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ENOUGH ROOM  
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CLERK  
JANUARY 10, 2002

Honorable Members of the  
Cambridge City Council  
795 Mass Avenue  
Cambridge MA 02139  
City of Cambridge

Regarding the hearing on Tuesday January 8, 2002, before the Cambridge Planning Board for "Land disposition for the purpose of constructing an underground pedestrian and service tunnel under Cambridge Street at 1730 and 1737 Cambridge Streets, as required by Chapter 2.110 of the Cambridge Municipal Code" I submit the following testimony.

Though much latitude was given to the petitioner and some members of the public who commented, the focus of this hearing was to determine if there was a public interest which is essential to the legal transfer of any City owned land to a private person.

Many cogent remarks were made by members of the public who opposed the granting of the easement. Few sensible statements were made in support of the granting of this easement. Alan Gordon opened the discussion for petitioner. He related extensive history of the project which was totally irrelevant to the discussion. This served only to prolong the period of waiting for those who came to comment.

Mr. Gordon spoke of what he thought of as a public interest, saying, the tunnel "was needed to facilitate traffic between buildings." It is regular practice of Harvard to post "No Trespassing" signs on all of the buildings. Thus only Harvard affiliates will be legally allowed to use that tunnel. Thus the benefit to the public is non existent. The petition fails to meet the legal requirement of City ordinance and the petition must be denied.

I strongly object to the letter dated December 6, 2001, to the City Manager from Charles M. Sullivan, Executive Director of the Cambridge Historical Commission. He admitted at the hearing that he has "no direct knowledge" of what transpired at the dozen hearings before the Mid Cambridge Neighborhood Conservation District Commission (MCNDC).

Yet he felt informed enough to state that there is a "strong public interest" which merits granting the easement. This is the most outrageous statement made at that hearing. No member of the petitioner's clique was brave enough to make any statement nearly as positive. Mr. Sullivan is more of a cheerleader for the easement than the petitioner himself.

If the Executive Director wrote his letter knowingly, it may meet the requirements of a criminal violation of Massachusetts General Laws, Chapter 268 § 6A "False written reports by public officials." The statute states, "Whoever, being an officer or

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employee of the commonwealth or any political subdivision thereof ... , in the course of his official duties executes, files, or publishes any false written report, minutes or statement, knowing that same to be false in material matter, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or by both such fine and imprisonment."

Neighborhood parking spaces was discussed. Tom Murray, Project Director, stated that no spaces will be lost permanently, that there may be a gain of two or three. During the hearings before the MCNCDC, it was noted that the parking spaces behind the current building on the south side of Cambridge Street (OIT or UIS) which are used by neighborhood residents will be eliminated.

The lot at 18 Sumner Road is currently used. It cannot be used by two cars for each space, which is what it appears to be the replacement spaces.

Much of Mr. Sullivan's letter is written in Orwellian English. Harm to the neighborhood becomes benefits. His letter parrots Harvard's claims of public interest, which are specious at best.

The hearings conducted by MCNCDC by Chairman John Moos should be thrown out due to the bias of the Chairman. Mr. Moos was obsequious toward the petitioner at all hearings, and openly hostile to neighborhood members who spoke against the project. On two occasions he tried to silence my criticism and made it difficult for me to video tape a hearing.

Mr. Sullivan's remarkable findings that "The tunnel has facilitated the following goals which the hearing process revealed to be critically important to both the Mid Cambridge NCD Commission and the public:" is fantastic. He cites

1. a reduction of the size of the building.
2. Concentrating "service activities" on the north side of Cambridge Street.
3. Pedestrian safety.

My Comments:

1. Building the CGIS will destroy another residential neighborhood in the City. Smaller is no less damaging. There is no benefit under this claim, only harm.

2. Concentrating service activities anywhere will not affect some parts of the City. No matter where the activities take place there is no benefit to the City. The same amount of material will have to be delivered to that center, large or small.

3. The only persons who will have their safety enhanced are Harvard affiliates. Members of the public will get no benefit. Doubtless members of the Harvard community are also members of the public. But they seldom consider themselves to be ordinary citizens. The ordinance does not permit a land transfer to a special portion of the public. It is requires a public interest, not a private interest.

The statement that the Mid Cambridge NCD Commission conducted a "fair and thorough review," is simply nonsense. Especially in view of Mr. Sullivan's statement at the hearing that he has "no

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direct knowledge" of what transpired at those hearings. It is at best wishful thinking.

More insulting to the community is that Sullivan's Dec. 6, 2001 letter was not made available to the public before the City Manager's hearing on December 11, 2001. No one was able to comment on the deceptive report from the Historical Commission which is clearly misleading to anyone not familiar with the hearings as the Executive Director admitted he was.

The City Manager's summary of his December 11, 2001 hearing was a further insult by omitting what was said by whom. Saying that the lack of "public benefit," was a "perception," shows that the Manager speaks Orwellian as well.

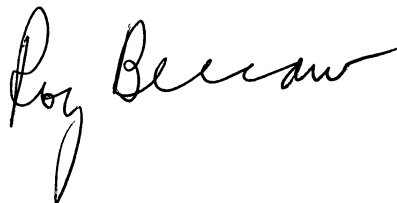
At the Dec. 11th hearing the Manager lamented the need to protect the "due process" rights of the petitioner. I do not know of any public officials who are concerned with the due process rights of individuals who do not have \$19 billion dollars and a league of lawyers. Why have the Manager, the Executive Director and the Chairman been so slanted in their actions and statements?

None of the petitioners' spokesmen mentioned the effect on emergency vehicular traffic through that presently crowded and dangerous intersection. Last autumn a state police officer was struck by a vehicle exiting the driveway which is proposed to be used for increased traffic.

Upon request by Pamela Winters of the Board, Mary Power stated what she perceived to be the "public interest." She named the following:

1. "Removing pedestrian vehicle conflict."
2. "Positive impact on the streetscape."
3. "Consolidating loading."
4. "Expansion of the landscape by having a tunnel."
5. "Garden creation."
6. "Urban design benefit."
7. "More modest scale."
8. "Program functioning below ground."

None of these alleged benefits derive from the granting of the easement. They are tangential to the project itself which has no correlation to the easement desired. The benefits from the easement are to Harvard, none the public. The petition must be denied.



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**Communication #9**

A communication was received from Roy Bercaw, regarding the land disposition for constructing and underground pedestrian and service tunnel at 1730 and 1737 Cambridge Street.

**In City Council January 14, 2002**

**PLACED ON FILE**

CLERK CITY OF BOSTON  
JANUARY 14, 2002

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