTON 02110

VARNUM TAYLOR
CHARLES MACKAY GANSON
WM. GARDNER PERRIN

TELEPHONE
AREA CODE 617
482-4070

August 29, 1977

Paul E. Healy, City Clerk
City Hall
Massachusetts Avenue
Cambridge, Massachusetts 02138

Re: Petition of Peter H. Desmond, et al
Rezoning to amend map area - Everett
through Wendell Streets, from Residence
C-3 to Residence C-1

Dear Sir: *Paul*

I represent Lesley College, of Cambridge, and I am interested in the matter of the Petition of Peter H. Desmond, et al, for rezoning an area between Everett Street on the South and Wendell Street on the North, lying between Massachusetts Avenue and Oxford Street.

The Petition seeks to rezone the area from Residence C-3 to Residence C-1, involving Lesley College in a large portion of the same.

Would you please let me know when any hearing or action on this Petition is scheduled before the City Council? I shall be pleased to provide any charge you may be required to make for such notification.

Very truly yours,

Wm. Gardner Perrin
Wm. Gardner Perrin

WGP/mlb

Gardner

HARVARD UNIVERSITY
RECEIVED BY
OFFICE OF CITY CLERK

DEC 2 11 42 AM '77

CAMBRIDGE, MASS.

VICE PRESIDENT
FOR GOVERNMENT
AND COMMUNITY AFFAIRS

CAMBRIDGE, MASSACHUSETTS 02138

December 1, 1977

City Clerk
City of Cambridge
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

RE: Petition by Peter Desmond et al to rezone land generally bounded by Wendell Street, Everett Street, Oxford Street and Massachusetts Avenue, Cambridge.

Dear Sir:

The undersigned, owner of more than 20% of land proposed to be included in the change to the Zoning Ordinance of the City of Cambridge as contemplated by the captioned petition, hereby protests against such change pursuant to G.L. c. 40A § 7 and G.L. c. 40A § 5 as added by Chapter 808 of the Acts of 1975, for the reasons that the proposed change would constitute spot zoning and a taking of property without compensation and that such change would impermissibly restrict the use of land for proper educational purposes in violation of the so-called Dover Amendment, as contained in G.L. c. 40A § 2 and G.L. c. 40A § 3 as added by said Chapter 808.

Sincerely,

PRESIDENT AND FELLOWS OF HARVARD COLLEGE

By: Donald D. Moulton

Hand Delivered:
RETURN RECEIPT REQUESTED.

Comm. from President and Fellows of Harvard College by Donald Moulton re: petition of Peter Desmond et al to rezone land generally bounded by Wendell St., Everett St., Oxford St. and Mass. Ave.

RECEIVED

DEC 5 11 05 AM '77

COMMUNICATIONS

In City Council,

Dec. 12, 1977

*Returned to the
Hearing on Wed.
Dec 14th 6 30/77*



CITY OF CAMBRIDGE

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

OFFICE OF
THE CITY CLERK

December 1, 1977

Community Development Department
57 Inman Street
Cambridge, Massachusetts

Dear Sir:-

Enclosed you will find three hearing notices as required by Chapter 808 of the Acts of 1975 for your files.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Paul E. Healy, City Clerk.

PEH/dl

Enclosures: Petition of Peter H. Desmond
Petition of Clifford A. Truesdell, IV
Petition of Mrs. John C. Vincent.



CITY OF CAMBRIDGE

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

OFFICE OF
THE CITY CLERK

December 1, 1977

Department of Community Affairs
Commonwealth of Massachusetts
100 Cambridge Street
Boston, Massachusetts

Dear Sir:-

Enclosed you will find three hearing notices as required by Chapter 808 of the Acts of 1975 for your files.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Paul E. Healy, City Clerk.

PEH/dl

Enclosures: Petition of Peter H. Desmond
Petition of Clifford A. Truesdell, IV
Petition of Mrs. John C. Vincent.



CITY OF CAMBRIDGE

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

OFFICE OF
THE CITY CLERK

December 1, 1977

Director of Boston Redevelopment Authority
City Hall
Ninth Floor
Boston, Massachusetts 02201

Dear Sir:-

Enclosed you will find three hearing notices as required by Chapter 808 of the Acts of 1975 for your files.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Paul E. Healy, City Clerk.

PEH/dl

Enclosures: Petition of Peter H. Desmond
Petition of Clifford A. Truesdell, IV
Petition of Mrs. John C. Vincent.



CITY OF CAMBRIDGE

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

OFFICE OF
THE CITY CLERK

December 1, 1977

Planning Board
Town Hall
455 Concord Avenue
Belmont, Massachusetts

Dear Sir:-

Enclosed you will find three hearing notices as required by Chapter 808 of the Acts of 1975 for your files.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Paul E. Healy, City Clerk.

PEH/dl

Enclosures: Petition of Peter H. Desmond
Petition of Clifford A. Truesdell, IV
Petition of Mrs. John C. Vincent.



CITY OF CAMBRIDGE

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

OFFICE OF
THE CITY CLERK

December 1, 1977

Planning Board
Town of Arlington
Town Hall
730 Massachusetts Avenue
Arlington, Massachusetts

Dear Sir:-

Enclosed you will find three hearing notices as required by Chapter 808 of the Acts of 1975 for your files.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Paul E. Healy, City Clerk.

PEH/dl

Enclosures: Petition of Peter H. Desmond
Petition of Clifford A. Truesdell, IV
Petition of Mrs. John C. Vincent.



CITY OF CAMBRIDGE

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

OFFICE OF
THE CITY CLERK

December 1, 1977

Planning Board
City of Somerville
City Hall
93 Highland Avenue
Somerville, Massachusetts 02143

Dear Sir:-

Enclosed you will find three hearing notices as required by Chapter 808 of the Acts of 1975 for your files.

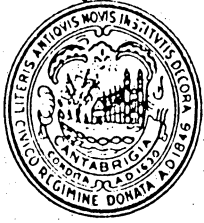
Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Paul E. Healy, City Clerk.

PEH/dl

Enclosures: Petition of Peter H. Desmond
Petition of Clifford A. Truesdell, IV
Petition of Mrs. John C. Vincent.



CITY OF CAMBRIDGE

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

OFFICE OF
THE CITY CLERK

December 1, 1977

Metropolitan Area Planning Council
44 School Street
Boston, Massachusetts 02108

Dear Sir:-

Enclosed you will find three hearing notices as required by Chapter 808 of the Acts of 1975 for your files.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Paul E. Healy, City Clerk.

PEH/dl

Enclosures: Petition of Peter H. Desmond
Petition of Clifford A. Truesdell, IV
Petition of Mrs. John C. Vincent.

LAW OFFICES
TAYLOR, GANSON & PERRIN
TWENTY-FOURTH FLOOR
100 FEDERAL STREET
BOSTON 02110

RECEIVED BY
OFFICE OF CITY CLERK
DEC 8 12 40 PM '77
CAMBRIDGE, MASS.

VARNUM TAYLOR
CHARLES MACKAY GANSON
WM. GARDNER PERRIN

TELEPHONE
AREA CODE 617
482-4070

December 6, 1977

Paul E. Healy, City Clerk
City Hall
Massachusetts Avenue
Cambridge, Massachusetts 02139

Re: Ordinance Committee - City Council
Rezoning Petition of Peter H. Desmond, et al
Mellen, Oxford and Wendell Street Area

Dear Mr. Healy:

Please accept this PROTEST, which is filed with you under the provisions of General Laws, Chapter 40A §5, on behalf of Lesley College, 29 Everett Street, Cambridge, Massachusetts, as the owner of more than twenty (20) percent of the area of the land included in the proposed change of zoning as described in the pending Petition of Peter H. Desmond, et al, dated June 24, 1977, from Residence C-3 designation to Residence C-1 designation.

Lesley College owns and occupies 203,984 square feet of land in the subject area, which is more than 47 percent of the total 461,000 square feet (approximately) involved in the proposed change. Of that total, Harvard University owns and occupies 88,385 square feet of land, which is more than 25 percent of the whole area. Together, the two educational institutions already own and use more than 72 percent of the land here involved. The Planning Board's Recommendation herein, dated October 4, 1977, points out that only fifteen parcels in the whole area under consideration are not owned by Lesley College or Harvard University. One of those fifteen is the Holiday Inn, at 1653 Massachusetts Avenue, a part of which appears to be in Business "A" Zone.

Paul E. Healy, City Clerk

Page Two

December 6, 1977

1. The Recommendation of the Planning Board is not legal and has been made without due process or notice to interested parties in relation to the restrictions applicable to Residence C-2 which the Board has recommended sui sponte and without adequate opportunity of those affected to prepare a responsive presentation at a hearing thereon. Notice of the Council hearing was mailed to Lesley on November 28, 1977.

2. The Planning Board has failed to note for the record that not any of the concerned Petitioners appeared before it at its hearing on August 16, 1977, to present facts or to answer factual questions of the affected parties.

3. The Planning Board has failed to note for the record that the only structural changes in the area of this locus during the past ten years has been the razing of ten, superannuated, converted former dwellings by Lesley College and the erection as Phase II of the new Lesley College Campus in their stead of three modern fire resistant buildings with open green landscaped areas around them without increasing parking or density problems. There was no evidence adduced to support the Board's reference to the high probability of such adverse impacts it envisions.

4. The Planning Board has failed to note that over ninety percent of the dwellings in the locus average over ninety or more years of age and that if more strict zoning regulations bar the financial feasibility of replacing them in the long run that their increasing expense of maintenance will guaranty a deteriorating and blighted neighborhood, regardless of zoning.

5. The application of stricter zoning in this limited area would be an unreasonable restriction on the use of the land that Lesley College already owns and which it purchased in reliance on the stability of the zoning structure (General Laws, Chapter 40A §3). A change in zoning

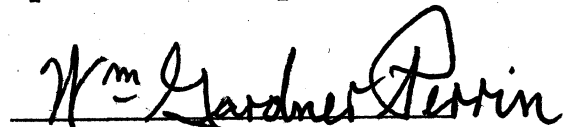
Paul E. Healy, City Clerk
Page Three
December 6, 1977

designation would serve as a bar to the completion of Phase II of its campus by making it financially impossible for Lesley to construct any efficient college facilities comparable to those it built in Phase I, especially where funds have to be borrowed and then repaid out of tuition and fees.

6. The City Council in 1967 gave its tacit but unanimous approval to Phase I of Lesley's proposed campus by terminating the public easement in the Easterly end of Mellen Street to make the buildings possible. Long term planning is only possible with stable zoning. It is neither fair nor equitable to victimize Lesley College in the middle of its improvement program where the illusory benefits for a potential few are in no way assured if the change were to be made. The statute here applicable (General Laws, Chapter 40A §5) provides a basis for stability by requiring at least an affirmative vote of two-thirds of all of the City Council to change a zoning provision, and in the face of a written Protest signed by owners of twenty percent or more of the area of land it requires at least an affirmative vote of three-fourths of all of said Council for the adoption of a change.

For the foregoing reasons, Lesley College respectfully protests and objects at this time to the change of zoning regulations to this locus as described in the pending Petition before this Honorable Council.

Lesley College
By its attorney:



CC: Dr. Don A. Orton
John G. Tucker
Vaughan W. Black
Arthur C. Parris - Chairman - Planning Board
S. Bose, Harvard Planning Office
James McGrath, Harvard Planning Office
Lewis Armstead, Harvard Community Relations
Stephen T. Lindsay, Esq.

0-37

Comm. from Wm. Gardner Perrin, Esq., in behalf of Lesley College, protesting the rezoning petition of Peter H. Desmond et al in the Mellen, Oxford and Wendell St. area.

In City Council,
Dec. 12, 1977

12/12/77
Referred to
Wed. Hearing at
6:30pm
File with Hearing
Papers