

**From:** David Levitt [dalevitt@verizon.net]  
**Sent:** Sunday, January 11, 2015 7:36 PM  
**To:** City Council  
**Cc:** Lopez, Donna  
**Subject:** written Law Dept opinion needed on the Planning Board's discretion to deny Special Permits

**Importance:** High

Citywide planning in Cambridge badly needs significant improvements. The first joint meeting of Council and the Planning Board, which I attended, suggested that Council is just beginning to see that. The joint meetings are a great idea.

Please continue to dig and push until we have short and long-term plans and practices that meet the needs of Cambridge residents. You might consider holding a series of information meetings around the city devoted entirely to development and planning, attended by staff and some Council member.

Please have the Law Department publish its opinion with citations on the Planning Board's discretion to deny Special Permits as ordered by the council on November 14 2014 and which the City Solicitor offered to write on Jan 5 2015.

Please ensure that the opinion addresses Attorney Costa's opinion letter, specifically this sentence: *Stating that a special permit "may be," instead of "will normally be," granted is consistent with and underscores the holding in Humble Oil v. Board of Appeals of Amherst, 360 Mass. 604, 605 (1971): "The mere fact that the standards set forth [in a bylaw or ordinance] are complied with does not compel the granting of a special permit. . ."*

--David Levitt

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