



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

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DONNA P. LOPEZ
CITY CLERK

DATE: SEPTEMBER 18, 2014

TO: THE HONORABLE, THE CITY COUNCIL

FROM: DONNA P. LOPEZ, CITY CLERK 

SUBJECT: TIMOTHY R. FLAHERTY, ET AL ZONING PETITION

Please be advised that due to a clerical error the only expiration date listed on the Calendar of September 15, 2014 as Calendar Item Number Eight (**ATTACHMENT A**) for the Timothy R. Flaherty, et al Medical Marijuana Overlay zoning petition (the "Petition") was September 30, 2014, pursuant to G.L. Chapter 40A, §5. The expiration date for the Petition should have been listed as September 15, 2014, pursuant to Section 1.52 of the Zoning Ordinance as well as being listed as September 30, 2014, pursuant to G.L. Chapter 40A, §5. Both dates appear on the Zoning Chart which is listed under Appended Information of the City Council Packets (**ATTACHMENT B**).

Section 1.52 of the Zoning Ordinance provides that "*failure of the City Council to take action on a petition for a zoning amendment within ninety days after the Planning Board's hearing on said petition shall render the petition inactive. Such failure to act shall not be considered unfavorable action but shall require another Planning Board public hearing, in accordance with the requirements of Section 5, Chapter 40A of the General Laws, prior to any subsequent City Council action on the petition.*"

G.L. Chapter 40A, §5 provides "*If a city council fails to vote to adopt any proposed ordinance within ninety days after the city council hearing ..., no action shall be taken thereon until after a subsequent public hearing is held with notice and report as provided.*"

The Planning Board held a hearing on the Petition on June 17, 2014. Ninety days from the Planning Board hearing was September 15, 2014. The City Council failed to take action on the Petition on September 15, 2014. This rendered the Petition inactive. Pursuant to Section 1.52 of the Zoning

Ordinance, such failure to act is not considered unfavorable action but requires another Planning Board public hearing, in accordance with the requirements of G.L. Chapter 40A §5, prior to any subsequent City Council action on the Petition.

If the City Council would like to further consider and act upon the Petition, I recommend that at the City Council meeting of September 22, 2014 the City Council vote to refer the Petition to the Planning Board and the Ordinance Committee for further hearing and report pursuant to Section 1.52 of the Zoning Ordinance and G.L. Chapter 40A, §5.

Your kind attention in this matter will be greatly appreciated.

City of Cambridge

MASSACHUSETTS

City Council Calendar No. 18
Monday, September 15, 2014

At 05:30 PM

ON THE TABLE

1. That the City Manager is requested to confer with the Cambridge Arts Council to determine the types of spaces that are most needed within the local arts community with the view of using the Foundry to fill those needs and to allocate appropriate funds to make appropriate upgrades for the purpose of creating a community arts center. **(Order Amended by Substitution.) Order Number Ten of January 27, 2014 Placed on Table on motion of Mayor Maher on January 27, 2014.**
POR 2014 #18

NO ACTION TAKEN.

2. An application was received from Ting-hsu Chen requesting permission to widen the existing curb cut at the premises numbered 14 Soden Street; said petition has received approval from Inspectional Services, Traffic, Parking and Transportation, Historical Commission and Public Works. No response has been received from the neighborhood association. **Applications and Petitions Number Six of February 24, 2014 Placed on Table on motion of Councillor Simmons on February 24, 2014.**
APP 2014 #11

NO ACTION TAKEN.

3. That the City Council go on the record in opposition to any type of casino project in the Greater Boston area whether constructed and managed by Mohegan Sun or Wynn Resorts. **Charter Right exercised by Councillor Simmons on Order Number Five of June 16, 2014. Placed on the Table on the motion of Councillor Cheung on June 30, 2014.**
POR 2014 #202

NO ACTION TAKEN.

4. A communication was received from Donna P. Lopez, City Clerk, transmitting a report from Vice Mayor Dennis A. Benzan and Councillor Dennis J. Carlone, Co-Chairs of the Ordinance Committee for a public hearing held on June 4, 2014 to discuss creating a new Chapter in the Cambridge Municipal Ordinance entitled "Prohibiting the Use of Wild and Exotic Animals in Traveling Shows and Circuses". **Committee Report Number One of June 30, 2014 Placed on Table on motion of Vice Mayor Benzan on June 30, 2014.**
CRT 2014 #19

**REPORT ACCEPTED, PLACED ON FILE AND TWO ORDERS ADOPTED SEE ORDER
#12 AND #13**

5. A communication was received from Donna P. Lopez, City Clerk, transmitting a report from Vice Mayor Dennis A. Benzan and Councillor Dennis J. Carlone, Co-Chairs of the Ordinance Committee for a public hearing held on June 18, 2014 to discuss revisions to the Cambridge Municipal Code Section 9.04.050 (A) Defacing public property of Chapter 9.04 entitled "Offenses Against Property". **Committee Report Number Five of June 30, 2014 Placed on Table on motion of Vice Mayor Benzan on June 30, 2014.**
CRT 2014 #23

NO ACTION TAKEN.

UNFINISHED BUSINESS

6. A communication was received from Donna P. Lopez, City Clerk, transmitting a report from Councillor David P. Maher, Chair of the Ordinance Committee for a public hearing held on November 22, 2013 to conduct a public hearing on an amendment to the Municipal Code by adding a new Chapter 8.68 entitled "Concussion Prevention and Management in Youth Activities at City Facilities." **The question comes on passing to be ordained on or after December 23, 2013.**
CRT 2013 #89

NO ACTION TAKEN.

7. A communication was received from Donna P. Lopez, City Clerk, transmitting a report from Councillor David P. Maher, Chair of the Ordinance Committee for a public hearing held on December 19, 2013 to conduct a public hearing on an amendment to the Municipal Code in Chapter 8.67 entitled relating to Plastic Bag Reduction. **The question comes on passing to be ordained on or after February 24, 2014.**
CRT 2014 #1

NO ACTION TAKEN.

8. A communication was received from Paula M. Crane, Administrative Assistant, City Clerk's Office, transmitting a report from Vice Mayor Dennis A. Benzan and Councillor Dennis J. Carlone, Co-Chairs of the Ordinance Committee for a public hearing held on July 2, 2014 to discuss the Timothy R. Flaherty, et al. zoning petition requesting the City Council to amend the Zoning Map of the City of Cambridge to expand the Medical Marijuana Overlay District, MMD-1 to encompass 61 Mooney Street. ***The question comes on passing to be ordained on or after August 11, 2014. Planning Board Hearing held June 17, 2014. Petition expires September 30, 2014.***
CRT 2014 #26

NO ACTION TAKEN.

9. A communication was received from Donna P. Lopez, City Clerk, transmitting a report from Councillor Timothy J. Toomey, Jr., Chair of the Government Operations, Rules and Claims Committee for a public hearing held on August 14, 2014 to review expenditures/allotments in reference to the City Council Travel and City Council Resolutions with possible amendments, the position of Deputy City Clerk and any other items that may properly come before the Committee. **Report Accepted and Placed on File two orders adopted 8-0-1 see order #13 and #14. Committee Report Number Two of September 8, 2014 Rule 38 - Travel Policy - Placed on Unfinished Business for one week.**
CRT 2014 #30

NO ACTION TAKEN.

APPENDED INFORMATION

◆ Awaiting Report

◆ Pending Zoning Chart

9/15/14

PENDING ZONING PETITIONS

| Zoning Petition | In City Council | Ordinance Hearing Date | Passed to a 2 nd Reading | Planning Brd. Hrg. (at least 21 days before ordination date) | Date Rpt. Rec'd | Expiration |
|--------------------------------------|-----------------|------------------------|-------------------------------------|--|-----------------|---|
| Timothy R. Flaherty, et al. | 5/19/14 | 7/2/14 | 7/28/14 | 6/17/14 | 6/30/14 | 9/15/14-Per Cambridge Zoning Ordinance |
| Dennis Carlone, et al. | 6/30/14 | 7/30/14 & 8/27/14 | | 8/5/14 | 8/27/14 | 11/3/14-Per Cambridge Zoning Ordinance |
| Cambridge Highlands Overlay District | 7/28/14 | 9/3/14 | | 9/16/14 | | 10/28/14-Per State Law |
| North Point Parking Revision | 9/8/14 | 10/15/14 | | 10/21/14 | | 12/15/14-Per Cambridge Zoning Ordinance |
| Charles D. Teague et al. | 9/15/14 | | | | | 12/2/14-Per State Law |
| | | | | | | 1/19/15-Per Cambridge Zoning Ordinance |
| | | | | | | 1/13/15-Per State Law |