



City of Cambridge

IN CITY COUNCIL

April 4, 1988

ORDERED:

That the Commissioner of Public Works be authorized to construct driveways over sidewalks in front of estates upon the streets as hereinafter named, the expense thereof to be charged to the appropriation for Public Works Department, Paving (Edgestones and Sidewalks). The entire cost of material and labor furnished to be repaid to the City by the owners of the abutting estates.

Ruth Hiller

409 Broadway

In City Council April 4, 1988.
Adopted by a yea and nay vote:-
Yeas 9; Nays 0; Absent 0.
Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in dark ink, appearing to read "Joseph E. Connarton".

Joseph E. Connarton, City Clerk.



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

To Vincent J. Panico, Chairman
Board of Zoning Appeal

Date February 12, 1986

From Paul E. Healy, City Clerk

Reference

Subject Petition of Ruth Hiller for a curb cut at 407 A Broadway

Enclosed you will find a copy of a communication as received by the City Council from Alan M. Pampanin, Esq., on behalf of Ruth Hiller, transmitting a chronology of events regarding her petition for a curb cut at the premises numbered 407 A Broadway (this location has also been referred to as 407 and 409 Broadway in some correspondence).

Pursuant to this communication, the City Council scheduled a public hearing which was held on February 10th, 1986. After hearing held on February 10th, the Council adopted an order (a copy of which is also enclosed), referring this matter to the Board of Zoning Appeal with the request for its review of the matter.

Your very kind attention in this matter will be greatly appreciated, both by the City Council and this office.

PEH/mh

Enclosures

cc: Eileen McGaughey, Secretary, Board of Zoning Appeal



City of Cambridge

20.

IN CITY COUNCIL

February 10, 1986

VICE-MAYOR VELLUCCI

ORDERED: That the petition of Ms. Ruth Hiller seeking permission for a curb cut at 407A Broadway be referred to the Board of Zoning Appeal with a request of this City Council that said petition be reviewed expeditiously.

In City Council February 10, 1986.
Adopted by the affirmative vote of 9 members.
Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in cursive script, reading "Paul E. Healy", written over a horizontal line.

Paul E. Healy, City Clerk.

LAW OFFICES

O'NEILL, CONRAGAN, RUSSIAN, GREENBERG & PANICO
PROFESSIONAL ASSOCIATION

RECEIVED BY
OFFICE OF CITY CLERK
1986 JAN 29 AM 11:13

HERBERT S. O'NEILL
ARAM K. CONRAGAN, JR.
HRANT H. RUSSIAN
VINCENT J. PANICO
MICHAEL D. GREENBERG

2343 MASSACHUSETTS AVENUE CAMBRIDGE, MASSACHUSETTS 02140
CAMBRIDGE MA
AREA CODE (617) - 876-2020

Alan M. Pampanin

January 28, 1986

Mr. Paul E. Healy
City Clerk
City of Cambridge
City Hall
Cambridge, MA 02139

Re: Petition for Curb Cut
Ruth Hiller - 409 Broadway, Cambridge, MA

Dear Mr. Healy:

As Attorney for Ruth Hiller, I am requesting that her petition for a curb cut first placed on file before the City Counsel on December 19, 1983 be resubmitted.

Ms. Hiller's residence is 409 Broadway, Cambridge, Massachusetts; requested curb cut is on Dana Street. The following chronology of events may be of help to you and to the City Councillor.

The original request for a curb cut was submitted on October 19, 1983. The curb cut had been approved by the Public Works Department, Traffic and Parking Department, Historical Commission, Inspectional Services. The petition was placed on file, December 19, 1983.

On November 3, 1983, Paul Healy notified the mid Cambridge Neighborhood Association, Joan Lorentz of the petition. The Neighborhood Association disapproved of the curb cut.

A City Counsel meeting was held on the petition on November 14, 1983. Nothing was resolved. Subsequently, Councillors David Sullivan and Thomas Danehy requested a memorandum from the City Solicitor regarding the right of a property owner to a curb cut. Mr. Higley, City Solicitor submitted a memorandum to City Manager Robert Healy on November 30, 1983.

Page 2.

January 28, 1986

Mr. Paul E. Healy

On December 8, 1983, Inspectional Services was requested to look into the requirements of the Zoning Ordinance relative to this curb cut.

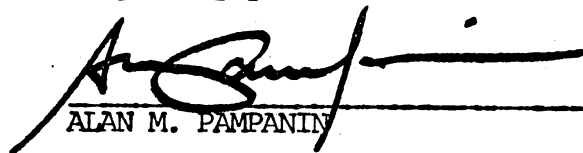
On December 16, 1983, the matter was tabled with no decision rendered. On December 19, 1983, the matter was placed on file for resubmission.

On May 25, 1984, Ms. Hiller resubmitted her petition by letter to the City Clerk. On June 6, 1984 your office sent a memorandum to Russell Higley relative to the resubmitted petition. It appears that nothing happened after this.

Enclosed are copies of all documents referenced in the above chronology and on file with the City Clerk's Office.

I would appreciate your attention to this matter. I understand that this matter may be heard on Monday, February 3, 1986 before the City Counsel.

Very truly yours,



ALAN M. PAMPANTIN

AMP/dac

cc: Mrs. Ruth Hiller



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

Robert W. Healy, City Manager
Russell B. Higley, City Solicitor
To Joan Lastovica, City Engineer

Date November 16, 1983

From Paul E. Healy, City Clerk

Reference

Subject Petition of Ruth Hiller for a driveway at the
side of 407 Broadway on Dana Street

Please be advised that at the City Council meeting held on Monday, November 14, 1983, the enclosed petition of Ruth Hiller was tabled on motion of Councillor David Sullivan, pending an opinion from the City Solicitor on the legality of the City Council acting on this petition, which had been disapproved by the neighborhood association in the area, after securing approval of the departments concerned.

Councillor Duehay has requested that the City Engineer prepare a diagram of the area and report as to whether any driveways exist on this lot, which is on the side of 407 Broadway on Dana Street.

Councillor Clinton has requested that Joan Lorentz of the Mid-Cambridge Neighborhood Association inform the City Council whether this decision to disapprove the petition was made at a meeting, and if it was made at a meeting of the association, how many people were in attendance and voted to disapprove of the petition.

All persons and departments concerned are requested to report as soon as possible in accordance with the above.

PEH/mh

Enclosure: petition of Ruth Hiller

cc: Ruth Hiller

Joan Lorentz, Mid-Cambridge Neighborhood Assoc.



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

To Paul E. Healy, City clerk Date 11/21/83
From Joan Lastovica, City Engineer JL. Reference
Subject Petition of Ruth Hiller for a driveway at the side of
407A Broadway on Dana Street.

Attached is a diagram showing existing conditions for 407A and 409 Broadway. At present, no driveways exist for these lots. Also, please note that the correct address for the lot at the corner of Broadway and Dana Street is 407A Broadway, not 407 Broadway.

For your further consideration a current assessors plan of the area is enclosed. Please feel free to contact this office if you require additional information.

JL/bs
Attachments

RECEIVED BY
OFFICE OF CITY CLERK

Cambridge, Oct 11, 1983

To the Honorable, the City Council of the
City of Cambridge, CAMBRIDGE MA.

The undersigned respectfully pray that a driveway for residential use may be constructed and agrees to deposit with the City Treasurer the sum of seventy five (\$75.00) dollars, subject to the following conditions, to wit: In case the amount so deposited is in excess of the cost of the driveway, the difference shall be refunded by the City Treasurer, but in case the cost of the driveway exceeds that deposit, said deposit shall be applied as a credit to the bill and the balance shall be paid to the City Treasurer within thirty days from the receipt of the bill.

Location of proposed driveway Side of 407 Broadway ^{DANA.} Street

Owner or Owners Name

RUTH HILLER.

Address

409 Broadway -

Temporary Address - 170 Cliff Rd. Wellesley Hills
ma

Telephone Number

(Temporary) 237-2471

work - 879-0620 ^{Ch} middle school

APPROVAL OR DISAPPROVAL OF CURB CUT

PETITIONER _____

ADDRESS OF CURB CUT REQUEST _____

PUBLIC WORKS DEPARTMENT

[Signature]
(Signature)

[Initials]

APPROVED

DISAPPROVED

TRAFFIC AND PARKING DEPARTMENT

[Signature]
(Signature)

[Initials]

APPROVED

DISAPPROVED

HISTORICAL COMMISSION

[Signature]
(Signature)

COMMISSION

[Initials]

APPROVED

DISAPPROVED

INSPECTIONAL SERVICES

(Signature)

[Signature]

APPROVED

DISAPPROVED

NEIGHBORHOOD ASSOCIATION

(Signature)

APPROVED

DISAPPROVED



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9017

OFFICE OF
THE CITY CLERK

November 3, 1983

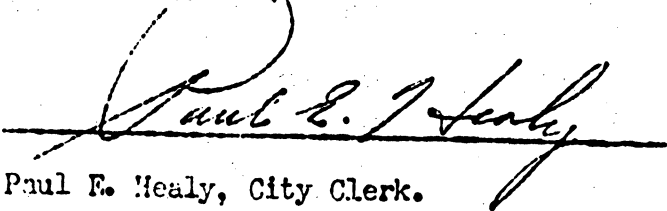
Dear Neighborhood Representative:

Enclosed herewith you will find the petition of Ruth Hiller
_____ requesting a driveway at the premises numbered
side of 407 Broadway on Dana Street
_____.

The City Council has directed that all driveway petitions be submitted to the appropriate Neighborhood Associations where said curb cut would be made for their approval, prior to action by the City Council. Please indicate by return mail your approval or disapproval of said petition within ten days from the receipt of this letter. I have enclosed a self-addressed stamped envelope to facilitate your reply.

Your kind cooperation in this matter will be greatly appreciated by the members of the City Council.

Very truly yours,


Paul F. Healy, City Clerk.

Name of Neighborhood Association: _____

I hereby _____ approve _____ disapprove said driveway petition.

Reasons: _____



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9017

OFFICE OF
THE CITY CLERK

November 3, 1983

Dear Neighborhood Representative:

Enclosed herewith you will find the petition of Ruth Hiller
requesting a driveway at the premises numbered
side of 407 Broadway on Dana Street

The City Council has directed that all driveway petitions be submitted to the appropriate Neighborhood Associations where said curb cut would be made for their approval, prior to action by the City Council. Please indicate by return mail your approval or disapproval of said petition within ten days from the receipt of this letter. I have enclosed a self-addressed stamped envelope to facilitate your reply.

Your kind cooperation in this matter will be greatly appreciated by the members of the City Council.

Very truly yours,

Paul E. Healy
Paul E. Healy, City Clerk.

Name of Neighborhood Association:

Joan Lorentz - Med Cambridge Neighborhood Asso

I hereby approve

X disapprove said driveway petition.

Reasons:

1) Destroying green + open space 2) Taking away
public parking on Dana Street 3) Using a small open
space for a purpose not beneficial to residential
character + close neighbors - The zoning require 5 ft
from lot line + 5 feet from building - There's ^{no} room for a car. 4) The
area is dangerous - many accidents there already - Check police records



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-8020

LAW DEPARTMENT

RUSSELL B. HIGLEY
CITY SOLICITOR

MICHAEL C. COSTELLO
ASSISTANT CITY SOLICITOR

EDWARD A. CUNNINGHAM
SEVERLIN B. SINGLETON
DAVID B. O'CONNOR
BIRGE ALBRIGHT
LEGAL COUNSEL

November 30, 1983

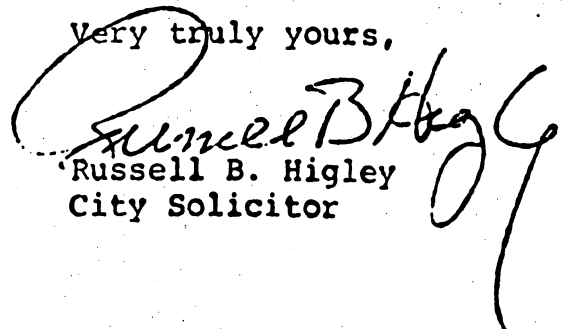
Mr. Robert W. Healy
City Manager
City Hall
Cambridge, MA

Re: Petition of Ruth Hiller for a driveway at the
side of 407 Broadway on Dana Street

Dear Mr. Healy:

Pursuant to the request of Councillors David Sullivan
and Thomas Danehy, I am enclosing a memorandum prepared by
this office on "Whether property owner has a right to a curb
cut."

Very truly yours,


Russell B. Higley
City Solicitor

RBH/jl

Enc.



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

To Joseph Cellucci, Commissioner of
Inspectional Services

Date December 8, 1983

From Paul E. Healy, City Clerk

Reference

Subject Petition of Ruth Hiller for a driveway at the
side of 407A Broadway on Dana Street

In connection with the above item, at the City Council meeting of December 5, 1983, Councillor Duehay requested that a memorandum be prepared on why your department recommended the approval of a driveway petition that does not meet the requirements of the Zoning Ordinances, as cited by Councillor Duehay at the meeting.

The City Council has further suggested that the memorandum indicate whether permission for the driveway could be validly granted in view of the requirements of the Zoning Ordinances.

Councillor David Sullivan stated that he supported the request of Councillor Duehay and that he would not approve the petition of Ruth Hiller. At the end of the discussion, the item was tabled for a week, pending report from the Inspectional Services Dept.

Your very kind attention in this matter will be greatly appreciated by both the City Council and this office.

PEH/mh

cc: Richard Horgan, Zoning Specialist



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

To Russell B. Higley, City Solicitor
From Paul E. Healy, City Clerk
Subject The Ruth Hiller driveway petition

Date December 16, 1983

Reference

Please be advised of the following actions at the City Council meeting of Monday, December 12, 1983, pursuant to the Hiller driveway petition:

Councillor Danehy requested an opinion from the City Solicitor as to whether or not the City Council had the right to deny the petitioner access to his property and cited the November 30, 1983 opinion from the City Solicitor.

Councillor David Sullivan at this point stated that the right to a driveway is not an absolute right and is subject to reasonable restrictions for the public and stated that if there is a reason, the petition could be denied.

Councillor Danehy referred to the Jack in the Box research opinion rendered in the past by the City Solicitor.

As you can appreciate, Richard Horgan's opinion rendered to the City Council seemed in the opinion of some of the Councillors to be in conflict with the opinion rendered by you on November 30, 1983.

Another issue arose on whether or not the house is listed correctly with the City Rent Control Board as a 4 family house, in which case it was contended that the driveway would be too close to reach zoning requirements.

At the conclusion of the hearing on the Hiller petition, the matter was tabled and it was my understanding that the City Council will require the resolution of the above legal issues raised in this hearing prior to taking action on the petition.

Your very kind attention in this matter will be greatly appreciated.

PEH/mlh



City of Cambridge

8.

IN CITY COUNCIL

December 19, 1983

COUNCILLOR WALTER SULLIVAN

ORDERED:

That all matters presently listed on the City Council Calendar which have not been acted upon be placed on file, without prejudice, subject to the condition that they may be re-submitted for consideration to the next legislative session of the City Council by notice to the City Clerk.

In City Council December 19, 1983.
Adopted by the affirmative vote of 8 members.
Attest:- Paul E. Healy, City Clerk.

A true copy:

ATTEST:-

A handwritten signature in cursive script, reading "Paul E. Healy", written over a horizontal line.

Paul E. Healy, City Clerk.

RECEIVED BY
OFFICE OF CITY CLERK

MAY 29 2 45 PM '84

CAMBRIDGE, MASS.

May 25, 1984

Paul Healy
City Clerk
City Hall
Cambridge, Ma.

Dear Sir:

I would like to, at this time, resubmit my petition for a curb-cut before the city council. It was placed on file Dec. 19, 1983.

Thank you,
Ruth Miller
409 Broadway



City of Cambridge

11.

IN CITY COUNCIL

December 29, 1986

MAYOR WALTER J. SULLIVAN

ORDERED: That all matters presently listed on the City Council Calendar which have not been acted upon be placed on file, without prejudice, subject to the condition that they may be resubmitted for consideration to the next legislative session of the City Council by notice to the City Clerk.

In City Council December 29, 1986.
Adopted by the affirmative vote of 8 members.
Attest:- Joseph E. Connarton, City Clerk.

A true copy

A handwritten signature in dark ink, appearing to read "Joseph E. Connarton".

ATTEST:-

Joseph E. Connarton, City Clerk.



City of Cambridge

(Amended Order No. 21)

IN CITY COUNCIL

February 10, 1986

VICE-MAYOR VELLUCCI

ORDERED: That it is the sense of this City Council that the petition of Ms. Ruth Hiller seeking permission for a curb cut located at the premises numbered 407A Broadway also referred to in prior correspondence as 407 and 409 Broadway be approved by the Board of Zoning Appeal, due to the seriousness of the request and prior time delays which have occurred since the original petition was filed in 1983 if it is legal.

CHARTER RIGHTED BY COUNCILLOR DANEHY

City of Cambridge

MASSACHUSETTS

In City Council

2/10/1986

Councilman Duehay

	YEA	NAY	ABSENT	PRESENT
Mr. Thomas W. Danehy			✓	
Mr. Francis H. Duehay	✓			
Ms. Sandra Graham				✓
Mrs. Sheila T. Russell		✓		
Mr. David E. Sullivan		✓		
Mr. Alfred Vellucci	✓			
Mr. William H. Walsh	✓			
Ms. Alice K. Wolf	✓			
Mayor Walter J. Sullivan	✓			

5 2 1 1

Motion to amend carried - "IF IT IS happy"



City of Cambridge

21.

IN CITY COUNCIL

February 10, 1986

VICE-MAYOR VELLUCCI

ORDERED: That it is the sense of this City Council that the petition of Ms. Ruth Hiller seeking permission for a curb cut located at the premises numbered 407A Broadway also referred to in prior correspondence as 407 and 409 Broadway be approved by the Board of Zoning Appeal, due to the seriousness of the request and prior time delays which have occurred since the original petition was filed in 1983.

2/10/86 - CHARTER RIGHTED BY COUNCILLOR DANEHY

2/24/86 - TABLED ON MOTION OF COUNCILLOR DAVID SULLIVAN

12/29/86 - PLACED ON FILE. SEE ORDER NO. 11 OF THIS DATE

Order #21 #18H-134

VM Vellucci order re: that it is the sense of the City Council that the petition of Ruth Hiller for a curb cut at the premises numbered 407A Broadway (also referred to as 407 & 409 Broadway) be approved by the Board of Zoning Appeal due to the seriousness of the request & time delays since 1983.

2/24/86

Tracked on motion
of C. David Sullivan

In City Council,

February 10, 1986

CV 2/10/1986

Chamber Right
Enclosed

By
Councillor Daneby