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## CITY OF CAMBRIDGE

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

July 29, 2013

Richard C. Rossi  
City Manager  
City Hall  
Cambridge, MA 02139

***Re: Council Order Number O-4 of 4/29/13 Re: Report on Clarifying the  
Expiration Date for Zoning Petitions Filed in the City***

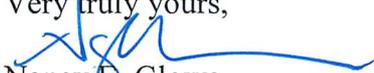
Dear Mr. Rossi:

This is written in response to the above-entitled Council Order, which requests this office "to clarify the expiration date for zoning petitions filed in the City of Cambridge – either 90 days from the date of the first Planning Board meeting or 90 days from the first City Council Ordinance Committee meeting."

The provisions of the Zoning Act, Chapter 40A of the General Laws, and the Cambridge Zoning Ordinance are not identical as to this issue. Chapter 40A, Section 5 provides in the fourth paragraph: "If a city council fails 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." Section 1.52 of the Zoning Ordinance provides: "Failure of the City Council to take action on a petition for a zoning amendment within ninety (90) days after the Planning Board's hearing on said petition shall render the petition inactive."

Because the provisions of the Zoning Act and the Zoning Ordinance are not identical in this regard, the date of expiration for each zoning petition must be determined by looking at the date of the first Ordinance Committee hearing on the matter and the date of the first Planning Board hearing on the matter, so the City Council's actions with respect to the petition will comply with the provisions of both the Zoning Act and the Zoning Ordinance. Therefore, the City Council should act within 90 days of the earlier of those two dates in order for the petition not to be rendered inactive.

Very truly yours,

  
Nancy E. Glowa  
City Solicitor