

Cambridge Planning Board
344 Broadway
Cambridge MA

February 25, 2014

Re: Sullivan Courthouse Petition #288 Leggat McCall, Developer

To the Members of the Planning Board,

The proposed petition does not meet the test for a special permit approval under MGL40A Section 6 and the corresponding Cambridge Zoning Ordinances governing the extension of non-conforming structures and uses:

“Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by ordinance or by-law that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.”

The previous use and structure was solely intended as a public use. Indeed, the non-conformance to Cambridge Zoning Law was allowed only because of governmental exemption for the greater good of the general public.

Unless the petitioners can show that can meet this higher standard of use, that is, use for the greater good of the general public, the petition fails in showing it is not substantially more detrimental then the existing nonconforming use.

What defines use for the greater public good in general? The zoning law provides some guidance (traffic, parking, light and noise pollution , bulk and height restrictions) but does not address the question of comparing the previous public good (a major regional public courthouse and jail) to the good of a private property owner who would not have received exemption from zoning requirements.

At a minimum, the people who have born the brunt of the building's non-conformance all these years should have standing in determining conformance to the Section 6's standard. I believe it is the responsibility of the Planning Board to specifically represent the concerns of the neighborhood in determining this.

Please deny the current petition until the concerns of the neighborhood are addressed.

Tom Stohlman
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