

\$1.40 petition fee

PETITION OF

Planning Board
Establish Industry B Interim Assembly District - Area Abutting
Kendall Square

Petition filed with the City Clerk

March 27, 1989

(all hearings to be completed 65 days from In City Council date)

4 days March
30 days April
31 days May
65 days = May 31, 1989 = all hearings

In City Council

March 27, 1989

Referred to the Planning Board for report

April 7, 1989

see letter & opinion from City Solicitor

Planning Board Hearing

(CITY COUNCIL must act within 90 days of the ORDINANCE COMMITTEE hearing which would be _____.)

City Council hearing published

on

and

Hearing before the Ordinance Committee

Reported to the City Council

Passed to a second reading on

published in

on

Planning Board report received on

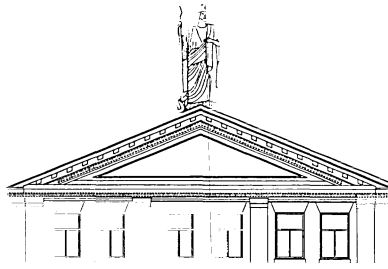
Ready for ordination on

Passed to be ordained on

published in

on

COMPLETION DATE



THE ATHENAEUM GROUP

Athenacum House
215 First Street
Cambridge, Massachusetts 02142
617-492-2155

April 10, 1989

Cambridge City Council
City Hall
Cambridge, Massachusetts 02139

1989 APR 13 AM 10:45
CITY HALL
CAMBRIDGE, MA.

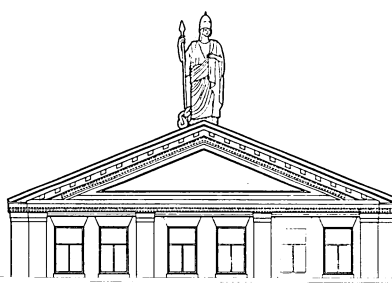
Dear Honorable Members of the City Council:

On Monday, April 3, 1989, the City Council moved Item 15 from ON THE TABLE (where it had been placed the previous week via a Charter Right exercised under the Rules of the City Council) and referred the matter to the Cambridge Planning Board and the Ordinance Committee for hearing. This action was taken without discussion or comment from the public and was done via a voice vote.

At the request of citizens who attended the City Council meeting expressly for the purpose of discussing Item 15, Councillor Walter Sullivan, as a courtesy, agreed to file a written request for reconsideration so that they might be heard on the matter. Reconsideration is allowed under the Rules of the City Council and is entirely appropriate when, for example, new information is available that may be of consequence to the deliberations and actions of the Council.

The Acting Clerk, John Flynn, advised the citizens that the reconsideration action alone could not supersede state law which obligates the City Council to refer zoning petitions to the Planning Board within 14 days. This advice came from an August 1, 1988 opinion issued by the City Solicitor. However, it was noted that reconsideration would be heard on April 10, 1989 which would satisfy the 14-day requirement and still allow the City Council to hear citizen comment.

Item 15 is a zoning petition from the Cambridge Planning Board that would establish an Interim Planning Overlay District for the areas in the city currently zoned Industry B. This petition is identical to the IPOD proposed by Councillor Wolf and currently pending before the City Council with two exceptions:



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1. The expiration date is changed from April 1, 1989 to July 1, 1989.
2. The Planning Board IPOD does not contain the lower height cap if within 125 feet of a residential zone.

The filing of this zoning petition raises a number of important issues that merit discussion and legal advice before City Council action.

The August 1, 1988 opinion letter from the City Solicitor (copy attached) is very narrow in its scope. The City Clerk asked the City Solicitor if the clerk was required to submit a zoning amendment petition to the Planning Board that was "delayed by a councillor exercising his or her charter right, and the next meeting is more than fourteen days later." [emphasis added]. The City Solicitor concluded, "As a general rule a clear, mandatory state statute, such as G.L.c.40A,s.5, supersedes any conflicting local rule." The conflict was solely the inability of the Council to act on the petition within 14 days. In this case the Clerk was advised to forward the petition absent formal action by the Council.

The City Solicitor was not asked if the City Council must forward every zoning petition it received to the Planning Board--without exception. In other words, are there certain times when the City Council may decline to forward a petition without violating M.G.L.c.40A?

Common sense suggests that there are times when the City Council can exercise its legislative authority regarding zoning matters by declining to forward a petition and still be in compliance with the C.40A enabling statute. The fact that C.40As.5 requires the City Council to receive petitions first and allows 14 days prior to referring the petition to the Planning Board suggests overview by the chief legislative body is mandated.



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April 10, 1989

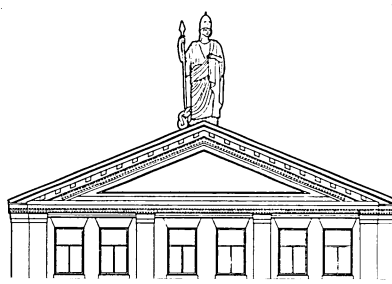
Three possible examples come to mind when a City Council may legally conclude that a petition should not be referred to the Planning Board.

First, a zoning petition that is identical to one that has been voted down by the City Council within the last two years cannot be approved according to M.G.L.c40A. To refer this defeated petition would put the City Council's action in conflict with the state statute; therefore, the Council would be correct in declining to forward the replacement petition to the Planning Board.

Second, a zoning petition that is identical to an existing one that has already been received and referred to the Planning Board and is still under deliberation by the City Council must not be referred. To refer an identical petition would circumvent a fundamental requirement of M.G.L.c40A--namely; the provision of a definitive limit to the time property rights can be suspended while zoning policy is debated. If the Council were a party to repeated filings of identical petitions, this would serve to circumvent the intent of C.40A and put the local action in conflict with the state statute.

Third, a zoning petition that is frivolous or void of public purpose must not be allowed to interfere with legitimate zoning policy nor should it enjoy the protections of C.40A. relative to process. If this were not the case, one individual could prohibit the issuance of all building permits simply by filing a zoning petition every week that placed a one-foot height cap on construction in all zoning districts. Such action does not enjoy an absolute right under C.40A and the Council can exercise its judgment without being at odds with state law. Failure to do so would make the chief elected officials hostage to the tyranny of a private political agenda.

Item 15, the so-called Planning Board Industry B IPOD, merits the Council's careful attention because referral to the



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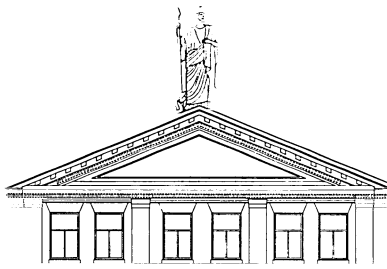
Planning Board may not be an absolute requirement. C.40A does not require the Council to abdicate its right and duty to decide zoning matters.

The Planning Board Industry B IPOD petition requires no action because the policy objective of the petition can be achieved by action on the Wolf Industry B IPOD petition currently pending. The City Council can legally amend the Wolf IPOD petition so that it is identical to the Planning Board petition. Such amendments would require readvertising and perhaps merit another Ordinance Committee hearing, but this can be accomplished within the time constraints of C.40A if this is the will of a simple majority of the City Council. Passage of the Wolf IPOD petition will require seven votes of the City Council.

By treating the Planning Board's Industry B IPOD petition as a valid, new petition prior to voting on the Wolf IPOD petition (or its automatic defeat on June 27, 1989 under the no action provisions of C.40A) the City Council will have endorsed an action at odds with the intent of C.40A. The Planning Board's function under C.40A is advisory, not legislative. By filing a replacement petition instead of an opinion on the Wolf IPOD, the Planning Board has, in effect, usurped the rights of the City Council to promulgate zoning policy.

If the policy objective of the Planning Board's IPOD petition is the policy of the City Council, then the City Council should amend the pending Wolf IPOD petition to reflect same and ordain it. This can be done without compromising any provision of C.40A.

If, however, the policy of the City Council is not reflected in the Planning Board and IPOD petition, then the City Council should protect its statutory rights under C.40A. The first right is to conclude that the petition is not substantially different from one already pending (i.e. the Wolf IPOD) and therefore can not be referred for new public hearings without jeopardizing



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significant property rights and without putting the local action in conflict with a state law.

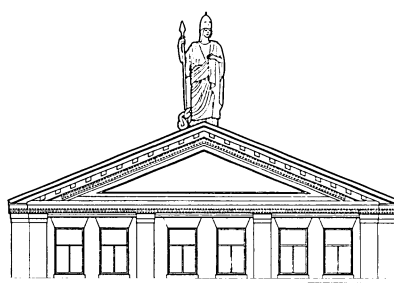
The City Council could also choose to reassert its legislative rights and obligations vis-a-vis the Planning Board by voting to reject the pending Wolf IPOD. Indeed, the City Council is elected to make those policy decisions; the Planning Board is not.

There are compelling reasons for the City Council to assert itself in making this policy determination.

1. The owners of 80 percent of the property impacted by the Wolf IPOD have offered to cooperate with the Community Development Department to prepare a comprehensive downzoning petition that is based on responsible planning studies and impact data. These owners have agreed not to file for building permits during this 90-day study period if the City Council accepts their offer at a voluntary moratorium. These owners include Polaroid, MIT, Charles Stark Draper Laboratory, The Prudential Insurance Company of America, and Tofias, Fleishman & Shapiro.

2. The Athenaeum Group, which controls approximately 15 percent of the impacted area, has already offered to downzone its site by 25 percent and a rezoning petition has been referred to the Planning Board. The Athenaeum Group has also pledged to build housing on the rezoned site at the request of Mayor Vellucci and several city councillors.

3. Tax revenues and the improvements resulting from the rehabilitation of three abandoned buildings at the One Kendall Square site are at risk because the building permit is conditioned on final resolution of the Wolf IPOD petition.



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4. The Embassy Suites hotel development, which would generate twice the tax revenues of a comparably sized office building, produce almost 200 local jobs, and allow for the construction of badly needed housing, is threatened.

5. The opportunity to continue the public/private partnership with responsible economic development that enjoys widespread community support and to engage the major businesses and institutions in the Industry B zone in meaningful planning for the future simply should not be lost.

To be sure the legal issues may be complicated, but the proper role of the City Council to act is not.

Sincerely,

David Clem

DEC:rmf

4.



Comm. from David Clem, The Athenaeum Group,
concerning the Planning Board's petition to
amend the Zoning Ordinances by establishing
an Industry B Interim Overlay District in
the Kendall Square area & the opinion render-
ed by the City Solicitor as it relates to
this matter.

In City Council,

April 24, 1989

4-24-89

Referred to the Petition

RECEIVED BY
OFFICE OF CITY CLERK

1989 APR 13 PM 3:44

CAMBRIDGE MA.

April 13, 1989

TO: Joseph E. Connarton
City Clerk

FROM: Sally Powers, Director
Board of Assessors



In reply to your memo dated April 13, 1989, please be advised that we have, this day, forwarded to Sue Tamber, Engineering Dept., the written protest Planning Board Petition - Industry B Overlay District - Kendall Square.



CITY OF CAMBRIDGE

Russell B. Higley
City Solicitor

Donald A. Driscoll
Deputy City Solicitor

Michael C. Costello
Assistant City Solicitor

Office of the City Solicitor
City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

 (617) 498-9020

Birge Albright
Legal Counsel

Gail S. Gabriel
Legal Counsel

Joseph M. Kargier
Legal Counsel

April 6, 1989

Mr. Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

Re: Reconsideration of Zoning Amendment Petition
after Referral to Planning Board

Dear Mr. Healy:

The Deputy City Clerk, John Flynn, has requested a legal opinion regarding the following question:

When a zoning amendment petition transmitted to the City Council by the City Manager on March 27, 1989 was voted by the City Council to be referred to the Planning Board on April 4, 1989, and a City Councillor moved for reconsideration, and the next regular meeting of the City Council is scheduled for April 10, 1989, does G.L. c. 40A require that the petition be submitted to the Planning Board prior to the April 10, 1989 meeting?

General Laws, c. 40A, s. 5 provides in pertinent part that:

The ... city council shall within fourteen days of receipt of such zoning ordinance or by-law submit it to the planning board for review. [emphasis added]

This statute makes submission to the Planning Board mandatory within fourteen (14) days of "receipt" of the proposed zoning amendment.

The petition under consideration appeared on the City Manager's Agenda for March 27, 1989. The petition was therefore received by the City Council on that date.

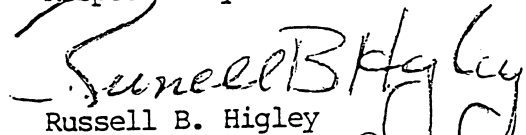
Mr. Robert W. Healy
April 6, 1989
Page 2

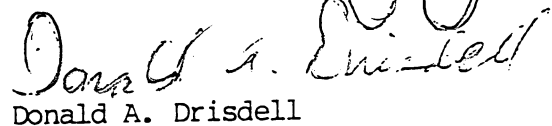
As a general rule of interpretation, when a statute provides for an act to be done within a certain number of days, the day of the event after which the designated period of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday or legal holiday. See, Massachusetts Rules of Civil Procedure, Rule 6(a). Applying these rules the fourteenth day for submission to the Planning Board of the subject petition will be April 10, 1989.

Since G.L. c. 40A requires that the City Council "submit" the petition to the Planning Board, it is a fair conclusion that the Planning Board should receive the petition by the fourteenth day. Moreover, it is a fair conclusion that the Planning Board should receive the petition by the close of business on the fourteenth day. While we have found no court decisions specifically addressing these issues, it is our opinion that a risk of a procedural defect may be created by failing to "submit" the petition to the Planning Board before the City Council meeting scheduled for Monday night, April 10, 1989.

As a general rule a clear, mandatory state statute, such as G.L. c. 40A, s. 5, supercedes any conflicting local rule. Since it does not appear that the City Council, upon reconsideration, can legally fail to refer the petition to the Planning Board, the petition should be referred prior to the meeting to prevent the risk of a procedural defect.

Respectfully submitted,


Russell B. Higley


Donald A. Drisdell

RBH/DAD/jml



CITY OF CAMBRIDGE

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City Solicitor

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Deputy City Solicitor

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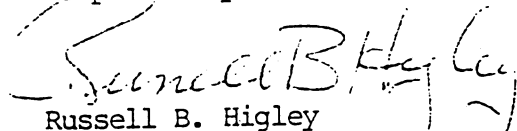
Mr. Robert W. Healy
April 6, 1989
Page 2

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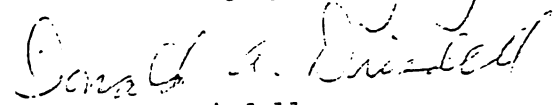
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Respectfully submitted,



Russell B. Higley



Donald A. Drisdell

RBH/DAD/jml



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

To The Planning Board
Ordinance Committee

Date April 7, 1989

From John E. Flynn JEF
Deputy City Clerk

Reference

Subject

Referral of Industry B Interim Overlay District Zoning District

In accordance with the provisions of Chapter 40A Section 5 of the General Laws, I am referring an amendment to the Zoning Ordinances of the City of Cambridge which would establish an Industry B Interim Overlay District in the Wellington-Harrington neighborhood.

This petition was transmitted to the City Council via the City Manager's Agenda of March 27, 1989. At that time a charter right was exercised thus holding the matter over till the City Council meeting of April 3, 1989. On a motion at the April 3, 1989 City Council meeting this petition was referred to the Planning Board and the City Council's Ordinance Committee. On April 4, 1989 reconsideration was filed on the motion to refer to the Planning Board and Ordinance Committee in this office.

As a result of the filing of reconsideration I requested and received an opinion from the City Solicitor to clarify my statutory responsibility under Chapter 40A Section 5. I have attached the opinion for your records.

I, therefore, given the opinion of the City Solicitor, am formally referring this petition for your review and recommendation.

Thank you for your cooperation in this matter.



CITY OF CAMBRIDGE

Office of the City Solicitor
City Hall

795 Massachusetts Avenue
Cambridge, Massachusetts 02139

(617) 498-9020

Russell B. Higley
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April 6, 1989

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City Manager
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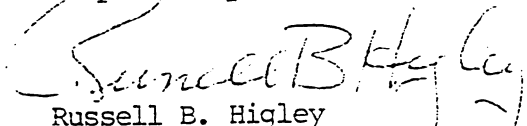
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April 6, 1989
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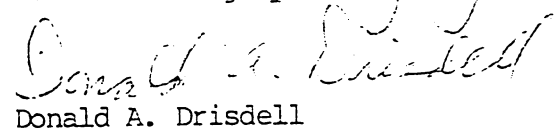
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Respectfully submitted,



Russell B. Higley



Donald A. Drisdell

RBH/DAD/jml

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

March 22, 1989

To the Honorable, the City Council;

Enclosed, please find a proposed amendment to the Zoning Ordinance of the City of Cambridge which would establish an Industry B Interim Overlay District both in the area abutting Kendall Square and an area in the vicinity of Cambridge, Columbia, and Webster Streets in the Wellington-Harrington neighborhood.

As you may know, the Board was prepared to recommend a permanent rezoning of these areas which was based on a six month study recently undertaken by the Community Development Department. However, during our consideration of the petition, we were presented with a request to delay our recommendation by a group of major property owners. This request was made in the hopes that with further discussion and study, a petition could be filed which was more acceptable to all parties.

Although we do not completely agree with the voluntary moratorium concept presented by the landowners, we do think that, in the spirit of cooperation, additional time should be provided through an Interim Overlay which will allow further discussion. It is anticipated that through such discussion, a mutually agreeable petition will be submitted to Council within three months.

We therefore respectfully request that the enclosed amendment be submitted for your positive consideration and approval.

For the Planning Board:

Paul Dietrich (RM)

Paul Dietrich, Chairman

INDUSTRY B INTERIM OVERLAY ZONING DISTRICT

Whereas, the land area currently zoned Industry B abutting Kendall Square has been under study because it is the last remaining area of Industry B zoning which has not received careful planning review; and

Whereas, there is concern that the Industry B zoning district is no longer appropriate as a means of regulating new development in Cambridge; and

Whereas, it is recommended that additional analysis be undertaken to determine the appropriate regulatory framework for future development in the area;

Now therefore, there is hereby established the Industry B Interim Zoning Overlay District in the area herein described having the following requirements:

1. All requirements of the Industry B zoning district shall apply except as modified and limited by the requirements of this Section's subsection 2-4 below;
2. The floor area ratio applicable to any lot shall be limited to 3.0;
3. The maximum height of any building shall be 60 feet;
4. The Industry B Zoning Interim Overlay District shall be in effect through June 30, 1989.

- A. Amend the Zoning Ordinance of the City of Cambridge as described below by creating a new Section 3.17 - the Industry B Interim Zoning District in the area of Cambridge as shown on the accompanying map, having the following requirements:

Section 3.17

1. All requirements of the Industry B zoning districts shall apply except as modified and limited by the requirements of this Section subsections 2-4 below;
2. The floor area ratio applicable on any lot shall be limited to 3.0;
3. The maximum height of any building shall be 60';
4. The Industry B Interim Overlay Zoning District shall be in effect through June 30, 1989.

B. Amend the Zoning Map of the City of Cambridge as follows:

- 1.0 Rezone an area currently zoned Industry B to Industry B with the Industry B Interim Zoning Overlay District circumscribed by a line said line beginning at a point said point being the intersection of the centerlines of Portland and Main Streets,
- 1.1 Thence proceeding in a northeasterly direction along the centerline of Portland Street to the southeastern extension of the southwestern lot line of lot numbered 70 on Assessor's Plat numbered 42,
- 1.2 Thence turning and proceeding in a northwesterly direction along the southeastern extension of the southwestern lot line and the southwestern lot line of lot numbered 70 on Assessor's Plat numbered 42 to the southeastern lot line of lot numbered 45 on Assessor's Plat numbered 42 for a distance of approximately 48.7 feet,
- 1.3 Thence turning and proceeding in a southwesterly direction along the southeastern lot line to the southwestern lot line of lot numbered 45 on Assessor's Plat numbered 42,
- 1.4 Thence turning and proceeding in a northwesterly direction along the northeastern side lot line of lot numbered 45 on Assessor's Plat numbered 42 for a distance of approximately 17.6 feet,
- 1.5 Thence turning and proceeding in a southwesterly direction along southeastern lot line of lot numbered 45 on Assessor's Plat numbered 45 to the southwestern lot line of lot numbered 45 on Assessor's Plat numbered 45 for a distance of approximately 33 feet,
- 1.6 Thence turning and proceeding in a northwesterly direction along the southwestern lot lines of lots numbered 45 and 46 on Assessor's Plat numbered 42 and the northwestern extension of the southwestern lot line of lot umbered 46 on Assessor's Plat numbered 42 to the centerline of Davis Street,
- 1.7 Thence turning and proceeding in a northeasterly direction along the centerline of Davis Street to the centerline of Broadway,
- 1.8 Thence turning and proceeding in a northwesterly direction along the centerline of Broadway to the intersection with the southerly extension of the centerline of Market Street,
- 1.9 Thence turing and proceeding in a northerly direction along the centerline of Market Street to the centerline of Clark Street,
- 1.10 Thence turning and proceeding in a northeastern direction along the centerline of Clark Street to the centerline of Hampshire Street,

- 1.11 Thence turning and proceeding in a southerly direction along the centerline of Hampshire Street to the intersection with the centerline of Portland Street where it becomes Cardinal Humberto Medieros Avenue,
- 1.12 Thence turning and proceeding in a northeasterly direction along the centerline of Cardinal Humberto Medieros Avenue to its intersection with the northwestern extension of the northeastern lot line of lot numbered 88 on Assessor's Plat numbered 39,
- 1.13 Thence turning and proceeding in a southeasterly direction along the northwestern extension of the northeastern lot line of lot numbered 88 on Assessor's Plat numbered 39 and the northeastern lot line of lot numbered 88 on Assessor's Plat numbered 39 to the northwestern lot line of lot numbered 100 on Assessor's Plat numbered 39,
- 1.14 Thence turning and proceeding in a northeasterly direction along the northwestern lot line of lot numbered 100 on Assessor's Plat numbered 39 to the northeastern lot line of lot numbered 100 on Assessor's Plat numbered 100 on Assessor's Plat numbered 39,
- 1.15 Thence turning and proceeding in a southeasterly direction along the northeastern lot line of lot numbered 100 on Assessor's Plat 39 to the northwestern side line of the Boston and Albany Rail Road Right of Way,
- 1.16 Thence turning and proceeding in a southerly direction along the northwestern side line of the Boston and Albany Rail Road Right of Way to the intersection with the centerline of Main Street,
- 1.17 Thence turning and proceeding in a southeasterly direction along the centerline of Main Street to the northern extension of the centerline of Wadsworth Street,
- 1.18 Thence turning and proceeding in a southwesterly direction along the northern extension of the centerline of Wadsworth Street and the centerline of Wadsworth Street to the intersection with the eastern extension of the centerline of Amherst Street,
- 1.19 Thence turning and proceeding in a southwesterly direction along the eastern extension of the centerline of Amherst Street and the centerline of Amherst Street and the western extension of the centerline of Amherst Street to its intersection with the centerline of Ames Street,
- 1.20 Thence turning and proceeding in a northwesterly direction along the centerline of Ames Street to its intersection with the southeastern extension of the existing Residence C-3 zoning district,

- 1.21 Thence turning and proceeding in a southwesterly direction along the existing boundary line of the Residence C-3 zoning district to its intersection with the centerline of Massachusetts Avenue,
- 1.22 Thence turning and proceeding in a northwesterly direction along the centerline of Massachusetts Avenue to its intersection with the southern extension of the centerline of Windsor Street,
- 1.23 Thence turning and proceeding in a northeasterly direction along the centerline of Windsor Street to the centerline of Main Street,
- 1.24 Thence turning and proceeding in an easterly direction along the centerline of Main Street to the centerline of Portland Street to the point of origin.
- 1.01 Premises as shown on Assessor's Plat numbered 39:
All or parts of lots numbered 41, 40, 88, 91, and 100, even numbers 236-286 Cardinal Humberto Medieros Avenue, and odd numbers 389-401 Binney Street.
- 1.02 Premises as shown on Assessor's Plat numbered 41:
All or parts of lots numbered 25, 24, and 26, even numbers 354-402 Binney Street, even numbers 170-234 Cardinal Humberto Medieros Avenue, odd numbers 9-29 Hampshire Street, and odd numbers 159-173 Broadway.
- 1.03 Premises as shown on Assessor's Plat numbered 42:
All or parts of lots numbered 63, 13, 64, 11, 12, 87, 5, 6, 7, 86, 1, and 70, even numbers 24-68 Hampshire Street, even numbers 162-192 Clark Street, odd numbers 107-205 and even numbers 192-198 Broadway, 9 Market Street, even numbers 8-10 Davis Street, odd numbers 125-165 and even numbers 150-164 Portland Street.
- 1.04 Premises as shown on Assessor's Plat numbered 43-A:
All lots.
- 1.05 Premises as shown on Assessor's Plat numbered 71:
All lots.
- 1.06 Premises as shown on Assessor's Plat numbered 70:
All or parts of lots numbered 75, 86, 21, 22, 52, 53, 54, 55, 56, 57, 58, and 74, even numbers 718-770 Main Street, even numbers 18-70 Windsor Street, odd and even numbers 55-87 State Street, all of Smart Street, and even numbers 3-13 Osborn Street.

1.07 Premises as shown on Assessor's Plat numbered 53:

All lots

1.08 Premises as shown on Assessor's Plat numbered 52-A:

All or parts of lots numbered 21, 1, 12, 34, 32, 33, 22, 17, 29, 28, and 7, all of Vassar Street, odd numbers 77-139 Massachusetts Avenue, even numbers 414-458 Main Street, and odd numbered 27-59 Ames Street.

1.09 Premises as shown on Assessor's Plat numbered 48:

All or parts of lots numbered 152, 94, 129, 153, 97, 113, 112, 127, 128, 137, 13, 148, 14, 26, 15, 16, 155, 22, 21, 20, 19, 18, 33, 120, 142, 146, 147, 143, 150, 123, 62, 151, 108, and 107, odd and even numbers 5-60 Ames Street, odd numbers 25-85 Amherst Street, all of Carlton Street, all of Deacon Street, all of Dock Street, odd numbers 1-57 Hayward Street, and even numbers 264-400 Main Street.

1.001 Premises as shown on Assessor's Plat numbered 47:

All or parts of lots numbered 84, 71, 18, 19, 20, 21, 22, and 78, odd numbers 39-79 Wadsworth Street, odd numbered 1-23 Amherst Street, even numbers 2-64 Hayward Street, and even numbers 265-254 Main Street.

2.0 Rezone an area currently zoned Industry B to Industry B with the Industry B Interim Zoning Overlay District circumscribed by a line said line beginning at a point said point being the intersection of the centerlines of Webster Avenue and Elm Street with the Somerville/Cambridge boundary,

2.1 Thence proceeding in a southwesterly direction along the centerline of Elm Street to a point 100 feet distant from the northern side line of Cambridge Street,

2.2 Thence turning and proceeding in a southeasterly direction along a line 100 feet distant from and parallel to the northern side line of Cambridge Street to the centerline of Windsor Street,

2.3 Thence turning and proceeding in a northeasterly direction along the centerline of Windsor Street to the Somerville/Cambridge boundary,

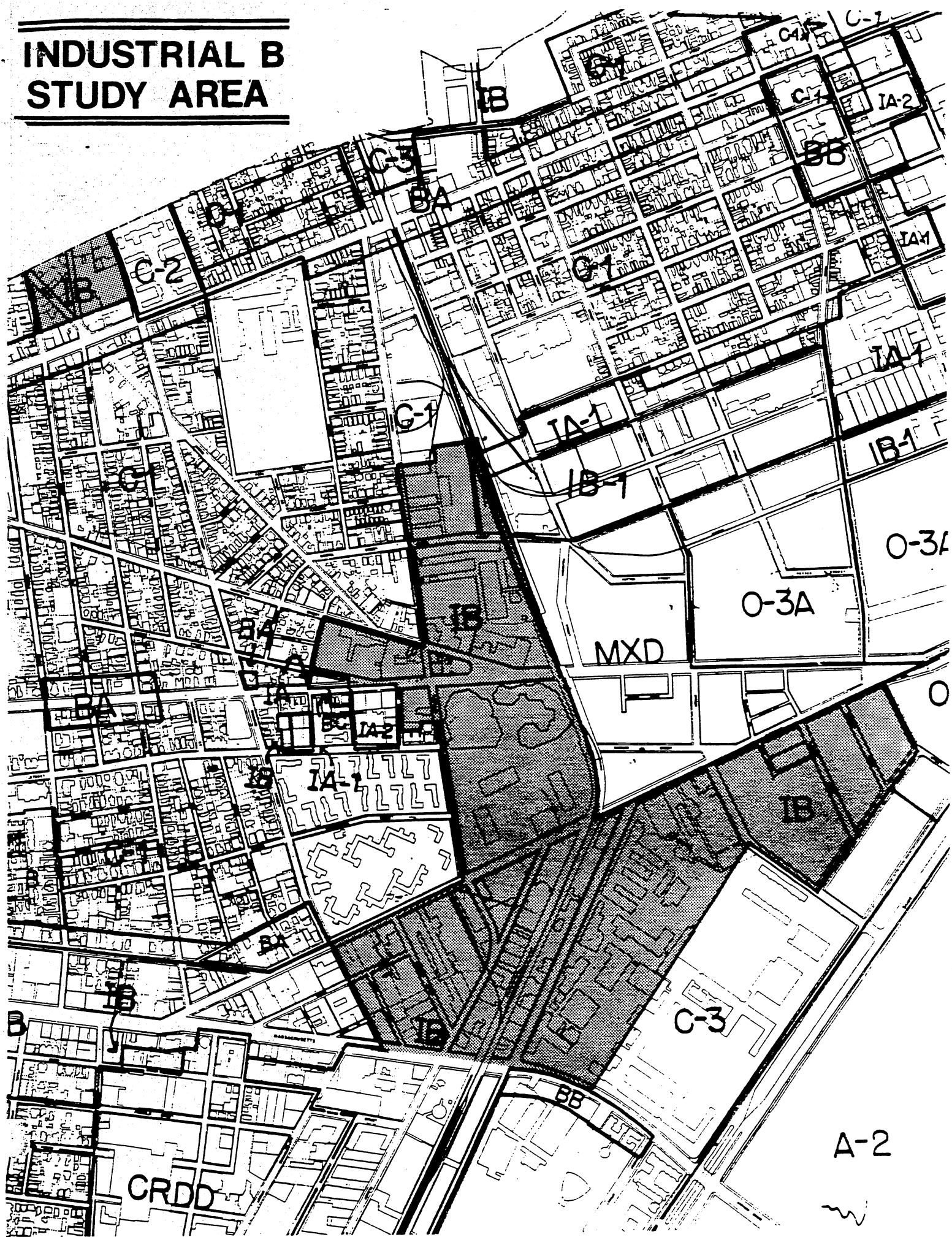
2.4 Thence turning and proceeding in a northwesterly direction along the Somerville/Cambridge boundary to the intersection with the centerlines of Elm Street and Webster Avenue and the point of origin.

2.01

Premises as shown on Assessor's Plat numbered 81:

All or parts of lots numbered 25, 56, 83, 88, 90, 48, 50, 49, 99, 98, 52, 53, 16, 17, 18, 15, 24, 23, 22, 21, 20, 19, 1, 2, 14, 3, 101, 4, 5, 102, 100, and 96, even numbers 286-320 Elm Street, odd and even numbers 292-333 Webster Avenue, odd and even numbers 414a-460 Columbia Street, odd numbers 495-537 Windsor Street and odd numbers 1043-1079 Cambridge Street.

INDUSTRIAL B STUDY AREA





CITY OF CAMBRIDGE

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Michael C. Costello
Assistant City Solicitor

Office of the City Solicitor
City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

 (617) 498-9020

Birge Albright
Legal Counsel

Gail S. Gabriel
Legal Counsel

Joseph M. Kargler
Legal Counsel

April 6, 1989

Mr. Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

Re: Reconsideration of Zoning Amendment Petition
after Referral to Planning Board

Dear Mr. Healy:

The Deputy City Clerk, John Flynn, has requested a legal opinion regarding the following question:

When a zoning amendment petition transmitted to the City Council by the City Manager on March 27, 1989 was voted by the City Council to be referred to the Planning Board on April 4, 1989, and a City Councillor moved for reconsideration, and the next regular meeting of the City Council is scheduled for April 10, 1989, does G.L. c. 40A require that the petition be submitted to the Planning Board prior to the April 10, 1989 meeting?

General Laws, c. 40A, s. 5 provides in pertinent part that:

The ... city council shall within fourteen days of receipt of such zoning ordinance or by-law submit it to the planning board for review. [emphasis added]

This statute makes submission to the Planning Board mandatory within fourteen (14) days of "receipt" of the proposed zoning amendment.

The petition under consideration appeared on the City Manager's Agenda for March 27, 1989. The petition was therefore received by the City Council on that date.

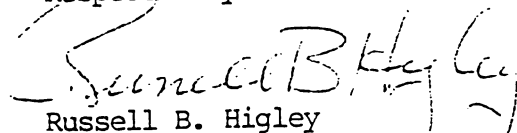
Mr. Robert W. Healy
April 6, 1989
Page 2

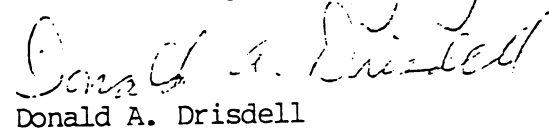
As a general rule of interpretation, when a statute provides for an act to be done within a certain number of days, the day of the event after which the designated period of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday or legal holiday. See, Massachusetts Rules of Civil Procedure, Rule 6(a). Applying these rules the fourteenth day for submission to the Planning Board of the subject petition will be April 10, 1989.

Since G.L. c. 40A requires that the City Council "submit" the petition to the Planning Board, it is a fair conclusion that the Planning Board should receive the petition by the fourteenth day. Moreover, it is a fair conclusion that the Planning Board should receive the petition by the close of business on the fourteenth day. While we have found no court decisions specifically addressing these issues, it is our opinion that a risk of a procedural defect may be created by failing to "submit" the petition to the Planning Board before the City Council meeting scheduled for Monday night, April 10, 1989.

As a general rule a clear, mandatory state statute, such as G.L. c. 40A, s. 5, supercedes any conflicting local rule. Since it does not appear that the City Council, upon reconsideration, can legally fail to refer the petition to the Planning Board, the petition should be referred prior to the meeting to prevent the risk of a procedural defect.

Respectfully submitted,


Russell B. Higley


Donald A. Drisdell

RBH/DAD/jml



CITY OF CAMBRIDGE

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City Solicitor

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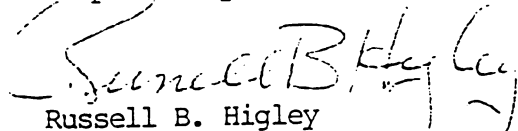
Mr. Robert W. Healy
April 6, 1989
Page 2

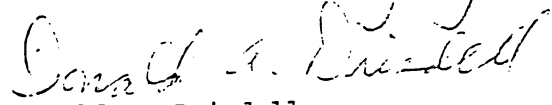
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Respectfully submitted,


Russell B. Higley


Donald A. Drisdell

RBH/DAD/jml



CITY OF CAMBRIDGE

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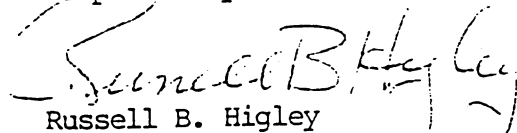
Mr. Robert W. Healy
April 6, 1989
Page 2

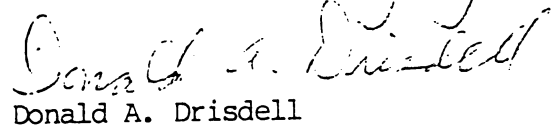
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Respectfully submitted,


Russell B. Higley


Donald A. Drisdell

RBH/DAD/jml



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

To Sally Powers
Director, Board of Assessors

Date April 13, 1989

From Joseph E. Connarton
City Clerk

Reference

Subject

Written protest - PLANNING BOARD PETITION - Industry B
Overlay District - Kendall Square.

Enclosed you will find two copies of the written protest to the petition of the Planning Board in the Kendall Square area for an Industry B Interim Overlay District.

Would you kindly certify the ownership of the property and remit a copy to the Engineering Dept.

I am also sending two copies of the most recent Zoning Chart for your information.

Your kind attention in this matter will be greatly appreciated.

RECEIVED BY
GOODWIN, PROCTER & HOAR
(A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS)
COUNSELLORS AT LAW
1989 APR 12 PM 4:01
EXCHANGE PLACE
BOSTON, MASSACHUSETTS 02109-2881
CAMBRIDGE MA.

TELEPHONE (617) 570-1000
TELECOPIER (617) 523-1231
TELEX 94-0640
CABLE GOODPROCT, BOSTON

570-1440

April 12, 1989

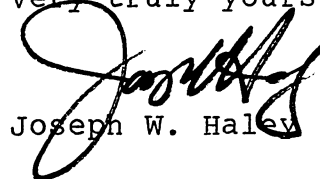
BY HAND

Mr. Joseph Connarton, City Clerk
City of Cambridge
795 Massachusetts Avenue - Room 103
Cambridge, MA 02139

Dear Mr. Connarton:

Enclosed is a Protest pursuant to Massachusetts General Laws C.40A §5 signed by Polaroid Corporation, Massachusetts Institute of Technology, The Prudential Insurance Company of America, The Charles Stark Draper Laboratory, Inc., Tofias, Fleishman & Shapiro and Concorde Associates, the owners of in excess of 20% of the land area in the Industry B Zoning District of Cambridge which is currently the subject of two pending Interim Planning Overlay District zoning petitions.

Very truly yours,



Joseph W. Haley

JWH:hr
Enclosure

cc: Polaroid Corporation
Massachusetts Institute of Technology
The Prudential Insurance Company of America
The Charles Stark Draper Laboratory, Inc.
Tofias, Fleishman & Shapiro
Concorde Associates
The Athenaeum Group

XP-3635/p

Protest Under MGL C.40A §5

RECEIVED BY
OFFICE OF CITY CLERK
FEB 1 1989
CAMBRIDGE, MA.

The undersigned owners of land situated in the Industry B Zoning District hereby oppose the enactment of either Interim Planning Overlay District petitions for the Industry B Zoning District which are currently pending before the Cambridge City Council (one such petition expiring by its terms on April 1, 1989 and the other expiring on June 30, 1989).

The purpose of an Interim Planning Overlay District ("IPOD") is to provide a period of time in which to study the impacted area and to produce a zoning amendment reflecting such study. On March 21, 1989 the Cambridge Planning Board considered a permanent zoning proposal for the Industry B Zoning District which was not accompanied by any reviewable impact studies. The zoning proposal did not reflect the opinions and the needs of the landowners which had been expressed to the Community Development Department. At that meeting the undersigned landowners offered to create a voluntary moratorium for a three month period during which the undersigned landowners would conduct impact studies involving urban design, traffic analysis, effects on employment and businesses and the fiscal well being of the City, all as applied to a potential rezoning of the area. A copy of such proposal is attached to this protest.

The undersigned landowners submit that the IPOD expiring April 1, 1989 has not produced a viable rezoning proposal and therefore should be rejected by the City Council. Furthermore the undersigned landowners believe that without a concomitant undertaking by the City of Cambridge to expend the resources (both in terms of personnel commitment and financial commitment to hire outside consultants) necessary to perform all of these impact studies, the IPOD expiring June 30, 1989 will not result in achieving a rezoning proposal acceptable to all concerned which should be the objective.

The foregoing protest is filed pursuant to Massachusetts General Laws C.40A §5. The undersigned constitute the owners of land exceeding 20% of the area which is the subject of the IPODs.

POLAROID CORPORATION

By *Eric V. B...*
Senior Corp. Rep. Assoc.

THE PRUDENTIAL INSURANCE COMPANY OF AMERICA

By *Joseph D. W...*
Asst. Secretary and Assoc. Regional Counsel
TOFIAS, FLEISHMAN & SHAPIRO

By *[Signature]*
Partner TFS & Co. P.C.

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

By *D. Whit Sims*
Director of Planning

THE CHARLES STARK DRAPER LABORATORY, INC.

By *David P. Russell*
VICE PRESIDENT & TREASURER
CONCORDE ASSOCIATES

By *William C. Bourston*
PARTNER

Proposed Rezoning of IB District

Background

On March 21, 1989 Cambridge Community Development will present a rezoning petition to the Cambridge Planning Board. Although Cambridge Community Development has held several meetings with IB District landowners (individually and collectively) over the past several months, the first presentation to the landowners of the rezoning (in outline form) was not made until March 16, 1989. The rezoning petition does not reflect previous discussions and appears not to be based on a comprehensive planning process. Many of the landowners have met on several occasions since March 16, 1989 and this memo represents the results of these meetings.

Observations

The IB District landowners listed below (the "Landowners") make the following observations:

1. The Landowners are not opposed to a well conceived rezoning effort.
2. Any rezoning of the District should be based on comprehensive studies ("Impact Studies") including:
 - urban design
 - traffic analysis
 - effects on employment and businesses
 - impacts on the fiscal well-being of the City
3. The current proposal is not based on comprehensive Impact Studies and does not reflect the opinions and needs of the Landowners.
4. Without comprehensive Impact Studies, the Landowners cannot provide the Planning Board or the City Council with constructive specific comments on the proposal and therefore are forced to reject the current proposal in its totality.

Proposal

The Landowners propose the following actions with respect to a rezoning effort of the IB District:

1. The Landowners will promptly commence independent and comprehensive Impact Studies of the District.
2. The Landowners will offer to sign a moratorium agreement with the City (a) by which the Landowners will agree not to request any building permit for a period of three (3) months and (b) during which time the City will take no action which will have any adverse effect on existing development potential of the Landowners' property in the IB District.
3. The Landowners will complete their Impact Studies as soon as practical and present their own rezoning petition to the City reflecting the Impact Studies and the concerns expressed by Cambridge Community Development.
4. The Athenaeum Group is petitioning the City to down-zone its land north of Binney Street and will proceed with its announced plans for development of the One Kendall Square site.

Requests

The Landowners request the Planning Board to take the following actions.

1. Recommend that the City enter into the moratorium agreement with the Landowners referred to above and that the City take no action on any proposals before the City which would adversely effect the Landowners' property in the IB District during the moratorium period.
2. Request Cambridge Community Development to conduct Impact Studies and to prepare a comprehensive written report of the IB District based on such studies.
3. Recognize the Landowners' self-imposed moratorium as an expression of a willingness to cooperate in a constructive manner with the City's effort to rezone the District.

Landowners

Polaroid Corporation

The Prudential Insurance Company of America

Massachusetts Institute of Technology

Charles Stark Draper Laboratories

Tofias, Fleishman & Shapiro

Concorde Associates



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

March 27, 1989

To the Honorable, the City Council:

Enclosed please find copy of an amendment to the Zoning Ordinance of the City of Cambridge which would establish an Industry B Interim Overlay District in the Wellington-Harrington Neighborhood.

Very truly yours,

Robert W. Healy
City Manager

RWH/dls
enc.



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

March 22, 1989

To the Honorable, the City Council;

Enclosed, please find a proposed amendment to the Zoning Ordinance of the City of Cambridge which would establish an Industry B Interim Overlay District both in the area abutting Kendall Square and an area in the vicinity of Cambridge, Columbia, and Webster Streets in the Wellington-Harrington neighborhood.

As you may know, the Board was prepared to recommend a permanent rezoning of these areas which was based on a six month study recently undertaken by the Community Development Department. However, during our consideration of the petition, we were presented with a request to delay our recommendation by a group of major property owners. This request was made in the hopes that with further discussion and study, a petition could be filed which was more acceptable to all parties.

Although we do not completely agree with the voluntary moratorium concept presented by the landowners, we do think that, in the spirit of cooperation, additional time should be provided through an Interim Overlay which will allow further discussion. It is anticipated that through such discussion, a mutually agreeable petition will be submitted to Council within three months.

We therefore respectfully request that the enclosed amendment be submitted for your positive consideration and approval.

For the Planning Board:

Paul Dietrich (RM)

Paul Dietrich, Chairman

INDUSTRY B INTERIM OVERLAY ZONING DISTRICT

Whereas, the land area currently zoned Industry B abutting Kendall Square has been under study because it is the last remaining area of Industry B zoning which has not received careful planning review; and

Whereas, there is concern that the Industry B zoning district is no longer appropriate as a means of regulating new development in Cambridge; and

Whereas, it is recommended that additional analysis be undertaken to determine the appropriate regulatory framework for future development in the area;

Now therefore, there is hereby established the Industry B Interim Zoning Overlay District in the area herein described having the following requirements:

1. All requirements of the Industry B zoning district shall apply except as modified and limited by the requirements of this Section's subsection 2-4 below;
2. The floor area ratio applicable to any lot shall be limited to 3.0;
3. The maximum height of any building shall be 60 feet;
4. The Industry B Zoning Interim Overlay District shall be in effect through June 30, 1989.

- A. Amend the Zoning Ordinance of the City of Cambridge as described below by creating a new Section 3.17 - the Industry B Interim Zoning District in the area of Cambridge as shown on the accompanying map, having the following requirements:

Section 3.17

1. All requirements of the Industry B zoning districts shall apply except as modified and limited by the requirements of this Section subsections 2-4 below;
2. The floor area ratio applicable on any lot shall be limited to 3.0;
3. The maximum height of any building shall be 60';
4. The Industry B Interim Overlay Zoning District shall be in effect through June 30, 1989.

B. Amend the Zoning Map of the City of Cambridge as follows:

- 1.0 Rezone an area currently zoned Industry B to Industry B with the Industry B Interim Zoning Overlay District circumscribed by a line said line beginning at a point said point being the intersection of the centerlines of Portland and Main Streets,
- 1.1 Thence proceeding in a northeasterly direction along the centerline of Portland Street to the southeastern extension of the southwestern lot line of lot numbered 70 on Assessor's Plat numbered 42,
- 1.2 Thence turning and proceeding in a northwesterly direction along the southeastern extension of the southwestern lot line and the southwestern lot line of lot numbered 70 on Assessor's Plat numbered 42 to the southeastern lot line of lot numbered 45 on Assessor's Plat numbered 42 for a distance of approximately 48.7 feet,
- 1.3 Thence turning and proceeding in a southwesterly direction along the southeastern lot line to the southwestern lot line of lot numbered 45 on Assessor's Plat numbered 42,
- 1.4 Thence turning and proceeding in a northwesterly direction along the northeastern side lot line of lot numbered 45 on Assessor's Plat numbered 42 for a distance of approximately 17.6 feet,
- 1.5 Thence turning and proceeding in a southwesterly direction along southeastern lot line of lot numbered 45 on Assessor's Plat numbered 45 to the southwestern lot line of lot numbered 45 on Assessor's Plat numbered 45 for a distance of approximately 33 feet,
- 1.6 Thence turning and proceeding in a northwesterly direction along the southwestern lot lines of lots numbered 45 and 46 on Assessor's Plat numbered 42 and the northwestern extension of the southwestern lot line of lot umbered 46 on Assessor's Plat numbered 42 to the centerline of Davis Street,
- 1.7 Thence turning and proceeding in a northeasterly direction along the centerline of Davis Street to the centerline of Broadway,
- 1.8 Thence turning and proceeding in a northwesterly direction along the centerline of Broadway to the intersection with the southerly extension of the centerline of Market Street,
- 1.9 Thence turing and proceeding in a northerly direction along the centerline of Market Street to the centerline of Clark Street,
- 1.10 Thence turning and proceeding in a northeastern direction along the centerline of Clark Street to the centerline of Hampshire Street,

- 1.11 Thence turning and proceeding in a southerly direction along the centerline of Hampshire Street to the intersection with the centerline of Portland Street where it becomes Cardinal Humberto Medieros Avenue,
- 1.12 Thence turning and proceeding in a northeasterly direction along the centerline of Cardinal Humberto Medieros Avenue to its intersection with the northwestern extension of the northeastern lot line of lot numbered 88 on Assessor's Plat numbered 39,
- 1.13 Thence turning and proceeding in a southeasterly direction along the northwestern extension of the northeastern lot line of lot numbered 88 on Assessor's Plat numbered 39 and the northeastern lot line of lot numbered 88 on Assessor's Plat numbered 39 to the northwestern lot line of lot numbered 100 on Assessor's Plat numbered 39,
- 1.14 Thence turning and proceeding in a northeasterly direction along the northwestern lot line of lot numbered 100 on Assessor's Plat numbered 39 to the northeastern lot line of lot numbered 100 on Assessor's Plat numbered 100 on Assessor's Plat numbered 39,
- 1.15 Thence turning and proceeding in a southeasterly direction along the northeastern lot line of lot numbered 100 on Assessor's Plat 39 to the northwestern side line of the Boston and Albany Rail Road Right of Way,
- 1.16 Thence turning and proceeding in a southerly direction along the northwestern side line of the Boston and Albany Rail Road Right of Way to the intersection with the centerline of Main Street,
- 1.17 Thence turning and proceeding in a southeasterly direction along the centerline of Main Street to the northern extension of the centerline of Wadsworth Street,
- 1.18 Thence turning and proceeding in a southwesterly direction along the northern extension of the centerline of Wadsworth Street and the centerline of Wadsworth Street to the intersection with the eastern extension of the centerline of Amherst Street,
- 1.19 Thence turning and proceeding in a southwesterly direction along the eastern extension of the centerline of Amherst Street and the centerline of Amherst Street and the western extension of the centerline of Amherst Street to its intersection with the centerline of Ames Street,
- 1.20 Thence turning and proceeding in a northwesterly direction along the centerline of Ames Street to its intersection with the southeastern extension of the existing Residence C-3 zoning district,

- 1.21 Thence turning and proceeding in a southwesterly direction along the existing boundary line of the Residence C-3 zoning district to its intersection with the centerline of Massachusetts Avenue,
- 1.22 Thence turning and proceeding in a northwesterly direction along the centerline of Massachusetts Avenue to its intersection with the southern extension of the centerline of Windsor Street,
- 1.23 Thence turning and proceeding in a northeasterly direction along the centerline of Windsor Street to the centerline of Main Street,
- 1.24 Thence turning and proceeding in an easterly direction along the centerline of Main Street to the centerline of Portland Street to the point of origin.
- 1.01 Premises as shown on Assessor's Plat numbered 39:
All or parts of lots numbered 41, 40, 88, 91, and 100, even numbers 236-286 Cardinal Humberto Medieros Avenue, and odd numbers 389-401 Binney Street.
- 1.02 Premises as shown on Assessor's Plat numbered 41:
All or parts of lots numbered 25, 24, and 26, even numbers 354-402 Binney Street, even numbers 170-234 Cardinal Humberto Medieros Avenue, odd numbers 9-29 Hampshire Street, and odd numbers 159-173 Broadway.
- 1.03 Premises as shown on Assessor's Plat numbered 42:
All or parts of lots numbered 63, 13, 64, 11, 12, 87, 5, 6, 7, 86, 1, and 70, even numbers 24-68 Hampshire Street, even numbers 162-192 Clark Street, odd numbers 107-205 and even numbers 192-198 Broadway, 9 Market Street, even numbers 8-10 Davis Street, odd numbers 125-165 and even numbers 150-164 Portland Street.
- 1.04 Premises as shown on Assessor's Plat numbered 43-A:
All lots.
- 1.05 Premises as shown on Assessor's Plat numbered 71:
All lots.
- 1.06 Premises as shown on Assessor's Plat numbered 70:
All or parts of lots numbered 75, 86, 21, 22, 52, 53, 54, 55, 56, 57, 58, and 74, even numbers 718-770 Main Street, even numbers 18-70 Windsor Street, odd and even numbers 55-87 State Street, all of Smart Street, and even numbers 3-13 Osborn Street.

1.07 Premises as shown on Assessor's Plat numbered 53:

All lots

1.08 Premises as shown on Assessor's Plat numbered 52-A:

All or parts of lots numbered 21, 1, 12, 34, 32, 33, 22, 17, 29, 28, and 7, all of Vassar Street, odd numbers 77-139 Massachusetts Avenue, even numbers 414-458 Main Street, and odd numbered 27-59 Ames Street.

1.09 Premises as shown on Assessor's Plat numbered 48:

All or parts of lots numbered 152, 94, 129, 153, 97, 113, 112, 127, 128, 137, 13, 148, 14, 26, 15, 16, 155, 22, 21, 20, 19, 18, 33, 120, 142, 146, 147, 143, 150, 123, 62, 151, 108, and 107, odd and even numbers 5-60 Ames Street, odd numbers 25-85 Amherst Street, all of Carlton Street, all of Deacon Street, all of Dock Street, odd numbers 1-57 Hayward Street, and even numbers 264-400 Main Street.

1.001 Premises as shown on Assessor's Plat numbered 47:

All or parts of lots numbered 84, 71, 18, 19, 20, 21, 22, and 78, odd numbers 39-79 Wadsworth Street, odd numbered 1-23 Amherst Street, even numbers 2-64 Hayward Street, and even numbers 265-254 Main Street.

2.0 Rezone an area currently zoned Industry B to Industry B with the Industry B Interim Zoning Overlay District circumscribed by a line said line beginning at a point said point being the intersection of the centerlines of Webster Avenue and Elm Street with the Somerville/Cambridge boundary,

2.1 Thence proceeding in a southwesterly direction along the centerline of Elm Street to a point 100 feet distant from the northern side line of Cambridge Street,

2.2 Thence turning and proceeding in a southeasterly direction along a line 100 feet distant from and parallel to the northern side line of Cambridge Street to the centerline of Windsor Street,

2.3 Thence turning and proceeding in a northeasterly direction along the centerline of Windsor Street to the Somerville/Cambridge boundary,

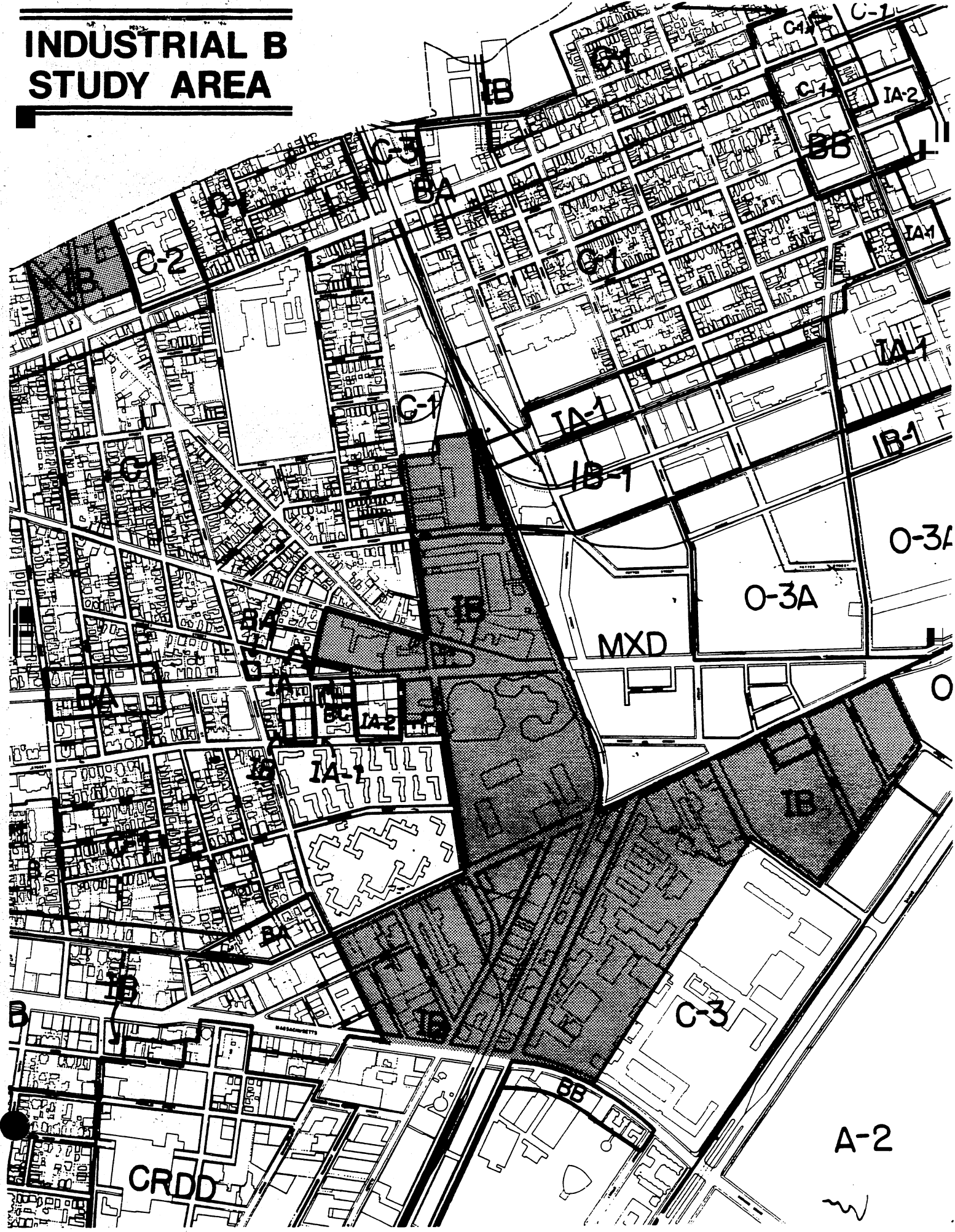
2.4 Thence turning and proceeding in a northwesterly direction along the Somerville/Cambridge boundary to the intersection with the centerlines of Elm Street and Webster Avenue and the point of origin.

2.01

Premises as shown on Assessor's Plat numbered 81:

All or parts of lots numbered 25, 56, 83, 88, 90, 48, 50, 49, 99, 98, 52, 53, 16, 17, 18, 15, 24, 23, 22, 21, 20, 19, 1, 2, 14, 3, 101, 4, 5, 102, 100, and 96, even numbers 286-320 Elm Street, odd and even numbers 292-333 Webster Avenue, odd and even numbers 414a-460 Columbia Street, odd numbers 495-537 Windsor Street and odd numbers 1043-1079 Cambridge Street.

INDUSTRIAL B STUDY AREA





CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

March 27, 1989

To the Honorable, the City Council:

Enclosed please find copy of an amendment to the Zoning Ordinance of the City of Cambridge which would establish an Industry B Interim Overlay District in the Wellington-Harrington Neighborhood.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Robert W. Healy".

Robert W. Healy
City Manager

RWH/dls
enc.

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

March 22, 1989

To the Honorable, the City Council;

Enclosed, please find a proposed amendment to the Zoning Ordinance of the City of Cambridge which would establish an Industry B Interim Overlay District both in the area abutting Kendall Square and an area in the vicinity of Cambridge, Columbia, and Webster Streets in the Wellington-Harrington neighborhood.

As you may know, the Board was prepared to recommend a permanent rezoning of these areas which was based on a six month study recently undertaken by the Community Development Department. However, during our consideration of the petition, we were presented with a request to delay our recommendation by a group of major property owners. This request was made in the hopes that with further discussion and study, a petition could be filed which was more acceptable to all parties.

Although we do not completely agree with the voluntary moratorium concept presented by the landowners, we do think that, in the spirit of cooperation, additional time should be provided through an Interim Overlay which will allow further discussion. It is anticipated that through such discussion, a mutually agreeable petition will be submitted to Council within three months.

We therefore respectfully request that the enclosed amendment be submitted for your positive consideration and approval.

For the Planning Board:

Paul Dietrich (RM)

Paul Dietrich, Chairman

11
—
INDUSTRY B INTERIM OVERLAY ZONING DISTRICT

Whereas, the land area currently zoned Industry B abutting Kendall Square has been under study because it is the last remaining area of Industry B zoning which has not received careful planning review; and

Whereas, there is concern that the Industry B zoning district is no longer appropriate as a means of regulating new development in Cambridge; and

Whereas, it is recommended that additional analysis be undertaken to determine the appropriate regulatory framework for future development in the area;

Now therefore, there is hereby established the Industry B Interim Zoning Overlay District in the area herein described having the following requirements:

1. All requirements of the Industry B zoning district shall apply except as modified and limited by the requirements of this Section's subsection 2-4 below;
2. The floor area ratio applicable to any lot shall be limited to 3.0;
3. The maximum height of any building shall be 60 feet;
4. The Industry B Zoning Interim Overlay District shall be in effect through June 30, 1989.

- A. Amend the Zoning Ordinance of the City of Cambridge as described below by creating a new Section 3.17 - the Industry B Interim Zoning District in the area of Cambridge as shown on the accompanying map, having the following requirements:

Section 3.17

1. All requirements of the Industry B zoning districts shall apply except as modified and limited by the requirements of this Section subsections 2-4 below;
2. The floor area ratio applicable on any lot shall be limited to 3.0;
3. The maximum height of any building shall be 60';
4. The Industry B Interim Overlay Zoning District shall be in effect through June 30, 1989.

B. Amend the Zoning Map of the City of Cambridge as follows:

- 1.0 Rezone an area currently zoned Industry B to Industry B with the Industry B Interim Zoning Overlay District circumscribed by a line said line beginning at a point said point being the intersection of the centerlines of Portland and Main Streets,
- 1.1 Thence proceeding in a northeasterly direction along the centerline of Portland Street to the southeastern extension of the southwestern lot line of lot numbered 70 on Assessor's Plat numbered 42,
- 1.2 Thence turning and proceeding in a northwesterly direction along the southeastern extension of the southwestern lot line and the southwestern lot line of lot numbered 70 on Assessor's Plat numbered 42 to the southeastern lot line of lot numbered 45 on Assessor's Plat numbered 42 for a distance of approximately 48.7 feet,
- 1.3 Thence turning and proceeding in a southwesterly direction along the southeastern lot line to the southwestern lot line of lot numbered 45 on Assessor's Plat numbered 42,
- 1.4 Thence turning and proceeding in a northwesterly direction along the northeastern side lot line of lot numbered 45 on Assessor's Plat numbered 42 for a distance of approximately 17.6 feet,
- 1.5 Thence turning and proceeding in a southwesterly direction along southeastern lot line of lot numbered 45 on Assessor's Plat numbered 45 to the southwestern lot line of lot numbered 45 on Assessor's Plat numbered 45 for a distance of approximately 33 feet,
- 1.6 Thence turning and proceeding in a northwesterly direction along the southwestern lot lines of lots numbered 45 and 46 on Assessor's Plat numbered 42 and the northwestern extension of the southwestern lot line of lot umbered 46 on Assessor's Plat numbered 42 to the centerline of Davis Street,
- 1.7 Thence turning and proceeding in a northeasterly direction along the centerline of Davis Street to the centerline of Broadway,
- 1.8 Thence turning and proceeding in a northwesterly direction along the centerline of Broadway to the intersection with the southerly extension of the centerline of Market Street,
- 1.9 Thence turing and proceeding in a northerly direction along the centerline of Market Street to the centerline of Clark Street,
- 1.10 Thence turning and proceeding in a northeastern direction along the centerline of Clark Street to the centerline of Hampshire Street,

- 1.11 Thence turning and proceeding in a southerly direction along the centerline of Hampshire Street to the intersection with the centerline of Portland Street where it becomes Cardinal Humberto Medieros Avenue,
- 1.12 Thence turning and proceeding in a northeasterly direction along the centerline of Cardinal Humberto Medieros Avenue to its intersection with the northwestern extension of the northeastern lot line of lot numbered 88 on Assessor's Plat numbered 39,
- 1.13 Thence turning and proceeding in a southeasterly direction along the northwestern extension of the northeastern lot line of lot numbered 88 on Assessor's Plat numbered 39 and the northeastern lot line of lot numbered 88 on Assessor's Plat numbered 39 to the northwestern lot line of lot numbered 100 on Assessor's Plat numbered 39,
- 1.14 Thence turning and proceeding in a northeasterly direction along the northwestern lot line of lot numbered 100 on Assessor's Plat numbered 39 to the northeastern lot line of lot numbered 100 on Assessor's Plat numbered 100 on Assessor's Plat numbered 39,
- 1.15 Thence turning and proceeding in a southeasterly direction along the northeastern lot line of lot numbered 100 on Assessor's Plat 39 to the northwestern side line of the Boston and Albany Rail Road Right of Way,
- 1.16 Thence turning and proceeding in a southerly direction along the northwestern side line of the Boston and Albany Rail Road Right of Way to the intersection with the centerline of Main Street,
- 1.17 Thence turning and proceeding in a southeasterly direction along the centerline of Main Street to the northern extension of the centerline of Wadsworth Street,
- 1.18 Thence turning and proceeding in a southwesterly direction along the northern extension of the centerline of Wadsworth Street and the centerline of Wadsworth Street to the intersection with the eastern extension of the centerline of Amherst Street,
- 1.19 Thence turning and proceeding in a southwesterly direction along the eastern extension of the centerline of Amherst Street and the centerline of Amherst Street and the western extension of the centerline of Amherst Street to its intersection with the centerline of Ames Street,
- 1.20 Thence turning and proceeding in a northwesterly direction along the centerline of Ames Street to its intersection with the southeastern extension of the existing Residence C-3 zoning district,

- 1.21 Thence turning and proceeding in a southwesterly direction along the existing boundary line of the Residence C-3 zoning district to its intersection with the centerline of Massachusetts Avenue,
- 1.22 Thence turning and proceeding in a northwesterly direction along the centerline of Massachusetts Avenue to its intersection with the southern extension of the centerline of Windsor Street,
- 1.23 Thence turning and proceeding in a northeasterly direction along the centerline of Windsor Street to the centerline of Main Street,
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All or parts of lots numbered 41, 40, 88, 91, and 100, even numbers 236-286 Cardinal Humberto Medieros Avenue, and odd numbers 389-401 Binney Street.
- 1.02 Premises as shown on Assessor's Plat numbered 41:
All or parts of lots numbered 25, 24, and 26, even numbers 354-402 Binney Street, even numbers 170-234 Cardinal Humberto Medieros Avenue, odd numbers 9-29 Hampshire Street, and odd numbers 159-173 Broadway.
- 1.03 Premises as shown on Assessor's Plat numbered 42:
All or parts of lots numbered 63, 13, 64, 11, 12, 87, 5, 6, 7, 86, 1, and 70, even numbers 24-68 Hampshire Street, even numbers 162-192 Clark Street, odd numbers 107-205 and even numbers 192-198 Broadway, 9 Market Street, even numbers 8-10 Davis Street, odd numbers 125-165 and even numbers 150-164 Portland Street.
- 1.04 Premises as shown on Assessor's Plat numbered 43-A:
All lots.
- 1.05 Premises as shown on Assessor's Plat numbered 71:
All lots.
- 1.06 Premises as shown on Assessor's Plat numbered 70:
All or parts of lots numbered 75, 86, 21, 22, 52, 53, 54, 55, 56, 57, 58, and 74, even numbers 718-770 Main Street, even numbers 18-70 Windsor Street, odd and even numbers 55-87 State Street, all of Smart Street, and even numbers 3-13 Osborn Street.

1.07 Premises as shown on Assessor's Plat numbered 53:

All lots

1.08 Premises as shown on Assessor's Plat numbered 52-A:

All or parts of lots numbered 21, 1, 12, 34, 32, 33, 22, 17, 29, 28, and 7, all of Vassar Street, odd numbers 77-139 Massachusetts Avenue, even numbers 414-458 Main Street, and odd numbered 27-59 Ames Street.

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All or parts of lots numbered 152, 94, 129, 153, 97, 113, 112, 127, 128, 137, 13, 148, 14, 26, 15, 16, 155, 22, 21, 20, 19, 18, 33, 120, 142, 146, 147, 143, 150, 123, 62, 151, 108, and 107, odd and even numbers 5-60 Ames Street, odd numbers 25-85 Amherst Street, all of Carlton Street, all of Deacon Street, all of Dock Street, odd numbers 1-57 Hayward Street, and even numbers 264-400 Main Street.

1.001 Premises as shown on Assessor's Plat numbered 47:

All or parts of lots numbered 84, 71, 18, 19, 20, 21, 22, and 78, odd numbers 39-79 Wadsworth Street, odd numbered 1-23 Amherst Street, even numbers 2-64 Hayward Street, and even numbers 265-254 Main Street.

2.0 Rezone an area currently zoned Industry B to Industry B with the Industry B Interim Zoning Overlay District circumscribed by a line said line beginning at a point said point being the intersection of the centerlines of Webster Avenue and Elm Street with the Somerville/Cambridge boundary,

2.1 Thence proceeding in a southwesterly direction along the centerline of Elm Street to a point 100 feet distant from the northern side line of Cambridge Street,

2.2 Thence turning and proceeding in a southeasterly direction along a line 100 feet distant from and parallel to the northern side line of Cambridge Street to the centerline of Windsor Street,

2.3 Thence turning and proceeding in a northeasterly direction along the centerline of Windsor Street to the Somerville/Cambridge boundary,

2.4 Thence turning and proceeding in a northwesterly direction along the Somerville/Cambridge boundary to the intersection with the centerlines of Elm Street and Webster Avenue and the point of origin.

2.01

Premises as shown on Assessor's Plat numbered 81:

All or parts of lots numbered 25, 56, 83, 88, 90, 48, 50, 49, 99, 98, 52, 53, 16, 17, 18, 15, 24, 23, 22, 21, 20, 19, 1, 2, 14, 3, 101, 4, 5, 102, 100, and 96, even numbers 286-320 Elm Street, odd and even numbers 292-333 Webster Avenue, odd and even numbers 414a-460 Columbia Street, odd numbers 495-537 Windsor Street and odd numbers 1043-1079 Cambridge Street.



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

To The Planning Board
Ordinance Committee

Date April 7, 1989

From John E. Flynn JEF
Deputy City Clerk

Reference

Subject

Referral of Industry B Interim Overlay District Zoning District

In accordance with the provisions of Chapter 40A Section 5 of the General Laws, I am referring an amendment to the Zoning Ordinances of the City of Cambridge which would establish an Industry B Interim Overlay District in the Wellington-Harrington neighborhood.

This petition was transmitted to the City Council via the City Manager's Agenda of March 27, 1989. At that time a charter right was exercised thus holding the matter over till the City Council meeting of April 3, 1989. On a motion at the April 3, 1989 City Council meeting this petition was referred to the Planning Board and the City Council's Ordinance Committee. On April 4, 1989 reconsideration was filed on the motion to refer to the Planning Board and Ordinance Committee in this office.

As a result of the filing of reconsideration I requested and received an opinion from the City Solicitor to clarify my statutory responsibility under Chapter 40A Section 5. I have attached the opinion for your records.

I, therefore, given the opinion of the City Solicitor, am formally referring this petition for your review and recommendation.

Thank you for your cooperation in this matter.



CITY OF CAMBRIDGE

Office of the City Solicitor
City Hall

795 Massachusetts Avenue
Cambridge, Massachusetts 02139

(617) 498-9020

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Michael C. Costello
Assistant City Solicitor

Birge Albright
Legal Counsel

Gail S. Gabriel
Legal Counsel

Joseph M. Kargler
Legal Counsel

April 6, 1989

Mr. Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

Re: Reconsideration of Zoning Amendment Petition
after Referral to Planning Board

Dear Mr. Healy:

The Deputy City Clerk, John Flynn, has requested a legal opinion regarding the following question:

When a zoning amendment petition transmitted to the City Council by the City Manager on March 27, 1989 was voted by the City Council to be referred to the Planning Board on April 4, 1989, and a City Councillor moved for reconsideration, and the next regular meeting of the City Council is scheduled for April 10, 1989, does G.L. c. 40A require that the petition be submitted to the Planning Board prior to the April 10, 1989 meeting?

General Laws, c. 40A, s. 5 provides in pertinent part that:

The ... city council shall within fourteen days of receipt of such zoning ordinance or by-law submit it to the planning board for review. [emphasis added]

This statute makes submission to the Planning Board mandatory within fourteen (14) days of "receipt" of the proposed zoning amendment.

The petition under consideration appeared on the City Manager's Agenda for March 27, 1989. The petition was therefore received by the City Council on that date.

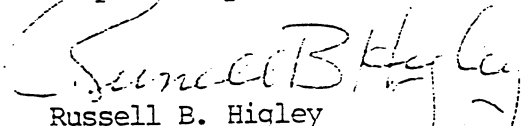
Mr. Robert W. Healy
April 6, 1989
Page 2

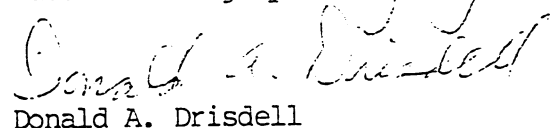
As a general rule of interpretation, when a statute provides for an act to be done within a certain number of days, the day of the event after which the designated period of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday or legal holiday. See, Massachusetts Rules of Civil Procedure, Rule 6(a). Applying these rules the fourteenth day for submission to the Planning Board of the subject petition will be April 10, 1989.

Since G.L. c. 40A requires that the City Council "submit" the petition to the Planning Board, it is a fair conclusion that the Planning Board should receive the petition by the fourteenth day. Moreover, it is a fair conclusion that the Planning Board should receive the petition by the close of business on the fourteenth day. While we have found no court decisions specifically addressing these issues, it is our opinion that a risk of a procedural defect may be created by failing to "submit" the petition to the Planning Board before the City Council meeting scheduled for Monday night, April 10, 1989.

As a general rule a clear, mandatory state statute, such as G.L. c. 40A, s. 5, supercedes any conflicting local rule. Since it does not appear that the City Council, upon reconsideration, can legally fail to refer the petition to the Planning Board, the petition should be referred prior to the meeting to prevent the risk of a procedural defect.

Respectfully submitted,


Russell B. Higley


Donald A. Drisdell

RBH/DAD/jml

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

March 22, 1989

To the Honorable, the City Council;

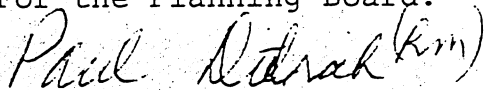
Enclosed, please find a proposed amendment to the Zoning Ordinance of the City of Cambridge which would establish an Industry B Interim Overlay District both in the area abutting Kendall Square and an area in the vicinity of Cambridge, Columbia, and Webster Streets in the Wellington-Harrington neighborhood.

As you may know, the Board was prepared to recommend a permanent rezoning of these areas which was based on a six month study recently undertaken by the Community Development Department. However, during our consideration of the petition, we were presented with a request to delay our recommendation by a group of major property owners. This request was made in the hopes that with further discussion and study, a petition could be filed which was more acceptable to all parties.

Although we do not completely agree with the voluntary moratorium concept presented by the landowners, we do think that, in the spirit of cooperation, additional time should be provided through an Interim Overlay which will allow further discussion. It is anticipated that through such discussion, a mutually agreeable petition will be submitted to Council within three months.

We therefore respectfully request that the enclosed amendment be submitted for your positive consideration and approval.

For the Planning Board:



Paul Dietrich, Chairman

INDUSTRY B INTERIM OVERLAY ZONING DISTRICT

- Whereas, the land area currently zoned Industry B abutting Kendall Square has been under study because it is the last remaining area of Industry B zoning which has not received careful planning review; and
- Whereas, there is concern that the Industry B zoning district is no longer appropriate as a means of regulating new development in Cambridge; and
- Whereas, it is recommended that additional analysis be undertaken to determine the appropriate regulatory framework for future development in the area;
- Now therefore, there is hereby established the Industry B Interim Zoning Overlay District in the area herein described having the following requirements:
1. All requirements of the Industry B zoning district shall apply except as modified and limited by the requirements of this Section's subsection 2-4 below;
 2. The floor area ratio applicable to any lot shall be limited to 3.0;
 3. The maximum height of any building shall be 60 feet;
 4. The Industry B Zoning Interim Overlay District shall be in effect through June 30, 1989.

- A. Amend the Zoning Ordinance of the City of Cambridge as described below by creating a new Section 3.17 - the Industry B Interim Zoning District in the area of Cambridge as shown on the accompanying map, having the following requirements:

Section 3.17

1. All requirements of the Industry B zoning districts shall apply except as modified and limited by the requirements of this Section subsections 2-4 below;
2. The floor area ratio applicable on any lot shall be limited to 3.0;
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4. The Industry B Interim Overlay Zoning District shall be in effect through June 30, 1989.

B. Amend the Zoning Map of the City of Cambridge as follows:

- 1.0 Rezone an area currently zoned Industry B to Industry B with the Industry B Interim Zoning Overlay District circumscribed by a line said line beginning at a point said point being the intersection of the centerlines of Portland and Main Streets,
- 1.1 Thence proceeding in a northeasterly direction along the centerline of Portland Street to the southeastern extension of the southwestern lot line of lot numbered 70 on Assessor's Plat numbered 42,
- 1.2 Thence turning and proceeding in a northwesterly direction along the southeastern extension of the southwestern lot line and the southwestern lot line of lot numbered 70 on Assessor's Plat numbered 42 to the southeastern lot line of lot numbered 45 on Assessor's Plat numbered 42 for a distance of approximately 48.7 feet,
- 1.3 Thence turning and proceeding in a southwesterly direction along the southeastern lot line to the southwestern lot line of lot numbered 45 on Assessor's Plat numbered 42,
- 1.4 Thence turning and proceeding in a northwesterly direction along the northeastern side lot line of lot numbered 45 on Assessor's Plat numbered 42 for a distance of approximately 17.6 feet,
- 1.5 Thence turning and proceeding in a southwesterly direction along southeastern lot line of lot numbered 45 on Assessor's Plat numbered 45 to the southwestern lot line of lot numbered 45 on Assessor's Plat numbered 45 for a distance of approximately 33 feet,
- 1.6 Thence turning and proceeding in a northwesterly direction along the southwestern lot lines of lots numbered 45 and 46 on Assessor's Plat numbered 42 and the northwestern extension of the southwestern lot line of lot umbered 46 on Assessor's Plat numbered 42 to the centerline of Davis Street,
- 1.7 Thence turning and proceeding in a northeasterly direction along the centerline of Davis Street to the centerline of Broadway,
- 1.8 Thence turning and proceeding in a northwesterly direction along the centerline of Broadway to the intersection with the southerly extension of the centerline of Market Street,
- 1.9 Thence turing and proceeding in a northerly direction along the centerline of Market Street to the centerline of Clark Street,
- 1.10 Thence turning and proceeding in a northeastern direction along the centerline of Clark Street to the centerline of Hampshire Street,

- 1.11 Thence turning and proceeding in a southerly direction along the centerline of Hampshire Street to the intersection with the centerline of Portland Street where it becomes Cardinal Humberto Medieros Avenue,
- 1.12 Thence turning and proceeding in a northeasterly direction along the centerline of Cardinal Humberto Medieros Avenue to its intersection with the northwestern extension of the northeastern lot line of lot numbered 88 on Assessor's Plat numbered 39,
- 1.13 Thence turning and proceeding in a southeasterly direction along the northwestern extension of the northeastern lot line of lot numbered 88 on Assessor's Plat numbered 39 and the northeastern lot line of lot numbered 88 on Assessor's Plat numbered 39 to the northwestern lot line of lot numbered 100 on Assessor's Plat numbered 39,
- 1.14 Thence turning and proceeding in a northeasterly direction along the northwestern lot line of lot numbered 100 on Assessor's Plat numbered 39 to the northeastern lot line of lot numbered 100 on Assessor's Plat numbered 100 on Assessor's Plat numbered 39,
- 1.15 Thence turning and proceeding in a southeasterly direction along the northeastern lot line of lot numbered 100 on Assessor's Plat 39 to the northwestern side line of the Boston and Albany Rail Road Right of Way,
- 1.16 Thence turning and proceeding in a southerly direction along the northwestern side line of the Boston and Albany Rail Road Right of Way to the intersection with the centerline of Main Street,
- 1.17 Thence turning and proceeding in a southeasterly direction along the centerline of Main Street to the northern extension of the centerline of Wadsworth Street,
- 1.18 Thence turning and proceeding in a southwesterly direction along the northern extension of the centerline of Wadsworth Street and the centerline of Wadsworth Street to the intersection with the eastern extension of the centerline of Amherst Street,
- 1.19 Thence turning and proceeding in a southwesterly direction along the eastern extension of the centerline of Amherst Street and the centerline of Amherst Street and the western extension of the centerline of Amherst Street to its intersection with the centerline of Ames Street,
- 1.20 Thence turning and proceeding in a northwesterly direction along the centerline of Ames Street to its intersection with the southeastern extension of the existing Residence C-3 zoning district,

- 1.21 Thence turning and proceeding in a southwesterly direction along the existing boundary line of the Residence C-3 zoning district to its intersection with the centerline of Massachusetts Avenue,
- 1.22 Thence turning and proceeding in a northwesterly direction along the centerline of Massachusetts Avenue to its intersection with the southern extension of the centerline of Windsor Street,
- 1.23 Thence turning and proceeding in a northeasterly direction along the centerline of Windsor Street to the centerline of Main Street,
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All or parts of lots numbered 41, 40, 88, 91, and 100, even numbers 236-286 Cardinal Humberto Medieros Avenue, and odd numbers 389-401 Binney Street.
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- 1.03 Premises as shown on Assessor's Plat numbered 42:
All or parts of lots numbered 63, 13, 64, 11, 12, 87, 5, 6, 7, 86, 1, and 70, even numbers 24-68 Hampshire Street, even numbers 162-192 Clark Street, odd numbers 107-205 and even numbers 192-198 Broadway, 9 Market Street, even numbers 8-10 Davis Street, odd numbers 125-165 and even numbers 150-164 Portland Street.
- 1.04 Premises as shown on Assessor's Plat numbered 43-A:
All lots.
- 1.05 Premises as shown on Assessor's Plat numbered 71:
All lots.
- 1.06 Premises as shown on Assessor's Plat numbered 70:
All or parts of lots numbered 75, 86, 21, 22, 52, 53, 54, 55, 56, 57, 58, and 74, even numbers 718-770 Main Street, even numbers 18-70 Windsor Street, odd and even numbers 55-87 State Street, all of Smart Street, and even numbers 3-13 Osborn Street.

1.07 Premises as shown on Assessor's Plat numbered 53:

All lots

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All or parts of lots numbered 21, 1, 12, 34, 32, 33, 22, 17, 29, 28, and 7, all of Vassar Street, odd numbers 77-139 Massachusetts Avenue, even numbers 414-458 Main Street, and odd numbered 27-59 Ames Street.

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All or parts of lots numbered 152, 94, 129, 153, 97, 113, 112, 127, 128, 137, 13, 148, 14, 26, 15, 16, 155, 22, 21, 20, 19, 18, 33, 120, 142, 146, 147, 143, 150, 123, 62, 151, 108, and 107, odd and even numbers 5-60 Ames Street, odd numbers 25-85 Amherst Street, all of Carlton Street, all of Deacon Street, all of Dock Street, odd numbers 1-57 Hayward Street, and even numbers 264-400 Main Street.

1.001 Premises as shown on Assessor's Plat numbered 47:

All or parts of lots numbered 84, 71, 18, 19, 20, 21, 22, and 78, odd numbers 39-79 Wadsworth Street, odd numbered 1-23 Amherst Street, even numbers 2-64 Hayward Street, and even numbers 265-254 Main Street.

2.0 Rezone an area currently zoned Industry B to Industry B with the Industry B Interim Zoning Overlay District circumscribed by a line said line beginning at a point said point being the intersection of the centerlines of Webster Avenue and Elm Street with the Somerville/Cambridge boundary,

2.1 Thence proceeding in a southwesterly direction along the centerline of Elm Street to a point 100 feet distant from the northern side line of Cambridge Street,

2.2 Thence turning and proceeding in a southeasterly direction along a line 100 feet distant from and parallel to the northern side line of Cambridge Street to the centerline of Windsor Street,

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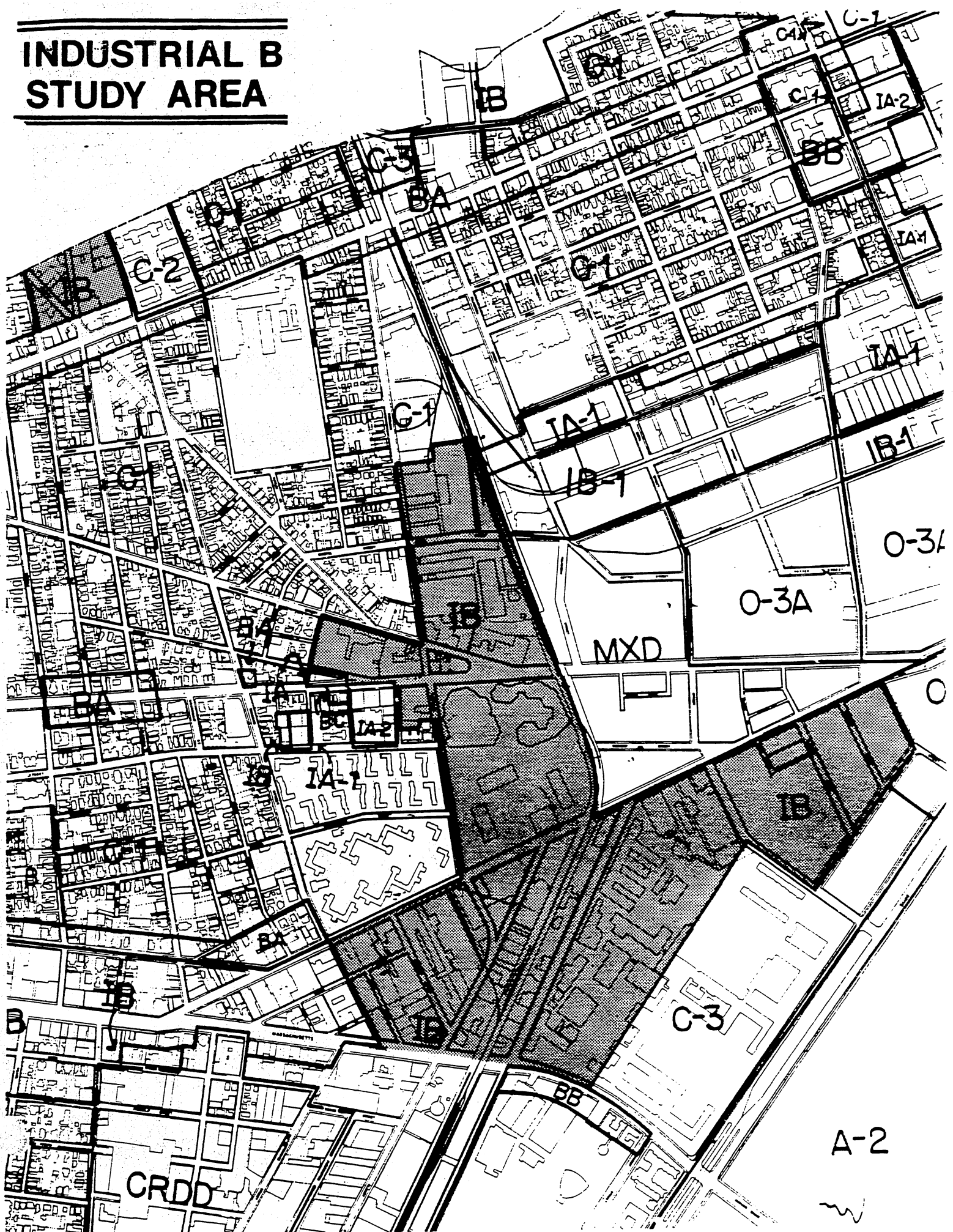
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Premises as shown on Assessor's Plat numbered 81:

All or parts of lots numbered 25, 56, 83, 88, 90, 48, 50, 49, 99, 98, 52, 53, 16, 17, 18, 15, 24, 23, 22, 21, 20, 19, 1, 2, 14, 3, 101, 4, 5, 102, 100, and 96, even numbers 286-320 Elm Street, odd and even numbers 292-333 Webster Avenue, odd and even numbers 414a-460 Columbia Street, odd numbers 495-537 Windsor Street and odd numbers 1043-1079 Cambridge Street.

INDUSTRIAL B STUDY AREA





CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

March 27, 1989

To the Honorable, the City Council:

Enclosed please find copy of an amendment to the Zoning Ordinance of the City of Cambridge which would establish an Industry B Interim Overlay District in the Wellington-Harrington Neighborhood.

Very truly yours,

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City Manager

RWH/dls
enc.

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

March 22, 1989

To the Honorable, the City Council;

Enclosed, please find a proposed amendment to the Zoning Ordinance of the City of Cambridge which would establish an Industry B Interim Overlay District both in the area abutting Kendall Square and an area in the vicinity of Cambridge, Columbia, and Webster Streets in the Wellington-Harrington neighborhood.

As you may know, the Board was prepared to recommend a permanent rezoning of these areas which was based on a six month study recently undertaken by the Community Development Department. However, during our consideration of the petition, we were presented with a request to delay our recommendation by a group of major property owners. This request was made in the hopes that with further discussion and study, a petition could be filed which was more acceptable to all parties.

Although we do not completely agree with the voluntary moratorium concept presented by the landowners, we do think that, in the spirit of cooperation, additional time should be provided through an Interim Overlay which will allow further discussion. It is anticipated that through such discussion, a mutually agreeable petition will be submitted to Council within three months.

We therefore respectfully request that the enclosed amendment be submitted for your positive consideration and approval.

For the Planning Board:

A handwritten signature in cursive script that reads "Paul Dietrich (RM)".

Paul Dietrich, Chairman

INDUSTRY B INTERIM OVERLAY ZONING DISTRICT

Whereas, the land area currently zoned Industry B abutting Kendall Square has been under study because it is the last remaining area of Industry B zoning which has not received careful planning review; and

Whereas, there is concern that the Industry B zoning district is no longer appropriate as a means of regulating new development in Cambridge; and

Whereas, it is recommended that additional analysis be undertaken to determine the appropriate regulatory framework for future development in the area;

Now therefore, there is hereby established the Industry B Interim Zoning Overlay District in the area herein described having the following requirements:

1. All requirements of the Industry B zoning district shall apply except as modified and limited by the requirements of this Section's subsection 2-4 below;
2. The floor area ratio applicable to any lot shall be limited to 3.0;
3. The maximum height of any building shall be 60 feet;
4. The Industry B Zoning Interim Overlay District shall be in effect through June 30, 1989.

- A. Amend the Zoning Ordinance of the City of Cambridge as described below by creating a new Section 3.17 - the Industry B Interim Zoning District in the area of Cambridge as shown on the accompanying map, having the following requirements:

Section 3.17

1. All requirements of the Industry B zoning districts shall apply except as modified and limited by the requirements of this Section subsections 2-4 below;
2. The floor area ratio applicable on any lot shall be limited to 3.0;
3. The maximum height of any building shall be 60';
4. The Industry B Interim Overlay Zoning District shall be in effect through June 30, 1989.

B. Amend the Zoning Map of the City of Cambridge as follows:

- 1.0 Rezone an area currently zoned Industry B to Industry B with the Industry B Interim Zoning Overlay District circumscribed by a line said line beginning at a point said point being the intersection of the centerlines of Portland and Main Streets,
- 1.1 Thence proceeding in a northeasterly direction along the centerline of Portland Street to the southeastern extension of the southwestern lot line of lot numbered 70 on Assessor's Plat numbered 42,
- 1.2 Thence turning and proceeding in a northwesterly direction along the southeastern extension of the southwestern lot line and the southwestern lot line of lot numbered 70 on Assessor's Plat numbered 42 to the southeastern lot line of lot numbered 45 on Assessor's Plat numbered 42 for a distance of approximately 48.7 feet,
- 1.3 Thence turning and proceeding in a southwesterly direction along the southeastern lot line to the southwestern lot line of lot numbered 45 on Assessor's Plat numbered 42,
- 1.4 Thence turning and proceeding in a northwesterly direction along the northeastern side lot line of lot numbered 45 on Assessor's Plat numbered 42 for a distance of approximately 17.6 feet,
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- 1.7 Thence turning and proceeding in a northeasterly direction along the centerline of Davis Street to the centerline of Broadway,
- 1.8 Thence turning and proceeding in a northwesterly direction along the centerline of Broadway to the intersection with the southerly extension of the centerline of Market Street,
- 1.9 Thence turing and proceeding in a northerly direction along the centerline of Market Street to the centerline of Clark Street,
- 1.10 Thence turning and proceeding in a northeastern direction along the centerline of Clark Street to the centerline of Hampshire Street,

- 1.11 Thence turning and proceeding in a southerly direction along the centerline of Hampshire Street to the intersection with the centerline of Portland Street where it becomes Cardinal Humberto Medieros Avenue,
- 1.12 Thence turning and proceeding in a northeasterly direction along the centerline of Cardinal Humberto Medieros Avenue to its intersection with the northwestern extension of the northeastern lot line of lot numbered 88 on Assessor's Plat numbered 39,
- 1.13 Thence turning and proceeding in a southeasterly direction along the northwestern extension of the northeastern lot line of lot numbered 88 on Assessor's Plat numbered 39 and the northeastern lot line of lot numbered 88 on Assessor's Plat numbered 39 to the northwestern lot line of lot numbered 100 on Assessor's Plat numbered 39,
- 1.14 Thence turning and proceeding in a northeasterly direction along the northwestern lot line of lot numbered 100 on Assessor's Plat numbered 39 to the northeastern lot line of lot numbered 100 on Assessor's Plat numbered 100 on Assessor's Plat numbered 39,
- 1.15 Thence turning and proceeding in a southeasterly direction along the northeastern lot line of lot numbered 100 on Assessor's Plat 39 to the northwestern side line of the Boston and Albany Rail Road Right of Way,
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- 1.17 Thence turning and proceeding in a southeasterly direction along the centerline of Main Street to the northern extension of the centerline of Wadsworth Street,
- 1.18 Thence turning and proceeding in a southwesterly direction along the northern extension of the centerline of Wadsworth Street and the centerline of Wadsworth Street to the intersection with the eastern extension of the centerline of Amherst Street,
- 1.19 Thence turning and proceeding in a southwesterly direction along the eastern extension of the centerline of Amherst Street and the centerline of Amherst Street and the western extension of the centerline of Amherst Street to its intersection with the centerline of Ames Street,
- 1.20 Thence turning and proceeding in a northwesterly direction along the centerline of Ames Street to its intersection with the southeastern extension of the existing Residence C-3 zoning district,

- 1.21 Thence turning and proceeding in a southwesterly direction along the existing boundary line of the Residence C-3 zoning district to its intersection with the centerline of Massachusetts Avenue,
- 1.22 Thence turning and proceeding in a northwesterly direction along the centerline of Massachusetts Avenue to its intersection with the southern extension of the centerline of Windsor Street,
- 1.23 Thence turning and proceeding in a northeasterly direction along the centerline of Windsor Street to the centerline of Main Street,
- 1.24 Thence turning and proceeding in an easterly direction along the centerline of Main Street to the centerline of Portland Street to the point of origin.
- 1.01 Premises as shown on Assessor's Plat numbered 39:
All or parts of lots numbered 41, 40, 88, 91, and 100, even numbers 236-286 Cardinal Humberto Medieros Avenue, and odd numbers 389-401 Binney Street.
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All or parts of lots numbered 25, 24, and 26, even numbers 354-402 Binney Street, even numbers 170-234 Cardinal Humberto Medieros Avenue, odd numbers 9-29 Hampshire Street, and odd numbers 159-173 Broadway.
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All or parts of lots numbered 63, 13, 64, 11, 12, 87, 5, 6, 7, 86, 1, and 70, even numbers 24-68 Hampshire Street, even numbers 162-192 Clark Street, odd numbers 107-205 and even numbers 192-198 Broadway, 9 Market Street, even numbers 8-10 Davis Street, odd numbers 125-165 and even numbers 150-164 Portland Street.
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All lots.
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Premises as shown on Assessor's Plat numbered 81:

All or parts of lots numbered 25, 56, 83, 88, 90, 48, 50, 49, 99, 98, 52, 53, 16, 17, 18, 15, 24, 23, 22, 21, 20, 19, 1, 2, 14, 3, 101, 4, 5, 102, 100, and 96, even numbers 286-320 Elm Street, odd and even numbers 292-333 Webster Avenue, odd and even numbers 414a-460 Columbia Street, odd numbers 495-537 Windsor Street and odd numbers 1043-1079 Cambridge Street.



CITY OF CAMBRIDGE

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EXECUTIVE DEPARTMENT
ROBERT W. HEALY
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March 27, 1989

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Very truly yours,

Robert W. Healy
City Manager

RWH/dls
enc.



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

March 22, 1989

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Enclosed, please find a proposed amendment to the Zoning Ordinance of the City of Cambridge which would establish an Industry B Interim Overlay District both in the area abutting Kendall Square and an area in the vicinity of Cambridge, Columbia, and Webster Streets in the Wellington-Harrington neighborhood.

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For the Planning Board:

Paul Dietrich (RM)

Paul Dietrich, Chairman

INDUSTRY B INTERIM OVERLAY ZONING DISTRICT

Whereas, the land area currently zoned Industry B abutting Kendall Square has been under study because it is the last remaining area of Industry B zoning which has not received careful planning review; and

Whereas, there is concern that the Industry B zoning district is no longer appropriate as a means of regulating new development in Cambridge; and

Whereas, it is recommended that additional analysis be undertaken to determine the appropriate regulatory framework for future development in the area;

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1. All requirements of the Industry B zoning district shall apply except as modified and limited by the requirements of this Section's subsection 2-4 below;
2. The floor area ratio applicable to any lot shall be limited to 3.0;
3. The maximum height of any building shall be 60 feet;
4. The Industry B Zoning Interim Overlay District shall be in effect through June 30, 1989.

- A. Amend the Zoning Ordinance of the City of Cambridge as described below by creating a new Section 3.17 - the Industry B Interim Zoning District in the area of Cambridge as shown on the accompanying map, having the following requirements:

Section 3.17

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B. Amend the Zoning Map of the City of Cambridge as follows:

- 1.0 Rezone an area currently zoned Industry B to Industry B with the Industry B Interim Zoning Overlay District circumscribed by a line said line beginning at a point said point being the intersection of the centerlines of Portland and Main Streets,
- 1.1 Thence proceeding in a northeasterly direction along the centerline of Portland Street to the southeastern extension of the southwestern lot line of lot numbered 70 on Assessor's Plat numbered 42,
- 1.2 Thence turning and proceeding in a northwesterly direction along the southeastern extension of the southwestern lot line and the southwestern lot line of lot numbered 70 on Assessor's Plat numbered 42 to the southeastern lot line of lot numbered 45 on Assessor's Plat numbered 42 for a distance of approximately 48.7 feet,
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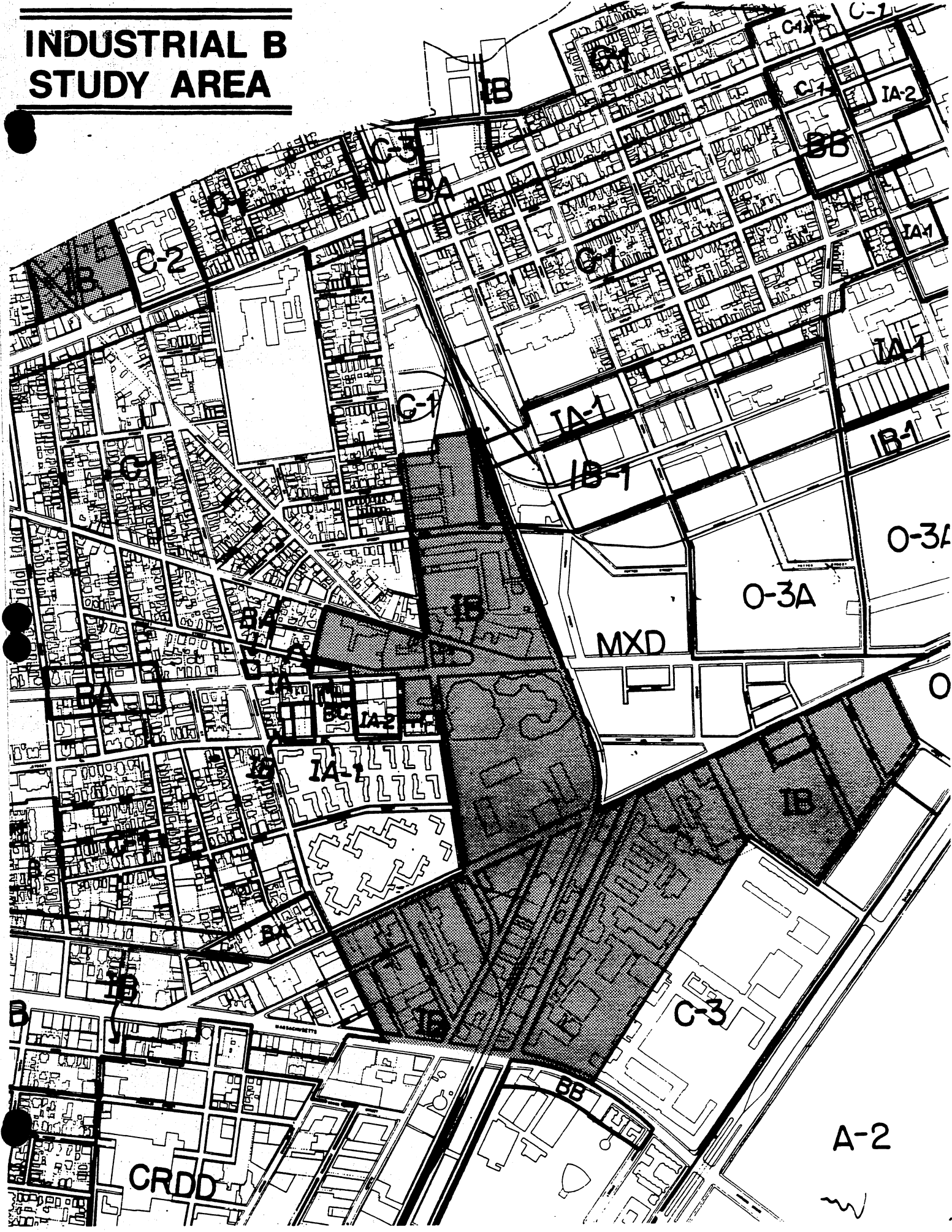
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INDUSTRIAL B STUDY AREA





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CAMBRIDGE, MASSACHUSETTS 02139
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EXECUTIVE DEPARTMENT
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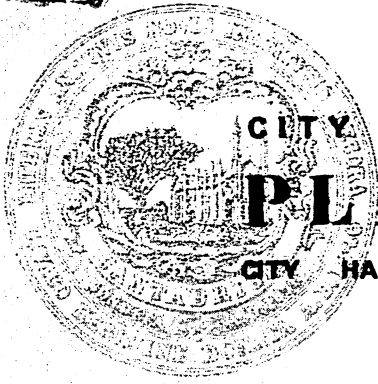
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RWH/dls
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PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

March 22, 1989

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INDUSTRY B INTERIM OVERLAY ZONING DISTRICT

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Whereas, there is concern that the Industry B zoning district is no longer appropriate as a means of regulating new development in Cambridge; and

Whereas, it is recommended that additional analysis be undertaken to determine the appropriate regulatory framework for future development in the area;

Now therefore, there is hereby established the Industry B Interim Zoning Overlay District in the area herein described having the following requirements:

1. All requirements of the Industry B zoning district shall apply except as modified and limited by the requirements of this Section's subsection 2-4 below;
2. The floor area ratio applicable to any lot shall be limited to 3.0;
3. The maximum height of any building shall be 60 feet;
4. The Industry B Zoning Interim Overlay District shall be in effect through June 30, 1989.

- A. Amend the Zoning Ordinance of the City of Cambridge as described below by creating a new Section 3.17 - the Industry B Interim Zoning District in the area of Cambridge as shown on the accompanying map, having the following requirements:

Section 3.17

1. All requirements of the Industry B zoning districts shall apply except as modified and limited by the requirements of this Section subsections 2-4 below;
2. The floor area ratio applicable on any lot shall be limited to 3.0;
3. The maximum height of any building shall be 60';
4. The Industry B Interim Overlay Zoning District shall be in effect through June 30, 1989.

B. Amend the Zoning Map of the City of Cambridge as follows:

- 1.0 Rezone an area currently zoned Industry B to Industry B with the Industry B Interim Zoning Overlay District circumscribed by a line said line beginning at a point said point being the intersection of the centerlines of Portland and Main Streets,
- 1.1 Thence proceeding in a northeasterly direction along the centerline of Portland Street to the southeastern extension of the southwestern lot line of lot numbered 70 on Assessor's Plat numbered 42,
- 1.2 Thence turning and proceeding in a northwesterly direction along the southeastern extension of the southwestern lot line and the southwestern lot line of lot numbered 70 on Assessor's Plat numbered 42 to the southeastern lot line of lot numbered 45 on Assessor's Plat numbered 42 for a distance of approximately 48.7 feet,
- 1.3 Thence turning and proceeding in a southwesterly direction along the southeastern lot line to the southwestern lot line of lot numbered 45 on Assessor's Plat numbered 42,
- 1.4 Thence turning and proceeding in a northwesterly direction along the northeastern side lot line of lot numbered 45 on Assessor's Plat numbered 42 for a distance of approximately 17.6 feet,
- 1.5 Thence turning and proceeding in a southwesterly direction along southeastern lot line of lot numbered 45 on Assessor's Plat numbered 45 to the southwestern lot line of lot numbered 45 on Assessor's Plat numbered 45 for a distance of approximately 33 feet,
- 1.6 Thence turning and proceeding in a northwesterly direction along the southwestern lot lines of lots numbered 45 and 46 on Assessor's Plat numbered 42 and the northwestern extension of the southwestern lot line of lot umbered 46 on Assessor's Plat numbered 42 to the centerline of Davis Street,
- 1.7 Thence turning and proceeding in a northeasterly direction along the centerline of Davis Street to the centerline of Broadway,
- 1.8 Thence turning and proceeding in a northwesterly direction along the centerline of Broadway to the intersection with the southerly extension of the centerline of Market Street,
- 1.9 Thence turing and proceeding in a northerly direction along the centerline of Market Street to the centerline of Clark Street,
- 1.10 Thence turning and proceeding in a northeastern direction along the centerline of Clark Street to the centerline of Hampshire Street,

- 1.11 Thence turning and proceeding in a southerly direction along the centerline of Hampshire Street to the intersection with the centerline of Portland Street where it becomes Cardinal Humberto Medieros Avenue,
- 1.12 Thence turning and proceeding in a northeasterly direction along the centerline of Cardinal Humberto Medieros Avenue to its intersection with the northwestern extension of the northeastern lot line of lot numbered 88 on Assessor's Plat numbered 39,
- 1.13 Thence turning and proceeding in a southeasterly direction along the northwestern extension of the northeastern lot line of lot numbered 88 on Assessor's Plat numbered 39 and the northeastern lot line of lot numbered 88 on Assessor's Plat numbered 39 to the northwestern lot line of lot numbered 100 on Assessor's Plat numbered 39,
- 1.14 Thence turning and proceeding in a northeasterly direction along the northwestern lot line of lot numbered 100 on Assessor's Plat numbered 39 to the northeastern lot line of lot numbered 100 on Assessor's Plat numbered 100 on Assessor's Plat numbered 39,
- 1.15 Thence turning and proceeding in a southeasterly direction along the northeastern lot line of lot numbered 100 on Assessor's Plat 39 to the northwestern side line of the Boston and Albany Rail Road Right of Way,
- 1.16 Thence turning and proceeding in a southerly direction along the northwestern side line of the Boston and Albany Rail Road Right of Way to the intersection with the centerline of Main Street,
- 1.17 Thence turning and proceeding in a southeasterly direction along the centerline of Main Street to the northern extension of the centerline of Wadsworth Street,
- 1.18 Thence turning and proceeding in a southwesterly direction along the northern extension of the centerline of Wadsworth Street and the centerline of Wadsworth Street to the intersection with the eastern extension of the centerline of Amherst Street,
- 1.19 Thence turning and proceeding in a southwesterly direction along the eastern extension of the centerline of Amherst Street and the centerline of Amherst Street and the western extension of the centerline of Amherst Street to its intersection with the centerline of Ames Street,
- 1.20 Thence turning and proceeding in a northwesterly direction along the centerline of Ames Street to its intersection with the southeastern extension of the existing Residence C-3 zoning district,

- 1.21 Thence turning and proceeding in a southwesterly direction along the existing boundary line of the Residence C-3 zoning district to its intersection with the centerline of Massachusetts Avenue,
- 1.22 Thence turning and proceeding in a northwesterly direction along the centerline of Massachusetts Avenue to its intersection with the southern extension of the centerline of Windsor Street,
- 1.23 Thence turning and proceeding in a northeasterly direction along the centerline of Windsor Street to the centerline of Main Street,
- 1.24 Thence turning and proceeding in an easterly direction along the centerline of Main Street to the centerline of Portland Street to the point of origin.
- 1.01 Premises as shown on Assessor's Plat numbered 39:
All or parts of lots numbered 41, 40, 88, 91, and 100, even numbers 236-286 Cardinal Humberto Medieros Avenue, and odd numbers 389-401 Binney Street.
- 1.02 Premises as shown on Assessor's Plat numbered 41:
All or parts of lots numbered 25, 24, and 26, even numbers 354-402 Binney Street, even numbers 170-234 Cardinal Humberto Medieros Avenue, odd numbers 9-29 Hampshire Street, and odd numbers 159-173 Broadway.
- 1.03 Premises as shown on Assessor's Plat numbered 42:
All or parts of lots numbered 63, 13, 64, 11, 12, 87, 5, 6, 7, 86, 1, and 70, even numbers 24-68 Hampshire Street, even numbers 162-192 Clark Street, odd numbers 107-205 and even numbers 192-198 Broadway, 9 Market Street, even numbers 8-10 Davis Street, odd numbers 125-165 and even numbers 150-164 Portland Street.
- 1.04 Premises as shown on Assessor's Plat numbered 43-A:
All lots.
- 1.05 Premises as shown on Assessor's Plat numbered 71:
All lots.
- 1.06 Premises as shown on Assessor's Plat numbered 70:
All or parts of lots numbered 75, 86, 21, 22, 52, 53, 54, 55, 56, 57, 58, and 74, even numbers 718-770 Main Street, even numbers 18-70 Windsor Street, odd and even numbers 55-87 State Street, all of Smart Street, and even numbers 3-13 Osborn Street.

1.07 Premises as shown on Assessor's Plat numbered 53:

All lots

1.08 Premises as shown on Assessor's Plat numbered 52-A:

All or parts of lots numbered 21, 1, 12, 34, 32, 33, 22, 17, 29, 28, and 7, all of Vassar Street, odd numbers 77-139 Massachusetts Avenue, even numbers 414-458 Main Street, and odd numbered 27-59 Ames Street.

1.09 Premises as shown on Assessor's Plat numbered 48:

All or parts of lots numbered 152, 94, 129, 153, 97, 113, 112, 127, 128, 137, 13, 148, 14, 26, 15, 16, 155, 22, 21, 20, 19, 18, 33, 120, 142, 146, 147, 143, 150, 123, 62, 151, 108, and 107, odd and even numbers 5-60 Ames Street, odd numbers 25-85 Amherst Street, all of Carlton Street, all of Deacon Street, all of Dock Street, odd numbers 1-57 Hayward Street, and even numbers 264-400 Main Street.

1.001 Premises as shown on Assessor's Plat numbered 47:

All or parts of lots numbered 84, 71, 18, 19, 20, 21, 22, and 78, odd numbers 39-79 Wadsworth Street, odd numbered 1-23 Amherst Street, even numbers 2-64 Hayward Street, and even numbers 265-254 Main Street.

2.0 Rezone an area currently zoned Industry B to Industry B with the Industry B Interim Zoning Overlay District circumscribed by a line said line beginning at a point said point being the intersection of the centerlines of Webster Avenue and Elm Street with the Somerville/Cambridge boundary,

2.1 Thence proceeding in a southwesterly direction along the centerline of Elm Street to a point 100 feet distant from the northern side line of Cambridge Street,

2.2 Thence turning and proceeding in a southeasterly direction along a line 100 feet distant from and parallel to the northern side line of Cambridge Street to the centerline of Windsor Street,

2.3 Thence turning and proceeding in a northeasterly direction along the centerline of Windsor Street to the Somerville/Cambridge boundary,

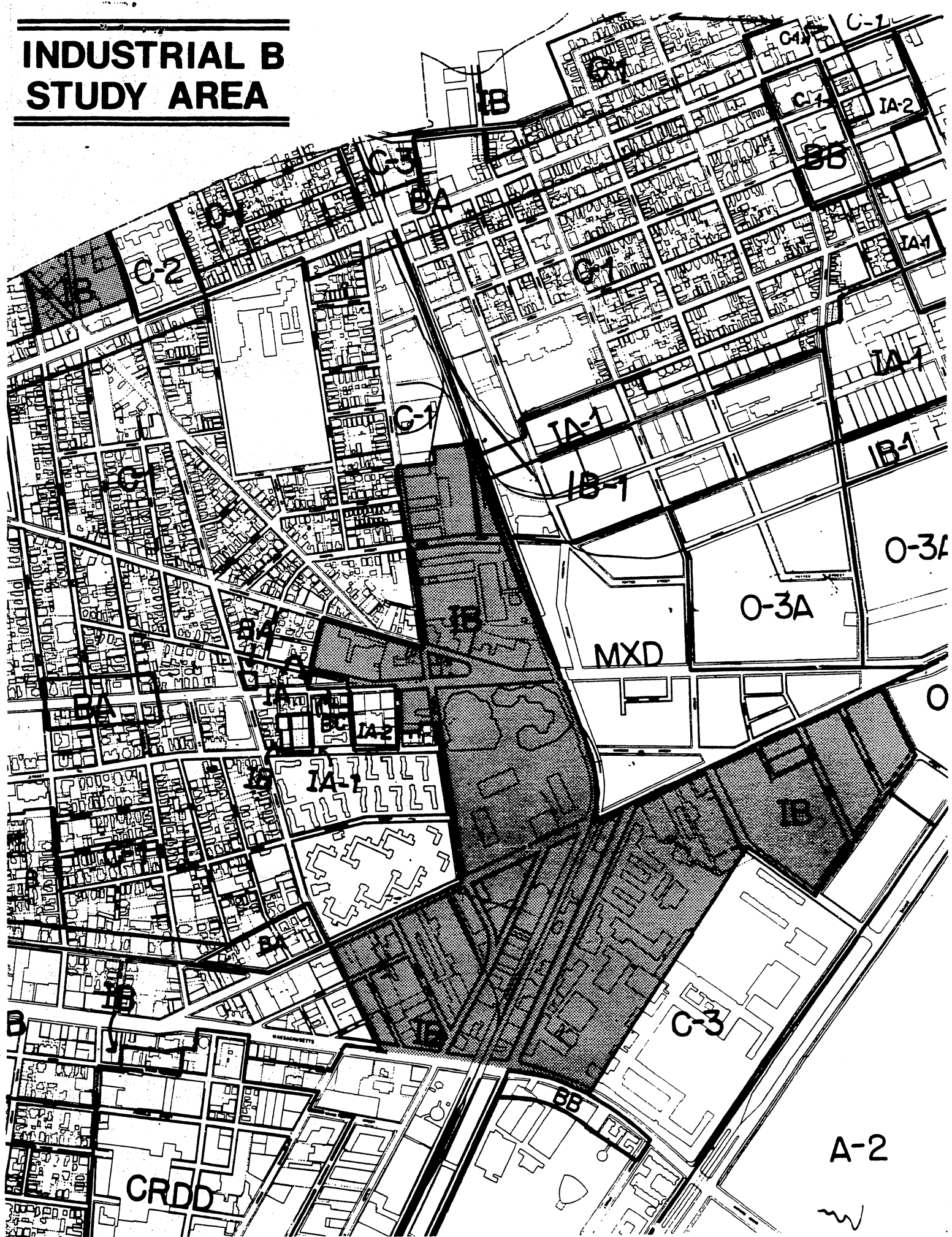
2.4 Thence turning and proceeding in a northwesterly direction along the Somerville/Cambridge boundary to the intersection with the centerlines of Elm Street and Webster Avenue and the point of origin.

2.01

Premises as shown on Assessor's Plat numbered 81:

All or parts of lots numbered 25, 56, 83, 88, 90, 48, 50, 49, 99, 98, 52, 53, 16, 17, 18, 15, 24, 23, 22, 21, 20, 19, 1, 2, 14, 3, 101, 4, 5, 102, 100, and 96, even numbers 286-320 Elm Street, odd and even numbers 292-333 Webster Avenue, odd and even numbers 414a-460 Columbia Street, odd numbers 495-537 Windsor Street and odd numbers 1043-1079 Cambridge Street.

INDUSTRIAL B STUDY AREA



CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

March 22, 1989

To the Honorable, the City Council;

Enclosed, please find a proposed amendment to the Zoning Ordinance of the City of Cambridge which would establish an Industry B Interim Overlay District both in the area abutting Kendall Square and an area in the vicinity of Cambridge, Columbia, and Webster Streets in the Wellington-Harrington neighborhood.

As you may know, the Board was prepared to recommend a permanent rezoning of these areas which was based on a six month study recently undertaken by the Community Development Department. However, during our consideration of the petition, we were presented with a request to delay our recommendation by a group of major property owners. This request was made in the hopes that with further discussion and study, a petition could be filed which was more acceptable to all parties.

Although we do not completely agree with the voluntary moratorium concept presented by the landowners, we do think that, in the spirit of cooperation, additional time should be provided through an Interim Overlay which will allow further discussion. It is anticipated that through such discussion, a mutually agreeable petition will be submitted to Council within three months.

We therefore respectfully request that the enclosed amendment be submitted for your positive consideration and approval.

For the Planning Board:

Paul Dietrich (RM)

Paul Dietrich, Chairman

INDUSTRY B INTERIM OVERLAY ZONING DISTRICT

Whereas, the land area currently zoned Industry B abutting Kendall Square has been under study because it is the last remaining area of Industry B zoning which has not received careful planning review; and

Whereas, there is concern that the Industry B zoning district is no longer appropriate as a means of regulating new development in Cambridge; and

Whereas, it is recommended that additional analysis be undertaken to determine the appropriate regulatory framework for future development in the area;

Now therefore, there is hereby established the Industry B Interim Zoning Overlay District in the area herein described having the following requirements:

1. All requirements of the Industry B zoning district shall apply except as modified and limited by the requirements of this Section's subsection 2-4 below;
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Section 3.17

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- 1.0 Rezone an area currently zoned Industry B to Industry B with the Industry B Interim Zoning Overlay District circumscribed by a line said line beginning at a point said point being the intersection of the centerlines of Portland and Main Streets,
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2.0 Rezone an area currently zoned Industry B to Industry B with the Industry B Interim Zoning Overlay District circumscribed by a line said line beginning at a point said point being the intersection of the centerlines of Webster Avenue and Elm Street with the Somerville/Cambridge boundary,

2.1 Thence proceeding in a southwesterly direction along the centerline of Elm Street to a point 100 feet distant from the northern side line of Cambridge Street,

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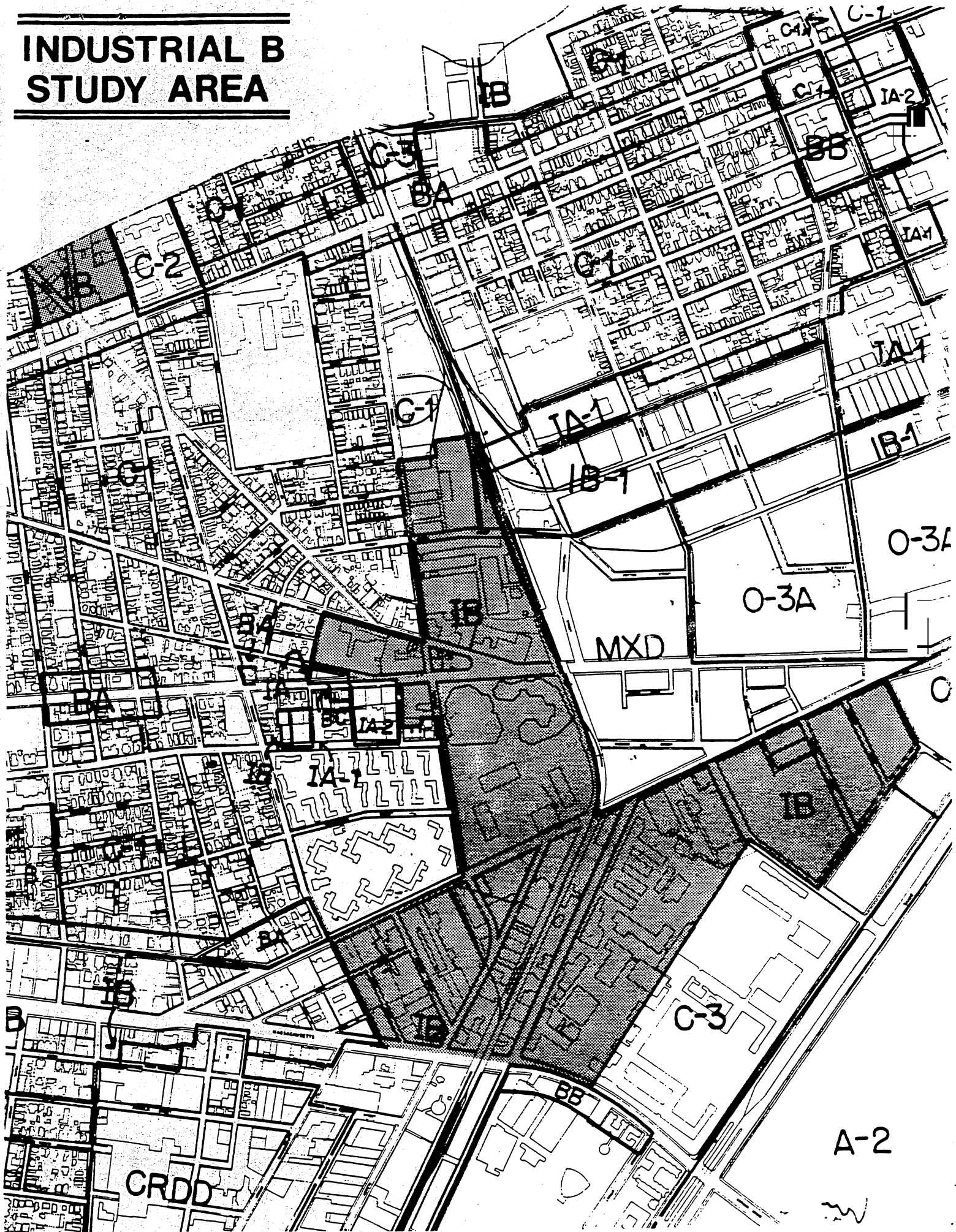
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INDUSTRIAL B STUDY AREA



Charter Right #18

MOTION FOR RECONSIDERATION SUBMITTED BY COUNCILLOR WALTER J. SULLIVAN
OFFICE OF CITY CLERK

1989 APR -4 AM 10:16

APRIL 4, 1989

CAMBRIDGE MA.

Date

Councillor Walter Sullivan has notified the City Clerk of his intention to move Reconsideration of a motion of the City Council made on Monday, April 3, 1989 to refer to the Planning Board and the Committee on Ordinances a communication from the City Manager, transmitting a proposed amendment to the Zoning Ordinances as submitted by the Planning Board to establish an Industry B Interim Overlay District, both in the area abutting Kendall Square and an area in the vicinity of Cambridge, Columbia and Webster Streets.

Walter J. Sullivan
Signature



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

March 27, 1989

To the Honorable, the City Council:

Enclosed please find copy of an amendment to the Zoning Ordinance of the City of Cambridge which would establish an Industry B Interim Overlay District in the Wellington-Harrington Neighborhood.

Very truly yours,

Robert W. Healy
City Manager

RWH/dls
enc.

Re: enclosed proposed amendment to the Zoning Ordinances from the Planning Board to establish an Industry B Interim Overlay District both in the area abutting Kendall Sq. & an area in the vicinity of Cambridge, Columbia & Webster St.'s.

4/7/89 - Referred to the Planning Board & Ord. Committee for hearing & report.
See enclosed letter & opinion from City Solicitor

4/7/89 - sent to Planning Board & Ord. Committee
de.

In City Council,

March 27, 1989

5/31/89 Placed on hold due to hearing not held in required time