

THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF STATE PLANNING  
JOHN W. McCORMACK BUILDING ROOM 2101  
ONE ASHBURTON PLACE  
BOSTON, MASSACHUSETTS 02108  
(617) 727-5066

MICHAEL S. DUKAKIS  
GOVERNOR

FRANK T. KEEFE  
DIRECTOR

July 31, 1978

To: Those interested in the Development of the Southwest Sector of Harvard Square, Parcel 1B.

Attached is a copy of the Environmental Notification Form for the proposed development of the Southwest Sector of Harvard Square, Parcel 1B.

Newspaper notice of the intent to file this form appeared in the July 28 edition of the Boston Globe and will appear in the August 3rd edition of the Cambridge Chronicle.

attachment  
/cb

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CAMBRIDGE, MASS.

APPENDIX A  
COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

ENVIRONMENTAL NOTIFICATION FORM

EOEA No. \_\_\_\_\_

TOWN: \_\_\_\_\_

MEPA Contact Person: \_\_\_\_\_

(727-5830)  
(For Official Use Only)

I. SUMMARY

A. Project Identification

1. Project Name Kennedy Square - Harvard Square  
Mixed Use Development
2. Project Proponent Executive Office for Administration & Finance  
Kennedy Square Associates

B. Project Description: (City/Town(s)) Cambridge

1. Location within city/town or street address Southwest Sector of Harvard Square, Parcel 1B
2. Est. Commencement Date: 1979 Est. Completion Date: 1982  
Approx. Cost \$ \$43,000,000 Current Status of Project Design: 10 % Complete

C. Narrative Summary of Project

Describe project and give a description of the general project boundaries and the present use of the project area. (If necessary, use back of this page to complete summary).

The proposed mixed use development will contain approximately 550,000 sq. ft. of commercial and residential development plus 329,000 sq. ft. of enclosed parking. The project will be constructed on Parcel 1B of the Southwest Sector of Harvard Square, bounded on the north by Bennett Street, on the west by University Road, on the south by the proposed Metropolitan District Commission J.F. Kennedy Memorial Park, and on the east by a pedestrian easement running from the intersection of Bennett Street and Eliot Street to the northerly edge of said park. The proposed development includes:

1. hotel (approx. 210 rooms)
2. retail space (approx. 126,000 sq. ft., incl. cinemas)
3. office space (approx. 152,000 sq. ft.)
4. residential units (75)
5. public open space
6. parking (856 spaces)

See attached map for boundary lines.

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Copies of this may be obtained from:

Name: Phillip Dick Firm/Agency: Designer Selection Board  
Address: Room 312, State House, Boston, MA 02133 Phone No. 727-6158

Use This Page to Complete Narrative, if necessary.

D. Scoping (Complete Sections II and III first, before completing this section.)

1. Check those areas which would be important to examine in the event that an EIR is required for this project. This information is important so that significant areas of concern can be identified as early as possible, in order to expedite analysis and review.

	Construc- tion Impacts	Long Term Impacts		Construc- tion Impacts	Long Term Impacts
Open Space & Recreation .....	<u>  x  </u>	<u>  x  </u>	Mineral Resources .....	<u>      </u>	<u>      </u>
Historical .....	<u>      </u>	<u>      </u>	Energy Use .....	<u>      </u>	<u>  x  </u>
Archaeological .....	<u>      </u>	<u>      </u>	Water Supply & Use .....	<u>      </u>	<u>  x  </u>
Fisheries & Wildlife .....	<u>      </u>	<u>      </u>	Water Pollution .....	<u>      </u>	<u>  x  </u>
Vegetation, Trees .....	<u>  x  </u>	<u>  x  </u>	Air Pollution .....	<u>      </u>	<u>  x  </u>
Other Biological Systems .....	<u>      </u>	<u>      </u>	Noise .....	<u>  x  </u>	<u>      </u>
Inland Wetlands .....	<u>      </u>	<u>      </u>	Traffic .....	<u>  x  </u>	<u>  x  </u>
Coastal Wetlands or Beaches .....	<u>      </u>	<u>      </u>	Solid Waste .....	<u>      </u>	<u>  x  </u>
Flood Hazard Areas .....	<u>      </u>	<u>      </u>	Aesthetics .....	<u>      </u>	<u>  x  </u>
Chemicals, Hazardous Substances, High Risk Operations .....	<u>      </u>	<u>      </u>	Wind and Shadow .....	<u>      </u>	<u>  x  </u>
Geologically Unstable Areas .....	<u>      </u>	<u>      </u>	Growth Impacts .....	<u>      </u>	<u>  x  </u>
Agricultural Land .....	<u>      </u>	<u>      </u>	Community/Housing and the Built Environment .....	<u>      </u>	<u>  x  </u>
Other (Specify) .....	<u>      </u>	<u>      </u>		<u>      </u>	<u>      </u>

2. List the alternatives which you would consider to be feasible in the event an EIR is required.

proposed build or proposed build with minor modifications; leave existing MBTA carbarn.

E. Has this project been filed with EOE A before? Yes \_\_\_\_\_ No x  
If Yes, EOE A No. \_\_\_\_\_ EOE A Action? \_\_\_\_\_

F. Does this project fall under the jurisdiction of NEPA? Yes \_\_\_\_\_ No x  
If Yes, which Federal Agency? \_\_\_\_\_ NEPA Status? \_\_\_\_\_

G. List the State or Federal agencies from which permits will be sought:

Agency Name	Type of Permit
DEQE - Division of Air & Hazardous Materials	
DEQE - Division of Water Pollution Control	

H. Will an Order of Conditions be required under the provisions of the Wetlands Protection Act (Chap. 131, Section 40)?  
Yes \_\_\_\_\_ No x

I. List the agencies from which the proponent will seek financial assistance for this project:

Agency Name	Funding Amount
None	

II. PROJECT DESCRIPTION

A. Include an original 8 1/2 x 11 inch or larger section of the most recent U.S.G.S. 1:24,000 scale topographic map with the project area location and boundaries clearly shown. Include multiple maps if necessary for large projects. Include other maps, diagrams or aerial photos if the project cannot be clearly shown at U.S.G.S. scale. If available, attach a plan sketch of the proposed project.

B. State total area of project: 4.21 acres  
Estimate the number of acres (to the nearest 1/10 acre) directly affected that are currently:

1. Developed	<u>4.21</u> acres	4. Floodplain	<u>0</u> acres
2. Open Space/Woodlands/Recreation	<u>0</u> acres	5. Coastal Area	<u>0</u> acres
3. Wetlands	<u>0</u> acres	6. Productive Resources	
		Agriculture	<u>0</u> acres
		Forestry	<u>0</u> acres
		Mineral Products	<u>0</u> acres

C. Provide the following dimensions, if applicable:

Length in miles _____	Number of Housing Units <u>75</u>	Number of Stories <u>110'</u> height
	Existing <u>350</u>	Immediate Increase Due to Project <u>506</u>
Number of Parking Spaces _____	<u>8340</u>	<u>1900</u> *
Vehicle Trips to Project Site (average daily traffic) _____		

\*Source: Report of Technical Consultants to Cambridge MBTA Yards Project Review  
D. If the proposed project will require any permit for access to local or state highways, please attach a sketch showing the location of the proposed driveway(s) in relation to the highway and to the general development plan; identifying all local and state highways abutting the development site; and indicating the number of lanes, pavement width, median strips and adjacent driveways on each abutting highway.

### III. ASSESSMENT OF POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS

*Instructions:* Consider direct and indirect adverse impacts, including those arising from general construction and operations. For every answer explain why significant adverse impact is considered likely or unlikely to result.

Also, state the *source* of information or other basis for the answers supplied. If the source of the information, in part or in full, is not listed in the ENF, the preparing officer will be assumed to be the source of the information. Such environmental information should be acquired at least in part by field inspection.

#### A. Open Space and Recreation

1. Might the project affect the condition, use or access to any open space and/or recreation area?  
Yes  No

*Explanation and Source:*

The proposed project will abut the John F. Kennedy Memorial Park, now under construction. Development residents and other users may make use of park facilities from time to time. Diagonals across park (which in park design will be major thoroughfares) may be points of access to the development for a limited number of users.

#### B. Historic Resources

1. Might any site or structure of historic significance be affected by the project? Yes  No

*Explanation and Source:*

The project is generally in the historic Harvard Square area but sufficiently removed and shielded behind buildings of a secondary nature so as to have neither an aesthetic nor a physical impact on sites and structures of historic importance.

2. Might any archaeological site be affected by the project? Yes  No

*Explanation and Source:*

The project comprises filled tidal flats. Excavations in the vicinity have unearthed only seashells. Nothing of significance was found during borings on the site as part of early site reuse proposals. (Haley & Aldrich, Inc. Consulting Soil Engineers)

#### C. Ecological Effects

1. Might the project significantly affect fisheries or wildlife, especially any rare or endangered species?  
Yes  No

*Explanation and Source:*

The project is located within a high density urban area with no remaining vegetation.

2. Might the project significantly affect vegetation, especially any rare or endangered species of plant?  
 Yes \_\_\_\_\_ No x  
 (Estimate approximate number of mature trees to be removed: \_\_\_\_\_)

*Explanation and Source:*

See explanation at C.1.

3. Might the project alter or affect flood hazard areas, inland or coastal wetlands (e.g., estuaries, marshes, sand dunes and beaches, ponds, streams, rivers, fish runs, or shellfish beds)? Yes \_\_\_\_\_ No x

*Explanation and Source:*

See explanation at C.1.

4. Might the project affect shoreline erosion or accretion at the project site, downstream or in nearby coastal areas? Yes \_\_\_\_\_ No x

*Explanation and Source:*

See explanation at C.1.

5. Might the project involve other geologically unstable areas? Yes \_\_\_\_\_ No x

*Explanation and Source:*

The project area comprises filled tidal flats. During construction on abutting properties (the new Kennedy School of Government) no such instabilities were encountered. (Gilbane Construction Company)

#### D. Hazardous Substances

1. Might the project involve the use, transportation, storage, release or disposal of potentially hazardous substances? Yes \_\_\_\_\_ No x

*Explanation and Source:*

The project includes only non-industrial commercial development (hotel, offices, stores, parking facilities and housing) in which potentially hazardous substances will not be used other than normal storage of gasoline in automobiles in the garage.

E. Resource Conservation and Use

1. Might the project affect or eliminate land suitable for agricultural or forestry production?  
Yes \_\_\_\_\_ No x

(Describe any present agricultural land use and farm units affected.)

Explanation and Source:

See explanation at C.1.

2. Might the project directly affect the potential use or extraction of mineral or energy resources (e.g., oil, coal, sand & gravel, ores)? Yes \_\_\_\_\_ No x

Explanation and Source:

See explanation at C.1. The project is located in a high density urban area and would be built upon land under which no such resources have been discovered in earlier excavations and borings.

3. Might the operation of the project result in any increased consumption of energy? Yes x No \_\_\_\_\_

Explanation and Source:

(If applicable, describe plans for conserving energy resources.)

The various types of commercial and residential development will, of course, be energy consuming. However, latest state lighting standards and energy conservation measures for heating, ventilation and air conditioning will be employed.

F. Water Quality and Quantity

1. Might the project result in significant changes in drainage patterns? Yes \_\_\_\_\_ No x

Explanation and Source:

The site currently contains approx. 50% permeable space (unsurfaced parking area). The increase to approx. 80% site cover by construction will not increase potential run-off to surrounding areas, since run-off from structures will be channelled directly into city's stormwater system.

2. Might the project result in the introduction of pollutants into any of the following:

- (a) Marine Waters ..... Yes x No \_\_\_\_\_
- (b) Surface Fresh Water Body ..... Yes \_\_\_\_\_ No x
- (c) Ground Water ..... Yes \_\_\_\_\_ No x

Explain types and quantities of pollutants.

Wastewater from the project will be discharged through the Cambridge and MDC sewer treatment facilities in Boston Harbor

3. Will the project generate sanitary sewage? Yes  No

If Yes, Quantity: 95,000 gallons per day

Disposal by: (a) Onsite septic systems ..... Yes  No   
(b) Public sewerage systems ..... Yes  No   
(c) Other means (describe) \_\_\_\_\_

4. Might the project result in an increase in paved or impervious surface over an aquifer recognized as an important present or future source of water supply? Yes  No

*Explanation and Source:*

See explanation at C.1.

5. Is the project in the watershed of any surface water body used as a drinking water supply?

Yes  No

Are there any public or private drinking water wells within a 1/2-mile radius of the proposed project?  
Yes  No not aware of any

*Explanation and Source:*

See explanation at C.1.

6. Might the operation of the project result in any increased consumption of water? Yes  No

Approximate consumption 105,000 gallons per day. Likely water source(s) City of Cambridge water supply

*Explanation and Source:*

7. Does the project involve any dredging? Yes  No

If Yes, indicate:

Quantity of material to be dredged \_\_\_\_\_  
Quality of material to be dredged \_\_\_\_\_  
Proposed method of dredging \_\_\_\_\_  
Proposed disposal sites \_\_\_\_\_  
Proposed season of year for dredging \_\_\_\_\_

*Explanation and Source:*

G. Air Quality

1. Might the project affect the air quality in the project area or the immediately adjacent area?

Yes  No

Describe type and source of any pollution emission from the project site. \_\_\_\_\_

Both stationary sources (from HVAC equipment) and ambient sources from vehicular traffic.

vehicle emissions: CO and NO<sub>x</sub>  
HVAC: SO<sub>2</sub> and TSP

2. Are there any sensitive receptors (e.g., hospitals, schools, residential areas) which would be affected by any pollution emissions caused by the project, including construction dust? Yes  No

Explanation and Source:

The western side of the site abuts the Kennedy School of Government. The eastern side of the site abuts St. John's Seminary and is near residential neighborhoods. Southern side of site abuts the J.F. Kennedy Memorial Park.

3. Will access to the project area be primarily by automobile? Yes  No  \*undetermined because changes in mass tra

Describe any special provisions now planned for pedestrian access, carpooling, buses and other mass transit.

Major access will be vehicular but the site is also served by all the Harvard Square MBTA bus and rail lines and is also readily accessible to pedestrians.

H. Noise

1. Might the project result in the generation of noise? Yes  No

Explanation and Source:

(Include any source of noise during construction or operation, e.g., engine exhaust, pile driving, traffic.)

There will be some noise generated during construction, as well as traffic noise from vehicles going to and from the development site after its completion.

2. Are there any sensitive receptors (e.g., hospitals, schools, residential areas) which would be affected by any noise caused by the project? Yes  No

Explanation and Source:

See explanation G.2.

I. Solid Waste

1. Might the project generate solid waste? Yes  No

*Explanation and Source:*

(Estimate types and approximate amounts of waste materials generated, e.g., industrial, domestic, hospital, sewage sludge, construction debris from demolished structures.)

During the construction period an indeterminate amount of subsurface waste materials will be removed from the project site. Upon completion of the project and full occupancy approx. 15 cubic yards of compacted solid waste will be removed from the site each day.

J. Aesthetics

1. Might the project cause a change in the visual character of the project area or its environs?

Yes  No

*Explanation and Source:*

The project entails a 110' high structure with enclosed atrium on a site that is presently used 60% for at grade parking and 40% for MBTA trackless trolley facilities--an antiquated garage and repair structure.

2. Are there any proposed structures which might be considered incompatible with existing adjacent structures in the vicinity in terms of size, physical proportion and scale, or significant differences in land use?

Yes  No

*Explanation and Source:*

Structure is large but not out of scale with existing development. Individual uses are similar to others in Harvard Square.

3. Might the project impair visual access to waterfront or other scenic areas? Yes  No

*Explanation and Source:*

See explanation at C.1.

K. Wind and Shadow

1. Might the project cause wind and shadow impacts on adjacent properties? Yes  No

*Explanation and Source:*

The 110' high, central, enclosed atrium portion of the project may cause wind impacts on adjacent parcels. A determination of this impact will have to be made. Because the MDC park is to the south of the project, shadow effects on this amenity should be minimal. Some shadow impact, however, is expected on the eastern and western edges of the proposed development.

IV. CONSISTENCY WITH PRESENT PLANNING

- A. Describe any known conflicts or inconsistencies with current federal, state and local land use, transportation, open space, recreation and environmental plans and policies. Consult with local or regional planning authorities where appropriate.

To the best of proponents' knowledge, this project is consistent with any existing federal, state, or local plans and policies.

V. FINDINGS AND CERTIFICATION

- A. This project is one which is categorically included and therefore requires an Environmental Impact Report. Yes \_\_\_\_\_ No \_\_\_\_\_

- B. I hereby certify that this form has been circulated to all agencies and persons as required by Appendix B, and that notice of intent to file the form has been published as required by Section 14.2 of the regulations.

7/31/78  
Date

*John R. Buckley*  
Signature of Responsible Agency  
Officer or Project Proponent

Kennedy Square Associates  
by *Richard Friedman*, General Partner

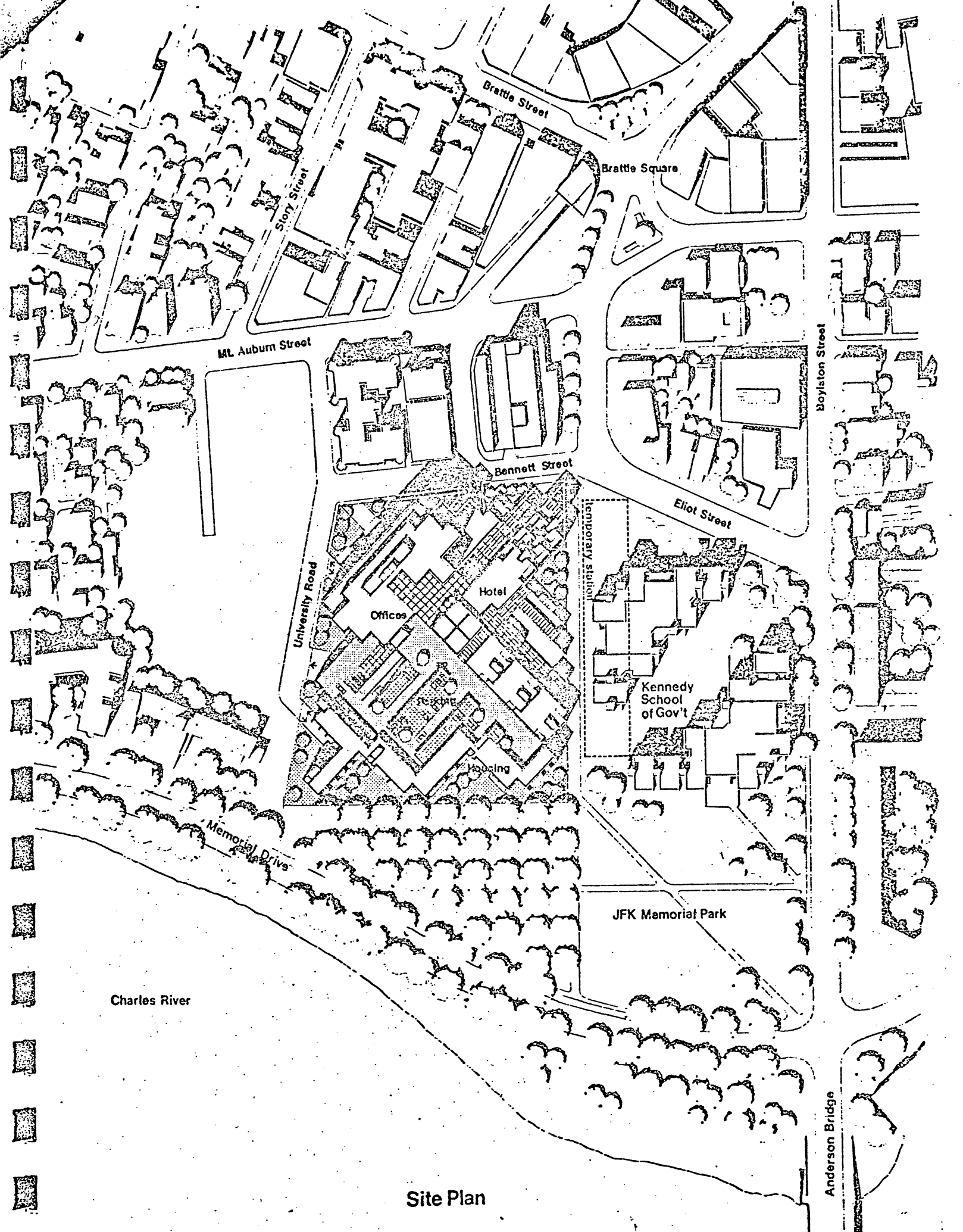
John R. Buckley / Richard Friedman

\_\_\_\_\_  
Name of Responsible Officer (print or type)

*David G. Carter*  
Signature of Preparing Officer (if different from Responsible Officer)

Address One Ashburton Place, Room 2101  
Boston, Mass. 02103

Telephone Number 617-727-5066



Site Plan



CITY OF CAMBRIDGE  
COMMUNITY DEVELOPMENT DEPARTMENT

City Hall Annex Inman & Broadway EXTENSION 344

To Russell Higley, City Solicitor

From Donald R. Balcom, Zoning Consultant

Date April 27, 1978

Subject Public Hearings on Zoning Petitions

I understand that the question of whether or not the Planning Board and the City Council may hold joint public hearings on zoning amendment petitions has been raised again. Enclosed you will find correspondence between your department and our department and between the City Clerk and the Department of Community Affairs on this issue. These documents indicate that joint hearings are a possibility. To my knowledge, nothing has happened since they were written that would change that assertion. Not only do joint hearings seem possible under Chapter 40A, some people have argued that they are mandatory, though I do not share that view. I hope that this information will answer any questions that may remain on the zoning law's procedural requirements.

encl.

CC. David Vickery ✓  
Paul Healy ✓



# CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

## LAW DEPARTMENT

RUSSELL B. HIGLEY

(617) 876-6800

COMMUNITY DEVELOPMENT  
RECEIVED

JAN 10 1978

FISCAL OFFICE

RUSSELL B. HIGLEY  
CITY SOLICITOR

EDWARD A. CUNNINGHAM  
ANDREW T. TRODDEN  
LEGAL COUNSEL

CHARLES A. WATSON  
LEGISLATIVE AGENT

January 9, 1978

Mr. David Vickery  
Assistant City Manager for  
Community Development  
City Hall Annex  
57 Inman Street  
Cambridge, Massachusetts

Dear Mr. Vickery:

I am in receipt of your request for an opinion regarding the Mandatory Zoning Amendment Procedures set forth in your correspondence of December 6, 1977.

I concur with you that certain provisions of section 5 of Chapter 40A (The New Zoning Enabling Act) are ambiguous. The procedures included in your December 6 correspondence, however, appear to apply the most logical interpretation of these statutory provisions. I therefore approve of these procedures as you have set them forth in your December 6 correspondence.

You have also requested an opinion concerning the legal consequence of a failure to hold public hearings within the time limits set forth in section 5 of Chapter 40A.

It is my opinion that failure to follow these time limitations would subject any ordinance subsequently adopted to a claim of invalidity; said claim could be raised within 120 days after adoption of said ordinance, pursuant to the provisions of section 5.

Very truly yours,

*Russell B. Higley* (RS)  
Russell B. Higley  
City Solicitor

RBH:jl



# CITY OF CAMBRIDGE

## COMMUNITY DEVELOPMENT DEPARTMENT

City Hall Annex - Inman & Broadway - Cambridge, Mass. 02139

(617) 876-6800  
EXTENSION 344

### MANDATORY ZONING AMENDMENT PROCEDURES

Cambridge City Council  
December 6, 1977

One of the purposes of the comprehensive revision of the State's zoning laws (Chapter 808 of the Acts of 1975) was to speed up the various legislative and administrative procedures involved with zoning. Now that the City Council has formally adopted Chapter 808 and the revised Zoning Ordinance, it is important that all parties involved with zoning be aware of what the new State law requires. This memorandum summarizes the procedural requirements for acting on petitions to amend the Zoning Ordinance. It emphasizes Chapter 808 time limitations on City Council action. The requirements discussed below are set forth in Section 5 of Chapter 40A of the General Laws of the Commonwealth.

#### 1. PETITION FILED WITH CITY COUNCIL

As before, a zoning amendment is initiated by filing the proposed change with the City Council. Petitions may be filed by the City Council itself, by the Planning Board, by the Board of Zoning Appeals, by the Metropolitan Area Planning Council, by ten registered voters, and by any individual who owns land which would be affected by the petition.

#### 2. PETITION SUBMITTED TO PLANNING BOARD WITHIN 14 DAYS OF RECEIPT

Within fourteen days of its receipt, the petition must be submitted by the City Council to the Planning Board for review. In Cambridge, petitions to the Council are submitted at the City Clerk's office. Therefore, the date of receipt by the Council is considered to be the date the petition is reviewed and time-stamped at the Clerk's office.

#### 3. PUBLIC HEARING(S) HELD WITHIN 65 DAYS OF SUBMITTAL TO PLANNING BOARD

The State law requires a public hearing on a zoning petition by the Planning Board and by the City Council or a committee of the Council. The statutory language regarding public hearings on petitions is somewhat ambiguous, however the following interpretations have been widely agreed upon:

- a) Separate hearings by each body or joint hearings may be held.
- b) If separate hearings are held, the statutory notice requirements of the second paragraph of Section 5, Chapter 40A, G.L., must be complied with for each hearing.
- c) Both hearings must be held within sixty-five days after the petition is submitted to the Planning Board by the City Council. Note, this means that in some instances it may be necessary for the City Council Committee on Ordinances to advertise for its public hearing on a zoning petition before the Planning Board's report is received or even before the Planning Board hearing is held.

4. 21 DAY WAITING PERIOD FOR PLANNING BOARD REPORT

A City Council vote on the adoption of a proposed zoning amendment cannot be held until a report on the petition has been submitted by the Planning Board or until twenty-one days have elapsed from the date of the Planning Board public hearing.

5. CITY COUNCIL ADOPTION WITHIN 90 DAYS OF PLANNING BOARD PUBLIC HEARING

Section 5 of Chapter 40A requires that the City Council vote on the adoption of a proposed ordinance amendment within ninety days of the public hearing. If the Council fails to vote on a petition within ninety days, no further action on the petition may be taken until a new public hearing is held, subject to the usual notice and report requirements.

Again, the statutory language is ambiguous. It is not clear which public hearing the ninety days is counted from or how a time lapse of more than ninety days without Council action affects Building Department issuance of building permits which could have been withheld pending outcome of the petition. The following interpretations have been made:

- a) The 90 day time limit on Council action is counted from the date of the Planning Board's public hearing.
- b) A 90 day lapse without action renders the petition inactive and requires that the amendment process begin again. Therefore, after such a lapse the Building Department should grant permits as usual until and unless the petition is readvertised.

These interpretations have been codified in Section 1.52 of the new Ordinance.



MICHAEL S. DUKAKIS  
GOVERNOR

WILLIAM G. FLYNN  
SECRETARY

*The Commonwealth of Massachusetts*  
*Department of Community Affairs*

*One Ashburton Place*  
*Boston, Mass. 02108*

March 6, 1978

Mr. Paul E. Healy, City Clerk  
Office of the City Clerk  
City Hall  
Cambridge, Massachusetts 02139

Dear Mr. Healy:

I am writing in regard to your letter, dated February 15, 1978, concerning a series of questions relative to certain procedural requirements of the new Zoning Act. Chapter 808 of the Acts of 1975 represents a classic example of the General Court's uncanny ability to unknowingly crucify procedural aspects of General Law. However, I will do my best to decipher Section 5 of the new Zoning Act and present the Department's views relative to the hearing and procedural requirements for proposed zoning changes.

Before specifically addressing each question on your list, I would like to make the following observation and comment concerning the public hearing requirement for proposed zoning changes. The old Chapter 40A, Section 6 required a public hearing by the planning board and the city council (or designated committee of the council). Section 6 was so constructed as to leave no question relative to the authority of the planning board and city council to conduct separate public hearings. Section 6 did not contain language which expressly authorized a joint hearing however, in *Woods v. Newton*, 351 Mass. 98, the court upheld a hearing held jointly by the planning board and city council. It is my feeling that the intent of the General Court was to reiterate the fact that a city may conduct a joint hearing as decided in the *Wood* case. However, in their eagerness to express such a procedural option, the General Court managed to cloud the issue as to the authority of a planning board and city council to hold separate public hearings. The new Zoning Act, Section 5 does not expressly mandate a joint public hearing. Further, nothing in the statutory scheme is disserved by separate hearings, nothing in the statute bans such procedure and public convenience and advantage may be served. Let us now consider your questions.

1. How many hearings are mandated by Chapter 808?

A. If a city or town has a Planning Board are two hearings required?

In a town, only one hearing is required. In a city, the planning board and city council (or designated committee) are required to hold a public hearing which may be held jointly. There exists no language within Section 5 which mandates two separate hearings.

An Equal Opportunity Employer

B. If a city or town has no Planning Board?

In a town, one hearing is required to be held by the selectmen.  
In a city, one hearing is required to be held by the city council.

C. If the Planning Board holds a hearing is a second hearing required by the Council or a Council Committee?

Yes.

D. Is there any provision for a joint hearing of the Planning Board and the Council or Council Committee?

Section 5 does not expressly authorize or mandate a joint public hearing. However, considering the Wood's case and the statutory language of Section 5, we think that a joint hearing would be consistent with the provisions of the Zoning Act.

2. Time schedule - The Planning Board receives a petition under Chapter 808 within 14 days after it is filed and holds their hearing within 65 days after the Council receives it and must report to the City Council within 21 days a total of 86 days has elapsed before the Council can act on the petition.

A. If the timetable outlined above is met by the Planning Board is it necessary for the Council to advertise and hold a second hearing with 14 days notice?

Yes. It is also necessary that such public hearing by the Council be held within 65 days following the date the proposal is submitted to the planning board.

B. It is the function of the Council to only receive the Planning Board report and then vote to accept, reject or amend same?

The purpose of the planning board hearing is to enable the planning board to be informed of the proposal and of citizen's views thereon and to report recommendations to the Council if it wishes to do so. The Council can act in the absence of any report after the 21 day time period. The Zoning Act contemplates that the Council will act in light of a report from the planning board, if any such report is submitted, as well as its knowledge of citizens' views and other pertinent information obtained at the public hearing held by the Council or its committee.

C. Are there in reality two time schedules under Chapter 808?

and  
1) the 65 day requirement and 21 day report of the Planning Board;  
2) the required action by the City Council within 90 days of the Planning Board hearing.

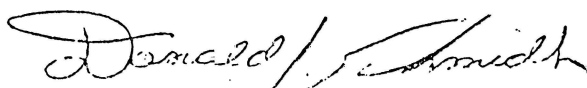
Yes.

D. Relative to action by the City Council, does their 90 day period begin with the date of the Planning Board hearing?

Yes.

No matter how many differing interpretations you may receive regarding this matter, we would strongly suggest that you follow the advice of your City Solicitor. If you have any questions please do not hesitate to contact me at any time.

Very truly yours,



Donald J. Schmidt  
Office of Local Assistance

DJS/kd



*The Commonwealth of Massachusetts*  
*Executive Office for*  
*Administration and Finance*  
*State House, Boston 02133*

April 24, 1978

James L. Sullivan, City Manager  
City Hall  
Cambridge, Massachusetts 02139

Dear Mr. Sullivan:

In conjunction with the Office of State Planning, the Counsel for the Office of Administration and Finance, and others involved in the Parcel 1B project, a final timetable has been put into place relative to the process which now must unfold following the decision by the review board.

The next step will be an Environmental Impact review which must be done before a final decision is made. During that process I am sure many of the citizens of Cambridge will have an opportunity to express their approval or disapproval of the current plans for Parcel 1B.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "John R. Buckley". The signature is written in a cursive style with a large initial "J".

JOHN R. BUCKLEY  
SECRETARY

JRB:j

36

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OFFICE OF THE  
CITY MANAGER



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*Executive Office for*  
*Administration and Finance*  
*State House, Boston 02133*

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JOHN R. BUCKLEY  
SECRETARY

JRB:j

Agenda #6

0-18

RE: communication from John R. Buckley ,  
Secretary of Administration and Finance for  
the Comm'lth, re: Environmental Impact re-  
view as the next step in the Parcel 1B pro-  
ject.

In City Council,

May 1, 1978

5/1/78

Placed on File -