

June 9, 1986

To: Robert Healy, City Manager

From: Charles Sullivan, Historical Commission *CHS*

Re: Council Order No. 2 of 6/2/86 re Houghton Beech

The Houghton Beech Tree at 1000 Massachusetts Avenue was designated a landmark by the City Council on October 28, 1985. The owners appealed the designation to the Superior Court on November 27, 1985, as provided under Section 11 of Ordinance 1002, the enabling ordinance for landmark designations.

A representatives of the Law Department, an attorney member of the Historical Commission, and I met with the owner's attorney shortly after the first of the year to discuss the owner's concerns. The Commission has indicated a willingness to accommodate, to the extent consistent with the Ordinance and the Order establishing the landmark, the owner's need to gain review of his plans well in advance of construction. To my knowledge, no response has been forthcoming and the appeal has not been pursued.

cc: Russell Higley, City Solicitor
Joseph Cellucci, Commissioner
Inspectional Services Dept.



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9020

LAW DEPARTMENT

RUSSELL B. HIGLEY
CITY SOLICITOR

MICHAEL C. COSTELLO
ASSISTANT CITY SOLICITOR

SEVERLIN B. SINGLETON, III
BIRGE ALBRIGHT
DONALD A. DRISDELL
LEGAL COUNSEL

June 13, 1986

Robert W. Healy
City Manager

RE: Houghton Beech Tree - Council Order No. 2 of June 2, 1986

Dear Mr. Healy:

As reported to you by Charles Sullivan on June 9, the Houghton Beech Tree was designated a landmark by the City Council on October 28, 1985. The owners of the property challenged this designation by a Complaint in the Superior Court dated November 27, 1985. 1000 Massachusetts Avenue Associates, Inc. v. City of Cambridge et al. (Civil Action No. 85-7092). The City's Answer was filed on December 23, 1985.

On February 7, 1986, Charles Sullivan, William B. King, Esq. and myself met with Randolph Tucker, Esq., Plaintiff's attorney. At this meeting we discussed ways of accomodating the City's desire to protect the tree and Plaintiff's desire to develop the parcel of land. One suggestion was that the tree could be protected through the giving of a conservation easement by the Plaintiff to the City.

The Plaintiff has not yet reacted to this suggestion, nor has it taken further steps to press its lawsuit.

Very truly yours,

Birge Albright
Birge Albright

BA/a
cc/Russell B. Higley
Charles Sullivan
Joseph Cellucci



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

June 16, 1986

To the Honorable, the City Council:

In response to Awaiting Report No. 27 regarding a status report on the Houghton beech tree landmark at 1000 Massachusetts Avenue, I submit the attached reports from the Historical Commission and the Law Department. As outlined, representatives of both departments have met with the owner's attorney but no response has been received to suggestions and the owners have not any pursued legal remedies.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert W. Healy", is written over a horizontal line.

Robert W. Healy
City Manager

Agenda Item No. 13 S -400

Re: response to Awaiting Report Item No. 27,
a status report on the Houghton Beech Tree
landmark at 1000 Mass. Avenue.

In City Council,

June 16, 1986

Placed on File