

Elie Yarden
143 Pleasant Street, 2A
Cambridge, MA 02139

January 5, 1999

Robert W. Healy
City Manager
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Mr. Healy,

On December 29, 1998, I received by Certified Mail the BZA decision on my appeal of the issuance of a Garage Building Permit to 784 Memorial Drive LLC for the construction of a 577-car commercial parking garage, by Commissioner Bersani on February 5, 1998. This decision, Board of Zoning Appeal, Case No. 7743, was filed with the City Clerk at 2:00 PM, Dec. 23, 1998, leaving me twenty days for appeal. As I indicated verbally, I intend to pursue this matter further. I have also spoken to Mr. Drisdell and to Mr. Higley about the possibility of mediation of the dispute between Commissioner Bersani and the Cambridgeport Neighborhood Initiative of which I am a co-chair.

With this letter, I am formally requesting you to set up a mediation of the dispute, bringing all parties to a discussion and resolution of the substantive issues, thus avoiding, if possible, unnecessary and costly litigation. I do not know what the city's resources are for mediating disputes between citizens and officials of the city acting improperly in their official capacities. Nor have I been able to discover this in my brief conversation with Mr. Drisdell. Mr. Stash Horowitz tells me that he mentioned to you the possibility of bringing the parties to the dispute together, some time ago, and that you would consider it. This remedy was also suggested at a Council meeting by Councillor Reeves. My assent to Councillor Reeves' suggestion to you was public.

I propose that we use whatever professional mediation services the city can employ to bring Commissioner Bersani, whichever other staff he would find useful in exploring the factual circumstances, together with myself, Stephen Kaiser, and Stash Horowitz.

While our dispute is solely with the action of Commissioner Bersani in issuing the permit, in violation of the regulations and procedures in the Cambridge Zoning Ordinance, I strongly suspect that the City would not be able to support any mediated resolution, did principals of 784 Memorial Drive LLC not agree to it. Therefore, if you believe it to be expeditious to include them, I certainly can find no objection. Substantive concerns are best addressed in a non-litigious dialog, but our belief that both the letter and the intent of the ordinance have been violated in the granting of the permit, may make the presence of legal counsel for the Building Commissioner and the City useful. If 784 Memorial Drive LLC is present as an interested party, bringing legal counsel, we might need to bring ours as well.

I am quite convinced of the merits of our arguments, and of the need of bringing them forward. The regulations which have been ignored are there for the protection of the citizens of Cambridge. When regulations intended to protect the citizens are interpreted to their disadvantage, protest is in order, and this is what we have done. In this particular case, I believe that it is

especially important that the City not squander tax money defending itself in a Court of Law from suits by citizens whose chief concern is the welfare of the City and its citizens. But I will be filing such an appeal in court before the indicated deadline, as a precaution against shutting the door on an unresolved matter which deserves to be more fully explored and known. It may be that little is gained by keeping the issue alive; there is much lost by failing to do so.

I hope to have your response soon. I will be happy to discuss the matter of mediation with you in person at your earliest convenience and will call your office for an appointment. My telephone number is 491-5350.

Sincerely yours,



Elie Yarden,
co-chair, Cambridgeport Neighborhood Initiative (CNI),
abutter of 784 Memorial Drive

Copies: Mr. Robert Bersani, Commissioner, Inspectional Services Dept.
Mr. Donald Drisdell, Deputy City Solicitor
Mr. Stash Horowitz, co-chair CNI
Mr. Thomas Bracken, attorney, Baram & Bracken
Councillor Ken Reeves

143 Pleasant Street, 2A
Cambridge, MA 02139

February 5, 1999

Robert Healy
City Manager
City Hall
Cambridge, MA 02139

Dear Mr. Healy,

On Thursday, 28 January, 5:30 PM, in the Ackerman Room at City Hall, there was a hearing concerning the removal of a 24-inch maple tree on Putnam Avenue behind the property of 784 Memorial Drive LLC. Mr. Larry Acosta, City Arborist, stated that he would be directing his report and recommendations to you promptly and I assume that you have since received it. Please send me a copy of this official correspondence at your earliest convenience.

Sincerely yours,



Elie Yarden,
co-chair CNI and abutter

copy to Larry Acosta,
City Arborist

1999 FEB 18 A 10:40

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Cambridge City Council
c/o City Clerk
795 Massachusetts Avenue.
Cambridge, MA 02139

Elie Yarden
143 Pleasant Street, 2A
Cambridge, MA 02139

February 18, 1998 A 10:40

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Communication: for the City Council Meeting of February 22, 1999
Subject: Irresponsiveness of the City Manager's Office

The Honorable, the Cambridge City Council.

Attached for your information -- and consideration -- are copies of two letters addressed to the Office of the City Manager.

The first, dated January 5, 1999, concerns matters which may be brought to your attention by that office. It is important that you have a clear indication of the desire and willingness of the Cambridgeport Neighborhood Initiative (CNI) to engage in a broad and productive dialog. Rather than accede to the action of the Commissioner of Inspectional Services, and of the Board of Zoning Appeal, which, unduly prejudiced in favor of 784 Memorial Drive LLC the issuance of a commercial garage building permit -- subject to a limitation that the proponent apparently had no intention of fulfilling, we have sought mediation of the dispute. We have received no response.

The second letter, dated February 5, 1999, is a request for information about the removal of a 24-inch maple tree on Putnam Avenue, requested by the principals of 784 Memorial Drive LLC. Since this removal is clearly *not* needed for the purpose of constructing a parking facility in accordance with the garage building permit issued to 784 Memorial Drive LLC on February 5, 1998, I am concerned that an action as unwarranted and arbitrary as the granting a garage building permit that made the removal of the tree unnecessary will be attempted. Here again, there has been no response.

While these issues may be minor, and thus easily resolved by your attention, their handling does reflect on the question of whether the city is governed in the interest of its citizens as a whole, or for the sake of a few. The actions of its appointed officers are the concern of the City Council.



Elie Yarden
co-chair, Cambridgeport Neighborhood Initiative (CNI),
abutter of 784 Memorial Drive

Consent Communication, #38

S- 1245
A communication was received from
Elie Yarden, Co-Chair, Cambridgeport
Neighborhood Initiative, transmitting
concern about the lack of response from
of the City Manager's Office.

In City Council February 22, 1999

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