



# CITY OF CAMBRIDGE

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

LAW DEPARTMENT

RUSSELL B. HIGLEY  
ACT. CITY SOLICITOR

EDWARD A. CUNNINGHAM  
ANDREW T. TRODDEN  
CHARLOTTE C. BURRAGE  
LEGAL COUNSEL

CHARLES A. WATSON  
LEGISLATIVE AGENT

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MAY 5 5 53 PM '77  
CAMBRIDGE, MASS.

May 2, 1977

Mr. Paul E. Healy  
City Clerk  
City Hall  
Cambridge, Massachusetts

Dear Mr. Healy:

You have requested an opinion on behalf of the Ordinance Committee relative to the adequacy and legality of the advertising of the hearings regarding the petitions of William Roth and Brian Kullman. Said petitions requested the amendment of certain portions of the zoning ordinances of the City of Cambridge.

In reviewing the advertisements which you have sent to me, I can find only two areas of possible concern. They are as follows:

1) the hearing scheduled for April 19, 1977 was advertised only once, on March 31.

2) the several advertisements for public hearings made reference to a proposal for the creation of a so-called "Business Special District 1", whereas the first publication of the proposed ordinance resulting from these meetings seeks to replace the "Business Special District 1" designation with a so-called "Business C" designation.

As you are aware, General Laws, Chapter 40A, section 5, relating to the adoption or change of zoning ordinances, provides that "...No defect in the form of any notice under this chapter shall invalidate any zoning by-laws or ordinances unless such defect is found to be misleading."

Mr. Paul E. Healy  
City Clerk

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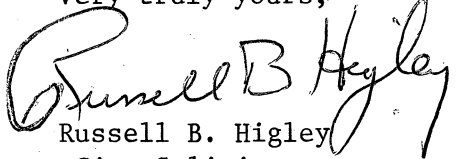
May 2, 1977

It is my opinion that the irregularities abovementioned are not of a severe nature and are not inherently misleading. Based on this assumption, I would deem the notices both adequate and valid.

It should be noted, moreover, that pursuant to General Laws, Chapter 40A, section 5, no claim of invalidity of a zoning ordinance arising out of any possible defect in the procedure of adoption or amendment can be made in any legal proceeding subsequent to one hundred and twenty days from the date of adoption of said ordinance.

If you have any further questions, please let me know.

Very truly yours,

  
Russell B. Higley  
City Solicitor

RBH:jl

0-29

Comm. from Russell B. Higley, City Solicitor,  
re: adequacy and legality of the advertising  
of the hearings regarding the petitions of  
William Roth and Brian Kullman.

In City Council,  
May 9, 1977

5/9/77  
Placed on File -  
with the petitions -