

348 Franklin Street  
Cambridge, Massachusetts 02139-3731

APR 15 1985  
CITY CLERK

APR 25 2 15 PM '85  
CAMBRIDGE MASS.

TO THE HONORABLE, THE CAMBRIDGE CITY COUNCIL:

Harvard Square may be on the verge of its most destructive action in recent memory. Attorneys from Harvard University and the City of Cambridge are putting together an agreement in court which would encourage the destruction of many small buildings in the square.

For six years Harvard and the city have been in court about the Harvard Square Overlay District which was written by the city's development department in 1979, and which was not passed in 1979 by the city council. Harvard University filed a written protest against the proposal while it was pending, forcing a need for seven votes in the council vote. The proposal got six votes.

After the proposal lost, the city council voted 5-4 that the council only needed six votes to pass, not the seven spelled out in the statute. The council followed with orders, 5-4, directing city administrators to act as if the district had passed and directing the city manager to institute suit to prove that the matter only needed six votes.

The council meant well. The development department, then and now, has bragged about design criteria in the document which would regulate the looks of new buildings. The development department does not inform the council or the public that the fine print encourages the destruction of old buildings, small structures which create a major part of the identity of Harvard Square.

The fine print attacks small buildings by removing yard requirements from the existing zoning. These yard requirements increase with building size. They work in such a manner that small lots do not have enough room for the large yards mandated in the case of the largest buildings. Existing small buildings on small lots are, in many cases, the largest buildings allowed on small lots because of the yard requirements.

The area most directly impacted by this proposal is the area just west of Putnam Square between Massachusetts Avenue and Mount Auburn Street, including Bow, Arrow and Plympton Streets.

Five residential type structures on seven lots between Mount Auburn and Mass./Arrow exemplify the threat posed by this unexplained fine print. Without the overlay district a developer has no reason to destroy any of these buildings unless he can accumulate all of them. The lots are too small for very large buildings. Only by accumulating all of these lots can a developer build a new structure the size of 1000 Massachusetts Avenue.

If the fine print, which the city council did not pass, is made law, developers will have no reason to save these small buildings. The buildings may be destroyed one-by-one, and replaced with structures three times their size.

This fine print is part of a decade-long effort by the development department to destroy meaningful yard requirements in Cambridge zoning.

In 1976, the development department sneaked through fine print in the Townhouse Ordinance. They replaced yard requirements in residential districts which called for yard space to increase with building size, by inserting requirements for nominal yards. Look around our city today, particularly in the central neighborhoods, to see what this did.

The development department and planning board submitted some ten recommendations over a five year period asking the city council to kill yard requirements, in one manner or another, on Mass. Ave. between Putnam Square and City Hall. They were defeated every time. They insulted the city council by proceeding with their desired zoning in an attempted illegal building at 871 Massachusetts Avenue. That matter is now in court, thanks to an abutter.

Many other proposals have had comparable language.

Now Harvard wants to build retail plus fifty grad student apartments on Mount Auburn Street, between Banks Street and Putnam Avenue. They want to destroy the historical building at the corner of Banks, plus tear down the two one-story structures next to it. They want to replace it with a structure built to the lot line at the sidewalks on Mount Auburn and Banks. This structure would tower over the residential neighborhood, and fit in with nothing but with a future solid wall of buildings marching west from Putnam Square.

The real zoning won't permit that massive building. That structure is only legal under the fine print in the overlay district proposal which did not pass. Harvard has thus agreed to lose the fight over the overlay district. Six years too late, they want to withdraw their objections.

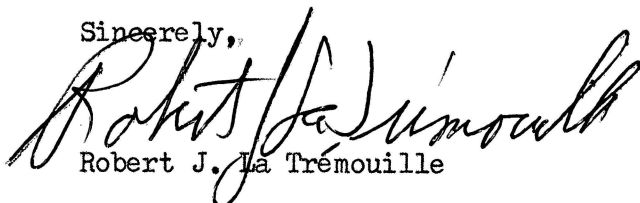
The city's attorney is obeying his instructions. His instructions are to win, based on the inadequate knowledge of the city council in 1979.

The city council must change the instructions to its attorney. It must direct him to lose the case. In the alternative, the council should ask Judge Ginsburg to delay action a week or three to permit the council adequate deliberation. That's not much after six years.

It is very distressing to ask for this. It has been very distressing over the past several years to see the expert knowledge of the development department being used to hurt the city of Cambridge. It has been very distressing to see the development department asked by the city to draft zoning legislation for good causes, and to see the development department write legislation in which the fine print is more important than pages of great language.

The Harvard Square Overlay District is one of the abuses of trust which has been done by the development department. The city council has a chance to save the city from this particular abuse of trust, years after it occurred. I hope that the city council will do so.

Sincerely,



Robert J. La Tremouille

0-24

Comm. from Robert J. LaTremouille, Esq. expressing concern for the Harvard Square Overlay District area.

In City Council,

April 29, 1985

4/29/85

- Reported to the  
Petition