

COMMITTEE ON THE HIGH SCHOOL
MID-CAMBRIDGE NEIGHBORHOOD ASSOCIATION
67 Highland Avenue, Number 2
Cambridge, Massachusetts 02139

October 27, 1975

City Council
City of Cambridge

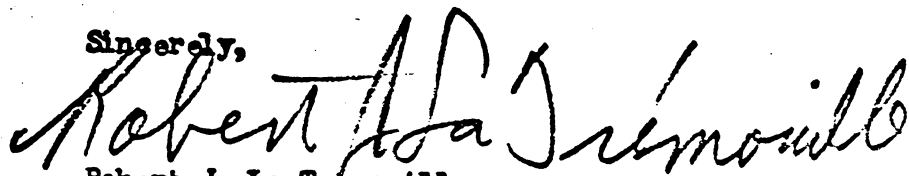
Last Monday, October 20, in order to better prepare for the apparently forthcoming litigation, I obtained a copy of the E.A.F. in the high school project. On showing it to Byrle Breny, and discussing it with Mid-Cambridge's High School Steering Committee, the real impact of this document and why Myron Miller was prevented from responding to it are beginning to come out.

In order to ensure that you are fully informed, I am enclosing the document and Byrle's analysis thereof for each of you. We intend to study this document further and will most likely formally comment on it to the appropriate officials. Comments appropriate at this time are deletions, falsifications and material changes.

The presentation of this report that all which is being accomplished in the destruction of Library Park is rearrangement of existing high school grounds is particularly objectionable inasmuch as every legal opinion given the city, including McCarthy's, refers to it as library land. Our formal analysis will, of course, also include the effects of the "parkland" which turns out to be 80 parking spaces as a change which I predicted last summer, and an analysis of the 61 parking spaces which are still floating in the air, getting ready to be called "parkland" or to land on the neighborhood streets in the form of teachers' cars with Cambridge stickers, and in the form of carbon monoxide pollution.

The more I research this plan, the more deception comes to light. The more have we the real high school plan in plain view, the more do we see why the developer has tried so much to delay public knowledge of it. Many of you claim to be in a rush to build or remodel high school facilities. The longer you stall the inevitable decision to abandon this bad, not yet fully uncovered, plan, the longer will you delay the adoption of whatever plan, if any, is adopted. I have and I continue to deal with you in full candor and in public record. The responsibility for delay lies with those who have obscured the truth and on those who, as the truth unfolds, refuse to take the necessary, responsible steps to save the library park.

Sincerely,



Robert J. La Tremouille
Chairman

cc: Superintendent of Schools
School Committee
Press

I. 1. "provide additional land for school use..."

The neighborhood is being told it will have more land. Neither Council nor Sch. Committee has acted otherwise. There has been no official action to require a land swap rather than the contemplated land gift to the School Committee.

I. 2. Description of geographical area is faulty! See SUPPLEMENTARY PAGE "A"

First: "Existing High School site is not properly defined. The Library Park is included as school department land. It is not. The Library Park area (the land bounded by Trowbridge, Irving, Broadway and Cambridge Streets) is not owned by the City for EDUCATIONAL purposes"! The City accepted the land with the proviso it not be used for a "school house". The list of "facilities omits the tot lot and describes the park land as landscaped open space. Also omitted is any mention of the old trees.

II. 1. Long term answer should be "Yes". Park land is being given to the School Department to be controlled by them. SUPPLEMENTARY PAGE "B"

Item 1. Again the misuse of the term "existing High School site". One has to wonder if describing park land as landscaped open space is an attempt to by-pass state legislative action necessary for the taking of park land for other uses. Describing park land under the jurisdiction of the City Council as school land under the jurisdiction of the School Committee is, at the very least, misleading to the State.

II. 3. See SUPPLEMENTARY PAGE "B" Item 3. Last sentence. "The proposed site improvements (wrong site again) ...enhance the view...by provision of...open space." Landscaping is hereby considered more important than park land and recreation facilities; this is contradictory to verbal statements by elected officials to the neighborhood. No mention is made in the whole EAF of the need to maintain park and recreation land for this neighborhood which has the least in the City.

II. 4. This park land is certainly a scarce natural resource here.

II. 6. It would be more truthful to mention the destruction of the old trees.

II. {11.} The taking of park land for other uses requires state legislation
 {12.} The answers should indicate this.

II. 18. Trees have a significant beneficial effect on air pollution. Their removal along Cambridge Street has a long term effect. The trees are never mentioned in the EAF!

II. 19. The neighborhood considers the area one of important scenic value, since it has little else.

II. 20. To say no to this question without having indicated the taking of park land for other purposes, and the destruction of the tot lot and old trees in the rest of the EAF is questionable.

Oct 27 1975

III. Note that the approval of the legislature for the taking of park land is not included.

There is, in the last paragraph, an attempt to show a positive effect on energy conservation and pollution. It is clear that the energy required to produce the materials for the new construction, the energy and pollution inherent in the actual construction, and the destruction of the old, and the pollution (of the earth), and waste inherent in the destruction and disposal of the materials used to build the original buildings, has not been considered.

The conservation of park land, energy, and matter, were not involved in the decision on the new high school. If they had been another alternative would have been chosen.

One has to wonder if we are about to teach our young people the wrong lesson.

Byrle Breny
8 Cleveland St.
354-4812

APPENDIX AENVIRONMENTAL ASSESSMENT FORM

This form is provided to assist you in determining whether a proposed project could cause significant environmental damage and thus require an environmental impact report.

EXECUTIVE OFFICE EDUCATIONAL AFFAIRS DEPARTMENT EDUCATION
DIVISION School Facilities and Related Services SCHOOL BUILDING
OTHER Assistance Bureau
PROJECT IDENTIFICATION CAMBRIDGE HIGH SCHOOL
PREDICTED DATES: Commencement July 1976 Completion August 1979
PROJECTED COST \$17,900,000

I. Background Information

1. Give a brief description of the proposed project(s), and describe how your agency is involved in the project.

The City of Cambridge intends to improve the quality of their High School program by incorporating "Career Development" educational requirements which respond to national and state goals. As part of this program, extensive physical changes are being proposed to replace and modernize existing obsolete structures and provide additional land for school use and improvements.

The City of Cambridge is seeking a School Building Assistance grant from the state for 65% of the cost of this work.

Under Chapter 645 Acts of 1948 a school construction project approved by the Board of Education is eligible for a financial grant-in-aid.

2. Describe the geographical area or areas which will be affected by the project(s), including distinguishing natural and man-made characteristics, and a brief description of the present use of the area or areas.

Refer to supplementary page "A".

II. Assessment of Environmental Damage

Answer the following questions by placing a check in the appropriate space; consider both short and long term damage. Wherever "No" is checked, indicate on the lines below the question why there will be no significant damage.

Short Term		Long Term	
<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>

1. Could the project(s) affect the use of a recreational area or area of important aesthetic value?

<u>X</u>	<u> </u>	<u> </u>	<u>X</u>
----------	-----------	-----------	----------

Refer to supplementary page "B"

2. Are any of the natural or man-made features in affected area(s) unique; that is, not found in other parts of the Commonwealth or nation?

<u> </u>	<u>X</u>	<u> </u>	<u>X</u>
-----------	----------	-----------	----------

There are no unique natural or man-made features present.

3. Could the project(s) affect an historical or archaeological structure or site?

<u> </u>	<u>X</u>	<u> </u>	<u>X</u>
-----------	----------	-----------	----------

Refer to supplementary page "B"

4. Could the project(s) affect the potential use, extraction, or conservation of a scarce natural resource?

<u> </u>	<u>X</u>	<u> </u>	<u>X</u>
-----------	----------	-----------	----------

There are no scarce natural resources present

in or on the land.

5. Does the project(s) area serve as a habitat, food source, nesting place, source of water, etc. for rare or endangered wildlife or fish species?

<u> </u>	<u>X</u>	<u> </u>	<u>X</u>
-----------	----------	-----------	----------

There are no rare or endangered wildlife or fish species present.

6. Could the project(s) affect fish, wildlife, or plant life?

<u> </u>	<u>X</u>	<u> </u>	<u>X</u>
-----------	----------	-----------	----------

The sites are all within an urban environment.

II continued

Short Term		Long Term	
Yes	No	Yes	No

7. Are there any rare or endangered plant species in the affected area(s)?

	X		X
--	---	--	---

There are no rare or endangered plant species in the affected areas.

8. Could the project(s) change existing features of any of the Commonwealth's fresh or salt waters or wetlands?

	X		X
--	---	--	---

The sites are all within an urban environment.

9. Could the project(s) change existing features of any of the Commonwealth's beaches?

	X		X
--	---	--	---

The sites are all within an urban environment.

10. Could the project(s) result in the elimination of land presently utilized for agricultural purposes?

	X		X
--	---	--	---

There are no lands used for agricultural purposes

in the area of the sites.

11. Will the project(s) require a variance from, or result in a violation of, any statute, ordinance, by-law, regulation or standard, the major purpose of which is to prevent or minimize damage to the environment?

	X		X
--	---	--	---

There will be no variances needed or violations expected.

12. Will the project(s) require certification, authorization or issuance of a permit by any local, state or federal environmental control agency?

X			X
---	--	--	---

Short term: the appropriate approvals from

other agencies will be obtained.

Short Term		Long Term	
<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>

13. Will the project(s) involve the application, use or disposal of potentially hazardous materials?

<u> </u>	<u> X </u>	<u> </u>	<u> X </u>
---------------	--------------	---------------	--------------

There are no hazardous materials present

14. Will the project(s) involve construction of facilities in a flood plain?

<u> </u>	<u> X </u>	<u> </u>	<u> X </u>
---------------	--------------	---------------	--------------

There is no flood plain in or around the sites.

15. Could the project(s) result in the generation of significant amounts of noise?

<u> </u>	<u> X </u>	<u> </u>	<u> X </u>
---------------	--------------	---------------	--------------

No blasting, pile driving or sheet pile work is anticipated during demolition or construction.

16. Could the project(s) result in the generation of significant amounts of dust?

<u> </u>	<u> X </u>	<u> </u>	<u> X </u>
---------------	--------------	---------------	--------------

Demolition and construction dust will be prevented by wetting procedures according to terms of construction contract

17. Will the project(s) involve the burning of brush, trees, construction materials, etc.?

<u> </u>	<u> X </u>	<u> </u>	<u> X </u>
---------------	--------------	---------------	--------------

No burning of materials will be permitted on the sites.

18. Could the project(s) result in a deleterious effect on the quality of any portion of the state's air or water resources? (If yes, indicate whether surface, ground water, offshore)

<u> </u>	<u> X </u>	<u> </u>	<u> X </u>
---------------	--------------	---------------	--------------

Air and/or water resources will be unaffected.

There is no known ground water present.

19. Could the project(s) affect an area of important scenic value?

<u> </u>	<u> X </u>	<u> </u>	<u> X </u>
---------------	--------------	---------------	--------------

Refer to previous response to Question 3.

Short Term		Long Term	
Yes	No	Yes	No

20. Will the project result in any form of environmental damage not included in the above questions?

	X		X
--	---	--	---

The construction is planned to avoid such possibilities.

III. Statement of No Significant Environmental Effects

A "yes" answer to any of the question in Section II indicates that the project may cause significant environmental damage, and that an EIR will probably be required. If you have answered "yes" to one or more of the questions, but still think the project will cause no significant environmental damage, indicate your reasons below.

No blasting, pile driving or ground dewatering work is anticipated during or following construction.

The usual permits and approvals will be obtained including:

- 1) Metropolitan Air Pollution Control District
- 2) Department of Public Utilities
- 3) Sewerage Approval
- 4) Department of Public Safety
- 5) Architectural Barriers
- 6) Division of Occupational Education
- 7) Division of Special Education
- 8) Bureau of Nutrition

Inasmuch as the present structures and heating plant are obsolete and inefficient, the proposed improvements will include a more efficient plant, stack and insulated structure thereby conserving energy. The energy source will be determined following a proper engineering comparative study which will consider cost, energy source options and pollution potentials. This additional information will be supplied when available based upon the specific physical design of the structures when they are established.

*is it more
necessary
to state
the year
2000
OK
Wm*

Conclusions

Place a check in the appropriate box.

1. (X) It has been determined that the project will not cause significant environmental damage. No further reports will be filed.
2. () It has been determined that the project may cause significant environmental damage. A draft environmental impact report will be submitted on _____ (approximate date).

The draft report will be:

3. () Standard
4. () Extensive
5. () Combined
6. Joint, in participation with _____, with _____ designated as the lead agency.

Signature of Preparing Officers (1).

Title Assistant Administrator

Address School Building Assistance Bureau
182 Tremont St., Boston 02111

Telephone 727-5780

(2).

Title

City Manager, City of Cambridge
~~CITY MANAGER, CITY OF CAMBRIDGE~~

Address

City Hall, Cambridge, Mass

Telephone

617-876-6800

(3).

Title

Architect - Eduardo Catalano

Address

300 Franklin Street

Telephone

617-491-8386

Item 2 Areas affected...characteristics...description of present use...

Three sites in the same urban neighborhood will be affected including the present High School site.

- A. The existing High School site of approximately 11.75 acres bounded by Broadway, Felton Street, Cambridge Street and Ellery Street. The land is owned by the City of Cambridge (to be used for educational purposes). The ground surface is generally level and contains the following existing facilities:
 1. Rindge High School structure built in 1932.
 2. Cambridge High and Latin School structures, built in 1886, 1924 and 1940.
 3. Public Library structures built in 1889 and 1967.
 4. War Memorial recreation structure built in 1956.
 5. Surface parking, approximately 1.5 acres.
 6. Landscaped open space, approximately 2.5 acres.
- B. The proposed Transportation Career Center site of 0.45 acres is immediately across Broadway Street from the main High Schools in a relatively level residential neighborhood. The property is almost entirely occupied by a building used in the past as a private automobile service and sales business. This property was recently acquired by the City for educational purposes as a part of the new "Career Development" program.
- C. The Hovey Avenue site located at the intersection of Hovey Avenue and Cambridge Street within 225 feet of the High School site contains 0.86 acres of vacant land, 0.56 acres under private ownership and 0.30 acres of city right-of-way. Contingent upon S.B.A.B. approval, the City will acquire the use of this land in order to provide surface parking for the school faculty.

II ASSESSMENT OF ENVIRONMENTAL DAMAGE:

Item 1 Affect use of recreational area....

A. Existing High School site: ✓

The use of the Public Library and its adjacent landscaped area facing Broadway would be undisturbed even during the demolition and construction period. The majority of the land presently occupied by the Cambridge High and Latin School building will become landscaped open space of a greater area than the existing open space presently behind the Public Library facing Cambridge Street. Much of the land behind the Public Library will contain the proposed new school construction. Therefore, during the construction period of approximately 20 months, about 1.2 acres of landscaped open space will be unavailable. However, following the demolition of the existing Cambridge High and Latin building there will be a net increase to the total landscaped open space available on the site.

B. Transportation Career Center site:

Inasmuch as the site is covered by an existing automotive sales and service building and the proposal is to modernize this facility into a building for educational use no affects are foreseen on the recreational or important aesthetic value of the environment.

C. Hovey Avenue site:

The proposal to build a surface parking lot on the present vacant land will free valuable area on the adjacent high school site from parking so that it can be devoted to other uses. The proposed parking would be used exclusively by the high school during school hours, but it would be available for public parking after hours for the nearby Holy Ghost Hospital, for adult education and for recreational functions at the War Memorial building. No adverse affect on recreational or important aesthetic values is foreseen.

Item 3 There are no historical or archaeological structures present on any of the sites affected except perhaps for the original Public Library structure built in 1889 on the present high school site. This building is an excellent example of Romanesque revival architecture. The proposed site improvements have attempted to enhance the view of the front of this building by the provision of more generous landscaped open space.

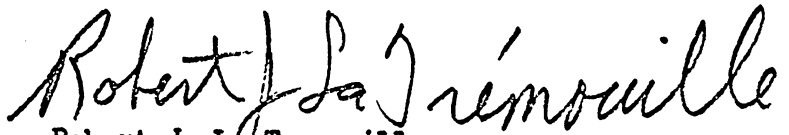
COMMITTEE ON THE HIGH SCHOOL
MID-CAMBRIDGE NEIGHBORHOOD ASSOCIATION
67 Highland Avenue, Number 2
Cambridge, Massachusetts 02139
Telephone 868-1020/491/7181

October 20, 1975

City Council
City of Cambridge

Enclosed for your information are the following city solicitor opinions concerning construction on the Library Park site: the March 13, 1945 Daly opinion, the May 26, 1970 Cronin opinion, and the November 5, 1974 McCarthy opinion.

As the 1974 opinion states, all are in agreement with regard to issues of "law". You will note, however, that the 1945 and, emphatically, the 1970 opinions agree with me on issues of "equity". "Law" and "equity" in lawyers' jargon are mutually exclusive, but equally effective, categories. "Equity" is the category which concerns the enforcement of trusts, the principle question in the matter of construction in Library Park.


Robert J. La Tremouille
Chairman

City of Cambridge

OPINION

The following communication was received from John A. Daly, City Solicitor, to wit:-

CITY OF CAMBRIDGE
MASSACHUSETTS
Law Department

March 13, 1945.

The Honorable, The Members of the City Council
City Hall, Cambridge, Massachusetts

Dear Sirs:-

I am in receipt of your request for advice as follows:-

"ORDERED:- That the City Solicitor be requested to advise the City Council whether or not the land situated on Broadway in front of Public Library Building could be used for the erection of a War Memorial."

We have examined the records of the Registry of Deeds. The property on which the library stands was conveyed by Frederick H. Rindge to the City by a deed dated June 14, 1889, recorded in Book No. 1914, Page 291.

Except for the maintenance of an inscription, no condition or agreement is imposed upon the city by the acceptance of the deed.

There are, however, certain wishes of Mr. Rindge set forth in the deed which I am quoting, as follows:-

"If it is consistent with other uses, I shall be glad to have some portion of the land reserved as a playground for young children and if the City of Cambridge shall desire at any time to erect upon the premises additional buildings to be occupied as a museum of art, or halls for lectures, or some kindred purposes I assent to such use, but I do not intend that any portion of the land hereby conveyed shall be used for any of the purposes of ordinary city business such as a site for a city hall or a police station or even for a school house. I do not choose to embarrass this conveyance by making it a condition of this deed that these expressions of any wishes should be observed, preferring to leave it entirely to the honor of the people and officers of my native town to see that those wishes as above stated are respected."

City of Cambridge

It is to be accepted as a matter of course that the honor of the City of Cambridge and its officers will be just as effective, and just as scrupulously observed as any condition or covenant would be if imposed in legal form.

It is our opinion that Mr. Rindge in giving the library had in mind that additional uses, if such were to be made, would be confined first to a playground for children, and second, to the erection of buildings for cultural purposes for the benefit of the citizens, apart from the ordinary activities of the city. The fundamental purpose, therefore, appears to be to confer active cultural benefits through the use of this land.

It is well known that Mr. Rindge in his generosity also had in mind the benefit of the city, both for its ordinary business purposes and for school purposes, through his gift of the City Hall and the Rindge Manual Training School.

We are of the opinion that the erection of a war memorial, confined to commemorative purposes, and not involving the erection of a building for a museum of art, lecture halls or some kindred purposes, as stated by Mr. Rindge himself, would be contrary to the wishes of Mr. Rindge and a breach of the honor of the people and officers of Cambridge.

Yours very truly,

John A. Daly,
City Solicitor.

DATE: *August 29, 1975*
A TRUE COPY ATTEST:

Paul E. Walsh
City Clerk

9-15-75
J.



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 876-6800

LAW DEPARTMENT

PHILIP M. CRONIN
CITY SOLICITOR

EDWARD D. MCCARTHY
ROWENA E. TAYLOR
ASSISTANT CITY SOLICITORS

JOHN A. SERINO
LEGISLATIVE AGENT

May 26, 1970

Mr. David E. Hockman
Deputy Superintendent
School Committee
1700 Cambridge Street
Cambridge, Massachusetts

Dear Mr. Hockman:

You have asked my opinion in behalf of the School Committee whether or not there are legal restrictions concerning the use of any portion of the public library grounds for school purposes.

The City obtained title to the land bounded by Cambridge Street, Trowbridge Street, Broadway and Irving Streets where the public library is now located by deed dated June 14, 1889, recorded Middlesex South District Deeds, Book 1914, page 291 from Frederick H. Rindge.

The purpose of this conveyance was to accommodate the construction of a public library. The deed has the following provision: "If it is consistent with other uses, I shall be glad to have some portion of the land reserved as a playground for young children, and, if the City of Cambridge shall desire at any time to erect upon the premises additional buildings to be occupied as a museum of art, or halls for lectures, or some kindred purpose I assent to such use, but I do not intend that any portion of the land hereby conveyed shall be used for any of the purposes of ordinary city business, such as a site for a City Hall or a police station or even for a school house. I do not choose to embarrass this conveyance by making it a condition of this deed, that these expressions of my wishes should be observed, preferring to leave it entirely to the honor of the people and officers of my native town to see that those wishes as above stated are respected."

Mr. David E. Hockman
Deputy Superintendent

-2-

May 26, 1970

Mr. Rindge, by the terms of the grant, did not condition the use of the land for a public library. Crane v. Inhabitants of Hyde Park 135 Mass. 147, Howe v. City of Lowell, 171 Mass. 575. However, the grant does impose at least a moral obligation on the City to respect the wishes of the grantor. The moral obligation of the City may be such that the Division of Charities of the Department of the Attorney General or even a citizen of the City could bring appropriate legal action against the City to see to it that the City complied with the terms of what could be in substance a Charitable Trust. It would be necessary under those circumstances to demonstrate that there is a compelling public need for a different use of the land at present than that contemplated by Mr. Rindge and that every effort would be made by the City to see that the use is as nearly consistent with Mr. Rindge's wishes as possible under the changed conditions.

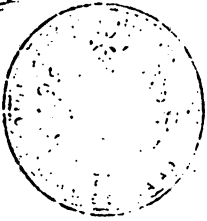
Very truly yours,

Philip M. Cronin

Philip M. Cronin
City Solicitor

PMC:cas

CC: City Manager



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 876-6200

LAW DEPARTMENT

EDWARD D. MCCARTHY
CITY SOLICITOR

ROWENA E. TAYLOR
ASSISTANT CITY SOLICITOR

CHARLES WATSON
LEGISLATIVE AGENT

RUSSELL B. HIGLEY
SPECIAL COUNSEL

November 5, 1974

To The Honorable School Committee
Cambridge School Department
1700 Cambridge Street
Cambridge, Massachusetts 02138

Re: Library Land

Dear Committee Members:

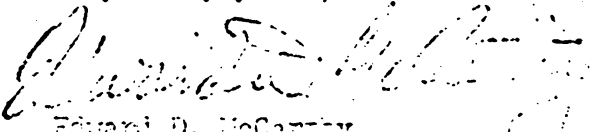
As I have earlier explained; there are no local restrictions upon the use of the above land. I have earlier forwarded copies of opinions of John Daly and Philip Cronin which expressed essentially the same opinion.

In an effort to avoid any dispute; we have contacted the heirs of the late Mr. Rindge and I am enclosing letters from them which assent to Mr. Catalano's proposal.

While the ultimate responsibility for enforcement of public trusts rests with the Attorney General; it is my opinion that Mr. Rindge did not intend to impose a condition that the library property not be used for a schoolhouse but he preferred "to leave it entirely to the honor of the people and officers of my native town to see that those wishes as above stated are respected."

It would, in my opinion, appear that you have complied with the wishes of Mr. Rindge.

Very truly yours,


Edward D. McCarthy
City Solicitor

EDMcC:jm
Encs.

COMMITTEE ON THE HIGH SCHOOL
MID-CAMBRIDGE NEIGHBORHOOD ASSOCIATION
67 Highland Avenue, Number 2
Cambridge, Massachusetts 02139
Telephone 868-1020/491-7181

November 12, 1975

Paul E. Healy, City Clerk
City of Cambridge

Dear Mr. Healy:

Enclosed are copies of the following letters which I personally handed to each member of the City Council on October 20, and 27, 1975, respectively. To date I do not believe that they have been listed as communications. Would you please so list them for the next meeting.

1. Letter, October 20, 1975, forwarding the City Solicitor opinions of 1945, 1970, and 1975 concerning construction in the Library Park, with a brief comment.

2. Letter, October 27, 1975, forwarding the Environmental Assessment Form submitted by the Manager on the Library Park construction, with comments.

Thank you.

Sincerely,



Robert J. La Tremouille
Chairman

5.5- 1128

Comm. from the City Clerk transmitting two
comm. from Robert LaTremouille re: to the
construction of the Library Park.

In City Council,

Nov. 17, 1975

Placed on File.