

# Putnam

RECEIVED BY  
FURNITURE LEASING COMPANY, INC.  
CITY HALL

MAR 24 5 00 PM '83  
"WE RENT FINE FURNITURE"  
CAMBRIDGE, MASS.

EXECUTIVE OFFICES

614 Massachusetts Avenue  
Cambridge, Massachusetts 02139  
617-354-3358

March 22, 1983

SHOWROOMS

614 Massachusetts Avenue  
Cambridge, Massachusetts 02139  
617-354-3358

Cambridge City Council  
City Hall  
Cambridge, MA 02139

11 Acton Road  
Chelmsford, Massachusetts 01824  
617-256-9251

RE: Inclusionary Housing Zoning  
Amendment

1280 Oaklawn Avenue  
Cranston, Rhode Island 02920  
1-401-463-6360

Honorable Members of the Cambridge City Council:

447 Wethersfield Avenue  
Hartford, Connecticut 06114  
1-203-249-4015

It is my understanding that consideration will be given by your honorable body to the possibility of considering the above-noted proposal in the near future. I would strongly oppose any favorable consideration being given to a concept that would prevent desirable development of both housing and business structures in the City of Cambridge. Where builders, today, can pick and choose their locations, they certainly would have no incentive to construct in a city that imposes onerous and unfair financial burdens upon them. From a competitive point of view, the City of Cambridge would simply be driving the most desirable form of adding to the tax base to other communities, thereby giving said other communities a free gift of new construction.

23 Daniel Street  
Milford, Connecticut 06460  
1-203-877-2791

The City of Cambridge has done an excellent job in the last few years in attracting desirable new construction to add the tax base. It would be an unmitigated disaster to prevent the continuation of this new and highly desirable development by considering the crippling impact that would result.

I am strongly in favor of providing needed assistance to all residents of our City who really need it. To provide this assistance requires money, in simple language. To "kill the goose that lays the golden eggs", in this case, new construction, would simply mean that the needy people would either go without their assistance, or other taxes would be required. The money must be found somewhere, and handicapping new construction will certainly not provide needed funds.

I trust that serious consideration will be given to my opposition.

Sincerely,

  
Carl F. Barron

5.

Comm. from Carl F. Barron in opposition to a  
proposed amendment to the Zoning Ordinances  
Re: inclusionary housing.

In City Council,

March 28, 1983

*3/28/83*

*Richard L. He*  
*PETITION*

#5 UNFINISHED BUSINESS  
City of Cambridge

F

MASSACHUSETTS

In City Council 1/19/1 1983

Motion of Councillor David Sullivan to amend  
the definition of AFFILIATE HOUSING to  
include the words "OR A SINGLE FAMILY HOME"

	YEA	NAY	ABSENT	PRESENT
Mr. Daniel J. Clinton	✓			
Mr. Thomas W. Danehy			✓	
Mr. Francis H. Duehay	✓			
Ms. Sandra Graham		✓		
Mr. Leonard J. Russell	✓			
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan			✓	
Mr. Wylie		✓		
Mayor Vellucci		✓		

4 3 2

- Motion to amend failed -

# City of Cambridge

MASSACHUSETTS

In City Council January 17, 1983

II  
9.25

*COUNCILLOR Peboy motion to place  
proposed zoning amendment on file*

	YEA	NAY	ABSENT	PRESENT
Mr. Daniel J. Clinton	✓			
Mr. Thomas W. Danehy			✓	
Mr. Francis H. Duehay	✓			
Ms. Saundra Graham		✓		
Mr. Leonard J. Russell	✓			
Mr. David E. Sullivan		✓		
Mr. Walter J. Sullivan			✓	
Mr. Wylie		✓		
Mayor Vellucci		✓		
	3	4	2	0

III

# City of Cambridge

MASSACHUSETTS

In City Council

1/17

1983

*Councilman David Sullivan. moved that  
the proposed zoning amendment be  
passed to be ordained*

	YEA	NAY	ABSENT	PRESENT
Mr. Daniel J. Clinton		✓		
Mr. Thomas W. Danehy			✓	
Mr. Francis H. Duehay		✓		
Ms. Sandra Graham	✓			
Mr. Leonard J. Russell	✓			
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan			✓	
Mr. Wylie	✓			
Mayor Vellucci	✓			

5      2      2      0

*- Failed of Ordination -*

*IV*

# City of Cambridge

MASSACHUSETTS

In City Council 1/17/ 1983

*Councillor David Sullivan -  
MOTION TO RECONSIDER  
THE VOTE OF THE CITY COUNCIL*

	YEA	NAY	ABSENT	PRESENT
Mr. Daniel J. Clinton		✓		
Mr. Thomas W. Danehy			✓	
Mr. Francis H. Duehay		✓		
Ms. Sandra Graham	✓			
Mr. Leonard J. Russell	✓			
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan			✓	
Mr. Wylie	✓			
Mayor Vellucci	✓			

*5 2 2*

*CPSL  
RS  
RC*

*RECONSIDERATION CARRIED  
WITHOUT SUSPENSION OF THE RULES -*



# CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9017

OFFICE OF  
THE CITY CLERK

December 28, 1982

Mr. Russell B. Higley  
City Solicitor  
City Hall  
Cambridge, MA

Dear Sir:

Enclosed you will find a proposed amendment to the General Ordinances relative to the salary for the Mayor and the City Councillors which was passed to be ordained at the City Council meeting held on December 27, 1982.

Enclosed also you will find two amendments, one an amendment to the Zoning Ordinances relative to Affiliate Housing and the second, a proposed amendment to the General Ordinances relative to the compensation for the School Committee, which were passed to a second reading.

Would you kindly indicate your approval or disapproval on the bottom of the above mentioned ordinances and return to this office.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

---

Paul E. Healy, City Clerk

PEH/dl

Encs. Ordinance #990 - Salary - Mayor and City Councillors  
First Publication #2185 - Affiliate housing  
First Publication #2186 - Salary - School Committee



# City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Two

## AN ORDINANCE

In amendment to an ordinance formerly entitled: "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge".

*Be it ordained by the City Council of the City of Cambridge as follows:*

That Chapter Two entitled: "Administration", Article XXII entitled: "Officers Generally", Section 2-191 entitled: "List of Salaries in General", is hereby amended by striking out the salaries of the Mayor and City Council Members and by adding at the end thereof a new salary.

Each member shall receive the following salaries and are to be paid monthly or weekly, unless otherwise stated:

	Minimum Annual Salary	Maximum Annual Salary
Mayor		\$16,445.00
City Council Member		\$15,310.00

The effective date of this ordinance shall be January 1, 1983.

Effective July 1, 1983, the above positions shall receive an additional wage increase of 6% of the salary of January 1, 1983.

In City Council December 27, 1982.

Passed to be ordained by a yea and nay vote:- Yeas 9; Nays 0;  
Absent 0.

Robert W. Healy, City Manager.

ATTEST:- Paul E. Healy, City Clerk.



# City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Two

## AN ORDINANCE

In amendment to an ordinance entitled "The Zoning Ordinances of the City of Cambridge.

*Be it ordained by the City Council of the City of Cambridge as follows:*

The Zoning Map accompanying ordinance passed to be ordained September 26, 1977 entitled "The Zoning Ordinances of the City of Cambridge" is hereby amended by amending the text of the Zoning Ordinances as follows:

1. In Article 2.000, Definitions, add the following new definition at its appropriate alphabetical location:  

"Affiliate housing. Any dwelling (other than a dormitory or a sorority or fraternity house) owned or controlled by an educational institution and occupied primarily by persons who are employed or enrolled at the educational institution."
2. In section 4.33, of the Table of Use Regulations (Institutional Uses), subsection (b), Educational Purposes, add to line 7 the words "or affiliate housing".
3. In Section 4.56 Table of Institutional Use Regulations, subsection (c), add to the line 8 the words, "or affiliate housing".

Passed to a second reading at the City Council meeting held on December 27, 1982 and on or after January 10, 1983 the question comes on passing to be ordained.

ATTEST:- Paul E. Healy  
City Clerk.



# City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Two

## AN ORDINANCE

In amendment to an ordinance formerly entitled: "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge".

*Be it ordained by the City Council of the City of Cambridge as follows:*

That Chapter Two entitled "Administration" is hereby amended by adding at the end thereof a new Division Four entitled "Compensation for the Members of the School Committee" which reads as follows:

### DIVISION FOUR

#### Section 2-222. COMPENSATION FOR THE MEMBERS OF THE SCHOOL COMMITTEE

Under the authority of Chapter 296 of the Acts of 1982 the elected members of the School Committee shall receive for their annual compensation the amount of Ten Thousand Dollars (\$10,000) to be paid monthly or weekly.

Passed to a second reading at the City Council meeting held on December 27, 1982 and on or after January 10, 1983 the question comes on passing to be ordained.

ATTEST:- Paul E. Healy, City Clerk



# City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Two

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ATTEST:- Paul E. Healy  
City Clerk.

OK  
RBH



# City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Two

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ATTEST:- Paul E. Healy  
City Clerk.

OK  
RBH

RECEIVED BY  
OFFICE OF CITY CLERK

# City of Cambridge

OCT 7 3 04 PM '82

MASSACHUSETTS

CAMBRIDGE, MASS.

Office of the City Clerk

Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council will hold a public hearing on Thursday, November 4, 1982 at 6:30 p. m. in the City Council Chamber, City Hall, Cambridge, Massachusetts on petition of Councillor David Sullivan to amend the text of the Zoning Ordinances as follows:

1. In Article 2.000, Definitions, add the following new definition at its appropriate alphabetical location:

"Affiliate housing. Any dwelling (other than a dormitory or a sorority or fraternity house) owned or controlled by an educational institution and occupied primarily by persons who are employed or enrolled at the educational institution."

*OR AFFILIATE  
FAMILY  
HOUSING*

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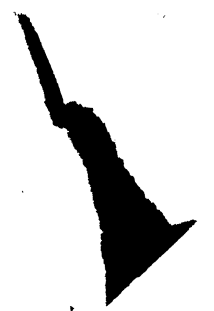
Copies of this petition are on file in the office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor Walter J. Sullivan,  
Chairman.

1st floor



# City of Cambridge

MASSACHUSETTS

# 2

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For the Committee,

Councillor Walter J. Sullivan,  
Chairman.

HARVARD UNIVERSITY

OFFICE OF GOVERNMENT AND  
COMMUNITY AFFAIRS

2 GARDEN STREET  
CAMBRIDGE, MASSACHUSETTS 02138  
617-495-4955

November 4, 1982

Councillor Walter J. Sullivan  
Chairman, Ordinance Committee  
Cambridge City Hall  
795 Massachusetts Avenue  
Cambridge, MA 02139

RE: Institutional Zoning; Proposed Amendment to Regulate  
"Affiliate Housing" of Educational Institutions

Dear Councillor Sullivan,

I wish to record Harvard's opposition to the proposed amendment.

Attached is a copy of my letter to the Planning Board dated October 18, setting forth our objection in more detail.

Very truly yours,



Lewis A. Armistead

attachment:

HARVARD UNIVERSITY

OFFICE OF GOVERNMENT AND  
COMMUNITY AFFAIRS

2 GARDEN STREET  
CAMBRIDGE, MASSACHUSETTS 02138  
617-495-4955

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# HARVARD UNIVERSITY

OFFICE OF GOVERNMENT AND  
COMMUNITY AFFAIRS

2 GARDEN STREET  
CAMBRIDGE, MASSACHUSETTS 02138  
617-495-4955

October 18, 1982

Planning Board  
City of Cambridge  
Cambridge, MA 02139

Re: Institutional Zoning; Proposed Amendment  
to Regulate "Affiliate Housing" of Educa-  
tional Institutions

Dear Members:

This will record Harvard's opposition to the proposed amendment to the Zoning Ordinance which would extend the institutional zoning regulations to any dwelling owned or controlled by an educational institution and occupied primarily by its employees or students.

As you may know, a similar proposal was originally included in early drafts of the institutional zoning regulations. However, we argued and the Department of Community Development staff ultimately agreed, that the only appropriate objectives of zoning are the regulation of uses of and improvements to property. Nothing permits regulation or discrimination under zoning based upon the identity of the owners of the property and certainly not based upon the educational or employment status of the occupants. This point has recently been emphasized by the Massachusetts Supreme Judicial Court in its decision in *CHR General, Inc. v. City of Newton*, decided September 1, 1982:

A "fundamental principle of zoning [is that] it deals basically with the use, without regard to the ownership, of the property involved or who may be the operator of the use."

Accordingly, as proposed (and enacted) the institutional use regulations did not regulate or restrict residential housing owned by educational institutions other than dormitories and fraternity and sorority houses.

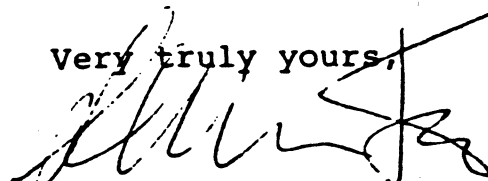
A further problem with the proposed amendment is that educational institutions would be singled out from other institutions for regulation of their affiliate housing. No zoning considerations justify distinguishing a professor's house from a home or a rectory. Such a distinction would be not only legally impermissible but also inconsistent with the policy of treating all institutions equally which was repeatedly expressed at the time the institutional use regulations were originally proposed.

By Chapter 565 of the Acts of 1979, the General Court constituted Cambridge the only Massachusetts city or town with the power to override the provisions of the Zoning Act protecting educational and religious institutions from use regulation under zoning. In doing so, the General Court expressly limited that power to certain residential zoning districts. It is doubtful that it was intended and ironic that it is now proposed that this power be used to regulate otherwise proper residential uses.

Finally, it is obvious that whatever the legalisms may be, this proposal would be counterproductive to the City's and Harvard's common objective of having Harvard provide where possible for the housing needs of its employees and students, thereby avoiding undue pressures upon the limited existing housing stock.

We urge that you report unfavorably upon the proposed amendment.

Very truly yours,



Lewis A. Armistead

PUBLIC NOTICE  
RELATIVE TO ZONING

## City of Cambridge

#2

MASSACHUSETTS

Office of the City Clerk

Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council will hold a public hearing on Thursday, November 4, 1982 at 6:30 p. m. in the City Council Chamber, City Hall, Cambridge, Massachusetts on petition of Councillor David Sullivan to amend the text of the Zoning Ordinances as follows:

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2. In Section 4.33, of the Table of Use Regulations (Institutional Uses), subsection (b), Educational Purposes, add to line 7 the words, "or affiliate housing."
3. In Section 4.56, Table of Institutional Use Regulations, subsection (c), add to the line 8 the words, "or affiliate housing."

Copies of this petition are on file in the office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor Walter J. Sullivan,  
Chairman.



# CAMBRIDGE CITY COUNCIL

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9094

David E. Sullivan  
City Councillor

## M E M O R A N D U M

TO: Planning Board

FROM: David Sullivan

RE: "Affiliate housing" zoning amendment

DATE: October 19, 1982

On September 13, 1982 on my motion, the City Council unanimously voted to submit a proposed amendment to the Zoning Ordinance to regulate "affiliate housing." The proposal defines that term as a dwelling (other than a dormitory, sorority, or fraternity) owned or controlled by an educational institution and occupied primarily by persons who are employed or enrolled at the educational institution. The proposed amendment then treats such "affiliate housing" in the same way as a dormitory, fraternity, or sorority. Under section 4.56(c)(8) of the present Zoning Ordinance, such uses are forbidden outside institutional overlay districts, unless they are replacing previous institutional uses on the site, have no greater adverse impact on the neighborhood, and the Board of Zoning Appeal issues a special permit; they are permitted within institutional overlay districts only if the Board of Zoning Appeal issues a special permit and if any housing units removed or converted are replaced indefinitely with an equivalent number of units.

*For Favor*  
*#2*  
*- Rec'd 38 Nov 4, 1982 -*

Policy issues

The proposal would amend language inserted in the Zoning Ordinance by Ordinance No. 960, the institutional expansion ordinance of June 22, 1981. Both the January 1981 CDD "Revised Strategy for Managing Institutional Expansion" (CDD, Cambridge Institutional Growth Management Plan, May 1981), and the June 16, 1981 Planning Board report on the existing ordinance, include as its purposes preventing uses incompatible with neighborhoods because of activity patterns and overall impact, and regulating displacement of residential units from the housing stock. These purposes cannot be adequately served unless "affiliate housing" is regulated -- its traffic, activity patterns, and other use impacts are likely to extend the university campus into previously quiet residential streets, and it removes residential units from general availability to the Cambridge community.

After I presented this suggestion at the June 9, 1981 Planning Board hearing, the Board's report expressed the concern that policy problems raised by affiliate housing applied to private and not merely institutional residences, and therefore limited the remedy to "temporary" dormitory housing. To the extent that this concern is a legal one, it is considered below. In policy terms, experience has shown that the problems presented by educational institutions' "affiliate housing" are every bit as serious as those of their dormitories, and these problems do not occur to the same extent with respect to any other category of owner.

The difference between the proposed definition of "affiliate housing" and the present definition of "dormitory" is the latter's limitation to "a place of temporary residence for persons whose permanent residence is elsewhere." Zoning Ordinance § 2.000.

This distinction has proved impossible to administer in practice. To establish whether a violation of the ordinance is occurring, it requires an inquiry into the legal "domicil" of every resident of an alleged "dormitory." The recent dispute over MIT's acquisition of the Fort Washington townhouses in Cambridgeport demonstrates the difficulties. The new definition would resolve the problem by limiting the inquiry to easily discovered fact situations familiar to zoning administrators.

#### Legal issues

Both the original institutional expansion ordinance and the proposed amendment are authorized by 1979 Mass. Acts ch. 565, as amended by 1980 Mass. Acts ch. 387. This statute allows Cambridge to "regulate and restrict the use of land or structures . . . for educational purposes on land owned or leased . . . by a nonprofit educational corporation" in certain low-density residential districts, notwithstanding the usual "Dover Amendment" exemption of G.L. ch. 40A, § 3.

One objection might be that the proposal regulates not "use," but rather ownership and affiliation. The Supreme Judicial Court disposed of this argument in Goldman v. Town of Dennis, 375 Mass. 197, 375 N.E.2d 1212 (1978), upholding a zoning by-law which regulated condominium conversion of rented cottage colonies. Although the by-law referred on its face to ownership, the court held that the town properly recognized that individual ownership would likely produce year-round use, threatening greater impacts than mere summer vacation occupancy. Similarly, the city of Cambridge may recognize the use implications of university

ownership or control coupled with occupancy primarily by affiliates.

A second opposing contention is that the proposed amendment treats educational institution affiliates differently from others (see policy discussion on page 2), thus violating equal protection principles. The answer to this is that educational institutions in Cambridge pose a much greater threat to the neighborhood integrity which the original ordinance seeks to protect. "Equal protection does not prohibit differences in treatment where there is rational basis for those differences reasonably related to the purposes which the regulation seeks to accomplish." Goldman, 375 Mass. at 200, 375 N.E.2d at 1214 (citation omitted). "(T)he reform may take one step at a time, addressing itself to the phase of the problem which seems most acute to the legislative mind." Williamson v. Lee Optical Co., 348 U.S. 483, 489 (1955).

Finally, the Board should bear in mind the extreme deference which courts accord zoning ordinances. "Every presumption . . . must be made in favor of the validity of the zoning (ordinance), and great weight given to a (city's) determination that necessity exists for its adoption." Marshall v. Town of Topsfield, 13 Mass. App. Ct. 425, 428, 433 N.E.2d 1244, 1246 (1982). A zoning "amendment will be sustained unless there is no substantial relation between it and the express purposes of the zoning act." Canteen Corp. v. City of Pittsfield, 4 Mass. App. Ct. 289, 292, 346 N.E.2d 732, 735 (1976). It is noteworthy that the Canteen and Goldman cases reached favorable results even under the more restrictive pre-1975 state Zoning Enabling Act.

For the above reasons, the Board should report favorably on the proposed zoning amendment.

RECEIVED BY  
OFFICE OF CITY CLERK

Nov 4 2 05 PM '82

CAMBRIDGE, MASS.

18 Fayette St.  
Cambridge, Ma. 02139

5 November 1982

Committee on Ordinances  
Cambridge City Council  
City Hall  
Cambridge, Ma. 02139

re: regulation of institutional expansion  
hearing on November 5, 1982, 6:30 PM

Honorable Members of the City Council:

Further pre-emption of the existing housing stock for use by affiliates of large institutions is to be resisted. The neighborhood in which I live, Mid-Cambridge has seen Harvard University take over most of the residential property on Prescott and Ware Streets. I also mention Quincy St., which is felt to be so much an extension of Harvard Yard that a serious proposal was advanced several years ago to close this major thoroughfare. Where will the piecemeal acquisition stop?

Isolation of institutional personnel in inward-looking enclaves can only exacerbate the inevitable frictions between our major universities and our neighborhoods. If institutions need off-campus housing for their affiliates, let the affiliates compete in the open market for that housing. If, as a result, these people have a longer journey to work, this is a small price to pay to avoid fostering the expansion of vast closed cities within our city. Besides, it can mean a shorter journey to work for some of the many people who work in Harvard Square but not for Harvard University.

I understand that you now have before you proposed restrictions on institutional acquisition of existing housing for exclusive use by affiliates of institutions. For the sake of Mid-Cambridge and other neighborhoods, I encourage you to act favorably on this proposal.

Respectfully,

*John R. Pitkin*

John R. Pitkin

HARVARD UNIVERSITY

OFFICE OF GOVERNMENT AND  
COMMUNITY AFFAIRS

2 GARDEN STREET  
CAMBRIDGE, MASSACHUSETTS 02138  
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OFFICE OF CITY CLERK  
NOV 4 3 01 PM '82  
CAMBRIDGE, MASS.

November 4, 1982

Councillor Walter J. Sullivan  
Chairman, Ordinance Committee  
Cambridge City Hall  
795 Massachusetts Avenue  
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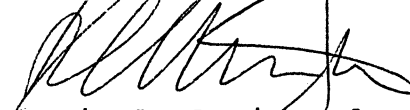
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Very truly yours,



Lewis A. Armistead

attachment:

# HARVARD UNIVERSITY

OFFICE OF GOVERNMENT AND  
COMMUNITY AFFAIRS

2 GARDEN STREET  
CAMBRIDGE, MASSACHUSETTS 02138  
617-495-4955

October 18, 1982

Planning Board  
City of Cambridge  
Cambridge, MA 02139

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A "fundamental principle of zoning [is that] it deals basically with the use, without regard to the ownership, of the property involved or who may be the operator of the use."

Accordingly, as proposed (and enacted) the institutional use regulations did not regulate or restrict residential housing owned by educational institutions other than dormitories and fraternity and sorority houses.

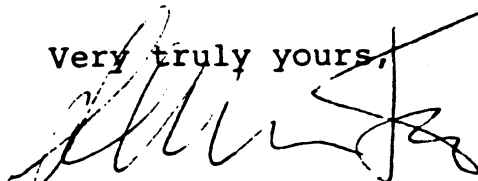
A further problem with the proposed amendment is that educational institutions would be singled out from other institutions for regulation of their affiliate housing. No zoning considerations justify distinguishing a professor's house from a home or a rectory. Such a distinction would be not only legally impermissible but also inconsistent with the policy of treating all institutions equally which was repeatedly expressed at the time the institutional use regulations were originally proposed.

By Chapter 565 of the Acts of 1979, the General Court constituted Cambridge the only Massachusetts city or town with the power to override the provisions of the Zoning Act protecting educational and religious institutions from use regulation under zoning. In doing so, the General Court expressly limited that power to certain residential zoning districts. It is doubtful that it was intended and ironic that it is now proposed that this power be used to regulate otherwise proper residential uses.

Finally, it is obvious that whatever the legalisms may be, this proposal would be counterproductive to the City's and Harvard's common objective of having Harvard provide where possible for the housing needs of its employees and students, thereby avoiding undue pressures upon the limited existing housing stock.

We urge that you report unfavorably upon the proposed amendment.

Very truly yours,



Lewis A. Armistead

# What's happening

## Thursday October 21

Free program in popular astronomy featuring a film, lecture and observing sponsored by the Harvard-Smithsonian Center for Astrophysics. The program begins at 8 p.m. in the auditorium of the Center for Astrophysics, 60 Garden St.

Free testing for cervical cancer at the Mt. Auburn Hospital from 1 to 7 p.m.

**America's Intelligence Systems: Are They Adequate for the 1980's** is the topic of Admiral Bobby Inman's speech, 9 p.m. at the forum of the John F. Kennedy School of Government.

Street cleaning will take place today on the even side of streets in district 7, North Cambridge. Cars will be towed if they are not moved beforehand.

Maharishi College of Natural Law will hold a conference on government and the knowledge of natural law at 8 p.m.

## Friday October 22

State Senator George Bacrach will hold office hours in the Walnut Room of City Hall, from 11 a.m. to 12:30 p.m. today.

Efforts will be made to benefit the North Cambridge Catholic High Athletic Association will be held in the North Cambridge Catholic High School, 40 Norris St., at 7 p.m. Free.

## Saturday October 23

Annual fall sale at the Harvard-Epworth Church from 10 a.m. to 2 p.m. Furniture, baked goods and household goods.

Shady Hill Country Fair at 170 Shady Hill from 10 a.m. to 3 p.m. at the school. Advance tickets \$15, \$2 at the fair.

Symphonies in tapestries from diverse cultures will be the topic of a slide show presented by Jill Winslow at 7:30 p.m. at the New School of Music, 25 Lowell St. Free.

Retirement fund drive for the benefit of the Dominican Sisters at Our Lady of Pity Hill, Middlesex Street, 8:30 p.m. to 12:30 a.m. Donation \$5.

The Center for Lifelong Learning is now registering for fall courses. "Becoming a Consultant," 9:30 a.m. to 5:30 p.m. Tuition \$65.

## Sunday October 23

Annual ethnic dinner and dance twentieth anniversary celebration, sponsored by the Cambridge Massachusetts School, Call 492-3410.

## Sunday October 24

United Nations day celebration at Sanders Theater, Harvard University, beginning at 6:30 pm, with a parade of street performers from Harvard Square to Sanders Theater. Tickets \$5 in advance, \$5.50 at the door. \$5 for senior citizens and students. Call 371-1510.

A historical approach to American communes and the Israeli kibbutz will be discussed by Yancov Oved, Professor of History, Tel Aviv University in Israel, in the Lamont Library Forum Room on Harvard University's campus, 8 pm. Free.

## Monday October 25

Street cleaning takes place today on the even side of streets in district 8, neighborhood 9. Cars will be towed if they are not moved beforehand.

Cambridge Farmers' Market, 3 to 7 pm, parking lot at Norfolk Street and Bishop Allen Drive.

for Massachusetts, William F. Weld, will speak at the Fall dinner and business meeting of the Cambridge Arlington Belmont Bar Association, in the Lido Room of the Fantasia Restaurant, 617 Concord Ave., at 8 pm. Donations: \$14 per person.

Dept. of Health public hearing, permit request by the Oldde English Health Club, 965 Main St., will take place at 7 pm at Cambridge Hospital Lecture Room.

## Tuesday October 26

Sufi meditation and dance, 8 pm, Phillips Brooks House, Harvard Yard. Introduction to the Sufi Path, 7:30 pm, Phillips Brooks House.

Street cleaning takes place today on the odd side of the street in district 9, the Tobin and Haggerty Schools areas. Cars will be towed if they are not moved beforehand.

Great Books Discussion Group will feature works from Milton to Shaw, 7:30 to 9 pm, Cambridge Public Library, 449 Broadway.

Riverside-Cambridgeport Community Corporation, regular meeting, board of directors, 7:30 pm, 217 Western Ave. Area residents invited.

## Wednesday October 27

Can we live with nuclear weapons will be the topic of Harvard Professor Joseph Nye's lecture, 8 pm, at Cambridge Forum, 3 Church St., Harvard Square. Free.

Street cleaning takes place on the even side of streets in district 9 and Cambridge Highland areas. Cars will be towed if they are not moved beforehand.

Laurie Olin will lecture on "Elm Street and the Central Village Area: A Study in the Design of Cities," at Harvard Graduate School of Design, 48 Quincy Street, 6 pm. Free.

An open divorce panel, a free lecture-workshop will be presented by Rona Troderman-King at the Divorce Separation and Mediation Center, 2464 Mass. Ave., 8 pm.

Dr. Herbert L. Scoville, president of the Arms Control Association, will speak on "The Present Nuclear Danger," at MIT's Center for Advanced Engineering Studies, 177 Massachusetts Ave., noon. Free.

"The Future of American Industry: Government and Business Beyond the 1980's" will be discussed today at the Forum at Harvard's John F. Kennedy School of Government, 7:30 p.m.

## Thursday October 28

Street cleaning will take place on the odd side of streets in district 10, neighborhood 10. Cars will be towed if they are not moved beforehand.

Panel discussion on the Cuban missile crisis will be held at the Forum at Harvard's John F. Kennedy School of Government, 8 pm.

A historical approach to American communes and the Israeli kibbutz will be discussed by Yancov Oved, Professor of History, Tel Aviv University in Israel, in the Lamont Library Forum Room on Harvard University's campus, 8 pm. Free.

United States Attorney Center Screen, Carpenter

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## Friday October 29

Peace feast benefit for the American Friends Service Committee, at the First Parish Church, Church Street, 5 to 9 pm. Donations \$2 or advance \$3 for children which includes drink, entertainment and children's activities. Call 661-6130 for tickets. Also available at Cambridge Natural Foods, 1670 Mass Ave.

## Arts at a glance

**'Arts at a glance' entries due Friday, 5 pm**

## Arts at a glance

Continued from page 9

Morgan, \$3.50 for Gayle Fassin, 47 Palmer St., Cambridge, Oct. 21, Geoff Bartley, Oct. 22-24, Lou Collins, Oct. 29-31, Odetta, Call 492-7679.

Faculty Recital, Tufts Alumnae Lounge, Talbot Ave., Medford, Oct. 24, 8:30 pm.

Kiezner Conservatory Band, Oct. 24, 7 pm, Paine Hall, Harvard, Tix: \$45.00 general, \$25.00 students.

Words and Jazz, benefit concert with Raymond Newman and The Prings, Oct. 28, 9 pm, at the Homestead, 226 Alewifebrook Parkway, Cambridge, to benefit O.A.R.'s donation requested.

Whitney-Gleason Trio from Ozark, Mo., in concert at the First Church of the Nazarene, 234 Franklin St., Cambridge, Oct. 24, 8:30 pm. Free Country and western gospel.

New World String Quartet will give a master class, Oct. 22, 6:30 pm. Free. Country and western gospel.

Harvard Epworth Church film series continues with Pandora's Box, Oct. 24, 7:30 pm. The Age of the Medici, Part 1, Oct. 28, 7:30 pm. Contribution: \$1.50. The church is located at 1555 Massachusetts Ave., Cambridge.

Even Dwarfs Started Small, by W. Herzog, MIT, Building NS1-100, 7 pm. Free.

Harvard Film Archive lists the following upcoming showings: Oct. 15, Animation, 8 pm, Oct. 19, Scarlett Street, 5 pm, Oct. 19, Barren Lives, 8 pm, Oct. 20, The Trial (Le Procès) at 5 pm and 8 pm in the lecture hall, Oct. 15 - selection of animated films by Cecile Starr.

Stories into Film series at the Harrington School, 830 Cambridge Street, Cambridge, at 7 pm. Free admission. Films in the series include The Music School (John Updike), Oct. 21; The Man That Corrupted Hadleyburg (Trevor), Oct. 28; The Mockingbird, and Parker Anderson (Ambrose Bierce), Nov. 4; The Barn-

burning (Faulkner); Hemingway's Spahn; Death in the Afternoon, and The Soldier's Home (Hemingway), Nov. 13. Edgar Allan Poe: Background for His Works, and Masque of the Red Death (Poe), with the Legend of Sleepy Hollow (Washington Irving), Dec. 2.

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# Room at the top: touring the E. Cambridge jail

**By Tony Baldo Staff Writer**

Entering the East Cambridge jail on the 17th floor of the Middlesex County courthouse is very much like entering an airport terminal, for a walk-through electronic detector is the first greeting any visitor receives.

But that is where the similarities between the jail and the outside world end.

The correctional facility has had a somewhat controversial existence ever since construction was completed in 1974. It was not until last February that the jail received its first 20 occupants.

A great deal has changed in the months since February, however, because extensive renovation work has been undertaken and the prison population has steadily increased.

At the time the inmates arrived, the East Cambridge jail was plagued with a litany of problems, ranging from community opposition to the lack of a sprinkler system. It still is without a sprinkler system, but jail officials say that a \$4.3 million appropriation passed by the state legislature will enable them to install such a system over two years.

What's more, the East Cambridge jail now has a certificate of occupancy, which it did not have several months ago. Joseph Cellucci, commissioner of the Cambridge Building Department, refused to issue such a certificate to the jail in February because floors 17 to 20 of the courthouse were never occupied or certified. Thus, Cellucci regarded the jail as a new building, and since it is over 70 feet high, he said it was subject to current state building codes. With that, he found several deficiencies within the facility.

Middlesex County appealed Cellucci's decision to the State Code Commission's Building Appeals Board, which ruled in the county's favor by ordering Cellucci to issue the certificate of occupancy.

Yet while all this was happening on the outside of the jail, an overhaul of the facilities was occurring within.

In fact, the renovation work on the top four floors of the courthouse continues. Middlesex County Sheriff Edward F. Henneberry, Jr., says some steel piping and electrical work still must be done, and he projects a "realistic" completion date of January 1, 1983.

The 17th floor of the courthouse, which is the first floor of the jail, serves as a "nurse" center for the facility. Here are the receiving and processing areas, the infirmary, the doctor's and dentist's examining rooms, a holding area, the visiting room, storage facilities, and the control room, which contains all of the jail's security, surveillance, and communications systems, including closed-circuit cameras, radios, and other electronic equipment. Also in this room is the armory, where weapons, tear gas, mace, and handcuffs are kept.

Visiting hours for the inmates are Tuesdays and Thursday evenings and Saturday afternoons, though these visits consist of the inmate and his visitor sitting face-to-face with a glass partition between them. Assistant Deputy Superintendent Terry McCarthy says each inmate is permitted one "contact" visit every 30 days, meaning that no partition stands between the inmate and his visitor.

The medical facilities are still undergoing some finishing touches. For example, the dentist's room is awaiting chairs and other supplies, while the ward will receive two more beds for a total of eight. There is also a disease isolation room for inmates whose sicknesses have yet to be ascertained or are extremely contagious, McCarthy notes.

Once the jail is fully done, it will have the capability to house 170 prisoners. It now contains 80 inmates whose sentences are for two and one-half years or less, since East Cambridge is a county jail. Any criminal with a sentence of more than two and one-half years is assigned to a state facility.

East Cambridge jail officials say that most prisoners for inmates there are for 30- to 90-days, since most of their crimes are non-violent and involve motor vehicle offenses, non-support of their children, breaking and entering, and larceny. Sheriff Henneberry says that 68 percent of the inmates committed property crimes and 72 percent committed alcohol and drug-related crimes, which usually mean breaking and entering offenses to support habits.

A red, heavy-steel stairwell leads from the 17th to the upper floors. Arriving on the 18th floor, the inmate canteen is on your immediate right. Here, inmates retain accounts and can get refreshments. Sheriff's department spokesperson, Sylvia Cejelski, says the proceeds the canteen derives from the inmates' accounts are funneled into a fund that will pay for equipping the jail's exercise room.

Nearby there is a laundry room, complete with ironing, pressing, machines, which is staffed by inmates.

Continued on page 11



POLITICAL ADVERTISEMENT

## Rindge Tech class sets

## 50th reunion

Rindge Technical High School's Class of 1932 will hold its 50th reunion on Nov. 22 in conjunction with the 72nd annual reunion of the Rindge Alumni Association at the CRLS War Memorial.

A family style roast dinner will be served. Many awards, named for outstanding Rindge men, will be presented and a Rindge "Man of the Year" will be named. Groups will be seated with their old classmates.

For further information, call Ed McAuliffe at 354-0103.



**"DON'T YOU BELIEVE..."**

## High and Latin class reunion set

Cambridge High and Latin School's Class of 1977 will hold its fifth reunion on Friday, Nov. 26, at the Stephen James House from 8 pm to midnight.

A buffet will be served and recorded music will be provided.

For further information, call 888-7358.

## Frisoli retirement party set

There will be a retirement party for Tom "Rocky" Frisoli, who is leaving the municipal payroll, on Dec. 4 at Holy Trinity Church, 145 Brattle Street, from 7 pm to 1 a.m.

The event will feature a buffet, dancing and door prizes. For ticket information, call Paddy's Diner at 882-8631, or the Cambridge Elks Lodge, 876-8626.

For information on door prizes, call 491-7313.

## Peisch sets CSU record in marathon

A member of the Cambridge Sports Union set a club record in Sunday's New York Marathon.

Ann Peisch of Brighton came in 22nd among the women entered in the race with a time of 2:42:39, the fastest marathon time ever registered by a member of the sports union.

## Benefit road race planned

There will be a 5.2 mile road race on Sunday, Nov. 7, to benefit the Save the Children Foundation.

Check-in time will be at 9 am at the University Bank and Trust Co., 2400 Mass Ave. Race time is 10 am.

Trophies and gifts will be awarded to the top male and female finishers in each of three age categories.

For further information, call 431-1200.

- that senior citizens, who have worked hard all their lives and rely on fixed income should not have to pay twice as much income tax as other people,
- that people who want jobs must have adequate training and re-training programs to be prepared for the jobs of the 80's.
- that criminals who rape, steal, or murder should be given mandatory sentences.
- that Sen. Bachrach should have to justify to the thousands of unemployed teachers, firemen, and policemen, his "give-away" record for:

- a \$2 million House Ways and Means office renovation
- a \$7.9 million facelift for crime ridden Franklin Park
- a \$2.1 million expense for 65 doorkeepers. Wouldn't you like to make \$24,000 just for holding open a door?
- that people and businesses should once again be allowed to work for themselves and not to support the "Boys on the Hill."

## Marta Batmasian believes YOU should be the winner, not the "Boys on the Hill."

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SET MOMJIAN Former Chairman, Democratic Committee (Nationalities Division)  
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**MARTA BATMASIAN**  
for State Senator

MARTA BATMASIAN FOR STATE SENATE  
557 Mount Auburn St., Watertown, MA 02172 - 926-0330

**COMMONWEALTH OF MASSACHUSETTS** Probate Court  
Middlesex, ss. No. 147243 A  
Summons by Publication  
Iolima Leon Preston  
Plaintiff vs.  
Ivo Preston  
Defendant

A complaint has been presented to the above named Defendant. A complaint has been presented to the Court by you spouse, Iolima Leon Preston, seeking a divorce.

You are required to serve upon Carol P. Sweeney, Plaintiff's attorney, whose address is Two Center Plaza, Boston, MA 02108, your answer on or before October 29, 1982. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.

Witness: Sheila E. McGovern, Esq., First Judge of said Court, this twenty ninth day of September 1982.  
 Paul J. Casanova, Register of Probate

**OFFICE OF REAL ESTATE**

By written and an execution of the Power of Sale contained in a certain mortgage given by C. David Kaye to Frank J. Sweeney and Benjamin Segel, dated April 10, 1975, and recorded with Middlesex County (Southern District) Registry of Deeds, Book 12761, Page 115, of which mortgage the undersigned is the present holder for breach of conditions of said mortgage and for the purpose of enforcing the same, will be sold at Public Auction on 10:00 o'clock A.M. on Friday, November 5, 1982, on that portion of the mortgaged premises known as and numbered 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 101, 103, 105, 107, 109, 111, 113, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, 161, 163, 165, 167, 169, 171, 173, 175, 177, 179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, 213, 215, 217, 219, 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 249, 251, 253, 255, 257, 259, 261, 263, 265, 267, 269, 271, 273, 275, 277, 279, 281, 283, 285, 287, 289, 291, 293, 295, 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### Arts at a glance

#### Galleries

Cambridge Women's Quilts and their stories is a display of a quilt-documented of women's history created by 60 Cambridge women. Exhibit also features photographs collected in the Cambridge Women's Oral History Project. Through Oct. 31 at Gallery 57, City Hall Annex, 57 Innan Street, Cambridge.

The Fog Museum is hosting a number of exhibits, including Islamic Art: East and West, through Jan. 14. Gandharan Sculpture and its Classical Connections: A Tribute to Benjamin Rowland Jr., through Jan. 30. The Fog is on Quincy Street in Cambridge.

Robin Winter's drawings are on display at the Gallery at Off the Wall Cinema, 15 Pearl Street, Cambridge, through Nov. 3. Remembrances of the Near East: The Photographs of Bonifis, 1947-1997 is on display through March 6 at the Harvard Semitic Museum, 6 Divinity Ave., Cambridge.

Recent European prints will be displayed through Nov. 7 at the Hayden Gallery, MIT, 160 Memorial Drive, Cambridge.

The Nuclear Threat: Expressions of Concern, an exhibition by artists for survival, through Oct. 29, MIT Museum, 265 Mass. Ave. Monday-Friday, 9am-5pm.

Abraham's Gallery Lounge, 96 Winthrop Street, displays works by Francis Hamilton, Jack Cliff and Beverly Brown, through Dec. 9.

Edward Goble's paintings are on view through Nov. 4 at the VanBuren-Brazelton-Cutting Gallery, 290 Concord Ave., Cambridge.

Painting show, a juried exhibition at the Cambridge Art Association Gallery, 25 Lowell Street, through Nov. 4.

Myron Goldsmith's design work is on view at Gund-Hall Lobby, Harvard Graduate School of Design, 48 Quincy Street, Cambridge, through Nov. 12.

Still life, recent Polaroids by Chris Enos, Jan Groover, Betty Hahn, Barbara Kasten, Olivia Parker and Rosamond Wolff Purcell, Kennedy Gallery, 770 Main St., Cambridge, through Nov. 24.

Books and Shaws, recent drawings by Don Stinson, Frameworks Gallery, 1967 Mass. Ave., Cambridge, Oct. 29-Nov. 30.

Michael A. Costello's drawings and paintings are on display at Pina's Pantry, 33 Riverside Ave., Medford, through Christmas.

Designs for Living: Symbolic communication in African Art, Carpenter Center for the Visual Arts, 24 Quincy Street, Cambridge, Nov. 2-Dec. 20.

Local Visions II: The Beach is the title of a photo exhibit which will be on display through Nov. 14 at the Hayden Corridor

#### Theatre

French Gray, a play by Josef Bush about Marie Antoinette's final hour, will be offered with brunch Nov. 7, 14 and 21, at the Peasant Shack Restaurant, 415 Washington Street, Somerville. Tickets are \$9 and reservations may be made by calling 354-2520.

Marie and Bruce by Wally Shawn, costar and couthor of "My Dinner with Andre," will be performed Thursday, Friday and Saturday evenings at 8 and 10 through Dec. 4 at the Alley Theatre, 1253 Cambridge Street, Cambridge. Tickets are \$7 general admission, \$8 for students and senior citizens. Call 492-9567 for reservations.

Blood Ribbies, by Michael McDowell, will be performed Thursdays through Saturdays at the Old Cambridge Baptist Church, 1151 Mass. Ave. Tickets are \$5.

Talking feet, dances by Alice Trecker, Oct. 29 and 29, 8 pm. First Church, Garden and Mason Streets, Cambridge. Tickets: \$5 general, \$3 students and seniors. Call 643-9032.

Dance Party, with live African, Caribbean and Mid-East rhythms, International Academy of Ethnic Dance, 497 Mass. Ave., Cambridge, Oct. 29, 8pm-midnight. Admission: \$2.

Wearable Art, a collection of unique handmade clothing designed and created by Valerie Beggs, Jo Diggins, Penelope Freeman Jerabek, Juana Girardin, Adele Lancaster, Karen Norton and Judith Tankard, at the Friends Exhibit, 300 Huron Ave., Cambridge, through Nov. 27.

MIT Museum features works of Jan van Goyen through Nov. 15, "The Tech: One Hundred Years of Student Activities," continuing.

Saturday and Sunday, 12-5 on Monday and Tuesday. Proceeds from sale benefit the Cambridge Peace Education Project.

A Look at Papermaking, exhibit through Nov. 5. Project Arts Center, 141 Huron Ave., Cambridge. Works of Bernie Toale.

Paula Gross displays her photographs and cyanotypes through Nov. 12, Cambridge Center for Adult Education, 42 Brattle Street.

Alida Fish displays of gum and bichrome photographs, Project Center for Art, 141 Huron Ave., Cambridge, through Nov. 5. Low Marcus, color photographs, beginning Nov. 3. Opening reception Nov. 11, 6-8 pm, for Jisue Imura and her show. The Art Japanese Show, 187 North Street, Cambridge, through Nov. 12.

Women's Stories in Words and Fabric, celebration of women's quilts, Cambridge Center for Adult Education, 42 Brattle St., Nov. 1-15. Reception Nov. 5, 6-8:45 pm.

Roger Jones exhibits his caricatures and drawings at Off the Wall, 15 Pearl St., Cambridge, Nov. 3-Dec. 1.

Ten Arrow Gallery, 10 Arrow St., Cambridge, Oct. 29-Nov. 30.

Michael A. Costello's drawings and paintings are on display at Pina's Pantry, 33 Riverside Ave., Medford, through Christmas.

Designs for Living: Symbolic communication in African Art, Carpenter Center for the Visual Arts, 24 Quincy Street, Cambridge, Nov. 2-Dec. 20.

Local Visions II: The Beach is the title of a photo exhibit which will be on display through Nov. 14 at the Hayden Corridor

#### Readings

John Pijewski, author of Dinner with Uncle Josef, reads from his works at the Mystic Players, Oct. 28-30, 8 pm. Little Theatre, Medford High School, Winthrop Street. Call 395-6202.

Richard III, MIT Shakespeare Ensemble, MIT Student Center, Oct. 28-Nov. 2, Thursday-Tuesday, 8 pm. Call 253-2908.

Say Goodbye, murder-mystery musical, by the South House Drama Society, Harvard University, Agassiz Theatre, Harvard Yard, Oct. 27-30, 8pm. Tickets: \$4 general, \$3 students. Call 492-9567 for reservations.

Odyssey Myster Theatre, with "Misteria," Oct. 30, Nov. 6, 8pm, Blacksmith House, 56 Brattle St., Cambridge. Tickets: \$4.50.

The Shakespeare Brothers, puppetry, juggling, magic and songs, for preschoolers and parents, Oct. 30, First Church Congregational, Mason and Garden St., Cambridge, 10:30 am. \$1.50 for kids over 12, \$2.50 for adults. To benefit Newton School Scholarship Fund.

Kiss Me Kate, MIT Musical Theatre Guild, Oct. 29-30, Nov. 4-6, 8pm, Oct. 31 at 3:30 pm, Kresge Auditorium, MIT. Tickets: \$5, available at the door.

We're All Gonna Die Some Day, Nov. 13, 8 pm, King School, 100 Putnam Ave., Cambridge. Tickets \$4, \$3, \$2.30, Nov. 4-6, 8pm, Adams House, Harvard University. Tickets: \$2.50, \$2.00, \$1.50, \$1.00, \$0.50.

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# Harshbarger faces Carbone in county DA race

By Laura Barrett Special to the Chronicle

Bitterness has marked the waning weeks of the campaign for Middlesex County district attorney between Republican Guy Carbone and Democrat Scott Harshbarger.

Having won a resounding victory against three tough opponents in the Democratic primary, having received the endorsement of dozens of politicians, unions and organizations, having spent nearly a quarter of a million dollars to run for this office, Harshbarger is clearly favored to win. Carbone has waged a far less visible campaign, but in recent weeks he has begun to lash out against Harshbarger's ideas and integrity.

Carbone's vitriol inspired this response from Harshbarger this week: "I consider Mr. Carbone to be running one of the most negative campaigns I have had the opportunity to experience. He is desperately trying to salvage a sinking campaign and a faltering political career by attacking me personally. I've never experienced anything like it."

Not that Harshbarger has much to worry about by all appearances. He placed first in 48 of the county's 54 cities and towns in the Democratic primary. Unofficial tallies from the September 14 primary show he garnered 41 percent of the vote, winning 145,257 compared to 89,121 for 22-year incumbent John Dronoy, 55,314 for Register of Probate Paul Cavanaugh and 55,505 for former Asst. Dist. Atty. Edward Gargiulo.

He did even better in his native city of Cambridge, winning nearly 16,000 votes here, more than four times as much as his nearest challenger.

All three opponents subsequently endorsed him, and Dronoy has been actively raising funds for him.

Harshbarger's other endorsements, including unprecedented unanimous support from the Cambridge City Committee, have also given him a boost: "This overwhelming Democratic county. What's more, the Harshbarger operatives consider it a feather in their cap this week to have won the endorsement of the MDC police union, in light of the fact that Carbone was the former MDC commissioner.

Carbone, by contrast, ran unopposed in the primary and he admits he had a difficult time in the final election. "As a Republican, I'm doing better than any other Republican could do, but I'm having a devil of a time raising money," he said this week. "When you have an Attorney General Francis Bellotti and Dronoy raising money for Harshbarger, no lawyer's going to send me a nickel."

Asked how much money he has raised to date, Carbone said he didn't know. Asked for the name of the treasurer for some of those financial details, he drew a blank.

Attack and defense

Lacking the organization for widespread leafletting and knocking funds for extensive advertising, Carbone admitted that his last resort is to point out what he believes are the tarnishes on Harshbarger's armor. The primary object of his scorn is Harshbarger's "Action Plan," a 24-page document issued in April which spells out Harshbarger's philosophy and intended policies as district attorney.

"I call it his Venus DeMilo plan. It looks good, but it's not all there," he said. For example, he contended that Harshbarger could not institute his proposal to assign an assistant DA to each case involving a juvenile without additional funds, and criticized his opponent's contention that he will not need new funds in the initial stages.

(Harshbarger stands by that contention, saying he can bring about many organizational changes without new revenues.)

Carbone called "patently stupid" Harshbarger's plan to mandate that cases involving serious crimes be brought to trial within 60 to 90 days.

(Harshbarger stands by that plan, saying that gubernatorial candidate Michael Dukakis is even considering seeking to sponsor a law to that effect.)

Carbone accused Harshbarger of exaggerating by saying he has been in the criminal justice system for 14 years in light of the fact that he graduated from law school 14 years ago and immediately went to work for a private law firm for two years.

(Harshbarger contends he actually worked on his first criminal cases 15 years ago while still a law student, that he worked on some criminal cases his first two years out and that he has been active in the criminal justice system ever since then.)

The list of charges and retorts goes on, and has garnered Carbone considerable bad press, which appears to have embittered him even more. "I'm disgusted that the Democrats can hide these alleged inconsistencies" or that the press doesn't have time to dig them out. When I mention these things, I'm accused of muckraking. I knew it would be hard to run against a Democrat, but I didn't know it would be this hard."

Lang and varied

Carbone's surprise is a little surprising — he was a Democrat himself at one time. He began his explanation about his switch in party allegiance by saying he was "always a conservative and an independent" until he decided to run for the DA's seat four years ago as a Republican. The Republican Party wouldn't help him, so he ran as a Democrat (trailing far behind Harshbarger and Dronoy in that election, by the way).

After the primary, Gov. Edward King appointed him to be MDC commissioner, so he felt he couldn't leave the Democratic Party, he said. Things went sour there, so he left state government in 1980, and soon thereafter became active in the Republican Party. "I know they're going to accuse me of being a mugwump," Carbone said, "but my philosophy has never veered one bit. I became involved in the Reagan campaign and I believe in the Reagan philosophy of government."

A registered engineer as well as a practicing attorney, Carbone's political and professional experience has been long and varied.

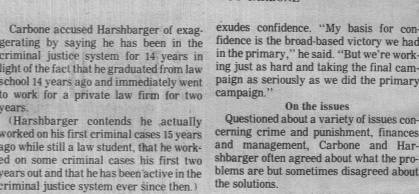
He was formerly a Watertown school committeeman and selectman and in recent years he has served as the chief engineer for the building of Government Center, as counsel to the Massachusetts Department of Labor and Industries, and as MDC commissioner. Carbone, aged 47, works for a private law firm in Boston.

Harshbarger's background is also varied. Since graduating from Harvard Law School in 1968, he has served in both private firms and public agencies. He was general counsel to the State Ethics Commission, chief of the Public Protection Bureau under Bellotti and deputy chief counsel to the Massachusetts Defenders Committee.

One week before the election, Carbone sounds disappointed while Harshbarger



SCOTT HARSHBARGER



GUY CARBONE

exudes confidence. "My basic for confidence is the broad-based victory we had in the primary," he said. "But we're working as hard and taking the final campaign as seriously as we did the primary campaign."

On the issues

Questioned about a variety of issues concerning crime and punishment, finances and management, Carbone and Harshbarger often agreed about what the problems are but sometimes disagreed about the solutions.

JUVENILE CRIME: Both candidates readily concurred that juvenile delinquency is a serious problem which is not being dealt with effectively. Their suggested changes highlighted their ideological leanings, with Carbone taking a more traditionally conservative stance.

Carbone stressed that the laws should be changed so that more juveniles can be tried as adults and he suggested that a jail or "detention facility" for juveniles should be erected for serious offenders. Harshbarger emphasized that more care should be taken in dealing with minor offenders before they become hardened criminals and that the state should develop more community-based programs.

Carbone, like Harshbarger, acknowledged that the origin of criminal behavior is generally complex and troubled at home. "I'm a conservative, but I really think the public has got to understand that most of these youngsters who get themselves in trouble they'll be tried. If they get into trouble the first time, we're going to try to help them. If they get in trouble the second time, they should expect to be dealt with more severely. The third time is a serious matter."

Carbone said he believes the system is accurately perceived as a "revolving door," and that's because the rate of repeat offenders (recidivists) is so high. Recidivism can only be reduced by "swift and certain punishment," he said.

"People are incredibly frustrated at the failure of the system to deal with crime. Not that the judges and some other people shouldn't take some heat, but if there is one office that should be held responsible for major defects in the system, I think it's the district attorney's office. The DA has the authority and power to ensure that there are quality investigations, to move the cases through the system smoothly and efficiently and to ensure, through quality prosecution techniques, that there is swift and sure justice."

MANDATORY AND PRESUMPTIVE SENTENCING: Mandatory sentencing requires that a person convicted of a crime be sentenced to a specific punishment, regardless of the extenuating circumstances. Presumptive sentencing offers a range of punishments that may be meted out for a given offense, but a judge is required to sentence within those guidelines.

Both candidates said they would support legislation to implement presumptive sentencing for certain offenses. Harshbarger has taken a stand against mandatory sentencing, while Carbone supports

Harshbarger, like Carbone, said he would make juvenile crime a top priority. He added that he would assign an assistant DA to every juvenile case (unlike the current system of assigning them to only the more serious cases).

"I think it's critical for the district attorney to be supporting and developing alternative sentencing programs and resources," he said. "I intend to focus a great deal on restitution programs, on community work programs, on operating a good probation system and on alcohol and drug abuse treatment."

REVOLVING DOOR: Both candidates were asked if it is true the public perceives the criminal justice system as a "revolving door," and if that perception is accurate.

Both readily agreed it is seen as a revolving door, but Carbone said he believes that may be more image than reality based on a misunderstanding of plea bargaining.

According to Carbone, there are too few judges trying cases and too few jail cells for convicted offenders, so plea bargaining is a necessary tool to speed up the process of litigation.

"The public thinks plea bargaining means a career criminal is going to go back on the streets, but that's simply not so. It just means he can plead guilty to a lesser included offense. He's still going to go to jail."

"The fraud," Carbone continued, "comes in the sentencing and parole." Judges don't always impose tough enough sentences, he said, and parole boards are sometimes too lenient. "I make the promise that as district attorney I will go to the parole board on vicious crimes and say 'no.'"

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given the current limited resources — Carbone came down on the side of programs, a position that might surprise some given the traditional conservative line favoring more jails.

"The answer is obviously the alternative, community sentencing," he said, "but the problem is that the public won't accept that. Nobody wants a halfway house next to him."

Carbone suggested that money could be raised for building prisons and programs by increasing the fees on gun permits, a measure which he said most gun owners he knows (including himself) would support if they knew the money was going to be used exclusively for the penal system.

Harshbarger said it was an impossible choice. "People are going to have to decide that if they want to be tougher on criminals — and that's an appropriate decision — then they're going to have to build more jails. On the other hand, every time you spend all your money on correctional facilities at the expense of alternative sentencing programs you are risking long programs that, over time, will prevent crimes down the line."

JAILS VS. PROGRAMS: More jail space and more community-based programs are needed, both candidates agreed, and the state should use innovative means for raising money for both. Asked which is the higher priority —

Wood siding is subject to decay, so you want to prevent it from becoming damp. Don't allow the siding to come into direct contact with the ground, and keep it at least 18 inches away from the siding. Be sure that the seams where wood siding joins any kind of masonry — the chimney, stone or stucco, etc. — are filled with caulking compound. Aluminum, vinyl and asbestos shingles will last almost indefinitely if properly applied. They do not need to be painted.

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So, join the club — it's a Christmas present you can't afford to miss.

For more information call Barbara Sartanowicz or Don Halford at 666-4700. After all, we're here to help.

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Teele Square: Mon. 9:00 a.m.-3:00 p.m.; Tues.-Fri. 9:00 a.m.-6:00 p.m.; Sat. 9:00 a.m.-12:00 noon.

LENDER

RECEIVED BY  
OFFICE OF CITY CLERK

NOV 4 2 05 PM '82

CAMBRIDGE, MASS.

18 Fayette St.  
Cambridge, Ma. 02139

5 November 1982

Committee on Ordinances  
Cambridge City Council  
City Hall  
Cambridge, Ma. 02139

re: regulation of institutional expansion  
hearing on November 5, 1982, 6:30 PM

Honorable Members of the City Council:

Further pre-emption of the existing housing stock for use by affiliates of large institutions is to be resisted. The neighborhood in which I live, Mid-Cambridge has seen Harvard University take over most of the residential property on Prescott and Ware Streets. I also mention Quincy St., which is felt to be so much an extension of Harvard Yard that a serious proposal was advanced several years ago to close this major thoroughfare. Where will the piecemeal acquisition stop?

Isolation of institutional personnel in inward-looking enclaves can only exacerbate the inevitable frictions between our major universities and our neighborhoods. If institutions need off-campus housing for their affiliates, let the affiliates compete in the open market for that housing. If, as a result, these people have a longer journey to work, this is a small price to pay to avoid fostering the expansion of vast closed cities within our city. Besides, it can mean a shorter journey to work for some of the many people who work in Harvard Square but not for Harvard University.

I understand that you now have before you proposed restrictions on institutional acquisition of existing housing for exclusive use by affiliates of institutions. For the sake of Mid-Cambridge and other neighborhoods, I encourage you to act favorably on this proposal.

Respectfully,

*John R. Pitkin*

John R. Pitkin

29 Everett Street  
Cambridge, MA 02238

(617) 868-9600

Office of the President

LESLEY  
COLLEGE

Nov 25  
07:23  
November 17, 1982

Honorable Members of Ordinance Committee  
City Hall  
Cambridge, MA 02139

RE: Institutional Zoning: Proposed  
Amendment to Regulate "Affiliate  
Housing" of Educational Institutions

Dear Members:

We are writing to register our opposition to the proposed Amendment to Regulate "Affiliate Housing" for Educational Institutions.

When the institutional zoning regulations were finally recommended and passed into law, we worked closely with the staff of the Community Development Department and our Agassiz neighbors to support the passage of that zoning legislation. There was an understanding that the issue of affiliate housing had been appropriately resolved at that time. Institutional zoning was never intended to regulate or restrict housing owned by educational institutions.

The process by which the present version of the zoning ordinance was created was a long one, characterized by cooperation among the institutions and the City. Lesley College and the Agassiz neighborhood participated enthusiastically and we look forward to similar cooperation in the future. Unilateral piecemeal changes in the results of that process are dysfunctional to this cooperative effort.

Accordingly, we urge the City Council not to support this change.

Sincerely,



Jennifer A. Page  
Vice President, External Relations

JAP/jj  
cc: ✓ Paul Healey, Clerk,  
City of Cambridge  
R. Lewis, Exec. V. P.  
Lesley College

29 Everett Street  
Cambridge, MA 02238

(617) 868-9600

Office of the President

LESLEY  
COLLEGE

NOV 23

CAMBRIDGE, MASS.

November 17, 1982

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Cambridge, MA 02139

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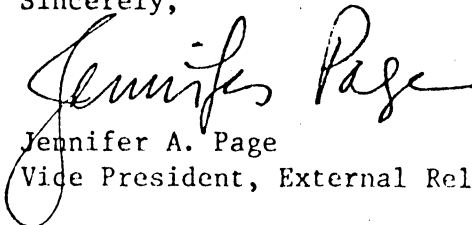
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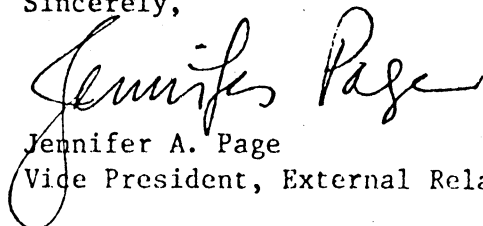
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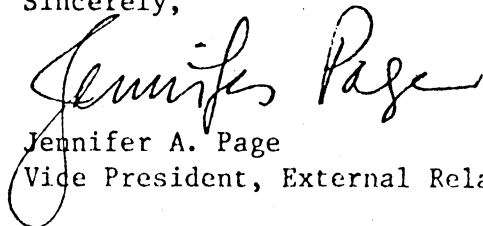
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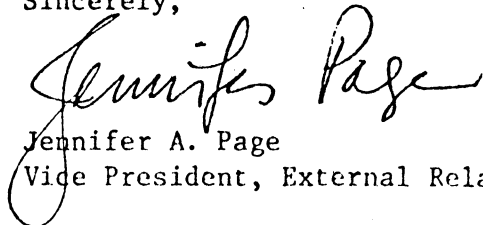
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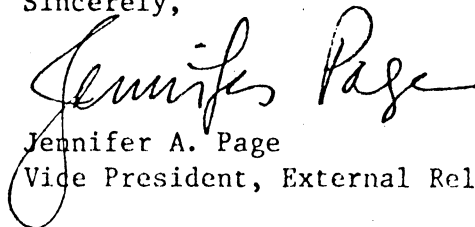
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Lesley College

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NOV 4 1 41 PM '82

CAMBRIDGE, MASS.

262 Sidney Street  
Cambridge, MA. 02139  
November 4, 1982

Committee Clerk  
City on Ordinance  
City Hall  
Massachusetts Avenue  
Cambridge, MA. 02139

Re: Clinton Petition

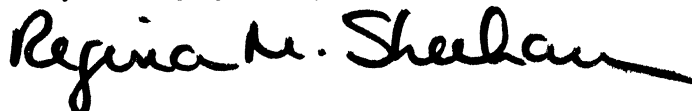
Dear Sir:

For the past forty (40) years my neighbors and myself, employed the task of trying to keep the companies on Sidney Street from taking over the land and houses in the area. Zoning laws, air, noise laws do not apply to them.

They go home to their homes outside of the city and return at 7:00 A.M. to continue their noise, which I am sure is a no-no.

So, let me state I am against the Clinton Petition.

Very truly yours,



Regina M. Sheehan  
an abutter

HAND DELIVERED

RECEIVED BY  
OFFICE OF CITY CLERK

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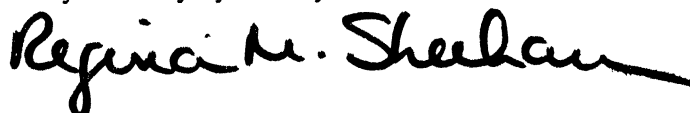
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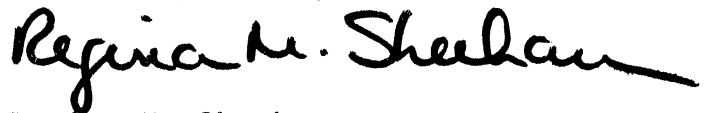
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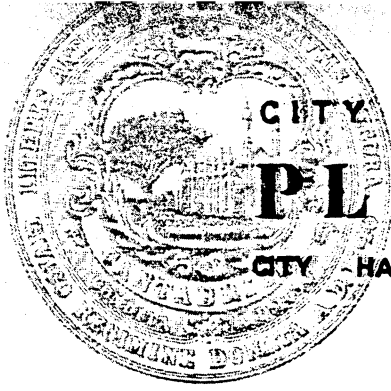
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HAND DELIVERED



CITY OF CAMBRIDGE, MASSACHUSETTS  
**PLANNING BOARD**

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

November 9, 1982

To the Honorable, the City Council:

SUBJECT: Petition of the City Council to Amend the Zoning Ordinance by Creating a New Use Category, "Affiliate Housing", and Regulating Same in Section 4.50, Institutional Use Regulations.

The Petition

The petition would define a new category of institutional use, "Affiliate Housing", characterized as a dwelling controlled by an educational institution and occupied by employees or persons enrolled in that institution. Affiliate housing would be regulated as dormitories now are.

Recommendation

The Planning Board does not recommend the adoption of the proposed amendment. While the growing influence of educational institutions through the ownership and control of non-institutional residential property is of increasing and serious concern, the current proposal attempts to employ zoning, a police power limited to the control of uses of property, to regulate the ownership of property. The Board does not believe that more ownership, as the only feature differentiating two otherwise identical properties, is sufficient to define such properties as different uses within the authorized scope of the zoning police power.

Findings

1. The Petition attempts to address a serious problem of the effects on communities and neighborhoods of the ownership and control of residential property by large educational institutions. Where such ownership introduces short-term occupancy of dwellings by persons whose commitment and community values are focused elsewhere, or where such ownership artificially limits occupancy of housing to only a limited segment of the community, the ability of neighborhoods to develop and be sustained as cohesive, supportive social units with a long term commitment to their own social and physical well-being is seriously impaired.
2. While certain forms of educational institutional control of the housing units in City's neighborhoods may have serious negative impacts on those neighborhoods, such consequences are not necessarily, predominantly, or exclusively the result of institutional ownership but more generally a consequence of the predominant position of educational institutional activities in the City which are felt even though housing units may be privately held.

3. Ownership by an institution and occupancy by affiliates of that institution do not materially distinguish that household unit as a different use, as regulated by Chapter 40A, the Zoning Act, from one having the same living patterns and affiliation but living in a rented unit owned by an independent, absentee owner or one that is owner occupied.
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6. Recent Supreme Judicial Court action, as in case No. SJC-2789, September 1, 1982, would seem to indicate that ownership as an exclusive criterion can not be used to distinguish between uses of property for zoning purposes, a position consistent with generally held assumptions about the purpose and authority of zoning.
7. The current definition of dormitory in the Zoning Ordinance is inadequate and excessively vague; it should be more precisely drawn to clearly reflect the physical and other factors which distinguish dormitory from standard dwelling units as a land use.

#### Public Hearing

The Planning Board held a public hearing on Tuesday, October 19, 1982 at 7:45 p.m. in the Conference Room, City Hall Annex. Councillor David Sullivan, sponsor of the petition, briefly described the petition and the problem it is meant to address. The petition would establish two criteria for affiliate housing: ownership by an educational institution, and occupancy by an affiliate of that institution. Such housing would be regulated as dormitories now are in the Zoning Ordinance (generally prohibited outside institutional overlay districts). Such a definition simplifies the enforcement of the institutional use regulation by eliminating the third criterion, place of permanent residence, required by the definition of dormitories. Mr. Sullivan contended that the fact of ownership and affiliation, in combination, constituted land use extension of the educational institutions to the housing they owned, defined such housing as a use distinct from housing under other ownership and therefore, subjected such housing to control under the City's Institutional Use Regulations.

In general Board members expressed concern with the notion that ownership alone would be sufficient to differentiate otherwise identical activities. At the hearing the following persons indicated their support of the petition.

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Speaking in opposition to the petition were the following:

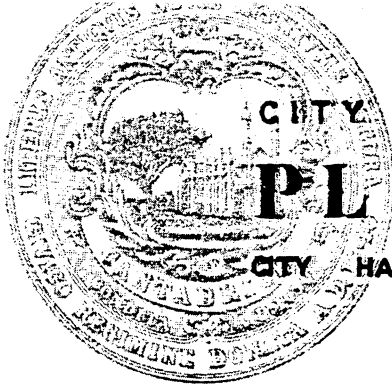
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Respectfully Submitted for the  
Planning Board

*Arthur C. Parris*  
Arthur Parris  
Chairman



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

November 9, 1982

To the Honorable, the City Council:

SUBJECT: Petition of the City Council to Amend the Zoning Ordinance by Creating a New Use Category, "Affiliate Housing", and Regulating Same in Section 4.50, Institutional Use Regulations.

## The Petition

The petition would define a new category of institutional use, "Affiliate Housing", characterized as a dwelling controlled by an educational institution and occupied by employees or persons enrolled in that institution. Affiliate housing would be regulated as dormitories now are.

## Recommendation

The Planning Board does not recommend the adoption of the proposed amendment. While the growing influence of educational institutions through the ownership and control of non-institutional residential property is of increasing and serious concern, the current proposal attempts to employ zoning, a police power limited to the control of uses of property, to regulate the ownership of property. The Board does not believe that more ownership, as the only feature differentiating two otherwise identical properties, is sufficient to define such properties as different uses within the authorized scope of the zoning police power.

## Findings

1. The Petition attempts to address a serious problem of the effects on communities and neighborhoods of the ownership and control of residential property by large educational institutions. Where such ownership introduces short-term occupancy of dwellings by persons whose commitment and community values are focused elsewhere, or where such ownership artificially limits occupancy of housing to only a limited segment of the community, the ability of neighborhoods to develop and be sustained as cohesive, supportive social units with a long term commitment to their own social and physical well-being is seriously impaired.
2. While certain forms of educational institutional control of the housing units in City's neighborhoods may have serious negative impacts on those neighborhoods, such consequences are not necessarily, predominantly, or exclusively the result of institutional ownership but more generally a consequence of the predominant position of educational institutional activities in the City which are felt even though housing units may be privately held.

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Planning Board

*Arthur C. Parris*  
Arthur Parris  
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CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

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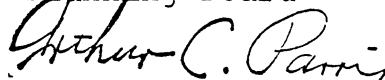
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Respectfully Submitted for the  
Planning Board

  
Arthur Parris  
Chairman



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139  
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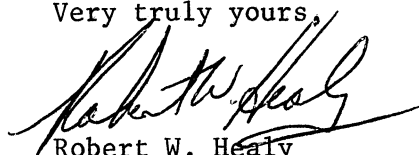
EXECUTIVE DEPARTMENT  
ROBERT W. HEALY  
City Manager

November 22, 1982

To the Honorable, the City Council:

Enclosed please find copy of a report from the Cambridge Planning Board relative to a petition of the City Council to amend the Zoning Ordinance by creating a new use category: "Affiliate Housing".

Very truly yours,



Robert W. Healy  
City Manager

RWH/mbf  
Enc.

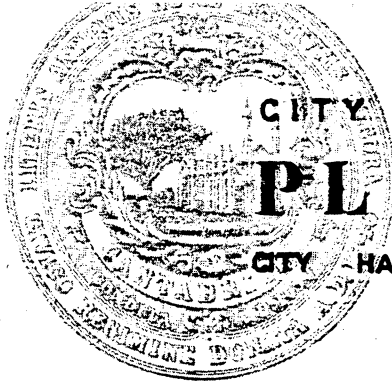
Agenda Item Number Four

Re: Planning Board report on the petition of David Sullivan to amend the Zoning Ordinances by creating a new use category: "Affiliate Housing".

In City Council,

November 22, 1982

11/22/82  
Referred to the  
Petition -



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

November 9, 1982

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Respectfully Submitted for the  
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*Arthur C. Parris*  
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A

# CAMBRIDGE CITY COUNCIL

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9094

David E. Sullivan  
City Councillor

## M E M O R A N D U M

TO: Planning Board

FROM: David Sullivan

RE: "Affiliate housing" zoning amendment

DATE: October 19, 1982

On September 13, 1982 on my motion, the City Council unanimously voted to submit a proposed amendment to the Zoning Ordinance to regulate "affiliate housing." The proposal defines that term as a dwelling (other than a dormitory, sorority, or fraternity) owned or controlled by an educational institution and occupied primarily by persons who are employed or enrolled at the educational institution. The proposed amendment then treats such "affiliate housing" in the same way as a dormitory, fraternity, or sorority. Under section 4.56(c)(8) of the present Zoning Ordinance, such uses are forbidden outside institutional overlay districts, unless they are replacing previous institutional uses on the site, have no greater adverse impact on the neighborhood, and the Board of Zoning Appeal issues a special permit; they are permitted within institutional overlay districts only if the Board of Zoning Appeal issues a special permit and if any housing units removed or converted are replaced indefinitely with an equivalent number of units.

Policy issues

The proposal would amend language inserted in the Zoning Ordinance by Ordinance No. 960, the institutional expansion ordinance of June 22, 1981. Both the January 1981 CDD "Revised Strategy for Managing Institutional Expansion" (CDD, Cambridge Institutional Growth Management Plan, May 1981), and the June 16, 1981 Planning Board report on the existing ordinance, include as its purposes preventing uses incompatible with neighborhoods because of activity patterns and overall impact, and regulating displacement of residential units from the housing stock. These purposes cannot be adequately served unless "affiliate housing" is regulated -- its traffic, activity patterns, and other use impacts are likely to extend the university campus into previously quiet residential streets, and it removes residential units from general availability to the Cambridge community.

After I presented this suggestion at the June 9, 1981 Planning Board hearing, the Board's report expressed the concern that policy problems raised by affiliate housing applied to private and not merely institutional residences, and therefore limited the remedy to "temporary" dormitory housing. To the extent that this concern is a legal one, it is considered below. In policy terms, experience has shown that the problems presented by educational institutions' "affiliate housing" are every bit as serious as those of their dormitories, and these problems do not occur to the same extent with respect to any other category of owner.

The difference between the proposed definition of "affiliate housing" and the present definition of "dormitory" is the latter's limitation to "a place of temporary residence for persons whose permanent residence is elsewhere." Zoning Ordinance § 2.000.

This distinction has proved impossible to administer in practice. To establish whether a violation of the ordinance is occurring, it requires an inquiry into the legal "domicil" of every resident of an alleged "dormitory." The recent dispute over MIT's acquisition of the Fort Washington townhouses in Cambridgeport demonstrates the difficulties. The new definition would resolve the problem by limiting the inquiry to easily discovered fact situations familiar to zoning administrators.

### Legal issues

Both the original institutional expansion ordinance and the proposed amendment are authorized by 1979 Mass. Acts ch. 565, as amended by 1980 Mass. Acts ch. 387. This statute allows Cambridge to "regulate and restrict the use of land or structures . . . for educational purposes on land owned or leased . . . by a nonprofit educational corporation" in certain low-density residential districts, notwithstanding the usual "Dover Amendment" exemption of G.L. ch. 40A, § 3.

One objection might be that the proposal regulates not "use," but rather ownership and affiliation. The Supreme Judicial Court disposed of this argument in Goldman v. Town of Dennis, 375 Mass. 197, 375 N.E.2d 1212 (1978), upholding a zoning by-law which regulated condominium conversion of rented cottage colonies. Although the by-law referred on its face to ownership, the court held that the town properly recognized that individual ownership would likely produce year-round use, threatening greater impacts than mere summer vacation occupancy. Similarly, the city of Cambridge may recognize the use implications of university

ownership or control coupled with occupancy primarily by affiliates.

A second opposing contention is that the proposed amendment treats educational institution affiliates differently from others (see policy discussion on page 2), thus violating equal protection principles. The answer to this is that educational institutions in Cambridge pose a much greater threat to the neighborhood integrity which the original ordinance seeks to protect. "Equal protection does not prohibit differences in treatment where there is rational basis for those differences reasonably related to the purposes which the regulation seeks to accomplish." Goldman, 375 Mass. at 200, 375 N.E.2d at 1214 (citation omitted). "(T)he reform may take one step at a time, addressing itself to the phase of the problem which seems most acute to the legislative mind." Williamson v. Lee Optical Co., 348 U.S. 483, 489 (1955).

Finally, the Board should bear in mind the extreme deference which courts accord zoning ordinances. "Every presumption . . . must be made in favor of the validity of the zoning (ordinance), and great weight given to a (city's) determination that necessity exists for its adoption." Marshall v. Town of Topsfield, 13 Mass. App. Ct. 425, 428, 433 N.E.2d 1244, 1246 (1982). A zoning "amendment will be sustained unless there is no substantial relation between it and the express purposes of the zoning act." Canteen Corp. v. City of Pittsfield, 4 Mass. App. Ct. 289, 292, 346 N.E.2d 732, 735 (1976). It is noteworthy that the Canteen and Goldman cases reached favorable results even under the more restrictive pre-1975 state Zoning Enabling Act.

For the above reasons, the Board should report favorably on the proposed zoning amendment.



# CAMBRIDGE CITY COUNCIL

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B

OFFICE OF THE PRESIDENT

CAMBRIDGE, MASSACHUSETTS 02139

November 4, 1982

The Honorable Walter J. Sullivan  
Chairman, Council Committee on Ordinances  
Cambridge City Hall  
795 Massachusetts Avenue  
Cambridge, Mass. 02139

Dear Mr. Chairman:

MIT wishes to be recorded in opposition to the proposed amendment to the Cambridge Zoning Ordinance to regulate "affiliate housing," so called, which has been advanced by Councillor David Sullivan and which is the subject of this hearing.

David Sullivan's proposal defines "affiliate housing" as a dwelling (other than a dormitory, sorority, or fraternity) owned or controlled by an educational institution and occupied primarily by persons who are employed or enrolled at the educational institution. The proposed amendment then treats such "affiliate housing,"--even if occupied by a single employee--in the same way as a dormitory, fraternity, or sorority.

We believe that the proposed amendment is clearly unconstitutional, in that it would restrict arbitrarily the use of property not on the basis of the nature of the use, but on the basis of the character of the owner. MIT's legal counsel has noted that the very recent case of CHR General, Inc. v. City of Newton, 387 Mass. 341 (September 1, 1982), makes it clear that "A fundamental principal of zoning [is that] it deals basically with the use, without regard to the ownership of the property involved or who may be the operator of the use."

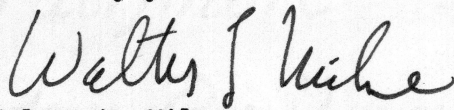
The situation in the CHR case resembles much more closely that presented by David Sullivan's amendment than does the situation treated in the Goldman case, which David Sullivan has cited. The fact is that the Goldman case--and the Court made this clear even if David Sullivan did not--was dealing with the expansion of a non-conforming use. The Councillor's cryptic statement that "the city of Cambridge may recognize the use implications of university ownership or control coupled with occupancy primarily by affiliates" can find no support in the practical effect of his proposed amendment, under which other private owners could put their property to identical use. The only difference lies in the character of the ownership. And by attempting to regulate ownership, rather than

the use of land, the amendment proposed by David Sullivan attempts and outrageous use of zoning regulation.

Putting these legal citations aside, let's look at it in simple human terms. Under David Sullivan's amendment a house owned by MIT and rented to an employee would constitute a zoning violation if the house were located in an area zoned single family residential. Yet the same employee could rent the very same house if it were owned by somebody else. I have strong personal feelings about this because I am an employee of MIT and I live in Cambridge. If David Sullivan is allowed to exclude me by law from available housing because of where I work, he also could exclude me later because of my political affiliation or because I have white hair or on the basis of some other classification.

I hope the Council will find this proposal totally arbitrary, discriminatory, and just plain wrong.

Sincerely yours,



Walter L. Milne  
Assistant to the President

*Rec'd at  
RENTAL  
703  
PEN*

HARVARD UNIVERSITY

OFFICE OF GOVERNMENT AND  
COMMUNITY AFFAIRS

2 GARDEN STREET  
CAMBRIDGE, MASSACHUSETTS 02138  
617-495-4955

November 4, 1982

Councillor Walter J. Sullivan  
Chairman, Ordinance Committee  
Cambridge City Hall  
795 Massachusetts Avenue  
Cambridge, MA 02139

RE: Institutional Zoning; Proposed Amendment to Regulate  
"Affiliate Housing" of Educational Institutions

Dear Councillor Sullivan,

I wish to record Harvard's opposition to the proposed amendment.

Attached is a copy of my letter to the Planning Board dated October 18, setting forth our objection in more detail.

Very truly yours,

Lewis A. Armistead

attachment:

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2 GARDEN STREET  
CAMBRIDGE, MASSACHUSETTS 02138  
617-495-4955

October 18, 1982

Planning Board  
City of Cambridge  
Cambridge, MA 02139

Re: Institutional Zoning; Proposed Amendment  
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Dear Members:

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A "fundamental principle of zoning [is that] it deals basically with the use, without regard to the ownership, of the property involved or who may be the operator of the use."

Accordingly, as proposed (and enacted) the institutional use regulations did not regulate or restrict residential housing owned by educational institutions other than dormitories and fraternity and sorority houses.

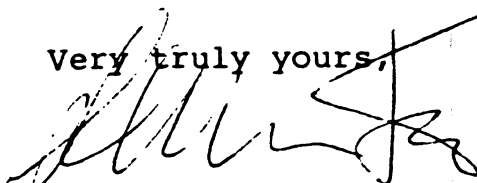
A further problem with the proposed amendment is that educational institutions would be singled out from other institutions for regulation of their affiliate housing. No zoning considerations justify distinguishing a professor's house from a home or a rectory. Such a distinction would be not only legally impermissible but also inconsistent with the policy of treating all institutions equally which was repeatedly expressed at the time the institutional use regulations were originally proposed.

By Chapter 565 of the Acts of 1979, the General Court constituted Cambridge the only Massachusetts city or town with the power to override the provisions of the Zoning Act protecting educational and religious institutions from use regulation under zoning. In doing so, the General Court expressly limited that power to certain residential zoning districts. It is doubtful that it was intended and ironic that it is now proposed that this power be used to regulate otherwise proper residential uses.

Finally, it is obvious that whatever the legalisms may be, this proposal would be counterproductive to the City's and Harvard's common objective of having Harvard provide where possible for the housing needs of its employees and students, thereby avoiding undue pressures upon the limited existing housing stock.

We urge that you report unfavorably upon the proposed amendment.

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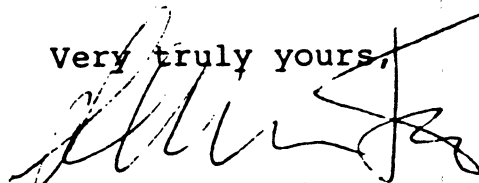
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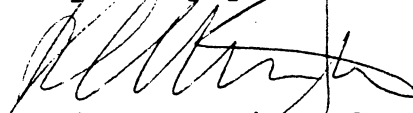
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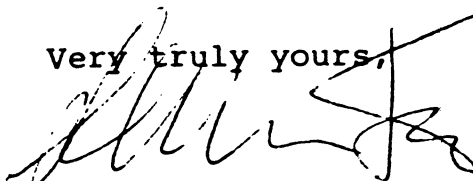
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Lewis A. Armistead

RECEIVED BY  
OFFICE OF CITY CLERK

NOV 4 2 05 PM '82

CAMBRIDGE, MASS.

18 Fayette St.  
Cambridge, Ma. 02139

5 November 1982

Committee on Ordinances  
Cambridge City Council  
City Hall  
Cambridge, Ma. 02139

re: regulation of institutional expansion  
hearing on November 5, 1982, 6:30 PM

Honorable Members of the City Council:

Further pre-emption of the existing housing stock for use by affiliates of large institutions is to be resisted. The neighborhood in which I live, Mid-Cambridge has seen Harvard University take over most of the residential property on Prescott and Ware Streets. I also mention Quincy St., which is felt to be so much an extension of Harvard Yard that a serious proposal was advanced several years ago to close this major thoroughfare. Where will the piecemeal acquisition stop?

Isolation of institutional personnel in inward-looking enclaves can only exacerbate the inevitable frictions between our major universities and our neighborhoods. If institutions need off-campus housing for their affiliates, let the affiliates compete in the open market for that housing. If, as a result, these people have a longer journey to work, this is a small price to pay to avoid fostering the expansion of vast closed cities within our city. Besides, it can mean a shorter journey to work for some of the many people who work in Harvard Square but not for Harvard University.

I understand that you now have before you proposed restrictions on institutional acquisition of existing housing for exclusive use by affiliates of institutions. For the sake of Mid-Cambridge and other neighborhoods, I encourage you to act favorably on this proposal.

Respectfully,

*John R. Pitkin*

John R. Pitkin

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OFFICE OF CITY CLERK

Nov 4 2 05 PM '82

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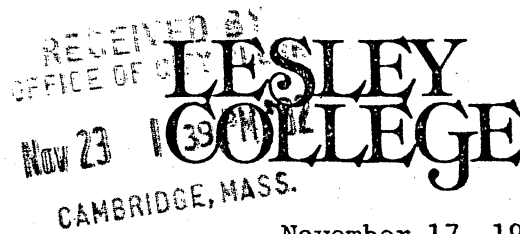
*John R. Pitkin*

John R. Pitkin

29 Everett Street  
Cambridge, MA 02238

(617) 868-9600

Office of the President



November 17, 1982

Honorable Members of Ordinance Committee  
City Hall  
Cambridge, MA 02139

RE: Institutional Zoning: Proposed  
Amendment to Regulate "Affiliate  
Housing" of Educational Institutions

Dear Members:

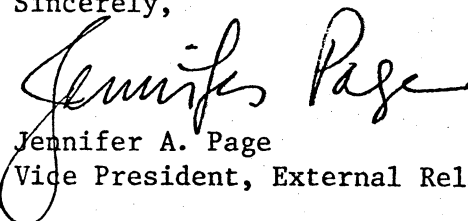
We are writing to register our opposition to the proposed Amendment to Regulate "Affiliate Housing" for Educational Institutions.

When the institutional zoning regulations were finally recommended and passed into law, we worked closely with the staff of the Community Development Department and our Agassiz neighbors to support the passage of that zoning legislation. There was an understanding that the issue of affiliate housing had been appropriately resolved at that time. Institutional zoning was never intended to regulate or restrict housing owned by educational institutions.

The process by which the present version of the zoning ordinance was created was a long one, characterized by cooperation among the institutions and the City. Lesley College and the Agassiz neighborhood participated enthusiastically and we look forward to similar cooperation in the future. Unilateral piecemeal changes in the results of that process are dysfunctional to this cooperative effort.

Accordingly, we urge the City Council not to support this change.

Sincerely,



Jennifer A. Page  
Vice President, External Relations

JAP/jj  
cc: Paul Healey, Clerk,  
City of Cambridge  
R. Lewis, Exec. V. P.  
Lesley College

2.

Comm. from Jennifer A. Page, Lesley College  
in opposition to a proposed amendment to the  
Zoning Ordinances Re: "Affiliate Housing".

In City Council,

December 6, 1982

12/6/82

Prepared  
by

the  
PETITION

2

#5 #2

# City of Cambridge

PETITION OF *Councillor David Sullivan*

Re: "Affiliate Housing"

Petition filed with the City Clerk

*Sept. 13, 1982*

(All hearings to be completed 65 days from filing date with the City Clerk.)

*17 days - Sept*  
*31 days - Oct*  
*17 days - Nov*  


---

*65 days = Nov. 17, 1982 = all hearings*

In City Council

*Sept. 13, 1982*

Referred to Planning Board for report

*Sept. 13, 1982*

Planning Board Hearing

*October 19, 1982*

(CITY COUNCIL must act within 90 days of the Planning Board's hearing which would be *January 17, 1983*.)

*12 days October*  
*30 days November*  
*31 days December*  
*17 days January*  


---

*90 days = January 17, 1983*

City Council Hearing published - *Chronicle* *October 20, 1982*  
*October 28, 1982*

Hearing before the City Council

*Thursday, Nov. 4, 1982*

Report to the City Council

*12/27/1982*

Passed to a second reading  
Published

*12/27/1982*

*Published - Chronicle 12/30/82*

Ready for Ordination  
Published

*12/13/82 No Action*

*4/17/83 Failed on ordination 4-3-2*

*Reconsideration moved by C. D. Sullivan*

COMPLETION DATE:

*January 17, 1983*

*Reconsideration granted*

*5-2-2*

*4/4/83*

*See AFFILIATE HOUSING*

*Second Petition - Passed to*

*2nd Reading*



# CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9017

OFFICE OF  
THE CITY CLERK

October 7, 1982

To Whom It May Concern:

Enclosed you will find a hearing schedule for the Committee on Ordinances for Thursday, November 4, 1982 at 6:30 p. m. in the City Council Chamber, City Hall, Cambridge, Massachusetts on a petition by Councillor David Sullivan to amend the text of the Zoning Ordinances to add a new definition entitled "Affiliate Housing."

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Paul E. Healy, City Clerk.

PEH/dl

Enc. Affiliate housing hearing schedule.

PUBLIC NOTICE  
RELATIVE TO ZONING**City of Cambridge**

MASSACHUSETTS

Office of the City Clerk

Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council will hold a public hearing on Thursday, November 4, 1982 at 6:30 p. m. in the City Council Chamber, City Hall, Cambridge, Massachusetts on petition of Councillor David Sullivan to amend the text of the Zoning Ordinances as follows:

1. In Article 2.000, Definitions, add the following new definition at its appropriate alphabetical location:

"Affiliate housing. Any dwelling (other than a dormitory or a sorority or fraternity house) owned or controlled by an educational institution and occupied primarily by persons who are employed or enrolled at the educational institution."

2. In Section 4.33, of the Table of Use Regulations (Institutional Uses), subsection (b), Educational Purposes, add to line 7 the words, "or affiliate housing."
3. In Section 4.56, Table of Institutional Use Regulations, subsection (c), add to the line 8 the words, "or affiliate housing."

Copies of this petition are on file in the office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor Walter J. Sullivan,  
Chairman.



# CITY OF CAMBRIDGE

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For the Committee,

Councillor Walter J. Sullivan,  
Chairman.

Please Post



CITY OF CAMBRIDGE, MASSACHUSETTS  
**PLANNING BOARD**

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE

RECEIVED BY  
OFFICE OF CITY CLERK  
OCT 6 4 48 PM '82  
CAMBRIDGE, MASS.

Notice of a Public Hearing

The Planning Board of the City of Cambridge will hold a public hearing on October 19, 1982 at 7:45 pm in the Community Development Conference Room, 3rd floor, 57 Inman Street, Cambridge, MA on a petition by Councillor David Sullivan to amend the text of the Zoning Ordinance as follows:

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Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, MA. Questions concerning this petition may be addressed to Lester Barber at 498-9034.



# City of Cambridge

5.

COUNCILLOR D. SULLIVAN

IN CITY COUNCIL  
September 13, 1982

ORDERED:

That the attached proposed amendment to the Zoning Ordinance be submitted, and be referred to the Planning Board and the Committee on Ordinances for hearing and report.

In City Council September 13, 1982.  
Adopted by the affirmative vote of 9 members.  
Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in black ink that reads "Paul E. Healy". The signature is written in a cursive style and is positioned over a rectangular area that appears to be a stamp or a piece of paper.

AMEND THE TEXT OF THE ZONING ORDINANCE AS FOLLOWS:

1. In Article 2.000, Definitions, add the following new definition at its appropriate alphabetical location:

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*minor word change  
in charge on amendment*



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*See amendments*



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Order # 5 0-11

C.E. Sullivan order re: attached proposed amendment to the Zoning Ordinances in Article 2.000 entitled "Definitions" Re: "Affiliate Housing" be referred to the Planning Board & Ordinance Committee.

Placed on file

See 2nd petition  
filed on this matter

In City Council,

September 13, 1982

9/13/82

CPS

A Copy sent to the  
Committee on Ordinances &  
Planning Board 9/15/82