



City of Cambridge

15.

IN CITY COUNCIL

January 27, 1992

COUNCILLOR WALSH

WHEREAS: The saga of the Lincoln's Inn Society residence at 44 Follen Street continues with a cocktail party which was held on December 12, 1991 in apparent violation of an October 3, 1991 letter from Cambridge Inspectional Services Department's Zoning Specialist and Senior Building Inspector advising that several changes and modifications had to be made to the building and that it could not be used for any assembly uses until a certificate of occupancy were issued by the Inspectional Services Department. As of this date, the certificate of occupancy has not been issued and the License Commission's granting of a license hinges upon the presence of the certificate of occupancy. (Relevant facts are contained in the attached copies of: October 3, 1991 letter from the Inspectional Services Department; December 15, 1991 letter to the Chair, License Commission and December 16, 1991 letter to the Commissioner of Inspectional Services Department, both from Attorney Marc A. Rodwin;) now therefore be it

ORDERED: That the City Manager request the Commissioner of the Inspectional Services Department and the Chair of the License Commission to report back to the City Council within one week with a specific plan of action which, once and for all, will bring this nonsense to a binding conclusion.

In City Council January 27, 1992.

Adopted by the affirmative vote of nine members.

Attest:- Joseph E. Connarton, City Clerk.

A true copy; *Joseph E. Connarton*
ATTEST:-

Joseph E. Connarton
City Clerk



JOSEPH J. CELLUCCI
COMMISSIONER OF BUILDINGS
AND HOUSING

CITY OF CAMBRIDGE
INSPECTIONAL SERVICES DEPARTMENT 831 MASS. AVE.
CAMBRIDGE, MASSACHUSETTS 02139 (617) 499-6100

31 OCT 26 1991

October 3, 1991

Kent L. Sevener
Chairman Lincoln's Inn Society
44 Follen Street
Cambridge, MA

Re: Lincoln's Inn Society
44 Follen Street, Cambridge.

Dear Mr. Sevener,

As per your request, to certify the basement and 1st floor for assembly use at the above referenced property, we visited the site on October 2, 1991.

It was noted that several changes and modifications have to be made to the building before it could be used for any assembly uses such as parties or gatherings, to comply with the Massachusetts State Building Code ChR 780 fifth edition.

This building shall not be used for any assembly uses until a certificate of occupancy for such use is obtained from this department. Violating this order may result in court action.

Should you wish to discuss this further, you may call us at 349-6100.

Sincerely yours,

Rajit Singanayagam
Building Specialist

Donald T. Bentubo
Senior Building Inspector

RS/mp

cc: Joseph J. Cellucci, Commissioner
Richard Scall, License Commissioner
Robert W. Healy, City Manager

December 15, 1991
Chairman Alex Rodriguez
Cambridge License Commission
831 Mass. Ave.
Cambridge, MA 02139

DELIVERED BY HAND

Dear Chairman Rodriguez:

I am writing to report yet another direct violation of the License Commission conditions by the Harvard Law School Lincoln's Inn Society on December 12, 1991 and to request that the Commission make a prompt appropriate response.

Last year the Cambridge License Commission provisionionally granted the Lincoln's Inn a license conditioned on its passing a building inspection and receive a certificate off occupancy. The Inn failed to obtain the necessary permits this summer or to address the problem despite my meeting with their alumni board and urging them to take appropriate actions to resolve its problems before the fall. This fall, on September 14, the Inn held a party. Afterwards they claimed that they believed they had been granted a certificate of occupancy. In fact they had not. This violation led to a series of meetings and conversations between members of the Lincoln's Inn and License Commission Richard Scali, Zoning specialist Rangit Singanayagam, and Building Inspector Ronald Bentubo. Harvard Law School officials, and representatives of the affected neighbors. The Inn was explicitly warned that they were in violation of zoning regulations and had no right to use the premises until they received a certificate of occupancy.

Following these meetings an inspection of the Lincoln's Inn's premises indicated that the Inn still violated numerous building codes and accordingly, Inspectional Services did not grant the Inn a certificate of occupancy for the first floor. They wrote to the Inn informing it that they could make no use of the first floor for "any assembly uses such as parties or gatherings."¹ "The License Commission, the Inspectional Services Department and Harvard University ...all informed the students of the serious consequences of holding parties at the Inn without a certificate of occupancy or a license."² The message was reiterated by License Commission Richard Scali who stated in a memorandum that "no parties or public events will be held on the first floor until a certificate [of occupancy] is issued."³

¹ October 3, 1991 letter from Ranjit Singanayagam and Ronald T. Bentubo to Kent Sevenser, Chairman, Lincoln' Inn Society.

². November 4, 1991 letter from Robert W. Healy to the Cambridge City Council.

³ October 1, 1991 memorandum from Richard V. Scali to Robert W. Healy.

Despite these numerous and explicit warnings the Inn used the first floor of its premises on December 12, 1991 to hold a cocktail party. The party was not an informal chance gathering but a planned formal event with a tended bar, invitations and the like. Indeed, the Inn made efforts to make both the License Commission and Harvard law school believe that they were complying with the zoning requirements when in fact they were explicitly violating it. They went out of their way to inform the License Commission and Harvard Law School that they would be hosting a party on campus. They did not reveal that they would also host a cocktail party on the premises before hand.

In an effort to find out why the violation occurred I confronted several members of the Inn Board of Directors during and after the party.⁴ They claimed that they had been informed by Zoning Inspector Ranjit Singanayagam and other city officials that they could use the first floor for social events if there were less than 50 people present. Later I spoke to Ranjit Singanayagam and he denies ever having made such a statement. Mr. Richard Scali also denies ever having made such a statement or having indicated that such use would be acceptable. Joeseeph J. Cellucci, Commissioner of the Building Department, also disclaims any knowledge of a change in the written policy which indicates the opposite of what the Lincoln's Inn claims. Vice-Dean of the Law School David Smith expressed surprise at the violations. He informed me that he had written to the Inn on November 21, 1991 asking them to confirm his understanding that they would not use the premises for any social gatherings for the foreseeable future but that the Inn had not replied.

It seems to me that it was reasonable for the License Commission to be lenient when the Lincoln's Inn violated the ordinances this fall to ensure that there was no inadvertent misunderstanding. Now, however, we have a violation that could not have occurred except for the Inn deliberately flaunting the law or operating in a recklessly manner which indicates they cannot responsibly operate an Inn. I therefore urge the License Commission to hold a hearing to determine whether the Inn should have their license revoked or subject to further conditions. If it is appropriate the License Commission should also initiate other regulatory or disciplinary action.

Sincerely,

Marc A. Rodwin, Esq.
50 Follen Street
Cambridge, MA 02138

⁴. During the party I rang the door bell and spoke to several of the board. The next day I spoke by telephone with Adam Weiss, Michael Bopp, and William Steinman.

December 16, 1991

Mr. Joeseeph J. Cellucci
Commission of Building Department
831 Mass. Ave.
Cambridge, MA 02139

BY HAND

Dear Mr. Cellucci:

I am writing to report yet another direct violation of the City Zoning ordinances by the Harvard Law School Lincoln's Inn Society on December 12, 1991 and to request that the building Department make a prompt appropriate response.

In their letter of October 3, 1991 Ranjit Singanayagam and Ronald T. Bentubo warned Kent L. Sevener, Chairman of the Lincoln's Inn Society that the premises at 44 Follen Street "shall not be used for any assembly uses until a certificate of occupancy for such uses is obtained from this department." The letter went on to warn that "Violating this order may result in court action."

This letter was clear. The message was reiterated by a November 21 letter from Vice-Dean of the Harvard Law School David Smith to the Lincoln's Inn. It was confirmed by a November 4 memorandum by Robert Healy to the Cambridge City Council and a memorandum by License Commission Richard Scali to City Manager, Robert Healy. The message was reinforced by meetings and conversations by all these officials, as well as neighbors of the Inn in conversations with Inn members and representatives of their Alumni Board of Trustees.

These warnings came after the Inn had previously held an illegal gathering on September 14. At the time they claimed that they were unaware they could not hold gatherings on the premises, despite their having been warned through a series of public hearings the previous spring and official written communications. The case had been publicized in the local, national and international press. These complaints this fall came after nearly two years of constant promises by the Inn that they will change their conduct and comply with city and neighborhood norms. They have not.

The facts as I have been able to determine them follow. Last year, decades of irresponsible conduct by Harvard Law School students who were members of the Harvard Law School Lincoln's Inn Society caused the community to erupt in protest. Three were hearings before the Cambridge City Council, the Cambridge License Commission and other forms.

The Cambridge License Commission provisionally granted the Lincoln's Inn a license conditioned on its passing a building inspection and receive a certificate of occupancy. The Inn failed to obtain the necessary permits this summer or to address

the problem despite my meeting with their alumni board and urging them to take appropriate actions to resolve its problems before the fall.

The first illegal party occurred on September 14. Afterwards they claimed that they believed they had been granted a certificate of occupancy and were entitled to hold a party. In fact they had not received permission. This violation led to a series of meetings and conversations between members of the Lincoln's Inn and License Commission Richard Scali, Zoning specialist Rangit Singanayagam, and Building Inspector Ronald Bentubo, Harvard Law School officials, and representatives of the affected neighbors. The Inn board of directors was explicitly warned that they were in violation of zoning regulations and had no right to use the premises until they received a certificate of occupancy.

Following these meetings an inspection of the Lincoln's Inn's premises indicated that the Inn still violated numerous building codes and accordingly, Inspectional Services did not grant the Inn a certificate of occupancy for the first floor. They wrote to the Inn informing it that they could make no use of the first floor for "any assembly uses such as parties or gatherings."⁹ "The License Commission, the Inspectional Services Department and Harvard University ...all informed the students of the serious consequences of holding parties at the Inn without a certificate of occupancy or a license."¹⁰ The message was reiterated by License Commission Richard Scali who stated in a memorandum that "no parties or public events will be held on the first floor until a certificate [of occupancy] is issued."¹¹ Vice-Dean David Smith wrote to the Inn on November 21, 1991 asking them to confirm his understanding that they would not use the premises for any social gatherings for the foreseeable future but the Inn did not reply.

Despite these numerous and explicit warnings the Inn used the first floor of its premises on December 12, 1991 to hold a cocktail party. The party was not an informal chance gathering but a planned formal event with a tended bar, invitations and the like. Indeed, the Inn made efforts to make both the License Commission and Harvard law school believe that they were complying with the zoning requirements when in fact they were explicitly violating it. They went out of their way to inform the License Commission and Harvard Law School that they would be

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hosting a party on campus. They did not reveal that they would also host a cocktail party on the premises before hand. This is particularly striking in light of Dean Smith's November 21 memorandum asking for confirmation that they would not use the premises for social events.

In an effort to find out why the violation occurred I confronted several members of the Inn Board of Directors during and after the party.¹² They claimed that they had been informed by Zoning Inspector Ranjit Singanayagam and other city officials that they could use the first floor for social events if there were less than 50 people present. Later I spoke to Ranjit Singanayagam and he denies ever having made such a statement. Mr. Richard Scali also denies ever having made such a statement or having indicated that such use would be acceptable. Joseph J. Cellucci, Commissioner of the Building Department, also disclaims any knowledge of a change in the written policy which indicates the opposite of what the Lincoln's Inn claims.

It seems to me that whatever grounds there may have been in the past for being lenient when the Lincoln's Inn caused disturbances to neighbors and violated city ordinances, these no longer apply. The Inn has been continually warned for over two years to no avail. Each time neighbors have complained in the past we were told that future misconduct would be met with firm response. Now it is the time for the City of Cambridge Building Department to act. I urge them to take appropriate enforcement action through the courts, and administrative agencies and to impose appropriate fines.

Sincerely,

Marc A. Rodwin, Esq.
50 Follen Street
Cambridge, MA 02138

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CAMBRIDGE CITY COUNCIL

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9094

William H. Walsh
City Councillor

BY HAND

January 22, 1992

MEMORANDUM

TO: Joseph E. Connarton
City Clerk

FROM: David Noonan, for *DN*
Councillor Walsh

RE: Council Order (CONSENT AGENDA) for January 27, 1992

Councillor Walsh requests that the enclosed Council Order regarding the Lincoln's Inn Society be included in the CONSENT AGENDA for the Council Session on January 27, 1992.

As usual, your courtesy and cooperation are appreciated.

(Enclosure - Council Order & Attachments)

CC: Councillor Walsh



City of Cambridge

15.

IN CITY COUNCIL

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January 27, 1992

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ORDERED: That the City Manager request the Commissioner of ISD and the Chair of the License Commission to report back to the Council within one week with a specific plan of action which, once and for all, will bring this nonsense to a binding conclusion.

(ATTACHMENTS)



JOSEPH J. CELLUCCI
COMMISSIONER OF BUILDINGS
AND HOUSING

CITY OF CAMBRIDGE
INSPECTIONAL SERVICES DEPARTMENT 831 MASS. AVE.
CAMBRIDGE, MASSACHUSETTS 02139 (617) 499-6100

91 OCT 26 10:10:16

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Re: Lincoln's Inn Society
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It was noted that several changes and modifications have to be made to the building before it could be used for any assembly uses such as parties or gatherings, to comply with the Massachusetts State Building Code CMC 780 fifth edition.

This building shall not be used for any assembly uses until a certificate of occupancy for such use is obtained from this department. Violating this order may result in court action.

Should you wish to discuss this further, you may call us at 349-6100.

Sincerely yours,

Ranjit Singanayagam
Zoning Specialist

Donald T. Bentubo
Senior Building Inspector

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City of Cambridge

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IN CITY COUNCIL

January 27, 1992

COUNCILLOR WALSH

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JAN. 27 1992

City Council

Adopted by the affirmative vote

of 9 members

Joseph E. Conerton

City Clerk

Consent Order # 15

F-24

Councillor Walsh re: certificate of
occupancy for the Lincoln Inn at
44 Follen Street.

In City Council,

January 27, 1992

Order adopted.