



CITY OF CAMBRIDGE

Office of the City Solicitor
City Hall

795 Massachusetts Avenue
Cambridge, Massachusetts 02139

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90 DEC 15 AM 9:20

OFFICE OF THE CITY MANAGER
Gail S. Gaudin
Legal Counsel

Joseph M. Kaigler
Legal Counsel

Diane Wynshaw-Boris
Legal Counsel

Edward J. O'Connell
Legal Counsel

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Michael C. Costello
Assistant City Solicitor

Birge Albright
Legal Counsel

MEMORANDUM

TO: ROBERT W. HEALY, City Manager

FROM: RUSSELL B. HIGLEY, City Solicitor *RBH*

RE: Council Order #83-11/5/90
Conflicts between Inspectional Services Department
and Law Department regarding Donut Maker

DATE: December 12, 1990

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The Law Department agrees with the response of the Commissioner of Inspectional Services. Moreover, the duty of this office with respect to the Commissioner is advisory in nature and all communications are protected by the attorney-client privilege.



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

RECEIVED
90 DEC -5 AM 3:52
OFFICE OF THE CITY MANAGER

TO: Robert W. Healy
City Manager

DATE: December 3, 1990

FROM: Joseph J. Cellucci JJC-
Commissioner

SUBJECT: Council Order # 83-11/5/90.
Re: Conflicts between Inspectional Services and
Law Department, regarding the Donut Maker.

The Donut Maker located at 315 Broadway, Cambridge applied for a temporary Certificate of Occupancy on October 11, 1990.

A temporary Certificate of Occupancy was granted on October 11, 1990 for 90 days subject to appeal to State Board for sprinkler requirement.

Pursuant to Chapter 40A, Section 7 of Massachusetts General Laws and Article 9, Section 9.10 of the Cambridge Zoning Ordinance, the enforcement of the ordinance is made by the Building Commissioner or local Building Inspector.

As far as this department is concerned there are no conflicts between the Law Department and Inspectional Services Department.

Law Department may have their own opinion on certain matters related to the interpretation of the ordinance.

As per Chapter 40A, Section 8 of the Massachusetts General Laws and Article 10.000, Section 10.20 of the Cambridge Zoning Ordinance, any party aggrieved by the enforcement, order or determination by the Superintendent of Buildings may appeal to the Board of Zoning Appeal.



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

December 17, 1990

To The Honorable, The City Council:

In response to Awaiting Report Item No. 73, relative to conflicts between the Inspectional Services Department and the Law Department regarding the Donut Maker, please find attached information received from Joseph Cellucci, Commissioner of Inspectional Services as well as Russell B. Higley, City Solicitor, concerning this matter.

Very truly yours,

Robert W. Healy
City Manager

RWH/mev
attachments

Agenda # 7

S- 1268

Awaiting Report Item Number 73, regarding conflicts between the Inspectional Services Department and the Law Department with regard to the Donut Maker.

In City Council,

December 17, 1990

Placed on file