
Cambridge Civic Journal

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SUMMER IN THE CITY

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0) Foreword

With this edition of the CCJ, I am officially “caught up” on the Council meetings and most of the Planning Board business that I found interesting enough to write about. You’ll have to excuse the lack of feature articles this time around. I have a boatload of great historical materials going back to about 1940 on loan from Glenn Koocher, so you should see some materials from that in the next Journal.

People have been asking me what I think about the Congressional race and about some of the local races, but I prefer to stick with the City stuff. You also won’t see any endorsements for political candidates here, so don’t even ask. This is, after all, the Civic Journal.

Gripe of the Month: The City’s graffiti hotline (349-INFO) promises to pick up messages thrice daily and return your calls. I’ve called twice in the last three weeks. No callbacks. The word from the police is equally deflating. They tell me that there is little that I can do about a neighbor who doesn’t report or remove the graffiti on his property, even if it is causing greater problems. When the City Hall Annex down the street from my house was hit, I asked them to file a report for malicious destruction. Nope. So I went to the City Manager’s Office to ask them to file a report. They said they’d take care of it. Later that day DPW spray-painted over the graffiti with the wrong color paint. Arrggh.

1) Preview of July 27 City Council meeting

The Council materials for this meeting are over 3 inches thick. There are 41 items on the Manager’s Agenda, 68 Communications, 161 Council Orders, and 9 Committee Reports. There are also three proposed zoning amendments which must be acted upon at this meeting or they will lapse - the Gregory petition, the Anderson petition, and the North Mass. Ave. rezoning. Here are some of the interesting items from my perspective:

Manager’s Agenda #22 and Order #49 - Communication from the Manager regarding taking by eminent domain the property known as the ComEnergy site and an order from Councillor Toomey calling for a recreational use design plan for the ComEnergy site to be prepared. The Manager is saying no to the taking while Councillor Toomey is asking for details of what will happen *after* the taking. This should provide more fireworks than July 4th.

Manager’s Agenda #28 and Unfinished Business #12 - Planning Board recommendation on the Anderson petition and a vote on the petition.

Manager’s Agenda #34 and Orders #103 and #104 - Information on the City’s transition to MWRA water supply on Aug 3 and some words from Councillor Davis. There’s nothing controversial for the Council here. I just think that this is a very significant moment for the City of

Cambridge as we start the reconstruction of the water treatment plant at Fresh Pond.

Manager’s Agenda #41 - Outside legal opinion on the authority of the Water Board in the Neville Manor matter. This is interesting stuff. There’s also a site plan for Neville from a 1930 Cambridge atlas [you can view it at the CCJ web site], and the following reference from the 1928 Report of the Cambridge Water Board: “During the ‘Sacco-Vanzetti’ agitation an armed guard was maintained around our various dams, pumping station, etc., to protect our properties.”

Order #70 - An order from Councillor Triantafyllou asking for a report on why the Neville Manor Home Rule Petition was passed without a public hearing and without referral to the Committee on Health and Hospitals. Considering her absence at all three Council meetings where this was hashed out in detail, this order seems a bit ridiculous and I imagine the Council will share this view.

Order #112 - An order from Councillor Born calling for the City to apply for a nighttime truck ban through all streets in the City. In light of the open wounds and conflicting reports from the Truck Traffic Advisory Committee on this always emotional issue, this could be the beginning of a long uphill climb leading nowhere. Then again, there’s always the possibility that it could work.

Unfinished Business #11 - Vote on the Gregory petition.

There are plenty of other juicy items on the agenda from church bells to funding for sewers. This meeting could go until dawn. On the other hand, if one of the councillors gets really steamed about ComEnergy or something, we could see most of the meeting pushed back to September with a flurry of “charter rights.” On a lighter note, I see that the Municipal Code is now available on the City web page. Here’s a tasty morsel:

Fun Fact from the Municipal Code

12.16.100 Sidewalks--Obstruction--Fruit peelings.

B. No person shall willfully and maliciously tip over and spill out the contents of any box or barrel containing ashes or other house dirt set upon the sidewalk. No person shall throw or place upon any sidewalk or crosswalk any banana skin, orange peel or other slippery substance.

2) Addition to the Petition Edition

Though I’m growing very weary of the relentless stream of zoning petitions, I will suffer through yet another update of where *some* of them stand. Further descriptions can be found in the previous edition of the CCJ (“The Petition Edition”).

The Gregory Petition

The deadline for passage is July 27 and indications are that although it has majority support at the Council and has been recommended by the Planning Board with only minor modifications, there probably is not the three-fourths majority needed for adoption. I’ve spoken in favor of this petition at Council meetings and my support still stands.

Clifford Truesdell of Essex St. has a different perspective than I do on this matter. Here’s what he has to say:

In the last issue of the Cambridge Civic Journal, Bob Winters endorsed the Gregory downzoning petition in Area 4 and implied that the proponents of the rival Bulfinch/Neighborhood deal are motivated only by the proposed benefits package. As Bob puts it, “there seems to

be a mindset among some neighborhood residents that they should 'take what they can get' regardless of planning considerations."

Bob's comments lack historical perspective. Area 4 people who support the Bulfinch/Neighborhood plan know that for any rezoning petition to pass needs 7 Council votes, and we know that these votes are not there. The 1988 Truesdell petition to rezone the same area failed, 6-3, as did the 1988 Conrad petition and the 1991 Yanow petition. So did that part of the 1997 Growth Management petition which would have rezoned Industrial B areas far less drastically than the Gregory petition proposes for the site. This year the Carroll rezoning petition was withdrawn when it became clear that it too lacked 7 votes.

The only explanation I have heard from Gregory petition supporters of how they will get 7 votes is that things will be different this time, "because there's a lot of good energy in this room." I for one do not propose to hazard the fortunes of Area 4 on 60s-style drivel and babble.

Far from being motivated solely by the benefits package, many of us are mainly concerned with planning considerations. Achieving planning considerations, not pie-in-the-sky fantasies about "good energy." Here are the planning considerations: The Bulfinch proposal involves three sites: The present one-story Tofias building at Clark Street and Broadway (the "Tofias site"); the parking lot adjoining it to the east; and the Linpro site between Broadway and Harvard Street. The present zoning is scary. What that zoning implies is indicated by the ugly of-right horror H.J. Davis built at 201 Broadway in 1988 -- on a site only one-third the size of the Tofias/parking lot site. Under present zoning, Bulfinch could of right erect a 120 ft., 4.0 FAR building as dense, though not as tall, as the H.J. Davis building on the Linpro site. And since there is no setback requirement, those buildings would go right up to the residential areas.

The Bulfinch/Neighborhood plan instead mandates a far more modest buildout, one which respects the residential areas and which is to be made permanent by deed restrictions and other legal mechanisms. The largest proposed building is on the parking lot -- the area furthest from the residential neighborhood. That building will be about 100 feet tall, with an FAR of about 3.6. with substantial setbacks. Larger than we might like, but smaller than it could be (and at least it will block the H.J Davis building from view). Incidentally, pretty well designed. On the Linpro site, a 2.0 FAR building, with substantial setbacks (including the cession to the neighborhood of a 10,000 square feet plot along Harvard Street). And finally, a commitment never to build more than one story of building on the Tofias site. For the three sites as a whole, a total FAR of about 2.2 or 2.3, or 54% of what can be built of right.

So much for planning. The benefits are important too. That they are unimportant for Gregory petition supporters reflects a sociological divide. As a group, petition supporters are overwhelmingly white professionals relatively new to Area 4, property owners, and (at least by the standards of Area 4) prosperous. They are mainly people with no children or grown children. Bulfinch/Neighborhood proponents are more diverse. Some (like me) more or less fit the profile of petition supporters, but many are longer-term residents, many poor or working class, many Hispanic or African-American, with school-age children. Of course petition supporters don't care about the benefits; they don't need them! People with children who are working two or even three jobs to meet the rent and feed their family see things differently.

But the bottom line is not the benefits. It's the votes. They aren't there. So the real choice for Area 4 is to fight through the Gregory petition, lose, get nothing, and leave the developer with the right to

build huge, destructive buildings, or come to a reasonable accommodation with the developer -- an accommodation which sharply limits the massive development rights Bulfinch currently has, treats the residential areas responsibly, and provides benefits for area residents who most need them. The Bulfinch/Neighborhood plan is that accommodation.

Clifford Truesdell, 29 Essex Street

[Editor's note - Clifford and I have a simple difference of opinion. I do, in fact have a lot of respect for Clifford, Jackie Carroll, Don Harding, and many of the people who support the Bulfinch proposal either on its merits or because of the political reality of not being able to get 7 votes out of city councillors, some of whose motives are totally beyond me.]

The Anderson petition

The Planning Board has recommended dismissing almost all of the citywide aspects of this petition, preferring to allow the ongoing Citywide Growth Management Advisory Committee (CGMAC) to come up with recommendations for changes in residential densities. The Board looked favorably on most of the provisions that pertain to the mid-Mass. Ave. corridor between City Hall and Sullivan Square.

I concur with the Planning Board's recommendations, though I would like to see a future proposal that would allow additional small retail in this corridor with restricted floorplates and a neighborhood focus. This is, after all, the corridor in which Uncle Bunny's Incredible Edibles was once located. Deadline for Council action is July 27.

The IPOP (Interim Planning Overlay Proposal)

Main features - City Council gives itself special permit authority (as described in MGL chapter 40A) until late 1999 (could be extended); a special permit would be required for all developments in excess of 40,000 sq. ft. of floor area; and all such projects would be required to have no adverse traffic impacts and be in conformance with the City's Growth Policy Document.

This petition has now had its Ordinance Committee hearing (July 15) and its Planning Board hearing (July 21). No recommendations have yet come out of either body, but I will offer some impressions.

At the Council hearing, proponent Joel Bard was harshly dismissive of critics (like me) who questioned either the legality or the wisdom of giving special permit authority to the City Council. He simply wrote everyone off as "pundits." We can't all be as brilliant as The Bard. My opinion stands - if the IPOP survives, the Council should set the policy and the Planning Board should be the body to evaluate the details of development proposals, to ensure that the special permit criteria is met, and to then issue special permits where appropriate.

It has come to my attention that this conversation already took place when MGL Chapter 40A was enacted by the Commonwealth years ago. I am told that at that time the Council was very clear in wanting special permit authority to rest with the Planning Board rather than the City Council. I presume that the same sentiments will prevail this year.

Members of the Planning Board showed wisdom at the IPOP hearing. Scott Lewis recommended exempting housing developments from the IPOP, a suggestion with which I heartily agree (and said so at the hearing). He also suggested that since it can be argued that any project, no matter what size, could have some traffic impact, that the proposal really amounted to a moratorium. Fred Cohn criticized using conformance with the ever-ambiguous Growth Policy Document as part of the Special Permit criteria, saying, "You can spend a lot of time chasing your tail." He suggested that clearer criteria is preferable.

Florrie Darwin emphasized that justifications for making a decision on a special permit must be spelled out based on clear criteria. She

remarked that there is little planning competence at the Council and suggested that the proposal amounted to a moratorium.

One of the IPOP proponents tried to make the case at both the Ordinance Committee and at the Planning Board that by slowing or stopping development this would yield greater affordability in housing. I think that one can make the case that commercial development associated with high salary jobs can cause increased demand for nearby housing and that if the housing supply is restricted this could lead to higher rents and higher real estate values. On the other hand, if commercial development were to be restricted, adding to the housing stock can only better accommodate the demand and stabilize housing costs. Say what you may about other potential benefits, but I see no way that the IPOP could yield greater affordability in housing.

One theme that ran through both hearings was the feeling among IPOP proponents (some of whom sit on the CGMAC) that the committee was moving far too slowly. Phil Dowds suggested that referring growth management to CGMAC amounted to sending zoning off to committee to die. Others seemed to suggest that unless the IPOP is adopted, Cambridge will be fully developed in the next year or so. This doesn't really match the reality that I see when I move about Cambridge. I see new investment in a number of places, some exciting and some disconcerting. I certainly see a lot of refurbishing of homes. Hearing incessantly about this development "crisis" still has not convinced me of its widespread existence, but I'll keep listening.

Frankelton petition

This is the one that would downzone the corridor along the Linear Park in North Cambridge from Industrial A1 (with special permit incentives for change in use from commercial to residential) to Residence B.

There seems to be agreement at the Planning Board for some additional downzoning in this corridor, possibly a compromise solution that would retain the special permit mechanism allowing for somewhat higher densities for properties converting from commercial to residential. Without this provision, the consensus at the Planning Board seems to be that nonconforming commercial uses would remain since residential conversion could only lead to a loss in property value.

Hugh Russell of the Planning Board had an intriguing idea for this area, one that he admits is not in the jurisdiction of the Planning Board. He suggested the possibility of one day connecting some of the streets on either side of this former railroad right-of-way, e.g. Madison Ave. to Clifton St., Magoun St. to Jackson St., Brookford St. to Clay St., or Cottage Park Ave. to Montgomery St. I don't see any political support for making such a change since fears of additional traffic would leave it dead on arrival, but encouraging pedestrian and bicycle passage across the park makes a lot of sense to me.

The WR Grace facilitated rezoning process

At the Planning Board meeting of July 7, a draft of the final report was presented. The Final Report was issued 3 days later. I was able to hear the current thinking of the neighborhood representatives, of the developers, and of the Community Development Department. Some preliminary Planning Board comments followed.

The neighborhood representatives were not of one mind in this matter. They offered three options, none of which were particularly acceptable to the landowners and developers.

The first, labeled "Acquisition," calls for the City to acquire the land for public use, primarily open space plus other public facilities. The existing buildings contain 378,000 sq. ft. of floor space and this proposal would allow only an additional 25,000 sq. ft., resulting in an FAR of about 0.33.

The second option, labeled "Regulation," would require that a number of vistas and setbacks be maintained and would restrict certain

uses. In addition to the existing buildings, this option would allow for an additional 55,000 sq. ft. for WR Grace headquarters and 78,000 sq. ft. for a hotel with a cafe and small retail, resulting in an FAR of about 0.42.

The third option, labeled "Collaboration," calls for a mixed public-private combination. Maximum allowable development in this scenario would, in addition to the existing 378,000 sq. ft., be an additional 55,000 sq. ft. for a WR Grace addition, 78,000 sq. ft. for the hotel, and 50,000 sq. ft. for a Neville Manor replacement facility. How Neville Manor got slipped into this process is curious to say the least. The resulting maximum FAR would be about 0.46.

The position of WR Grace is that they should be able to add an extra 55,000 sq. ft. for WR Grace headquarters (they would probably tear down the old buildings and rebuild with this net addition), 75,000 sq. ft. for the hotel, and 2 new buildings for office space, research and development, and accessory light industry with a total of 250,000 sq. ft. This would yield a total developed floor area of 760,085 sq. ft. and an FAR of about 0.63.

The facilitators proposed cutting this to the Grace expansion, the hotel, and just one additional office building with a resulting FAR of 0.50. The Community Development Department proposed that under a Special Permit the FAR could rise as high as 0.75 or 1.0 as long as certain criteria are met, such as limiting trip generation and limiting uses. Neither the neighborhood representatives (too dense) nor the developer (too many regulatory hurdles) were receptive to this. CDD had other suggestions related to height, buffers and setbacks, design review, traffic, and parking.

Current zoning at the Grace site allows an FAR of 1.0 as-of-right with the possibility of going as high as 2.0 via Special Permit under the PUD (Planned Unit Development). With a temporary development moratorium set to expire on Sept. 30, I suppose the Council *could* extend the moratorium once more, but a pending lawsuit challenging this moratorium increases the pressure for the City Council to finally resolve this once and for all. A zoning change will require 7 of 9 votes at the Council. If it fails, the current zoning stands.

Hugh Russell of the Planning Board presented a memo at the July 7 meeting entitled "What I would do at Grace site" that has some interesting ideas in it. He said that nobody should expect consensus to be reached, stating that ultimately the City Council must make a political judgment. He suggested that the Planning Board send a conservative proposal to the Council, perhaps with an FAR of 0.4, even if this is not what the Planning Board believes is right, suggesting that this would provide the councillors with the latitude to make a compromise. [In this regard, I disagree with Mr. Russell. I believe that the Planning Board should send its honest recommendations to the City Council and leave the politics to the councillors. This will be a tough vote in any case.]

The Final Report has a section entitled "Areas of Agreement and Disagreement" which should be read by everyone interested in this matter. I'll not recapitulate all the details here. The report is available through CDD.

3) June 8 City Council meeting

Youth centers, workforce development, small retail establishments on Mass. Ave. near Harvard Law School, and church bells were the dominant issues discussed by the councillors at this meeting. Dominant themes of the public comment portion of the meeting were the Gregory zoning petition for Area IV (14 for petition and 2 against), a resolution concerning Burma (8 people for it), and the Anderson zoning petition.

The first serious rumblings from the Council concerning the possibility of securing some of the underdeveloped land near Kendall

Square (ComEnergy site) for athletic fields was heard at this meeting. (Councillor Toomey proposed an eminent domain taking at the June 22 meeting.) The likelihood of an eminent domain taking appears small, but considering the fact that the landowners were approaching the City about siting the new main library on this land, it would appear that there is ample room for some negotiation.

During a discussion of the Office of Workforce Development, Councillor Toomey let loose about the fact that the former Director (Jack Mills) did not last long in the job, saying, "I know the name very well. This appointment brought about the end of the Residency Ordinance since this man would not move here from Jamaica Plain. We heard that he was the be-all and end-all and he's gone in a year. His departure is a slap against all decent taxpayers that live and work in the city."

On the ringing of bells and beds of baklava

Without a doubt, the greatest amount of oratory at this meeting grew out of a late order from Councillor Sullivan concerning the ringing of the bells at St. Paul's Church. The bells are technically in violation of the Noise Ordinance and it appears that the License Commission is supporting the protests of some neighbors.

The councillors took turns declaring their support for church bells, outdoor festivals, wind chimes, grandfather clocks, diversity, dance parties, and baseball games. Councillor Davis bravely swam against the tide when she said that most of the councillors don't live near where the festivals happen and that some neighborhoods have more than their fair share of these events. She stated that we have an obligation to have a good neighbor policy and that it does matter that some events run too late or too loud.

Councillor Triantafillou became quite animated at this, calling some actions of the License Commission immoral. She said, "If it's too noisy, then go to the Cape." Referring to the Greek Festival in Central Square, she said, "If they cut back the hours, I will demonstrate. I'll lay myself down in the baklava!"

The ever-wise Councillor Russell remarked about how most neighborhoods in Cambridge have their share of festivals and other events. "It's what makes Cambridge Cambridge. It is being a good neighbor to partake in these things and to accept a little extra noise." Regarding newly arrived residents, she said, "There should be a 'Ten Commandments' of how people should be tolerant in Cambridge."

All quiet on the western front

There was a very interesting public policy discussion late in the meeting concerning a proposed hotel on Mass. Ave. just over the Arlington line. The Manager was asked to provide information about such things as notification of hearings on this matter as well as what Cambridge's standing as an abutter might be.

Councillor Toomey expressed how uncomfortable he was with this and that we would be opening a Pandora's Box if we were to pursue this matter. His principal concern was that Cambridge would be put into the position of telling another community what they could and could not develop. He suggested that he could see Somerville, Arlington, and Boston wanting to approve or disapprove development projects in Cambridge near their borders. "I understand the concerns, but this is not our business." Councillor Russell expressed the same concerns, suggesting that this would open us up for lots of criticism from our neighbors.

4) June 15 City Council meeting

The most substantive matter at this meeting was perhaps the establishment of the Avon Hill Neighborhood Conservation District, yet this will probably be remembered best as the "after the flood

meeting." The record rains of the June 13 weekend caused a more than a few issues to float to the surface.

A fire in Agassiz

The meeting opened with reaction from councillors to a fire that was set near the car of outgoing Agassiz School principal Peg Averitte. There was neither property damage nor injury as a result of the small fire. Though there is no evidence connecting the fire to recent controversies at the Agassiz School, much of the Council rhetoric assumed such a connection.

Councillor Reeves: "I have always believed that if I have to live in America, I could live in Cambridge no matter what the rest of the country is doing. ... There is no nice way to run people out of town, especially in Cambridge. The 'peep' about it in the town isn't much. ... We need a real discussion of how someone could come and leave under these circumstances." He continued, "With the demise of rent control, there is a growing number of people who have to have their way - no matter what - no matter how. Is this what 'Wellesleyization' means? The Agassiz situation is symptomatic of a bigger thing. We have to root this thing out. There are people who want to control wind chimes, who don't want the church bells to ring. This is all the same story. It is an intolerant spirit that don't got a place in Cambridge."

Mayor Duehay agreed that this was not an isolated incident and condemned this climate of intolerance in which some neighborhoods have rejected affordable housing and others are trying to rescind provisions of the Inclusionary Zoning ordinance. He linked this with efforts to prevent an assisted living facility from being built at Fresh Pond. "People moving in are not quite sure of what community they're moving into."

Councillor Russell: "I feel the same way. I've lived in Cambridge my whole life. When I first moved to my neighborhood, on Huron Ave. you could go to a five-and-dime store, a drug store, a barber shop, a hardware store. Now we have art galleries. Councillor Reeves is right. Now we have to put nets around the ball fields so that the ball doesn't bounce into people's yards."

Councillor Galluccio stressed the effect on the Agassiz students of seeing their principal have to leave under these circumstances.

Upland and lowland

There was a vivid contrast between Avon Hill residents urging passage of the Avon Hill Neighborhood Conservation District and the appeal from Janet Rose and her neighbors in Area 4 for the City to take action regarding the severe flooding to which their neighborhood continues to be subject.

The Avon Hill proposal was well-researched and enjoyed very strong support from residents of that area. It passed easily with seven councillors voting for it, Coun. Toomey opposed, and Coun. Triantafillou absent. The proposal creates a two-tiered process in which binding review will now be required for all demolitions, new construction, large additions, alterations that would require a special permit or variance, or alterations to National Registry buildings. All other reviews for lesser alterations would be non-binding or advisory. (Paint color is not subject to review.)

On the other end of town, the neighborhood around School St., Pine St., Cherry St., and Eaton St. was walloped over the previous weekend with some of the most damaging floods in the city. Janet Rose read a letter addressed to the Council inviting them to the "splash party" and laying out the extent of the flooding over the previous 15 years. Only after the letter was read did she note its date - Aug 8, 1976. "When God spits, we get flooded," she said.

City Manager Healy was called on to give an account of City efforts over the rainy weekend to deal with situations like the one described by Ms. Rose. The Manager's explanations were factual, honest, and

quite logical in describing the realities of lowland areas when the entire storm sewer system surcharges. He also delineated the differences between ground water infiltration, sewer backups, and storm water overflows. Unfortunately, factual accounts don't always appease, as Mr. Healy learned when he spoke about the "physical principles of hydrology," a reference that only seemed to aggravate the residents who came to speak on this matter.

The Fair and the Unfair

Rains on June 7 shortened the Central Square World's Fair this year. Deciding whether or not to postpone an event based on weather forecasts is a difficult and stressful matter. Once you decide to stage the event, all your financial and human resources are committed, and if the rains come you just have to accept it. As it turns out, the rain date for the Fair would have been the 13th, the day when we were hit with record rains, so in retrospect it's difficult to fault the organizers of the Fair, especially John Clifford of the Green Street Grill.

Nonetheless, a pest named David Hoicka decided to use the incident to accuse John Clifford of profiteering, breach of promise, and damage to individuals in a communication to the City Council about what he called the "Central Square World's Flood," in which he claimed that Mr. Clifford profited to the tune of tens of thousands of dollars. He demanded that the Fair be rescheduled, suggesting that enormous profits were available to do this.

Mr. Clifford answered these allegations by detailing the accounts of the Fair, stating that the revenues exceeded the expenses by a mere \$895. He also detailed how Mr. Hoicka had received a free booth at the '97 Fair as part of a nonprofit and then switched it to another purpose at the Fair.

Councillor Reeves chimed in with support for Mr. Clifford and all the people who have worked over the years to build the Fair. In reference to Mr. Hoicka, Reeves asked, "What did YOU do? I do believe there is a standard of credibility. What did YOU bring to it? The World's Fair Committee works all year long and slaves over it. ... Give me a break! God made the rain. Who's fault is this? What is the point except to torture those that do good? This is a GOOD thing. Let's not tear it down. Let's support it." Coun. Reeves added, "Maybe we really need a love-in here. I'm serious. Who would waste their energy beating up on good things?"

The seamier side

Former Council candidate Bill Cunningham said, "I'm not interested in a love-in." He then launched into a tirade in which he complained about his impending eviction, his disdain for the "so-called progressive community" in Cambridge, the Commonwealth Day School incident, and rent control. His wife, Ellen Al-Waquayan, spoke a short while later about rent control and characterized the recently passed Inclusionary Zoning ordinance as "vinegar in the eyes of the tenants in the city. It's a shock!"

I've grown accustomed to vitriol in the Council Chamber, but I was not ready for what happened next. As these two exited the Chamber, they both raised their middle fingers to salute me and rattled off a stream of unprintable obscenities. Lovely folks, really.

Neville Manor, Part 1

There was considerable discussion about the proposal to reconstitute the Neville Manor facility at Fresh Pond as separate nursing and assisted living facilities. Coun. Sullivan and others expressed concern that the proposal might be held up by one or two councillors (Davis and Born). Issues discussed were possible water quality impacts, preservation of open space, the authority of the Water Board and other city boards, and the legal status of the land surrounding Neville.

Councillor Reeves focused on the difference between his perspective and that of Coun. Davis. Looking straight at her, he said, "The city is

changing to one where 'everybody should get exactly what they want when they want it.' You have been pushing the notion that if people sit down they can come together. I reject this notion myself. Sometimes one idea is better." He added, "We saw the same thing with the library. A very distinct teeny group with not a clear objection sidelines a very important public purpose project or overemphasizes the concerns of a very few to the detriment of the overwhelming tide of opinion and fact of need."

Councillor Born concluded the discussion with a request for information from the Manager about a) whether Secretary of Environmental Affairs Trudy Coxe needs to approve the proposal, b) whether the project is subject to the MEPA process, and c) an outside legal opinion about the jurisdiction of the Water Board in this matter.

5) June 22 City Council meeting - Neville Manor, Part 2

The big item for this meeting would certainly have been the Home Rule Petition that would facilitate additional construction and reconfiguration of Neville Manor as separate nursing and assisted living facilities on the Fresh Pond Reservation. However, at the outset of the meeting Councillor Davis announced her intention to invoke her right under the charter to delay discussion until the next scheduled Council meeting. This led to Mayor Duehay scheduling a special Council meeting for June 30 to deal with this matter. Though there were many who were clearly displeased with Councillor Davis' action, my opinion is that this was a wise move and, if you'll pardon my political incorrectness, a ballsy move of the first order that did, in fact, lead to a better petition. Additional credit goes to Councillor Born for her insistence that several important issues be addressed.

Contrary to the view of some residents, there were several meetings in which public input was welcomed on this project. However, as is often the case, notice of these meetings was poor and this has led to a perception of insufficient public input into a project that will be built on public lands and operated by a public-private partnership.

Another point of contention is the possibility of degradation of the water supply, though evidence to support this is quite fuzzy. Perhaps the more significant issue in this regard has to do with maintaining the same standards that we ask of developers in Lincoln, Lexington, Waltham, and Weston where our main reservoirs are located. The point has been made by the Water Board and others that our position is weakened if there is any perception that we don't practice what we preach. This has been countered by Neville Partners, the team that will manage the Neville facilities, by studies that show little or no threat to Fresh Pond and the promise that best management practices will be strictly followed, leading to a net benefit for the watershed.

Here's the letter sent on June 2 to the City Manager by Joseph Harrington, President of the Water Board, on this matter:

Dear Mr. Healy:

In the matter of Neville Manor, let me state clearly that there is no one on the Water Board who is opposed to the redevelopment of the nursing home.

The minutes for the informational hearing conducted by the City Council Sub-committee on Health and Hospitals at City Hall on May 11, 1998 are not yet available. If I am not mistaken I believe that you said that you had three opinions from the Office of the City Solicitor that the Water Board was purely advisory. I am aware of three written opinions between the early 1940s and 1992: the first stated that, under the then new form of government, the City Manager had an unequivocal right to appoint Boards, Commissions, etc.; the second stated that the City Manager could remove Board members even

before the end of their terms; and the third stated that the City Manager has the sole right to appoint the Superintendent (now Managing Director) of the Water Department. There is no one who could dispute those three propositions. But in 1951, in the matter of sale of house lots, the Water Board had to certify that there was no longer need for such land as had originally been acquired for water supply purposes. After he lost the vote in the Water Board, the then President Gordon M. Fair resigned in protest.

As I wrote in my letter to you dated May 10, 1998, the changes in use of water supply lands that were approved by two-thirds votes of the Water Board, City Council and Massachusetts State Legislature in 1925 (City Infirmary - now Neville Manor), 1931 (golf course) and 1951 (house lots) would not be recommended today by any responsible Water Board or responsible state agency such as Massachusetts DEP. They were, however, approved and the Water Board does not propose to revisit those decisions.

The Water Board strongly and unanimously urges that the current Neville Manor proposal be reworked so as to avoid further change in use of water supply lands owned by the City.

There is no publicly verifiable analysis that a less vulnerable site could not be selected nor evidence given that objectives could not be met within the footprint of the existing structure. By way of example, the CWD will have a smaller footprint for the new water plant than the existing plant and will incorporate advanced mitigating water conservation measures to preserve water quality and quantity. The Water Board is extremely concerned that further encroachment on water supply land will invite future proposals for land taking at Fresh Pond Reservation and will set an especially poor example in the vicinity of our upland reservoirs where we actively promote watershed protection on lands that we do not fully control.

Sincerely, for the Water Board,
Joseph J. Harrington, Ph.D., PE, DEE

Though the exact legal status of the land immediately surrounding Neville was not entirely clear at this meeting, a plot plan was found that could correspond to the land associated with Neville. [In the July 27 materials, a more precise description and plot plan is made available from Council and Water Board proceedings of 1928. A rendering from the 1930 Cambridge atlas of this parcel may be viewed at the Civic Journal web site.]

The City Manager explained his view of the authority of the Water Board, saying that although the Water Board once had total authority in matters such as this and at one time hired its own Managing Director, much of this authority changed with the adoption of the Plan E charter. According to Mr. Healy, the City Manager became the appointing authority in all matters associated with the Water Department and the authority of the Water Board became strictly advisory. Nonetheless, few at this Council meeting seemed certain in this matter.

Councillor Reeves expressed deep concerns about what he sees as pandering to a narrow constituency rather than responding to those who would be served by the new facility. He also reacted negatively to the suggestion that “the new buildings be chock-a-block with Concord Avenue so that seniors can inhale the noxious fumes as opposed to the ‘edelweiss’ that is behind at the reservoir.” The Manager responded by explaining how compromise was needed to prevent lawsuits and delay.

Before Councillor Davis exercised her charter right on this matter, she introduced a late order calling for clarification of issues of ownership and control of the land and improved language to protect open space and water quality.

Eminent domain

Councillor Toomey introduced a late order calling for the City Manager to “initiate a process to take the ComEnergy site in Kendall Square by eminent domain for a new main library, parkland for passive recreation, soccer and baseball/softball fields, and a high school track complex.” Mayor Duehay exercised his charter right and delayed the matter to the June 30 special City Council meeting.

I will bet that we’ll see no eminent domain takings here but that some concessions from the new owners will likely occur. Divergent views from Councillors Toomey and Born on how to address this matter are now gracing the pages of the Cambridge Chronicle, with Councillor Toomey talking like a tough guy and Councillor Born talking sense. The Manager estimates that about \$35 million would be required for such a taking. I expect strong rhetoric at the July 27 meeting.

Public comment highlights

Several people affiliated with the WR Grace rezoning process spoke in favor of relocating Neville Manor to the WR Grace site. It would seem that this proposal is part of a strategy to sell the City on one of the three options that some North Cambridge residents are promoting for the Grace site. [See the related article in this issue.] This is rather curious in light of the fact that many of these same people speak regularly of toxic contamination at this sight. To his credit, Peter Cignetti held a consistent view, arguing that Neville should be relocated to North Mass. Ave. Other persons associated with the North Cambridge Stabilization Committee spoke of asbestos contamination at the Grace site.

Numerous residents spoke on the Gregory petition, both pro and con, believing that the matter would come to a vote this evening. There were also a number of people who spoke on the Anderson petition.

The opportunistic David Hoicka did a little more self promotion related to his state rep. candidacy. Ezra Smith spoke against a proposed ordinance change to exempt church bells from the noise ordinance. Stash Horowitz talked about contamination at the ComEnergy site and at the Polaroid site. Several residents spoke on the Neville question. Elie Yardin talked about the need for more comprehensive urban planning prior to rezoning.

Gregory petition stays on the table

In a move that had some people scrambling to their copies of Robert’s Rules of Order and the Council Rules, Councillor Sullivan moved for suspension so that the Gregory petition could be brought before the Council. Councillor Davis asked for a roll call vote on the matter. There were only 4 of 8 votes to suspend the rules to take it up during the Manager’s Agenda portion of the meeting, so it was not taken up. Later in the meeting, I thought that it could still be taken up when the Unfinished Business portion of the meeting came around, but it was not. The Council did, however, substitute the Planning Board’s recommendations for the original petition later in the meeting, so I suppose the matter must have come before the Council, albeit briefly.

I have to admit that *this* Robert is still a bit confused about the procedure here and I even went out and bought the *Robert’s Rules of Order* book. My interpretation is that “unfinished business” can be taken up as a matter of course when that part of the agenda is reached. Normally, this is a different category than “on the table,” where a majority vote is required to take an item off the table. It would seem that in the definitions used by the Cambridge City Council, proposed ordinance changes which have been “passed to a 2nd reading” are

listed under “Unfinished Business,” but are really “on the table” in the sense of Robert’s Rules. If somebody wants to clear this up for me once and for all, this Robert is listening.

All of the eight councillors present seemed genuinely pleased with the Manager’s responsiveness in moving up the funding for sewer work in Area 4 just one week after requests from residents and councillors that something be done.

There was some discussion late in the meeting about what would be happening next regarding the siting of the main library now that the Sasaki report has been submitted to the Council. Mr. Healy made clear that of the two sites proposed, the 7-11 site in Central Square would almost certainly require 6 votes since an eminent domain taking would likely be required. Without giving himself away, he suggested that if he saw at most 5-4 support for that site, he would likely recommend the current Broadway site. Either way, the Council will have to approve the loan order before any site is finalized.

The meeting ended in about as silly a way as one could imagine. Councillor Born moved to adjourn and the vote failed. Councillor Galluccio then moved to suspend the rules to take up late orders. That vote failed. Mayor Duehay then remarked that the meeting was over but that they had not adjourned. Councillor Davis then moved to adjourn and that vote failed. After Councillor Russell joked that they should commence a hearing on the library siting, Councillor Davis moved for a 15 minute recess. After 15 minutes had passed and after most of the Council had gone home, Mayor Duehay announced that a quorum was no longer present, that the midnight deadline had arrived, and that the meeting was over. So it goes.

6) June 30 City Council meeting - Neville Manor, Part 3

After a lot of discussion and some clarifying amendments, the Council unanimously passed a Home Rule Petition to the state legislature that would allow a change in use at the Neville Manor site to accommodate the proposed assisted living facility and which would permit a single unified application for any necessary permits, approvals (with the exception of Water Board approval if and where applicable), and zoning relief to the BZA. In a revision from the previous week’s text, this petition calls for any remaining portions of the affected lot after specific metes and bounds for the project are identified to revert to the Fresh Pond Reservation. The petition also sets upper limits of 51,034 sq. ft. of land area and 150,000 sq. ft. of floor area for all the combined uses at the site and requires final acceptance by the City Council if and when the Legislature approves the petition.

There are many other details that I could write about on this matter such as the deed restrictions that would be written into the lease, but I’ll leave that to some other interested soul who might want to contribute more of the fine details. I’d be happy to print it if somebody wants to write it in concise form.

Councillor Born’s questioning was incisive and constructive, especially in regard to the possibility that a MEPA process might be required, what the authority of the Water Board was, and whether the plot plan from the 1920’s was the correct one. In the end, the amended petition passed unanimously and Councillor Davis followed with an order asking the Manager to immediately convene a site plan advisory committee that would include representatives from the Water Board, Fresh Pond Master Plan Committee, Conservation Commission, Council on Aging, Public Planting Committee, Neville Manor Board, Neville Partners, and City administration. She called for a minimum of five citizen members and reiterated the requirements of preserving water quality and quantity and that there be no net loss of open space.

Late in the meeting, the Council passed Councillor Toomey’s order from the previous week that calls for an eminent domain taking of the ComEnergy site. The order was amended to take out reference to the main library. Councillor Toomey suggested that the land was valued at about \$10 million. Councillor Born suggested that it would be in the \$30 to \$40 million range. As the July 27 Council materials suggest, Councillor Born’s math was the better.

Councillor Toomey’s language asks the Manager to “initiate” the eminent domain taking. Others suggested “investigate,” but Councillor Toomey would not hear of it. The order passed, but the Manager has indicated that he does not intend to follow the eminent domain route, a route that has left the City burned in the past.

I encourage all to read Councillor Toomey’s chest-thumping letter in the July 16 Chronicle and Councillor Born’s intelligent response in the July 23 Chronicle. The contrast between the two couldn’t be clearer.

The public comment at this meeting was extensive, but I’ll not detail it here. For those that want to follow the progress of the Neville petition, it is listed as H5684. The House referred it to the Joint Committee on Local Affairs on July 8 (where it is known as HJ2035). The Senate concurred on July 9.

Scorecard: June 8th, 15th, 22nd, and 30th Council Orders

In this issue, I’ve expanded the scorecard in order to split off those policy-related orders that deal with national and foreign affairs which have little or no bearing on the City of Cambridge. Councillor Triantafillou was absent on June 15, June 22, and June 30.

P (policy-related), **I** (requests for info), **R** (rules and procedural items), **M** (maintenance - potholes, traffic, etc.), **D** (deaths), **C** (congratulatory orders), **A** (announcements), and **F** (foreign and national policy). Here’s the approximate tally of orders introduced:

Councillor	P	I	R	M	D	C	A	F
Born	4	1	0	1	1	2	1	1
Davis	5	4	0	5	2	3	1	0
Duehay	0	0	0	1	1	12	1	1
Galluccio	4	3	0	3	9	10	2	0
Reeves	0	1	1	1	1	8	0	1
Russell	2	2	1	5	2	10	3	0
Sullivan	3	3	0	8	8	13	1	1
Toomey	3	2	0	4	6	6	3	0
Triantafillou	0	2	0	0	0	1	0	0
Total by category	19	15	2	25	24	54	12	4

Calendar:

Mon, July 27

5:30pm Special City Council meeting. (Sullivan Chamber)

Sat, Aug 1

10:30am to 11:30am Dedication of the Wheeler Water Garden at Danehy Park, Sherman Street

Sat, Sept 12

9am to 1pm Household Hazardous Waste Day at Cambridgepark Drive near the Alewife T Station. Call 349-4005 for more info.

Mon, Sept 14

5:30pm Regular City Council meeting. (Sullivan Chamber)

Tues, Sept 15 Primary Election Day

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