

City of Cambridge

MASSACHUSETTS

In City Council

2/9/1998

Open session

	YEA	NAY	ABSENT	PRESENT
Ms. Kathleen L. Born	✓			
Ms. Henrietta Davis	✓			
V. Mayor Anthony Galluccio	✓			
Mr. Kenneth E. Reeves	✓			
Ms. Sheila T. Russell	✓			
Mr. Michael A. Sullivan	✓			
Mr. Timothy J. Toomey, Jr.	✓			
Ms. Katherine Triantafillou	✓			
Mayor Francis H. Duehay	✓			

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Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Nancy E. Glowa
First Assistant
City Solicitor

Arthur J. Goldberg
Supervising
Legal Counsel



CITY OF CAMBRIDGE

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Assistant City Solicitor

February 5, 1998

Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

Re: Awaiting Report Item No. 2 of 2/9/98 regarding City Council Order No. 061 dated 12/15/97 Re: Report on Planned Installation of Posting Boards By Harvard

Dear Mr. Healy:

You have asked us to respond to the following questions posed in the above referenced Council Order:

- 1) Is the land over the underpass over Kirkland Street between the Harvard Science Center and Harvard Yard public or private land?
- 2) If it is public land, wouldn't Harvard be required to seek the approval of the City Council to place kiosks in that location, in the way that property owners must receive Council approval to place sandwich boards or tables and chairs on sidewalks?
- 3) If it is not public land, when was it sold to a private party (presumably Harvard) and under what terms? If this property is held by Harvard, how is it zoned? Could buildings be erected on it?

The responses to these questions are as follows:

- 1) In 1965, the City agreed to depress a portion of Cambridge Street, so that all vehicular traffic would travel on that portion of the street via a tunnel underpass to be constructed by Harvard University. Harvard agreed to maintain the exterior of the roof of the tunnel and the area immediately above the tunnel as a pedestrian walkway, for so long as the City desires. There was never a discontinuance of that portion of Cambridge Street as a

public way. Thus, although the vehicular portion of the public way has been depressed to the underpass tunnel, the area above the tunnel is required to be maintained as a pedestrian walkway.

2) Given the answer to the first question, the kiosks would have been "visible from a public way" and therefore not permitted. We have explained this to Harvard, and they have accepted that conclusion.

3) As indicated above, the land at issue is a public way as affected by the 1965 Agreement, and has not been discontinued as such. This property is in a Residence C-3 zoning district. Because of the 1965 agreement, whereby Harvard agreed to maintain the exterior of the roof of the tunnel as a pedestrian walkway for so long as the City desires, no buildings may be erected there.

Very truly yours,



Russell B. Higley



CITY OF CAMBRIDGE
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EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

February 9, 1998

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 2, regarding the installation of posting boards by Harvard University as well as an opinion received from City Solicitor Russell Higley.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
attachment

Consent Agenda #5

S-73

Relative to Awaiting Report Item Number
Two, regarding the installatin of posting
boards by Harvard University.

In City Council February 9, 1998

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