

**Robert J. La Trémouille**  
ATTORNEY AT LAW

*City Council Copy*

60 Western Avenue  
Cambridge, Massachusetts 02139-3751

Telephone  
(617) 876-3362

February 22, 1989

RECEIVED BY  
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CAMBRIDGE MA

Planning Board  
City of Cambridge

RE: Application of Graham Gund et al. for relief, Zero Arrow Street Project

Gentlemen and Lady:

A few comments in response to questions and points of last night, on the following topics:

1. Building size, interrelation between yard requirements and allowed building, including response to incorrect representation of Gunwyn representative concerning BZA decision.
2. Prior zoning.
3. Conflict of interest.
4. Pending zoning changes.

1. Building Size.

a. Ms. Mieth properly asked just how the yard requirements work. I referred her to the Dimensional Form in the application. A copy is enclosed for the benefit of the Board. This is the applicant's own report to the Board. The relevant provisions in the Dimensional Form are as follows:

	Allowed/Required	Proposed
Min. yard setbacks		
Front	41'	0
Side L	34'	0
R	34'	0
Rear	41'	0

The lot has 100' frontage on both Mount Auburn and Arrow Streets. Its depth is 150', Arrow to Mount Auburn. The width of the relevant streets (front yard requirements are measured to midline), according to the "List of Streets and Ways" published by the City of Cambridge are:

Arrow Street:	30 feet	half = 15 feet
Mount Auburn Street:	50 feet	half = 25 feet

With measurement to midlines, the required yard requirements on the streets become, on the lot itself:

Arrow Street side:	41 feet - 15 feet = 26 feet
Mount Auburn Street side:	41 feet - 25 feet = 16 feet

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Just looking at the widths associated with obeying or ignoring the side yard requirements, the building size would be tripled if the applicant does not have to obey the variable yard requirements. Obeying the side yard requirements leaves a building 32 feet wide:

100 feet (lot width) - 34 feet (left) - 34 feet (right) = 32 feet.

100 feet width (requested) divided by 32 feet width (if base zoning is obeyed) = 3.13 multiple, increase in width alone if the requested relief is granted.

The variance in required yards facing the streets results in the following changes in lot depth:

Required Building depth as of right:

150 feet (lot depth) - 26 feet (Arrow) - 16 feet (Mt.Auburn) = 108 feet

Variance in building footprint is, thus, as follows:

Required: 32 feet (width) x 108 feet (depth) = 3,456 square feet

Requested: 100 feet (width) x 150 feet (depth) = 15,000 square feet

Increase in size of footprint is as follows:

15,000 sq.ft. divided by 3,456 sq.ft. = 4.34 times increase in size of footprint.

IT IS REASONABLE TO SAY, BASED ON THE DIMENSIONAL TABLES, THAT THE INCREASE IN BUILDING SIZE IS THREE TO FOUR TIMES. My communications to the Board of Zoning Appeals, upon which their decision was based, solely mentioned the width, thus THEIR DENIAL WAS OF A TRIPLING OF THE SIZE of the building.

TRIPLING OF THE SIZE OF THE BUILDING IS A MINIMUM INTERPRETATION OF THE RELIEF REQUESTED.

b. Gunwyn stated that the latest hearing was the first time they had ever heard complaints on the size of the building. Enclosed is a copy of the Cambridge Chronicle report on the BZA decision (Mar. 19, 1987). Please note the fourth paragraph:

"I felt the (proposed) building was too massive and overbearing" for the site, BZA chair Brendan Sullivan said after the vote. In evaluating the drawings, "they (Gunwyn) have totally disregarded the zoning laws," Sullivan said. "It's a nice building in the wrong place."

I understand that there have been public statements of distress that the Planning Board would reconsider the proposal the BZA denied in less than the two year waiting period. This is another reason to deny the relief requested.

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2. Yet again, Mr. Barber made the absurd statement that there is some question as to the zoning of this lot prior to June 1986. I have, during this latest series of hearings, provided you a copy of each of the following relevant documents:

- a. the January 22, 1979, vote of the City Council failing to pass the Harvard Square Overlay District, and
- b. the February 12, 1979, vote of the City Council to falsify city records, showing passage in spite of the fact that the Overlay District was defeated.

There was no Harvard Square Overlay District prior to the June 1986 upzoning.

IT IS HIGHLY DISTRESSING TO REFUTE, TIME AFTER TIME, THE SAME FALSE STATEMENTS BY THE SAME CITY EMPLOYEES.

### 3. Conflict of Interest.

It is difficult to see how Mr. Dietrich avoids conflict of interest.

Counting in a straight line along Mount Auburn Street his structure is very close to, if not less than 300 feet distant from the Zero Arrow Street project's Mount Auburn Street end.

If the Zero Arrow Street project is considered still to include the 19 Mount Auburn Structure, (now located among 9-11 Mount Auburn Street, 15-17 Mount Auburn Street, and 1124 Massachusetts Avenue) and the balance of the 9-11 Mount Auburn lots, Mr. Dietrich's structure is significantly less than 300 feet from the project.

GLM, c. 40A, s. 11, gives abutters to abutters within 300 feet absolute right to notice of Special Permit hearings, and right to notice to people directly across the street. Mr. Dietrich's building is within or very close to this 300 foot distance, although he is clearly across the street. It is silly to say that his interest is not substantial with regard to the present application.

Enclosed is a copy of the relevant Conflict of Interest statute, c. 268A, s. 19, taken from the official General Laws of Massachusetts (1986 ed., no reported amendments). The original situation could be interpreted as one of accidental non-compliance.

The contents of the letter of the City Manager are difficult to accept by an unbiased person. In any case, such a letter is required PRIOR to participation, not after the commencement of participation..

Please deny the application without prejudice and permit the applicant to refile within the two year period, in accordance with my prior request, and subject to other relevant provisions of law.

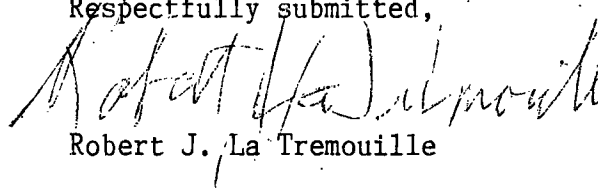
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4. The following zoning changes are pending which make the relief requested in this special permit illegal because of conflict with their provisions:

a. Yanow petition concerning transition requirements for commercial districts abutting residential districts;

b. Petition of Natalie Ward et al., concerning East Harvard Square, improperly advertised under the name Terry Crystal et al. (another of those strange things which happen too often), but described with sufficient particularity to give notice.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Robert J. La Tremouille".

Robert J. La Tremouille

enclosures as stated

cc: City Council  
Board of Zoning Appeals  
City Manager

additional enclosure to City Council copy: cited City Manager letter

Dimensional Form

	<u>Allowed/Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Granted</u>
Floor Area Ratio (Floor Area)	<u>3</u> <u>(56,589)</u>	<u>1/2</u> <u>(5,040)</u>	<u>3</u> <u>(51,549) new</u>	<u>( )</u>
Max. Height	<u>60</u>	<u>37</u>	<u>60</u>	<u>        </u>
Max. Angle Above Cornice Line	<u>N.A.</u>	<u>Vacant</u>	<u>45°</u>	<u>        </u>
Min. Lot Size	<u>N.A.</u>	<u>-</u>	<u>-</u>	<u>        </u>
Min. Lot Area per d. u.	<u>N.A.</u>	<u>-</u>	<u>-</u>	<u>        </u>
Max. No. d. u.	<u>N.A.</u>	<u>-</u>	<u>-</u>	<u>        </u>
Min. lot width	<u>N.A.</u>	<u>-</u>	<u>-</u>	<u>        </u>
Min. yard setbacks	<u>        </u>	<u>        </u>	<u>        </u>	<u>        </u>
Front	<u>41'</u>	<u>N.A.</u>	<u>0</u>	<u>        </u>
Side L	<u>34'</u>	<u>N.A.</u>	<u>0</u>	<u>        </u>
R	<u>34'</u>	<u>N.A.</u>	<u>0</u>	<u>        </u>
Rear	<u>41'</u>	<u>N.A.</u>	<u>0</u>	<u>        </u>
Ratio Usable Open Space (Area)	<u>10%</u> <u>(1880)</u>	<u>Vacant</u> <u>( - )</u>	<u>18%</u> <u>(3418)</u>	<u>( )</u>
Off-Street Parking Minimum No. Spaces	<u>48</u>	<u>120</u>	<u>154</u>	<u>        </u>
Maximum No. Spaces	<u>79</u>	<u>-</u>	<u>-</u>	<u>        </u>
No. Handicapped Spaces	<u>3</u>	<u>0</u>	<u>4</u>	<u>        </u>
Bicycle Spaces	<u>5</u>	<u>0</u>	<u>5</u>	<u>        </u>
No. Loading Bays	<u>1</u>	<u>0</u>	<u>"3/4"</u>	<u>        </u>

# Cambridge

ZV0001

THURSDAY, MARCH 19, 1987

TWENTY

THURSDAY, MARCH 19, 1987

## BZA nixes Gund plan

A new retail/office proposal near Harvard Square, which drew mixed reactions from the community, met its death last Thursday.

The board of zoning appeal (BZA) voted 3-2 against issuing the Gunwyn Company, developer of the proposed Cambridge Arcade, the necessary variances for the project.

The Cambridge firm, an affiliate of Graham Gund Architects, needed variances for retail use, sideyard setbacks and a loading dock to begin development on the site, located between Mt. Auburn and Arrow streets.

"I felt the (proposed) building was too massive and overbearing" for the site, BZA chair Brendan Sullivan said after the vote. In evaluating the drawings, "they (Gunwyn) have totally disregarded the zoning laws," Sullivan said. "It's a nice building in the wrong place."

Gunwyn's proposal called for 8,600 square feet of retail space on one level, 41,400 square feet of office space on the second level and a 54-car underground garage. The building's height of 60 feet was within the zoning ordinance.

The site is located within the Harvard Square Overlay District — a zoning package crafted last year — that prohibits retail use under certain conditions, limits the density of new buildings and protects historic structures.

In a separate motion, however, the BZA voted unanimously to grant Gunwyn one variance to move a historic building from 19 Mt. Auburn St. to 27-29 Elmer St. to be used for affordable housing. The structure was considered too large for the Elmer street lot.

Continued from page 1

A number of Riverside and Mid-Cambridge residents expressed glee that the Cambridge Arcade would not go up in their backyard.

Robert J. LaTremouille, a Franklin street resident who was perhaps the most vocal opponent of the project, described the mixed-use arcade as a "monstrous building" and "modernistic fortress" that "would devastate the area east of Harvard Square."

Like others in the community, LaTremouille feared the impact that the arcade would have on parking and traffic in the area.

Still, prior to the BZA vote, the Banks Street Area Neighborhood Association and the Harvard Square Overlay District Advisory Committee had endorsed the arcade proposal.

Most of the members in these key neighborhood groups had praised the developer's willingness to find some solutions to such sensitive issues as parking and traffic, the preservation of historic buildings, affordable housing and limiting the arcade's height.

"We supported him (the developer) on the condition that he meet those requirements, and he met them," said Mary Jo Litchard, chair of the Banks Street area group.

"I don't believe that the building (represented) any great damage to the neighborhood and, if anything, it offered some modest benefits," said Philip Dowds, a member of the Harvard Square advisory committee. But while he supported the arcade development, Dowds also said, "It's no great loss to the neighborhood."

Gunwyn's Jan Brodie, who had helped shape the proposal over the past two years, was very disappointed with the BZA vote.

The BZA was "technically correct" in its decision, Brodie said, but Gunwyn had hoped the zoning panel "would look beyond the technical side of (its) laws."

The developer must wait two years before it can request any variances from the BZA for the same project.

Asked what Gunwyn's next step will be, Brodie said, "I don't know if we're faced with nothing. I don't know...we're still trying to figure out what to do."

The BZA is expected to decide the fate of another development proposal between Mt. Auburn and Arrow streets on Thursday, March 19, at 7pm in City Hall.

St. Paul's Church, which plans to raze its choir school and build a new all-purpose facility in its place, has asked the BZA for setback variances so it can proceed with its project.

—JAY WEAVER

Continued on page 2

Cambridge Chron  
3/19/87  
JW 1x2

**268A:19. Municipal Employee's Participation in Certain Matters in Which He Has Financial Interest, etc., Prohibited; Exceptions.**

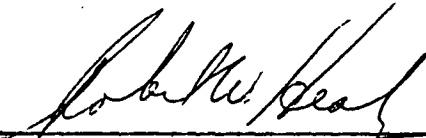
Section 19. (a) Except as permitted by paragraph (b), a municipal employee who participates as such an employee in a particular matter in which to his knowledge he, his immediate family or partner, a business organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest, shall be punished by a fine of not more than three thousand dollars or by imprisonment for not more than two years, or both.

(b) It shall not be a violation of this section (1) if the municipal employee first advises the official responsible for appointment to his position of the nature and circumstances of the particular matter and makes full disclosure of such financial interest, and receives in advance a written determination made by that official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee, or (2) if, in the case of an elected municipal official making demand bank deposits of municipal funds, said official first files, with the clerk of the city or town, a statement making full disclosure of such financial interest, or (3) if the particular matter involves a determination of general policy and the interest of the municipal employee or members of his immediate family is shared with a substantial segment of the population of the municipality.

Determination by Appointing Official

Pursuant to Mass. General Laws, Chapter 268A, Section 19 (b)

I, Robert W. Healy, as appointing official for Paul Dietrich, member of the Cambridge Planning Board, hereby determine that the interest of Paul Dietrich in the property located 1050 Massachusetts Avnue, is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from Mr. Dietrich. I, therefore, authorize Mr. Dietrich to participate in the hearing and determinations regarding the Special Permit application filed by Gunwyn Co. for the proposed retail project known as the Cambridge Arcade, at 4-6 Arrow Street, and 17-19 Mt. Auburn Street.

  
Robert W. Healy  
City Manager

Date: February 21, 1989

9. 0-24

Comm. from Robert J. LaTremouille, Esq. Re:  
application of Graham Gund, et al, for relief,  
concerning the Zero Arrow St. Project.

In City Council,

February 27, 1989

2-27-89

Referred to the City Mgr.

copy sent to the City Manager  
on 3/1/89 mlh