



City of Cambridge

21.

IN CITY COUNCIL

November 26, 1990

COUNCILLOR RUSSELL

ORDERED: That the attached petition of Rachael M. Dorr relative to 32 Lee Street be and hereby is referred to the City Manager for a report.

VV/C



City of Cambridge

21.

IN CITY COUNCIL

November 26, 1990

COUNCILLOR RUSSELL

ORDERED: That the attached petition of Rachael M. Dorr relative to 32 Lee Street be and hereby is referred to the City Manager for a report.

In City Council November 26, 1990.

Adopted by the affirmative vote of nine members.

Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in cursive script, reading "Joseph E. Connarton".

Joseph E. Connarton
City Clerk

**209 ERIE STREET
CAMBRIDGE, MASSACHUSETTS 02139**

November 26, 1990

RECEIVED
CITY CLERK
NOV 26 PM 2:30
CAMBRIDGE MA.

BY HAND

Sheila Russell, City Councillor
c/o Office of the City Clerk
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts

Re: 32 Lee Street, Special Permit Problem

Dear Councillor Russell:

As you requested, this letter describes briefly our problem in obtaining a permit to renovate our home. In short, the problem is that our project has and will be severely delayed by our being required to obtain a special permit where neither the Cambridge ordinance nor good zoning policy require one. The facts are as follows.

We purchased 32 Lee Street in order to convert it to a two family from a three family. It is a nonconforming structure because it was built before zoning (like most of the houses in Cambridge). As you know, nonconforming structures are permitted to be maintained to the same extent as prior to the enactment of zoning. None of the work we are doing in any way will increase the nonconforming nature of the structure. In fact, none of the work which is proposed will alter the exterior dimensions. (For example, we are adding insulation, moving partition walls, bringing stairways up to building code, and replacing kitchens and bathrooms.)

The work clearly requires a building permit. We therefore informed the building department in mid-September of our plans to change from a three family to a two family. We obtained a demolition permit (with proper signoffs by the Historical Commission and the Rent Control Board) and filed our building permit plans for review. We made requested additions and changes to our plans during the three week review period. Virtually at the moment when a building permit was to be issued (now mid- October), someone decided that maybe the zoning analyst should review the plans.

Councillor Russell

November 26, 1990

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CAMBRIDGE MA.

I have since spent many hours arguing the obvious: the Cambridge ordinance does not require a special permit in this situation (the bank's attorneys who looked at this issue before we purchased agree with my analysis). My subsequent conversations with the zoning analyst and the city law department have been very frustrating since (a) several different, and inconsistent, theories have been expressed as to why a special permit might be required, (b) no one has been able to point to any policy that is served by requiring a special permit where the number of residential units is decreased, and (c) no one has been able to square this "requirement" with the state zoning enabling act (MGL ch. 40A) which sets forth the minimum tolerance to be given to nonconforming structures and which clearly permits this work.

Meanwhile, the clock ticks on. My three children are jammed into one small bedroom, we are carrying two mortgages and our contractor may not be able to deliver the job for the original estimate. The hearing will not be until mid-December and the permit cannot issue until mid-January (after the appeal period expires). I appreciate your willingness to try to bring this administrative and financial nightmare to the attention of the Council and the Zoning Board (which will suffer the consequences in needless hearings and excess workload from similar applications).

For your reference I enclose copies of my correspondence with the zoning analyst and the city law department.

Very truly yours,



Rachael M. Dorr

Enclosure

Sent with copy to
Office of City Council

Order # 21

F-671

Councillor Russell re: special permit
problem at 32 Lee Street.

In City Council,

November 26, 1990

ORDER ADOPTED