

High School Construction

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September 13, 1976

Secretary of Environmental Affairs
Commonwealth of Massachusetts

SUBJECT: EDEA #01469, Cambridge High School

In the cited file, please refer to:

a. Environmental Assessment Form submitted by the School Building Assistance Bureau and the City of Cambridge received on January 23, 1975, and approved by your office on February 24, 1975.

b. Letter to you dated November 1975, and signed by nine residents of the City of Cambridge, including myself, on November 16, 17 and 18, 1975, requesting that you reconsider your approval of the above.

c. Meeting conducted in your office on December 3, 1975, concerning the residents' letter.

d. Memorandum to you dated December 18, 1975, and signed by Elton B. Smith, Assistant Administrator, School Building Assistance Bureau.

e. Your memorandum of December 30, 1975, to said Elton B. Smith rejecting the request in the residents' letter.

During the above proceedings I was acting on my own behalf and as a spokesman for the group of residents who signed the residents' letter. I am hereby communicating to you as attorney for the following residents of the City of Cambridge: Susan L. Porter, 1667 Cambridge Street; Myra Musicant, 1663 Cambridge Street; Myron Miller, 1667 Cambridge Street; Helen Coffey, 25 Roberts Road; Eleanor T. Pacitto, 1 Nichols Place; Marion Henry, 19 Roberts Road; Margaret Thomas, 1663 Cambridge Street; Joan M. Stone, 8 Adams Terrace; Karen Carmean, 1657 Cambridge Street. Several of my clients signed the residents' letter.

One of the grounds upon which the residents' letter was based was "material changes in the project which, on their own, would require submission of a new Environmental Assessment Form". The basis of this ground was the moving of parking from a not immediately contiguous site to a location on which open

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space had been promised in the E.A.F. During the meeting the S.B.A.B. administrator claimed that no such change had been submitted to the state for approval and that, as far as the state was concerned, said parking was located on Hovey Avenue, the not immediately contiguous site. Although he contradicted himself after the meeting, he, in the meeting, went so far as to state that such a change would require the same degree of formality in obtaining approval from his department as would moving the buildings scheduled to needlessly destroy Library Park to the present site of Cambridge High and Latin. Your representative ruled that, under the circumstances, this ground could not be considered. I accepted this decision subject to the right, as accepted by your office, to reopen the issue should the change occur or be imminent.

Said change has been made in the project. WE THEREFORE DEMAND THAT YOU ONCE AGAIN RECONSIDER YOUR APPROVAL IN THIS PROJECT AND THAT, BECAUSE OF THIS MATERIAL CHANGE IN THE PROJECT WHICH, ON ITS OWN, WOULD REQUIRE SUBMISSION OF A NEW ENVIRONMENTAL ASSESSMENT FORM, YOU REQUIRE THE SUBMISSION OF SAID NEW ENVIRONMENTAL ASSESSMENT FORM, AND THAT, SUBJECT TO THE SUBMISSION AND APPROVAL OF SAID FORM, AND SUBJECT TO THE SUBMISSION AND APPROVAL OF A COMPLETE ENVIRONMENTAL IMPACT REPORT, SHOULD YOU CONSIDER ONE NECESSARY, YOU TAKE ALL NECESSARY AND APPROPRIATE MEASURES TO MAINTAIN THE STATUS QUO, THUS CAUSING ALL ACTIONS IN THIS PROJECT, INCLUDING BUT NOT LIMITED TO THE AWARDED OF CONTRACTS AND THE ACCEPTANCE OF BIDS, TO CEASE AND DECEASE.

To be specific, the EAF promised large increases in open space on the three contiguous sites bounded on the outside by Felton Street, Cambridge Street, Ellery Street and Broadway. A major factor in this alleged increase of open space was the relocating of cars presently parked on said three sites to a parking lot on Hovey Avenue and to on-street parking in the adjacent neighborhood.

The E.A.F., paragraph I.2., referring to supplementary page "A", paragraph C, included said site explicitly, referring to it as "located at the intersection of Hovey Avenue and Cambridge Street within 225 feet of the High School site contain/ing/ 0.86 acres of vacant land, . . . Contingent upon S.B.A.B. approval, the City will acquire the use of this land in order to provide surface parking for the school facility." Paragraph A, thereof, subparagraphs 5 and 6 cited approximately 1.5 acres of surface parking and approximately 2.5 acres of landscaped open space as presently existing on the three sites.

The E.A.F., paragraph II.1., including supplementary page B by reference stated under paragraph A thereof "there will be a net increase to the total landscaped open space available on the site", and in paragraph C thereof, under the heading "Hovey Avenue Site" that "The proposal to build a surface parking lot on the present vacant land will free valuable area on the adjacent high school site from parking so that it can be devoted to other uses."

The residents' letter, running from page two, the third complete paragraph to the carryover paragraph between pages two and three, describes the effect of the developer not providing parking on the Hovey Avenue site. Appendices A and C provided maps of existing and new conditions drawn by the project architect. Appendix D gave numerical analysis of the situation shown in Appendix C. The parking which was moved onto the three contiguous sites is that located, in Appendix C's map, on Ellery Street immediately below that portion of the project marked "field house". It constitutes two nearly rectangular figures connected by an arrow to a notation in the right margin reading "80 parking spaces"

Mr. Smith's memorandum stated in paragraph C of the cover memorandum "There has been no evidence shown that this project has been changed. . . . The Form made no claim on parking provisions, There was no conflict between the Form and the plans. And there has been no official request made of SBAB to make any adjustment in the plans." This statement is directly contradicted by the E.A.F., as quoted above, and, as will be noted below, by the detailed answers attached by Mr. Smith to his cover letter.

You stated in your memorandum that "I may require the re-submission of the environmental assessment form should the project in any substantial way from that which was described in the original assessment form."

We are now in possession of the detailed contract documents for the project. The project has been advertised for bid with subbids due on Thursday, September 9, 1976, and with bids due on Thursday, September 16, 1976. An addendum to the Contract Documents, obtainable only upon deposit of one hundred dollars, changed said dates, respectively, to September 23, 1976 and September 30, 1976. We will be pleased to present these contract documents to you as evidence that the project has been changed in a substantial way from that which was described in the original E.A.F. The contract documents, in fact, call for a greater decrease in open space than that which was described in the residents' letter.

The Hovey Avenue parking has clearly been moved to the location shown in Appendix C to the residents' letter. There is a net decrease in open space of not less than 26,942.5 square feet, including 21,815 square feet occupied by the parking structure itself.

Notwithstanding this, Mr. Smith's memorandum, in its appendices, includes two maps, marked "existing conditions" and "new conditions", which are, for all practical purposes, identical to the residents' appendices A and C. The latter clearly shows a smaller version of the parking structure which replaces the Hovey Avenue parking, a substantial change from the project described in the original E.A.F. Please note also pages 7 and 8 of Mr. Smith's detailed response, under the heading "PARKING". References to "terrace enclosed parking" and to

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"under terrace parking" are to that parking which has been moved from the Hovey Avenue site. These references and maps directly contradict the statements of the cover memorandum and the statements made by Mr. Smith at the meeting.

It is unfortunate that we must demand at this late date that you take the actions described in the first full paragraph of page two. This late request has been necessitate by the constant pattern of obfuscation, delay and deception practiced by the developer.

Sincerely,

Robert J. Tremouille

Robert J. Tremouille
Attorney at Law

Copies:

→ School Building Assistance Bureau
Cambridge City Manager
Cambridge Superintendent of Schools
Cambridge State House Delegation (6)
Cambridge City Council
Cambridge School Committee
Conservation Law Foundation
Listed residents
Press

SEP 17 1976

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Comm. from Robert J. LaTremouille transmitting
letter dated 9/13/76 to the Secretary of
Environmental Affairs re: to the Cambridge
High School.

In City Council,
Sept. 27, 1976

9/27/76

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