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RECEIVED BY
OFFICE OF CITY CLERK

JUN 12 10 50 AM '84 May 7, 1984

CAMBRIDGE, MASS.

Secretary
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, MA. 02202

Attention: MEPA Unit

RE: EOE A #4931

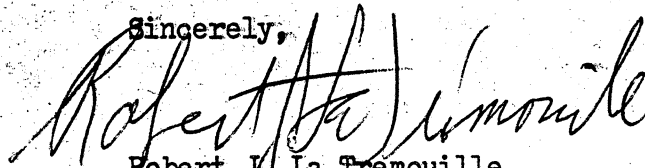
Sir:

I have had an extremely unusual time attempting to obtain a copy of this document, highlighted by MBTA actions which I do not consider constructive. Senator George Bachrach was kind enough to loan me his copy. The Mystic River Watershed Association also offered to loan me theirs, and forwarded a copy of their submission on this matter.

I find the MRWA submission impressive and complete. Particularly distressing is the MBTA failure to provide the no-build option the level of importance which it deserves and which was directed by the secretary.

Of other possible interest to the secretary are pending zoning changes in the City of Cambridge. So-called "technical amendments" would have direct impact on construction by Spaulding and Slye. Present P.U.D. zoning has provisions "allowing transfers [of development rights] from unbuildable areas to buildable areas" (EOEA 4326, page IV-37). This privilege is only available, at present, to developers holding 20 acres or more of land in the area. Spaulding & Slye owns 18.5. The "technical amendments" would reduce required holdings to .57 acres, five house lots. The C.D.D. has also proposed a change which would have modified maximum allowed accessory parking by changing the limits to limits only in unusual situations. That change was withdrawn when I publicly objected. Both proposals were included in legal advertisements, but neither advertisement included meaningful description of these important aspects. Neither advertisement even quoted the language of the change.

Sincerely,



Robert J. La Trémouille
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JUN 12 10 30 AM '84

James S. Hoyte, Secretary
Executive Office of Environmental Affairs
100 Cambridge Street, 20th Floor, MEPA Unit
Boston, Massachusetts 02202

RE: Alewife Local Roadway Improvements, Cambridge, Final EIR, EOE #4326; my comments on pages VI-13 to VI-18; city response on pages VI-36 and VI-37

Gentlemen:

The city response to my comments includes two key points:

1. "The total permitted buildable floor area in the Triangle was not changed by [the 1981 "Technical Amendments"] . . . allowing transfers [of development rights] from unbuildable areas to buildable area . . ."

Prior to the 1981 amendments, the maximum FAR allowed on any given lot was 2.0. An "unbuildable area" under that zoning would presumably have seen an FAR of 0.0. Assuming maximum transfer of development rights to an equal sized "buildable area", the transfer would result in an FAR of 4.0 on the latter, under the 1981 zoning.

There is a big difference between the old zoning, allowing two equal sized areas with FAR's of 0.0 and 2.0, and the new zoning, allowing 0.0 and 4.0 respectively. Under the old zoning the two lots would average 1.0 FAR; under the 1981 zoning the two lots would average 2.0 FAR.

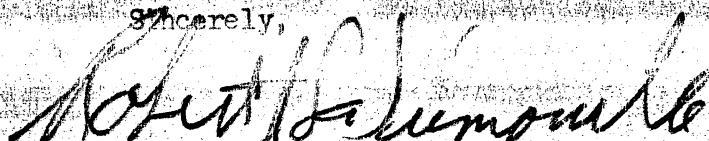
2. "The City Solicitor's written opinion of June 29, 1983, does not relax the zoning regulations."

The City does not dispute my statement which reads, "The City Solicitor ruled, as a matter of law, that the earlier, more general provisions of the ordinance took precedence over the later, more specific provisions governing the PUD in question." Extremely basic rules of legal interpretation state that, in the case of a conflict within a document, (1) more specific provisions take precedence over more general and (2) if the document has been amended, the provision adopted later takes precedence over the provision adopted earlier.

The City Solicitor would allow PUD benefits to Spaulding & Slye (18.5 acre holdings) not allowed under the 20 acre minimum holding spelled out in the PUD language. PUD benefits include FAR transfer (point 1, above), reduction or elimination of yard requirements, and elimination of maximum limits on accessory parking.

On January 9, 1984, and March 8, 1984, the city's Planning Board filed "Technical Amendments" to the zoning ordinance. Included in this proposal was a provision, never meaningfully advertised, which would reduce minimum holding requirements from 20 acres to 0.57 acres. Passage by the city council is an open question.

Sincerely,


Robert J. La Trémouille
Attorney at Law

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118-461
Comm. from Robert J. LaTremouille, Esq.,
transmitting a copy of a comm. he sent to
the Secretary of the Office of Environment-
tal Affairs Re: Alewife Local Roadway
Improvements.

In City Council,

June 25, 1984

6/25/84

Placed on File-