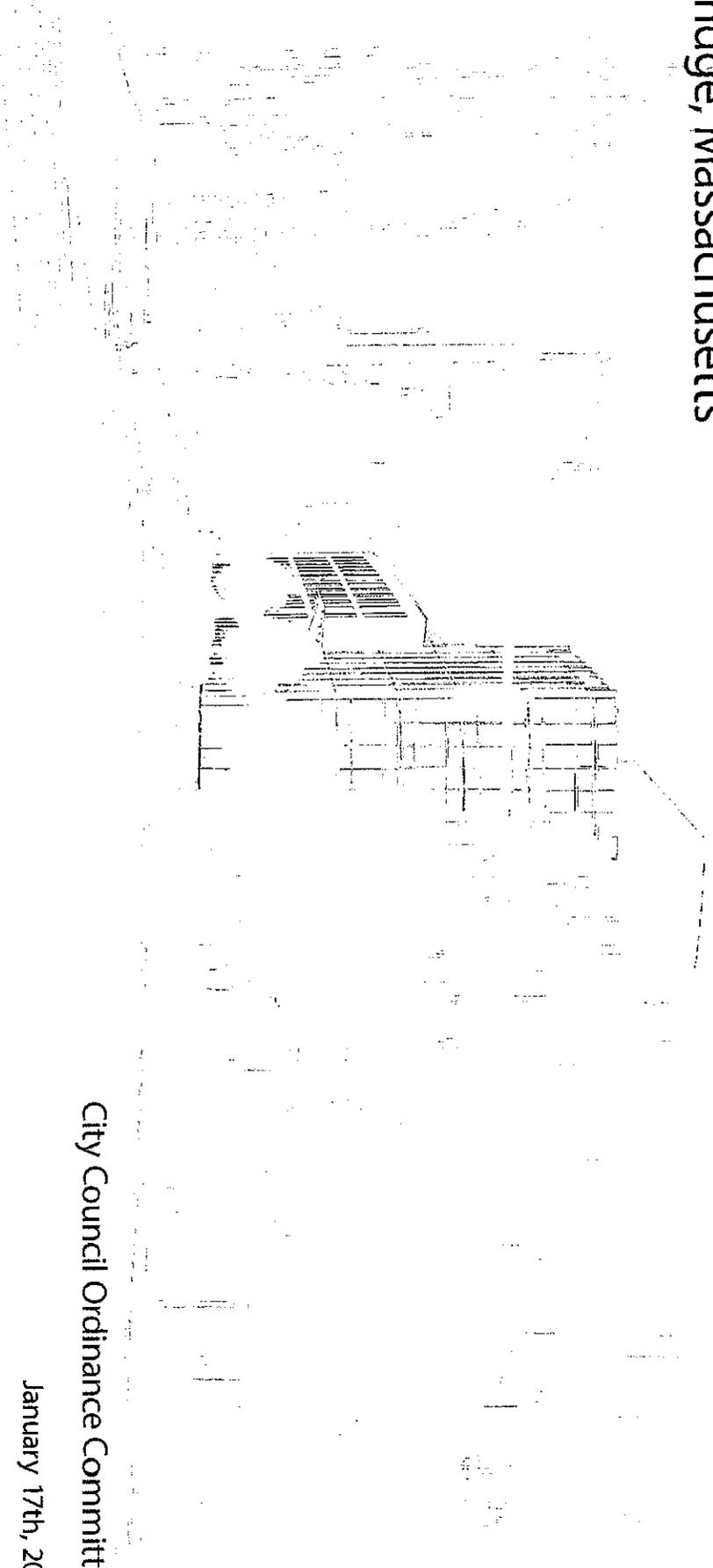


# 300 Massachusetts Avenue

FOREST CITY / MILLENNIUM PHARMACEUTICALS

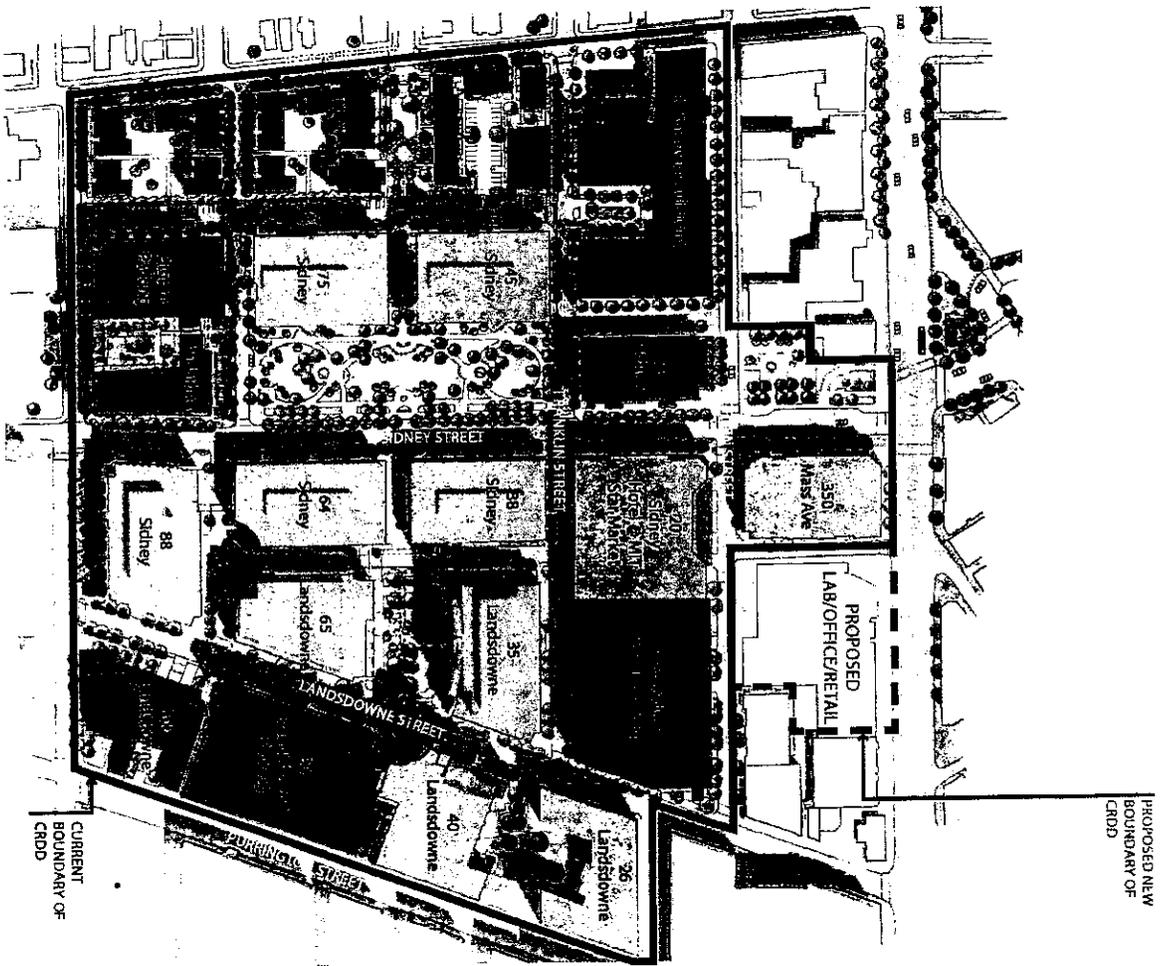
ZONING PETITION

Cambridge, Massachusetts



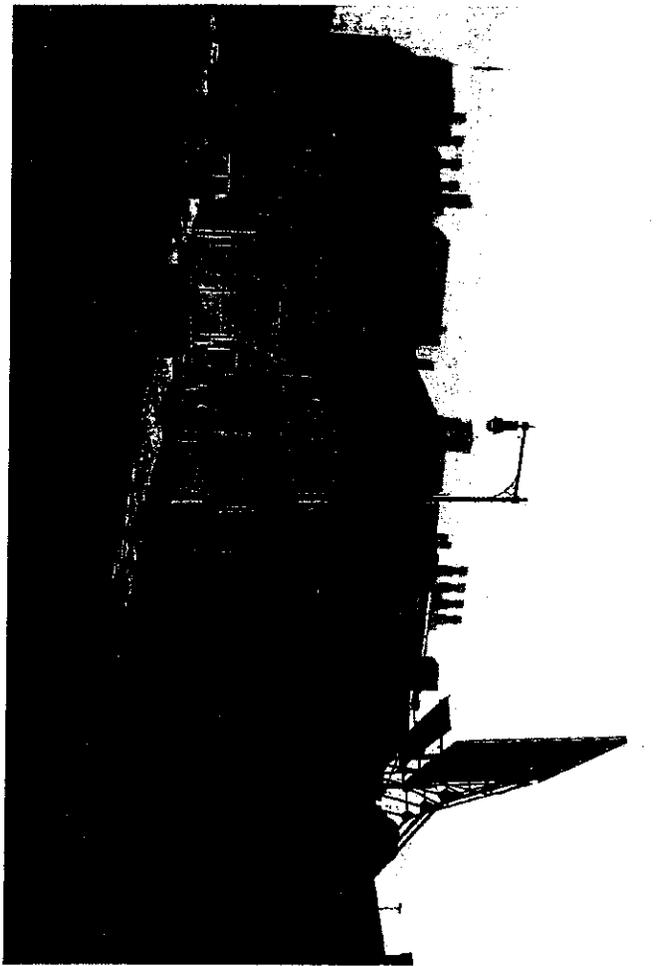
City Council Ordinance Committee

January 17th, 2013

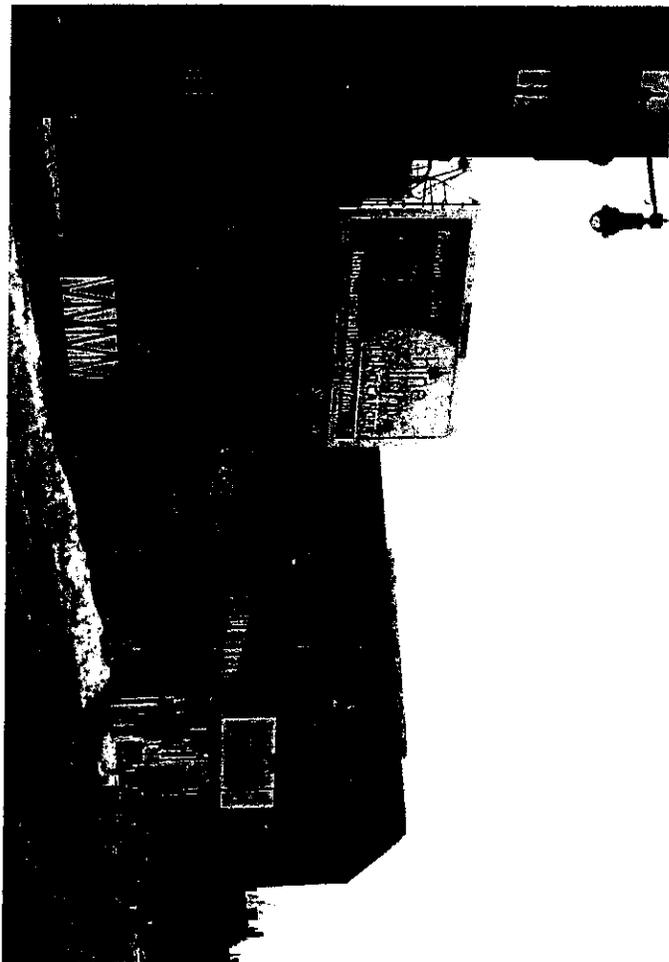


## University Park Programmatic Summary

	<u>RESIDENTIAL</u>	<u>COMMERCIAL</u>
<b>University Park at Present</b>		
Original Entitlements	400 Units	1,900,000 SF
As Ultimately Built Out	674 Units	1,573,284 SF
As-Built vs Original	+274 Units	(326,716) SF
<b>University Park with Proposed Revisions for 300 Mass Ave.</b>	<b>674 Units</b>	<b>1,820,000 SF</b>



Existing Conditions CORNER OF MASS AVE AND BLANCHÉ STREET



Existing Conditions LOOKING WEST ON MASS AVE

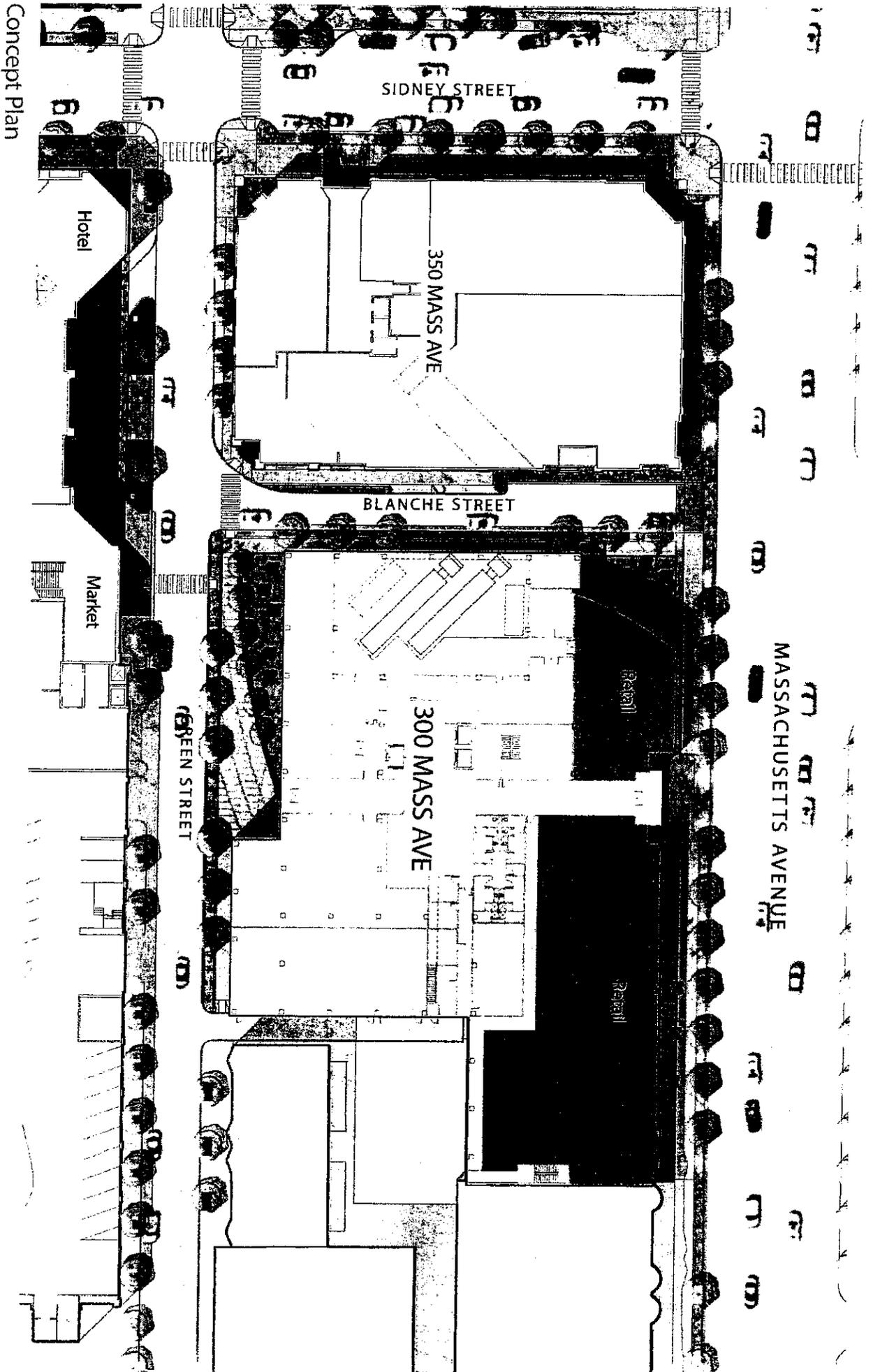
FOREST CITY  
COMMERCIAL GROUP

*Talented*  
MVA  
MILLENNIUM  
THE MONGODB ONCOLOGY COMPANY

KLING STUDIOS

300 Massachusetts Avenue  
Cambridge, MA

Existing Conditions  
January 17th, 2013



Concept Plan

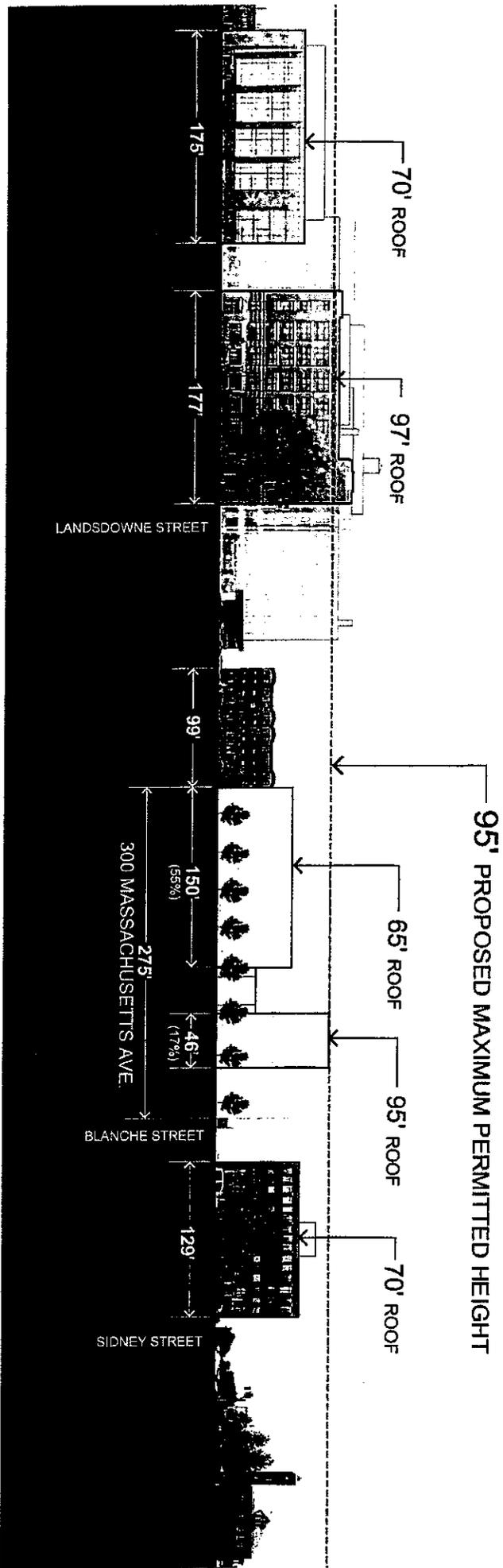
FOREST CITY  
COMMERCIAL GROUP

Fidelity  
MILLENNIUM  
THE FIDELITY INVESTMENT COMPANY

KLING STUBBINS

300 Massachusetts Avenue  
Cambridge, MA

Concept Plan  
January 17th, 2013



FOREST CITY  
COMMERCIAL GROUP

State Street  
MILLENNIUM  
THE TAMEKA OHOLOLOV COMPANY

KLING STUBBINS

300 Massachusetts Avenue  
Cambridge, MA

Mass Ave Elevation  
January 17th, 2013



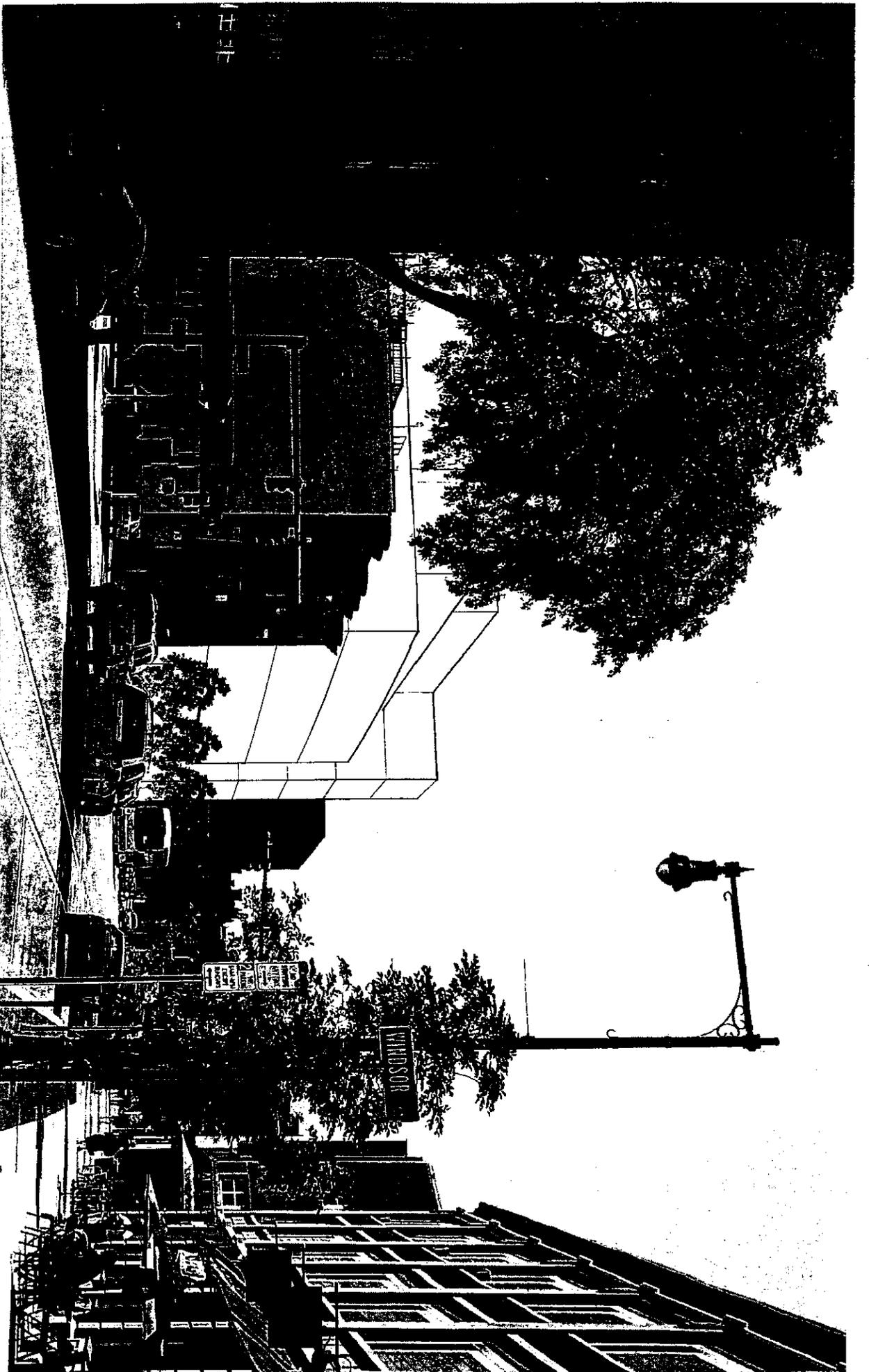
FOREST CITY  
CONCRETE



KLING STUBBINS

300 Massachusetts Avenue  
Cambridge, MA

Proposed Street View - Looking East from Jill Brown-Rhone Park  
January 17th, 2013



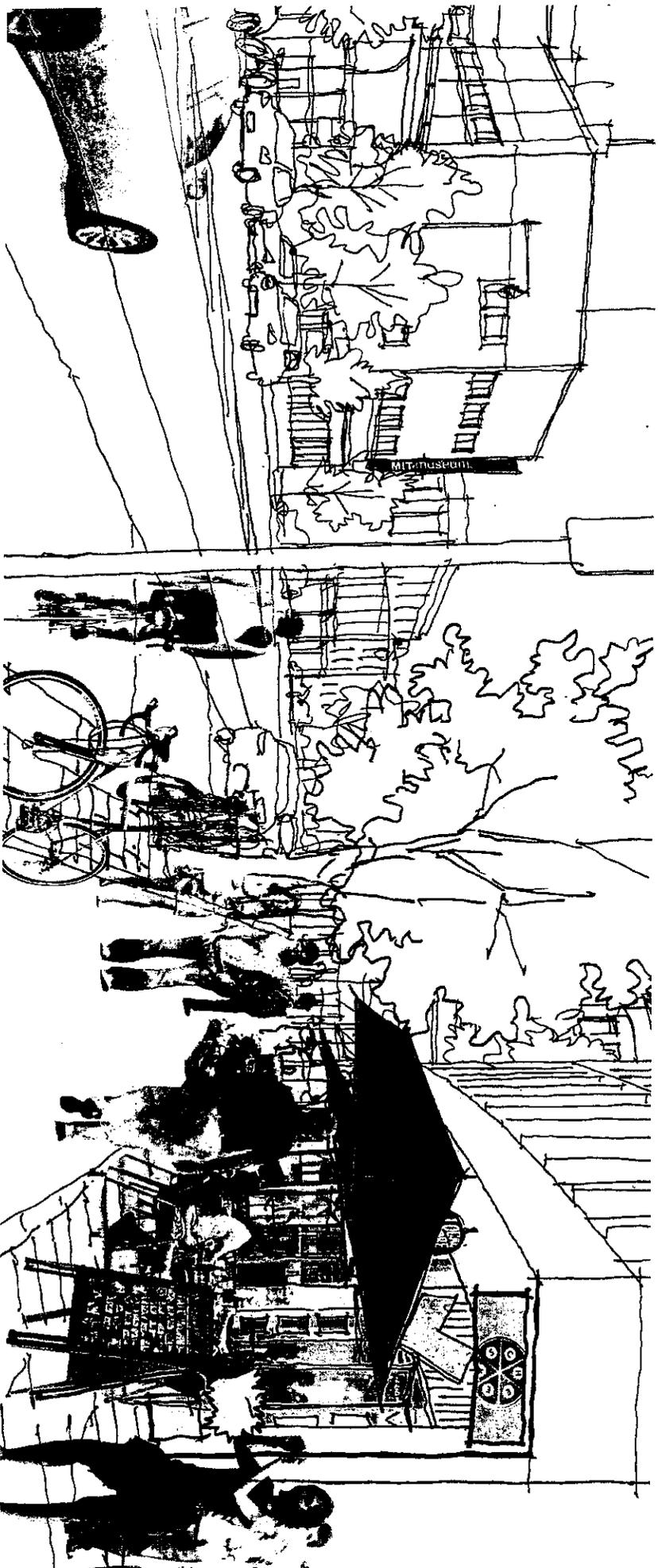
FORESTCITY  
COMMERCIAL GROUP



KLING STUBBINS

300 Massachusetts Avenue  
Cambridge, MA

Proposed Street View - Looking West on Mass Ave  
January 17th, 2013



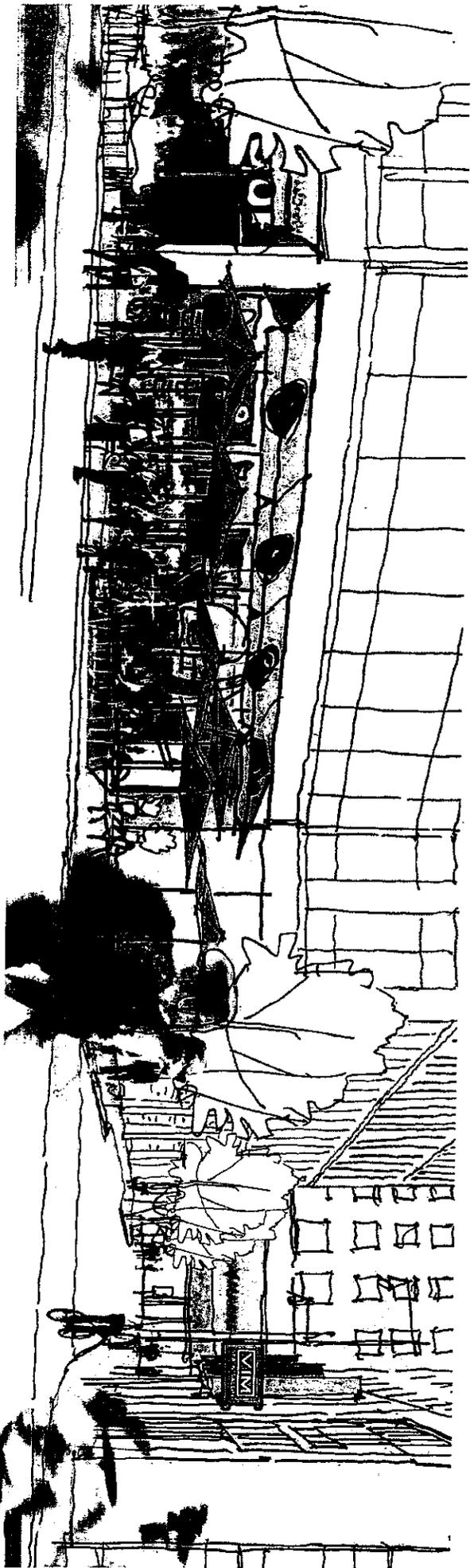
FOREST CITY  
COMMERCIAL GROUP

*Zakaria*  
**JAMA**  
MILLENNIUM  
THE TAREBA ONCOLOGY COMPANY

**KLING STUBBINS**

300 Massachusetts Avenue  
Cambridge, MA

Mass Ave Street View  
January 17th, 2013



FOREST CITY  
COMMERCIAL GROUP



KLING STUBBINS

300 Massachusetts Avenue  
Cambridge, MA

Blanche Street View  
January 17th, 2013

# COMPLIANCE OF FOREST CITY ZONING PROPOSAL WITH C2 COMMITTEE RECOMMENDATIONS

FEATURES AND OBJECTIVES	C2 COMMITTEE RECOMMENDATION	DOES FOREST CITY PROPOSAL COMPLY?
<b>Building Height</b>	100 ft maximum	YES
<b>Built Form</b>	Variety in height and massing with step backs in certain locations	YES
<b>Active Ground Floor Uses</b>	Diverse, local, independent retail mix  Ground Floor Retail use along Mass Ave (Approx 15,000sf) with proactive marketing plan for diverse, local, independent retail mix	YES
<b>Residential Diversity</b>	Provide incentives for creation of more housing including market rate, low income and middle income options	YES Commitment to (i) extend period for affordability for existing low and moderate income housing, and (ii) provide 20 units of additional affordable housing
<b>Open Space</b>	Open Space at Green & Blanche Streets	YES
<b>Public Realm</b>	Improved Public Realm for Blanche Street	YES
<b>Sustainability</b>	Design to LEED Gold Standards Track and Report Energy Use	YES
<b>Parking</b>	Reduce requirements for creation of new parking	YES No new parking required

## **PLANNED SUSTAINABILITY FEATURES**

- LEED Gold Certification
- Energy efficient mechanical systems
- Thorough Commissioning Program to ensure systems perform as designed
- Ongoing energy use measurement and verification program after building opens
- Reflective (white) and vegetated green roofs to reduce urban heat island effect
- Proactive stormwater management strategies to reduce quantity and improve quality of runoff
- Low flow plumbing fixtures
- Secure bicycle storage with shower/locker facilities
- High percentage recycling of construction and demolition waste
- Targeted use of recycled, locally-produced and low-emitting construction materials
- Dedicated space and program for collecting and storing recyclables once in operations

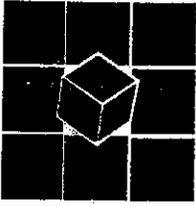
## **BENEFITS ASSOCIATED WITH 300 MASSACHUSETTS AVENUE**

### **Benefits Directly Attributable to the Proposed Building**

- Significant improvements to a desolate block of Mass Ave
- 15,000 +/- sf of new retail space targeted to local and independent retailers
- New open space at both ends of Blanche Street
- Better access to Star Market and the Hotel
- \$1M Inclusionary Project payment to the Cambridge Affordable Housing Trust
- Increased tax revenue to the City

### **Benefits Specified in Commitment Letter**

- \$1,078,680 payment to a community benefits fund to be used at the City's discretion
- Retain and enhance affordability commitments for 168 existing Affordable Units in University Park for the duration of Forest City's 75 year leasehold interest; original zoning required only 150 Affordable Units to be maintained for 30 years
- Commitment to provide an additional 20 units of affordable housing in Cambridge, or make a \$4 million cash contribution to the Cambridge Affordable Housing Trust



# CENTRAL SQUARE BUSINESS ASSOCIATION

P.O. Box 390426 • Cambridge, MA 02139  
Telephone 617-864-3211  
www.centalsquarecambridge.com

Chairman  
Carl F. Barron  
*CARU Associates*

President  
George R. Metzger  
*HMFH Architects, Inc.*

Vice Presidents  
Daniel Goldstein  
*Clear Conscience Cafe*  
Bill Scott  
*ePlace Homes*

Clerk  
Gail Seidman  
*University Stationery*

Treasurer  
Mark Orent  
*Leader Bank*

Directors  
Christina Abele  
*IDEO*  
Patrick Barrett  
*JB Realty Trust*  
Anya Bear  
*MIT*  
Cathy Carr Kelly  
*Central Square Theater*  
Christopher Durkin  
*Harvest Co-op Market*  
Jay Kiely  
*Forest City*  
David Levine  
*Central Square Florist Inc.*  
Jeffrey Lockwood  
*Novartis Institutes*  
Elaina Romano  
*Cambridge Savings Bank*  
Patrick Rowe  
*MIT Investment Co.*  
Nabil Sater  
*Middle East*  
Ping Wong  
*Cambridge Trust Co.*

Member Emeritus  
Norman McIver  
*Cambridge Trust Co.*

Executive Director  
Robin Lapidus

January 17, 2013

Ordinance Committee  
Cambridge City Council  
City Hall  
795 Massachusetts Avenue  
Cambridge, MA 02139

Attn: Councillor David Maher, Chair

Re: Forest City Petition to Amend Cambridgeport Revitalization  
Development District

Dear Members of the Ordinance Committee:

The CSBA supports the petition to expand the District to include the 300 block of Massachusetts Avenue and change the zoning for the following reasons:

1. The proposed change will assure an active retail street front on Mass Ave, help build needed housing, expand existing business and add jobs in the Central Square district.
2. The proposed change will replace existing underutilized structures and extend and reinforce Central Square's retail frontage along Mass Avenue to the edge of the MIT campus.
3. The proposed change is consistent with the recommendations of the Advisory Committee regarding new zoning to encourage sustainable development that adds jobs, active and unique retail, and housing within the Central Square district.
4. The petitioner has made collateral commitments to support affordable housing and provide additional betterments in accordance with the Central Square Advisory Committee's vision for a balance of development opportunity and public benefits.

The CSBA represents property owners and businesses who, along with the residents of surrounding neighborhoods, are the stakeholders of Central Square. We are committed to a common vision of Central Square that balances density and height with additional public benefits for a lively and vibrant retail and cultural district that serves the needs of all those who work, live and visit here. We ask the Ordinance Committee to approve this zoning petition so that we can begin to implement the collective vision for Central Square.

Councillor David Maher, Chair, Ordinance Committee

January 17, 2013

Page 2 of 2

The CSBA is confident that the subsequent building proposal, subject to on-going public and technical review, will have a significant and positive positive impact on Central Square and the surrounding communities.

Very truly yours,  
Central Square Business Association

  
George R. Metzger  
President

Terrence F. Smith, Director of Government Affairs  
Cambridge Chamber of Commerce  
Comments before the Cambridge City Council Ordinance Committee  
January 17, 2013

Good evening Chair Maher and honorable members of the Ordinance Committee. My name is Terrence F. Smith and I am the Director of Government Affairs at the Cambridge Chamber of Commerce at 859 Massachusetts Avenue and a resident at 21 Manassas Avenue.

The Chamber strongly supports the petition submitted by Forest City/MIT to amend the Zoning Ordinance by extending the Cambridgeport Revitalization Development District from Green Street out to Massachusetts Avenue in the area adjacent to Blanche Street. This petition reflects several years of discussion with the Council, residents and businesses, addresses issues identified by the Ordinance Committee last year and is in agreement with the recommendations put forward by the Central Square Planning study.

This petition, if adopted, will allow for the long overdue redevelopment of a blighted area. This site is the worst block on Massachusetts Avenue. The planned redevelopment will connect University Park better to Central Square, Kendall Square and MIT and allow for development of needed laboratory, office and retail space while removing several dilapidated buildings and two billboards.

The Central Square Planning Study and the Red Ribbon Report on Central Square have identified a need and strong support for redevelopment that improves streetscapes, adds retail and provides opportunities for growth for innovative Cambridge businesses. The proposed zoning will provide the regulatory framework necessary for development to address these needs.

These and other studies have identified the need for retail space to bring life to our major streets and squares. The Council has also expressed a strong interest in ground-floor retail space. The proposed zoning will allow for retail development that will add to the local retail mix, benefiting and serving businesses along Massachusetts Avenue and Central Square and the laboratory and office space will bring new customers to existing and future retailers.

Finally the proposed redevelopment will allow Millennium: The Takeda Oncology Company to continue to grow in Cambridge. Over the past twenty years Millennium has become not only a model of innovation in its industry but also a strong partner in our community. Adopting this zoning change will lead to the creation and preservation of more than 1,000 Cambridge jobs. I also note that Millennium recently won the Green Street Initiatives Corporate Challenge for large employers with a large portion of their employees participating in Walk Ride Days during 2012.

On behalf of the Chamber, our board of Directors and 1,500 members, I strongly urge you to recommend adoption of the proposed zoning changes. Thank you for the opportunity to speak this evening.

**From:** randa ghattas [<mailto:randaghattas@yahoo.com>]  
**Sent:** Monday, January 07, 2013 11:21 AM  
**To:** City Council; Albano, Sandra  
**Subject:** Support for Forest City Zoning Petition

Jan. 7, 2012

David Maher  
Chair, City Council Ordinance Committee  
City of Cambridge  
795 Massachusetts Avenue  
Cambridge MA 02139

**Re: Forest City Zoning Petition**

Dear Chairman Maher and Members of the City Council Ordinance Committee:

I am writing to express my support of the proposed Forest City Zoning Petition. As a member of the Central Square Advisory Committee and as a resident of Central Square, the project addresses many of the concerns that we as a committee considered important: the activation of Massachusetts Avenue with active retail, the preservation of affordable housing and the provision of additional affordable housing. I request that the Ordinance Committee consider this petition very carefully as it provides many of the benefits that we seek as a community, a diverse Cambridge where people can live and work and play. Whereas I share residents' concern with regards to the extension of the banality of the laboratory buildings of Kendall Square into Central Square, I also support the expansion of the innovation economy in Cambridge in a meaningful way that does not impact the residential neighborhoods negatively. I also realize that many people prefer housing in general, as I do, but I also believe that we should also strike a balance between residential and commercial development in order to accomplish our goals of enhancing and supporting a mixed-use neighborhood. The Forest City Zoning Petition does just that: it preserves and adds housing in the area and proposes a research and office building with active street retail on Massachusetts Avenue adjacent to but also away from the heart of the residential neighborhoods.

The Forest City Zoning Petition has my full support.

Thank you,  
Randa Ghattas  
88 School St.  
Cambridge MA

**TO:** Members of the Cambridge City Council Ordinance Committee

**FROM:** Nancy Ryan, 4 Ashburton Place, Cambridge, MA 02139

**RE:** Petition by the Forest City Corporation to Expand the CRDD and Upzone the Property at 300 Massachusetts Avenue

**DATE:** January 17, 2013

I write to oppose the Forest City petition to expand the Cambridgeport Revitalization Development District (CRDD) to include the property at 300 Massachusetts Avenue and to amend the Zoning Ordinance to allow for a building that is far too high and dense for its location. The petition states that "the inclusion of this property into the Cambridgeport Revitalization Development District will allow for the development of new office, research and retail building that will enhance the street life and vitality of Massachusetts Avenue, support the expansion requirements and job creation of Millennium: The Takeda Oncology Company, and provide for approximately 15,000 square feet of new, active and independently operated ground floor retail uses."

I do not believe the proposed change to the Zoning ordinance to accommodate a building twice the size currently allowed, with its impact on residential areas abutting it and on Central Square, will enhance anything except the profit margins of Forest City and the Takeda Oncology Company. When Forest City purchased the properties that we now call the "All Asia Block" or 300 Massachusetts Avenue, they knew the limitations the City placed on that land as part of a long negotiation with the surrounding communities. As you know too well, elements of that agreement have already been compromised.

I include the preamble to the Cambridge Zoning Ordinance as a reminder of our civic duty to plan carefully when, where and how the uses of land are protected for the benefit and safety of the people of Cambridge:

### **1.30 PURPOSE**

It shall be the purpose of this Ordinance to lessen congestion in the streets; conserve health; to secure safety from fire, flood, panic and other danger; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water supply, drainage, sewerage, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most rational use of land throughout the city, including the encouragement of appropriate economic development, the protection of residential neighborhoods from incompatible activities and including the consideration of plans and policies, if any, adopted by the Cambridge Planning Board, and to preserve and increase the amenities of the City.

Others will write and testify to various aspects of the proposed changes to the CRDD and the Zoning Ordinance. I want to raise a series of questions that I hope the City Council members will be able to answer for yourselves and the people of Cambridge before you vote on this petition.

- 1) What is the current status of the affordable housing units that were promised by Forest City in 1987 in order to create the CRDD? Until you and we are satisfied that all affordable units are accounted for and remain affordable to low-income tenants (by Inclusionary Zoning standards), no vote should be taken on the petition. How will new agreements be monitored and enforced?
- 2) Are you aware that the Inclusionary Zoning Ordinance specifically exempts Forest City from its requirements such that Forest City has been free to build housing that otherwise would have triggered implementation of the Ordinance?
- 3) What is the City's plan to manage the growth of the Biotechnology/Health/Information Technology industries as corporations and developers buy land and try to expand into residential neighborhoods? What kinds of laboratory and other uses are acceptable in residential areas, especially those abutting Central Square and on Massachusetts Avenue?
- 4) As you consider granting this significant up-zoning, what impact do you think this will have on the recent purchase of the 15 Quest Diagnostics properties in Central Square to a developer? One up-zoning usually leads to many more as industry spreads from Kendall Square to Central Square. What are the limits, if any?
- 5) Why have there been no formal traffic studies to determine the impact of this massive building on Central Square and the streets that feed into and out of the square?
- 6) Why have there been no explicit analyses of the actual parking capacity within the Forest City/CRDD/University Park complex. Statements by Forest City representatives about parking availability simply were not true in August when the previous petition was presented.
- 7) How does the City create a "value" for so-called "community benefits" or "mitigation?" What needs for mitigation will the City and its residents have as a result of this zoning change and the building it spawns? Does \$1,078,680 come close to satisfying those needs?

I urge you to reject this petition – apparently several tenants of the Forest City/University Park Development are on the move and there should be space aplenty for Millennium/Takeda expansion within the current CRDD. But also, please look closely at these questions and demand a citywide plan for commercial and residential development so individual zoning demands do not define how we live and work in Cambridge.

Stephen H. Kaiser  
1017 Hamilton St.  
Cambridge, Mass. 02139

To : The Cambridge City Council Ordinance Committee

From : Stephen H. Kaiser

### **Public Comment on the Forest City Zoning Petition**

I am hereby submitting copies of my traffic and transit report and Article 7 treatise, together with a CD of the reports in digital format. The digital files are searchable by topic.

The City has no legal requirement for a traffic study as part of zoning, but a professional obligation is to follow initial planning with reports on architecture, traffic, transit, wind and shadow. Planning comes first, with zoning to follow. Only at the end are applications made for special permits, by which time traffic studies are too late.

Forest City made a formal agreement with the state MEPA office in 1985 to submit traffic and other environmental studies in return for the gift of a waiver. Included in this bargain was a requirement to submit traffic updates on traffic growth over the years.

The Forest City zoning proposal includes no reference to this history of these environmental obligations or a record of any notice of project change as required by state regulation. The original zoning for University Park was the outgrowth of a lengthy participatory process with the neighborhood, whereby a deal was reached to allow zoning benefits to the developer in exchange for benefits and reassurances to the community to offset some of the growth impacts. The developer has provided no summary of what the numerous additional zoning benefits received by the developer since 1985. The citizens have received no additional benefits since the 1980s. The 20 units of affordable housing could disappear by being absorbed within the obligations of another developer, and there will be no net gain for the city in housing. Future rent subsidies at University Park are still uncertain, and lack a firm commitment to the residents.

I am submitting the attached traffic report because the developer and the City have not prepared such a report. None of the pro-development forces have prepared a traffic report on the Forest City site, Central Square generally or Kendall Square.

The Community Development department began a K2C2 traffic study and made some initial PowerPoint presentations over a year ago. That study has not been completed and no report has been issued. Because the original fragment of a study did not include the primary traffic bottlenecks such as O'Brien Highway and Land Boulevard, the initial results are not valid and the study effort to date by the city is not useful. For all practical purposes, you have no traffic study done by the City to justify the Kendall and Central square rezonings. This failure is a severe defect in the entire study process.

*Final Report to the Cambridge Residents Alliance :  
The Traffic and Transit Implications  
of Development at Central and Kendall Squares*

**An Assessment of Public Information Available for Technical Review  
and Recommendations for Traffic and Transit Improvements**

Prepared by Stephen H. Kaiser, PhD  
Traffic and Transportation Engineer  
Hamilton St. Resident since 1965  
191 Hamilton Street  
Cambridge, Mass. 02139

Photographs by Phyllis Bretholtz

**KEY SECTIONS :**

Table of Contents ..... 2  
Introduction ..... 3  
Summary Conclusions ..... 4  
Traffic Recommendations ... 19  
Transit Recommendations ... 28  
Report Conclusions ..... 33

Photos of traffic Congestion ..... Appendix A  
Traffic Capacity calculations for Intersections .... Appendix B

**This report has no external funding.  
It is not copyrighted and is in the Public Domain .**

Updated Edition January 14, 2013

## TABLE OF CONTENTS

* Introduction .....	3
* Summary Conclusions .....	4
* The Proper Contents of a Traffic Study .....	6
* Photos of Existing Congestion in Cambridge .....	7
* Review of Previous Traffic Studies .....	8
* MIT Traffic Study .....	8
* Methodology for Traffic Capacity Analysis .....	8
* Traffic Bottlenecks.....	10
* Capacity Calculations Compared .....	13
* Central Square : Congestion and Capacity.....	15
* Useful Traffic Engineering Techniques .....	16
* The Main Street Connector at Kendall Square .....	17
* Changing Trends in Traffic Analysis .....	17
* Future Traffic Conditions.....	18
* <u>Traffic Recommendations</u> .....	19
* General Comments on Traffic Planning .....	21
* Priorities for Transit .....	22
* North Point Transit Study .....	22
* Results of City's Transit Analysis.....	23
* Urban Land Institute Report on Transit-Oriented Development .....	25
* Favorable Transit Strategy for Consensus.....	25
* City Proposals and Challenge of Red Line Service .....	26
* <u>Transit Recommendations</u> .....	27
* Setting Transit Capacity Goals .....	31
* Funding Proposals.....	32
* Conclusions .....	33
* Bibliography .....	34
* Schedule for Submission and Revisions .....	35
APPENDIX A.	PHOTOS of CENTRAL SQUARE AREA TRAFFIC
APPENDIX B.	CLV CAPACITY CALCULATIONS AT 27 LOCATIONS
APPENDIX C.	PUBLIC AND TRANSIT GOALS
APPENDIX D.	CITIZEN RECOMMENDATIONS ON PEDESTRIANS AND BICYCLES
APPENDIX E.	EAST CAMBRIDGE STUDY : ECaPS TRAFFIC MATERIALS
APPENDIX F.	KENDALL SQUARE TRAFFIC PROPOSALS
APPENDIX G.	1. History of Transit Improvements
	2. North Point Study of 2002 -- selections
	3. City Estimate of Red Line Capacity at Kendall
	4. Urban Land Institute Report -- Selections
	5. Data and Analysis on Red Line Equipment Available for Service
	6. Screenshot on Bunching of trains
	7. Data on Energy
APPENDIX H.	DEBT FINANCING and ENERGY CONSERVATION AT THE MBTA
APPENDIX I.	HUMAN INTERFERENCE IN MODELING

## REPORT ON TRAFFIC AND TRANSIT FOR CENTRAL & KENDALL SQUARES By Stephen H. Kaiser, PhD

### INTRODUCTION

The Cambridge Residents Alliance\* has requested the preparation of a citizen traffic report to assess the traffic and transit effects of continued development within the Central Square and Kendall Square areas. Over the past two years, agencies of Cambridge City government have assembled a certain amount of data and analysis related to existing and future development and its implications on local traffic and transit. Unfortunately, the City has issued no traffic report for Central and Kendall Squares. Incomplete information in PowerPoint form has been released to the public, but these presentations contain only a limited amount of detail.

Several information sources are available for public review, including materials distributed at public meetings. Spreadsheet files from the City's traffic consultant, McMahon & Associates, are accessible, including afternoon peak hour turning volumes at twelve intersections. The data includes, the signal phasing and identification of critical movements ... and the calculation of "critical lane sums" \*\* for existing and future conditions.

The beginning point of any traffic study is a review of existing traffic conditions. The next step is to consider future traffic estimates and make recommendations for improvement. The valid questions are: "Was the study area properly scoped \*\*\* to identify all the significant bottlenecks or peak load conditions?" Has there been an accurate representation of existing peak-hour traffic movements \*\*\*\*? ... of interaction with pedestrians? ... and of signal timing arrangements? These initial concerns are important: if a technical analysis cannot accurately assess existing traffic capacity \*\*\*\*\* , any analysis of future traffic conditions would likely be similarly flawed and could be meaningless.

The City contributed an estimate of passenger capacity on the Red Line and an assessment of the effect of new development on transit operations. Such transit studies are very unusual, and the City's initiative should be seen as a very important effort to assess rarely studied transit issues. This appreciation is warranted, even though the analysis is incomplete, lacks documentation, and does not include many limiting factors on actual transit service. These omissions caused the City to report Red Line capacity far more optimistically than is credible or justified.

---

\* The Cambridge Residents Alliance is a recently formed community organization of citizens, primarily focused on the Essex Street and Area 4 Neighborhoods, but also East Cambridge and Cambridgeport.

\*\* Critical Lane sum is an engineer's way to measure the traffic capacity of an intersection controlled by a traffic light or signal. The method is to add up the important hourly counts and compare them to the capacity limit of each intersection.

\*\*\* "Scoped" means to adopt a physical area to be studied and the issues to be evaluated.

\*\*\*\* Peak hour is usually defined as 8-9 AM in the morning and 5-6 PM in the afternoon.

\*\*\*\*\* Capacity means how many cars can get through during a peak period. Intersections are the main concern.

### SUMMARY CONCLUSIONS

- § The City's planning projections for Central-Kendall plus North Point will add about 15 million new square feet of development by the year 2030. The trip generation of over 50,000 new vehicle trips per day, and over 50,000 new transit trips per day is consistent with other studies in Cambridge.
- § The ongoing Central-Kendall transportation studies do not compare favorably with past City traffic studies, such as the Eastern Cambridge Planning Study (ECaPS) of 2001. The earlier study was much more thorough and complete.
- § The ECaPS study reviewed 59 intersections during the morning and afternoon peak hours.
- § The new City study looks at only twelve intersections & considers only the afternoon peak hour.
- § The City's study concentrates on many intersections that are not bottlenecks. ECaPS did evaluate the biggest single bottleneck in Eastern Cambridge – at O'Brien Highway and Land Boulevard, but the new study does not. The City's initial analysis of the Central Square bottleneck was badly flawed and did not include consideration of pedestrians. The City later recalculated and identified Central Square as being at capacity. Kendall Square still does not include consideration of pedestrians.
- § There are obvious pedestrian conflicts at Central Square (including a recent pedestrian fatality). The City study should have proposed a new design and operation for the Mass Ave and Prospect intersection, with safety as primary. The City made no such recommendation.
- § The structure of the alternatives is confusing and ultimately not useful for understanding the operation of existing intersections. Existing intersections and counts that are applied to future traffic lane use is not helpful for verification of modeling accuracy.
- § The City's study applied a dated methodology called "critical lane analysis" based not on recent versions of the Highway Capacity Manual, but instead on the 1985 edition of the manual – now 27 years old.
- § The City and its traffic consultant applied the wrong capacity criterion for such analysis. They used a capacity of 1500 vehicle per hour, when the correct figure is 1400 vehicles per hour as specified in the Manual.
- § The City's calculations were not calibrated for accuracy at specific locations in Cambridge.
- § Today traffic signal timing problems at Central Square are readily evident, with lengthy queues along much the length of Prospect Street from Central Square to Inman Square. The City's analysis found high volumes of pedestrians and traffic, but did not offer any proposals for improvement.
- § Deficiencies in the City's presentations explaining existing traffic conditions are so serious that any future projections are almost meaningless and have no credibility.
- § This citizen report on "Traffic and Transit Implications of Development at Central and Kendall Squares" contains an independent peer check on the critical lane traffic calculations completed as part of the City's work. The proper criterion of 1400 vph was applied in the citizen report.
- § The City has yet to take the lead in generating a public dialog -- to deal with conflicts generally between vehicles and pedestrians and between pedestrians and bicycles.

- § The City's proposals for increased enforcement of city traffic ordinances have little credibility, given the extensive blocking of crosswalks by vehicles during congestion at Central Square and along Prospect Street, River Street and Western Avenue. With the extensive congestion, vehicles are "blocking the box" and contributing to gridlock and traffic diversions to alternate routes, including residential streets. Poor intersection design and operation are not compatible with professional police enforcement.
- § The City's study contains no information on parking availability and use, nor how much new parking would be proposed if existing parking lots were developed for other uses.
- § Transportation improvements at Kendall Square have been minimal. The one dramatic proposal for a Main Street connector is designed to help cars and not pedestrians. This idea (supported by the Kendall Square Advisory Committee) has been properly criticized and opposed by City traffic officials.\*
- § The City's attempt to assess the capacity of the Red Line is a worthy initiative.
- § The City needs to do work to create a truly useful transit study. Factors that need to be included are the actual average number of trains in service (not those "scheduled")..... allowance for peak ridership days during the year, not just an average day .... bunching of trains .... uneven loading of trains .... ridership surges within the peak hour .... and allowances for severe weather conditions such as the snow and ice of January 2011. Recent evidence suggests that the failure rate of Red Line equipment is getting worse year by year, so that continued service from the Red Line at today's schedules may not be possible. Red Line service may get worse before it gets better. Both the City and developers should restart their transit capacity analysis and base it *on the way the Red Line actually works and on trends in operations*. The recent Urban Land Institute study indicates that there is a major risk of overloading MBTA system capacity through new development near transit stations. This ULI report is a valid warning for all development planners in urban areas.\*\*
- § Most of the City's suggestions for improvements to the MBTA (more trains on the Red Line, increased electrical power, communications and signaling systems) are quite reasonable. With the MBTA confronting a \$130 million deficit in its operating budget next year, there is currently no funding plan. Nor does the City suggest one.
- § The City's plans for Central and Kendall Squares should be a part of a larger context of city-wide development, including North Point, North Cambridge and Alewife. The City must temper its plans for development, to assure balance with the capabilities of its infrastructure. The proper solution is not wider highways and more cars, but a vastly improved MBTA. The City has generated several useful proposals, but no practical financing plans – such as developer contributions to a better-run MBTA.

===== END OF SUMMARY CONCLUSIONS =====

\* See Appendix F for a report on the Main Street Connector.

\*\* See Appendix G-4 for selections from Urban Land Institute report.

## THE PROPER CONTENTS OF A TRAFFIC STUDY

Any traffic study should define a study area that corresponds with areas of congestion and significant impacts from new development. The study should look at the most important and critical intersections, not minor locations that never congest. Pedestrian conflicts with vehicles should be taken into account.

The study should contain traffic counts for a representative active day for both morning and afternoon peak hours. Any proposed changes to intersection operations should be assessed for future traffic conditions, both Build and No Build. A good traffic study should include photographs documenting the levels of congestion commonly encountered, with text descriptions of observed levels of traffic congestion.

For Central Square, the impact area should include Cambridgeport, Central Square, Area Four, and Mid-Cambridge. For Kendall Square and East Cambridge, the impact area should include North Point, the traditional neighborhoods between O'Brien Highway and Binney Street, Kendall Square, the MIT campus, and Area 4.

A proper study of traffic in East Cambridge must also consider the congested locations of Leverett and Charles Circles in Boston, as well as the Longfellow Bridge, Harvard Bridge, and B.U. Bridge. For transit analysis, the bus and subway service between Central and Kendall will be of major importance.\*

The primary bottleneck in East Cambridge -- at O'Brien Highway and Land Boulevard -- still generates long traffic backups. This congestion occurs even though traffic counts have shrunk by 15% in the past decade. A similar shift has occurred at Central Square, with significant declines in traffic moved, while congestion has increased. The declines in traffic counts that the City attributes to better management may actually be the result -- intended or otherwise -- of actions by the City to decrease through traffic by reducing traffic capacity.

In other words, the reduced volumes of traffic report by City officials may actually be the result of cars not moving, rather than a reduced, free flow of traffic.

In addition to traffic congestion and identification of bottlenecks, a thorough study would consider signalized and unsignalized intersections, parking issues (on-street and off-street), traffic safety, pedestrian circulation (sidewalks and crosswalks), truck loading zones, bicycles and bike lanes. For future conditions, information on expected amounts and type of development should be used to estimate of daily and peak hour "new" trips on the road network.

A transit study must have ridership counts and projections for subways and buses. It should identify where along the route the trains carry the most people. The study should look at train reliability and availability of extra trains in the event of breakdowns. It should allow for the bunching of trains and buses. MBTA passengers leaving a transit stop will rise to the surface and now become pedestrians. The study should take into account the surges in pedestrian movements into crosswalks at Central Square during peak hours.

The City has made separate presentations for both Central and Kendall Squares. The final result is not a single study of Kendall, Central and Lafayette Squares. Instead there are two studies, both sharing Lafayette Square as an overlapping area. Are the two versions of Lafayette Square the same in terms of new zoning and density? Is the traffic generation the same for the two? The Osborne Triangle is included in this duplication.

The City's study appears to have ignored trip generation from other developments such as North Point.\* Their report should present a comprehensive listing of all potential development in Cambridge, including the remainder of East Cambridge, North Point, Cambridgeport, and Alewife. Only in this manner can development in any one area of Cambridge be placed in proper context.

Estimation of future traffic volumes on Cambridge streets has become somewhat controversial. The City has presented data showing that traffic volumes have gone down over the past five years on certain streets. They have sought to ascribe the entire cause for this shift their transportation demand management policies.

In truth the situation is far more complex. Traffic counts on O'Brien Highway have gone down in recent years because of completion of the Big Dig, with its eight additional lanes of highway crossing over the Charles River. One consequence has been increased traffic and congestion at Leverett Circle and Charles Circle in Boston. These worsened bottlenecks have made it more difficult for traffic to travel to and from Boston and Cambridge. Traffic volumes are reduced by these bottlenecks, not by policy changes in the city.

### PHOTOS OF EXISTING TRAFFIC CONGESTION

Almost every traffic report in the past forty years has shunned the use of photographs to show existing traffic congestion. Such photos would normally provide verification of capacity calculations for current traffic operations. It is a very bizarre characteristic of traffic engineers that they do not show photos of the very subject matter they are called upon to discuss as experts. Stated bluntly, this omission is a common disease of the profession.

Appendix A of this citizen report contains about forty photographs showing existing traffic congestion along the Prospect Street corridor. The photos are grouped together into five time sequences illustrating the existence of queues and traffic that "blocks the box." Several photos highlight backed-up traffic blocking crosswalks and causing conflicts with pedestrians.

Traffic congestion at Central Square has historically been a problem, but over the past year the congestion has grown significantly worse. City officials decided to remove a travel lane on Prospect Street and repaint it as a turning lane. The number of travel lanes from River Street to Prospect Street was reduced from two to one. Today, a long queue on River Street organizes itself into a single lane, leaving the right lane substantially empty.\*\* The photos show traffic heading to Prospect Street, backing up from Bishop Allen Drive and extending through both Mass Avenue and Green Street .... and beyond.

When traffic is stopped in the Square, with no movement, the traffic flow drops to zero. This lost time is wasted for both drivers and pedestrians. It is no wonder that the traffic counts show a large reduction in the number of cars passing through Central Square. The traffic is not moving. The photos help show dense traffic that is stopped -- blocking the intersection and backing up on Mass Avenue, River Street and Prospect Street.

---

\* The past traffic study for North Point indicated a total development of 5 million square feet, with 16,000 daily vehicle trips, 16,000 transit trips and between 4,000 and 6,000 parking spaces.

\*\* Photos of this domino effect of queuing are shown in Appendix A, pages A-3 and A-4.

Poor traffic timing and coordination create queues at nearby intersections, and these queues extend into the Mass/Prospect bottleneck. The signal at Green and Western often produces queues that extend into Mass Avenue and causes blockage. The signal at Mass Avenue and Essex Street does the same thing. So does the signal at Prospect and Bishop Allen. The photos illustrate this reality.

### REVIEW OF PREVIOUS TRAFFIC STUDIES

In addition to few traffic photos, two other common weaknesses are found in almost all traffic studies. They fail to contain a bibliography, and they fail to consider previous traffic studies. The City needs to review the results of all relevant previous studies.

In 2001, the Community Development Department sponsored a large study of development, traffic and zoning covering a large neighborhood area in East Cambridge. The scope included lands from Kendall Square to North Point, with a lively advisory committee and direct citizen participation. This East Cambridge Planning Study is still referred to as the ECaPS study.

The ECaPS report looked at 59 intersections, both signalized and unsignalized, and evaluated both the morning and afternoon peak hour traffic. It contained eight pages of transportation analysis and eight pages of recommendations -- some in considerable detail. It was much more thorough in its scope of traffic analysis and far more detailed in its recommendations.\*

By contrast, the City's recommendations for traffic at Kendall and central were quite limited. The Kendall-Central study looked at only twelve intersections -- only 1/5 as many as the original East Cambridge study. The earlier report looked at the capacity of the single biggest bottleneck in East Cambridge -- at O'Brien Highway and Land Boulevard. The City's new study ignored this bottleneck.

In only one decade, the decline in study detail and precision is quite evident. The City must make as its goal the achievement of better planning, not diminished planning.

### MIT TRAFFIC STUDY

A traffic study by MIT, if it does exist, has not been released publicly.

### METHODOLOGY FOR TRAFFIC CAPACITY ANALYSIS

The quality of real-world traffic analysis is subject to certain painful truths. Methods of estimating capacity and how well traffic works are sometimes adequate and sometimes not. The exercise of traffic engineering is far from being an exact science.

The standard procedures for the United States are contained in the Highway Capacity Manual.\*\* The procedures are so complicated that computer analysis is required. Sadly, the

---

\* See selections from the ECaPS report in Appendix E.

\*\* The Highway Capacity Manual is a generally accepted national publication approved by the Transportation Research Board. It contains methods for evaluating vehicle flow, pedestrians, bicycles, and transit. Various Editions have been produced in 1950, 1965, 1985, 1994, 1997, 2000 and 2010. .

highly theoretical formulation and resulting complexity can result in erratic calculations that do not match observed traffic conditions. In other words, the best computer models sometimes work well and sometimes fail badly. They are like a car that sometimes starts and sometimes fails to start.

The City has chosen to avoid computer risks by utilizing a simpler "planning method" called critical lane analysis. This straightforward method also has problems with accuracy and reliability. Some veteran traffic engineers prefer critical lane methods to computer models as generally more accurate, with better calibration.\* The single most significant weakness of critical lane methods is the inability to adjust for the effect of large volumes of pedestrians. This weakness is most evident in Cambridge at locations close to Red Line stops, such as Kendall, Central and Harvard Squares.

Another limitation of critical lane methods is that the current literature ignores the procedures. Over the past 25 years, critical lane analysis has been dropped from the Highway Capacity Manual, and it survives mainly from its most complete description as a planning method in the 1985 edition of the Highway Capacity Manual. While the City has chosen to use critical lane methods to evaluate eleven of the twelve intersections studied, it has apparently used more modern computer-based models to assess Central Square at Mass and Prospect. The City has used two methods, without explaining why one or the other would be preferred and under what circumstances.

City officials have chosen to use the 1985 HCM procedures, with one exception. They have utilized an unreferenced critical lane capacity criterion of 1500 vehicles an hour – even though the 1985 Manual states that the figure of 1400 should be used.\*\* The City should explain why a capacity criterion was used that is inconsistent with the 1985 Highway Capacity Manual. The most recent calculations released by the City in July 2012 simply list the critical lane sums for existing and future times. There is no application of either the 1400 or 1500 figure, and thus no assessment of capacity.

There is no evidence that the critical lane model has been checked for accuracy in Cambridge. The 1500 figure was used in the 2001 ECaPS study, but also was not explained.

A traffic study should end in a traffic report, with data on traffic counts, calculations and analysis performed. To date, there has been no traffic report from the City, only a series of PowerPoint presentations. Draft traffic recommendations were also released in a fragmented manner, rather than combined with the draft recommendations of November 6.

Increased congestion at Central Square has been observed over the past year and is traceable to painting a left-turn lane for much of the length of Prospect Street. Traffic counts for the Kendall-Central study were made in 2010, while the lane changes were made later in 2011. The proper sequence would have been to make the lane changes first and then make the counts.

---

\* Calibration means one makes a measurement of actual traffic flow, and then compares this result with a calculated number. If the numbers differ by 10 to 20 percent or more, the proper procedure would be to require that the calculated number be adjusted or calibrated to match the measured flow.

\*\* Table 9-14 on page 9-21 of the 1985 Manual says that the maximum planning capacity is 1400 vehicles per hour, and not 1500 vph. The Manual defines any number 1401 or more as "over-capacity." An intersection which is over-capacity usually implies an "F" level-of-service. By this 1400 standard, Kendall Square is over-capacity in 2030.

As a minimum, the City should make public all traffic counts made on Prospect Street for the period from 2010 to the present, and including a history of Prospect Street traffic volumes as measured periodically during the period since 1990.

### TRAFFIC BOTTLENECKS

The usefulness of the City's traffic study of Central/Kendall is limited by a very restrictive scope of work. A total of twelve intersections were studied in some detail, yet ten of them should be viewed as "puffballs." The term "puffball" applies to an intersection that can easily be claimed to have no congestion now or in the future. Those calculations simply fill up paper and tell us nothing about bottlenecks or congestion in the city.

Four of the twelve intersections were not isolated locations : they were restricted by traffic backups from adjacent intersections. The City's traffic assessment gave no recognition to the effects of these traffic queues. The normal traffic engineering presumption is that if queues extend from one intersection into another, they are both Level-of-Service F and are "failing."

In other words, the City avoided looking for key bottlenecks and therefore has not described the limitations of its street system. Their study, as a result, was extremely uninformative about traffic. The proper approach should have been to consider locations that are now bottlenecks or could in the future become bottlenecks.\*

This problem is not a new difficulty for the city. Officials have been avoiding bottlenecks since 1978 or earlier.\*\* City policies have unfortunately been consistent in this regard for 35 years.

The ECaPS study in 2001 considered 59 intersections, yet one of them was clearly a critical bottleneck : O'Brien Highway and Land Boulevard. It was assessed properly. But when I complained to the City about not looking for bottlenecks at Alewife, the response was : "if we had to look at traffic bottlenecks we would not be able to allow any new development." When confronted with evidence that they never mentioned the word "bottleneck," the response was most memorable : "Bottleneck, Bottleneck, Bottleneck. See, I used the word three times."

Figure 1 illustrates the dozen intersections selected for review by the City. The ten shown in green are not traffic problems now or in the future, and thus represent puffball locations. The other two which could be significant traffic concerns, as perceived by the City, are Central Square (Mass and Prospect) and Kendall Square (Broadway and Third Street).

Figure 2 represents a mapping of the 24 of the 27 intersections analyzed in Appendix B of this report. A clear pattern of "red spot" bottlenecks extends from Leverett circle in Boston at top right and includes Memorial Drive to bottom left and the Boston University bridge at bottom right. In effect a line of red bottlenecks wraps around East Cambridge and Cambridgeport in an encircling barrier around most of eastern Cambridge.

---

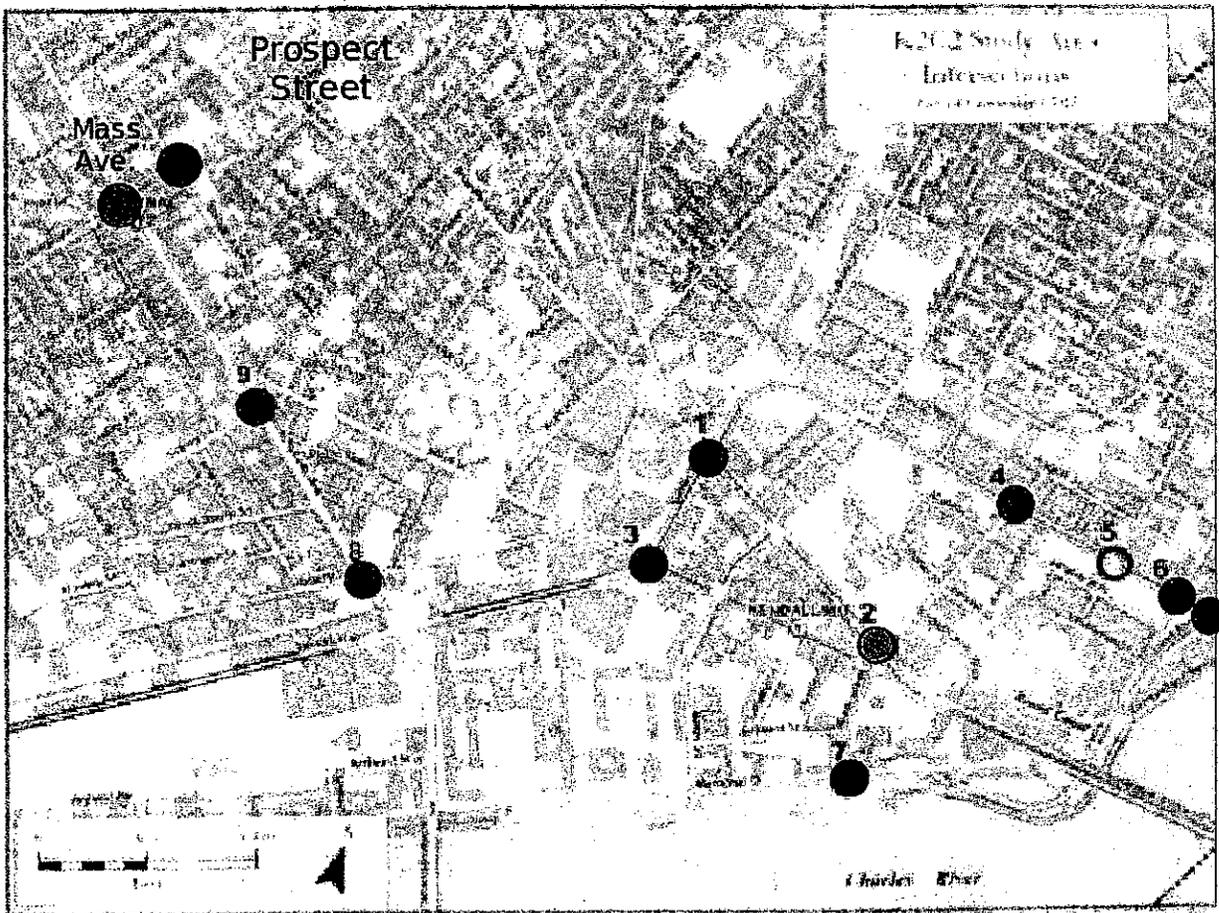
\* A bottleneck is analogous to a wine bottle, with a thin stem that restricts the flow. A true bottleneck is an intersection where the traffic backs up with congestion. Sometimes a whole series of bottlenecks can appear in a row, such as along Prospect Street from Central Square to Broadway .... Hampshire Street ... and Inman Square.

\*\* Lechmere Triangle, Environmental Impact Report, File No. 3007. Prepared by City of Cambridge 1978. For this study, when directed by the state to study "traffic" City officials chose to disregard the most significant bottleneck in East Cambridge -- at O'Brien Highway and Land Boulevard.

FIGURE 1

# 12 Intersections studied and evaluated by City as part of the Central-Kendall Traffic study

- Not a bottleneck today; will be one in the future
- Not a bottleneck today or in the future



\*\*\*

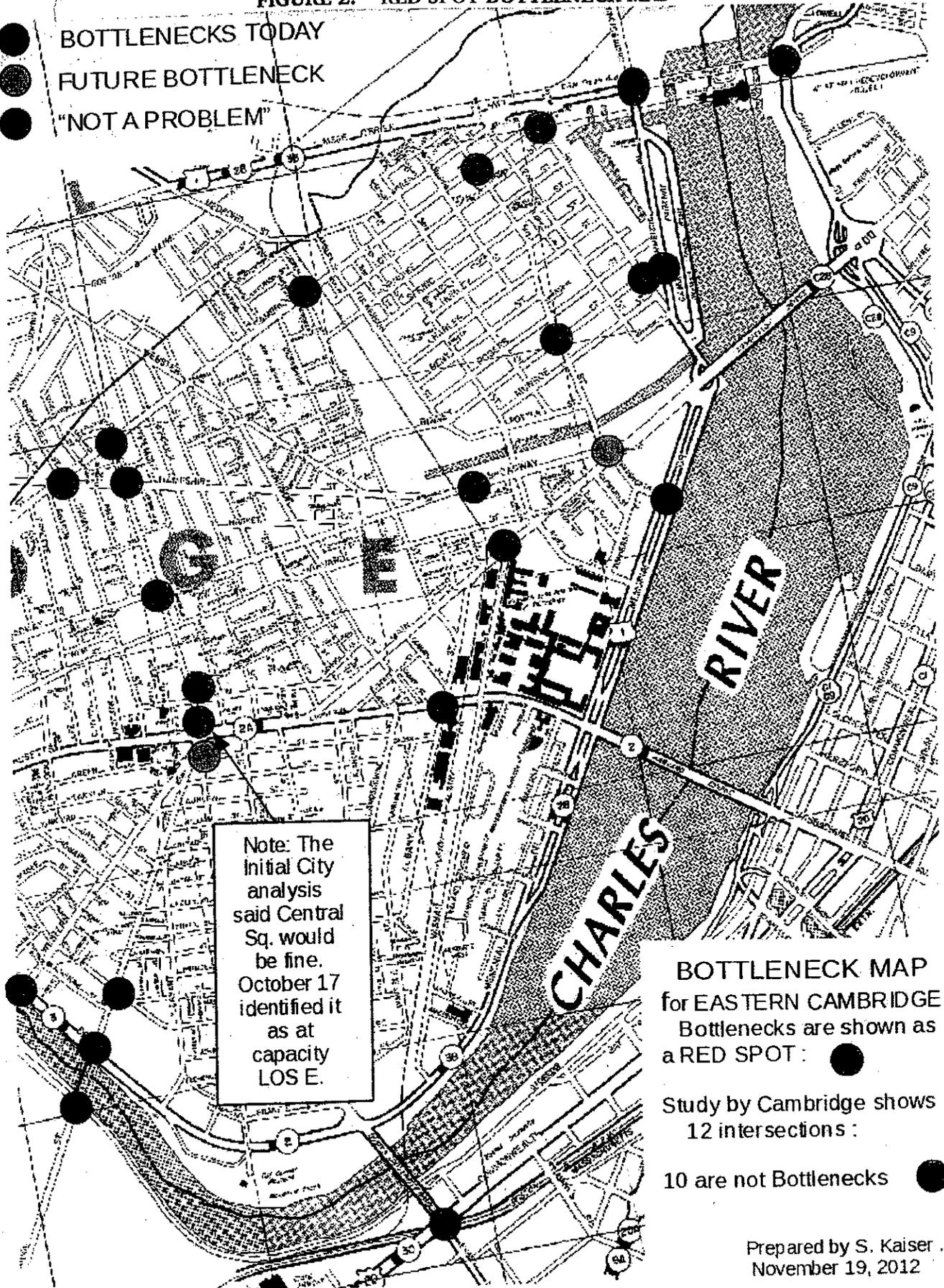
Total of Twelve Intersections were studied by the City

Ten intersections are not bottlenecks and the City reports no problems. Central Square at Mass/Prospect was initially shown as not a bottleneck, but has been revised by the City to be LOS E.

\*\*\* Western Avenue and Putnam Avenue

FIGURE 2. RED SPOT BOTTLENECK MAP

- BOTTLENECKS TODAY
- FUTURE BOTTLENECK
- "NOT A PROBLEM"



Note: The Initial City analysis said Central Sq. would be fine. October 17 identified it as at capacity LOS E.

BOTTLENECK MAP  
for EASTERN CAMBRIDGE  
Bottlenecks are shown as  
a RED SPOT: ●  
Study by Cambridge shows  
12 intersections:  
10 are not Bottlenecks ○

The City's traffic study did not include many intersections that should have been studied. Many bottleneck locations are obvious both to traffic professionals and laymen. The common citizen appears better equipped to identify bottlenecks than City officials. By its selection of intersections to study, the City appears inclined to select "easy" intersections for analysis and to avoid identifying troublesome locations as bottlenecks that might have an effect of limiting new development. The solution is that all traffic studies done by or submitted to the City must consider bottlenecks.

### CAPACITY CALCULATIONS COMPARED

The City's consultant McMahon & Associates has prepared a set of three interconnected spreadsheets that applies the logic and calculations consistent with the 1985 Highway Capacity Manual. Aside from the application of the 1,500 vph capacity criterion rather than the 1985 HCM value of 1,400 vph, the spreadsheet appears to produce reliable and consistent results appropriate that replicate the Manual. In other words, there was no evident flaw in the computer spreadsheet.

This citizen's report serves as a peer review for the City's analysis, with totally independent capacity calculations made for all twelve locations, plus 15 others for key bottleneck locations not included in the City's study. Both studies looked at the same dozen intersections, so the results can be directly compared.

The calculations in Appendix B of the Citizen's report are each contained on one page of a spreadsheet for ease of review and improved readability.

Two or three selections of the City's lane groupings did not appear correct, but the effect on the calculated results was not significant. Some differences did appear in adjustments within the citizen report to account for the effects of short lanes. An example would be a short distance of two lanes at an intersection, with a one-lane approach further from the intersection. This condition appears at Putnam Avenue at Western Avenue.

The most significant differences came from a scoping determination by the City. Three intersections proposed for future changes in lane arrangements were used in combination with year 2010 traffic counts -- to represent "existing conditions."\* The consultant explains this choice: "Per the City's request, the lane configurations proposed for short-term implementation are assumed to be in place for both 2010 Existing Conditions and all 2030 future scenarios." \*\*

As a result, for three important intersections, the Existing Condition is an awkward hybrid of existing and future conditions. This approach is unduly confusing and should not have been applied. The proper approach would have been to have reference calculations for true existing conditions in 2010, followed by 2030 Build and No-Build -- where the intersections would be included in both 2030 situations.

---

\* The three intersections are Broadway and Galileo, Broadway and Third St. and Binney St. and Land Boulevard.

\*\* McMahon Associates, "K2C2 Critical Sums Calculations" 8 pp. June 2012.

**TABLE 1 Comparison of Two Studies of Twelve Intersections - PM Peak Only**

	<u>City's Estimates</u>	<u>Kaiser Report</u>	<u>Explanation of Variation</u>
1. Galileo and Broadway .....	768	727	6% ... Design Change*
2. Broadway and Third Street .....	1,111	864	30% ... Design Change*
3. Main Street and Galileo .....	711	764	7% ... Short Lanes
4. Binney Street and Third Street .....	742	827	10% ... Lane use
5. Binney Street and First Street .....	590	673	12% ... Signal phasing
6. Binney Street and Land Boulevard .....	654	737	11% ... Design Change*
7. Memorial Drive and Wadsworth .....	680	666	2% ... Lane use
8. Mass Avenue and Albany Street .....	807	834	3% ... Short lanes
9. Mass Avenue and Sidney Street .....	762	842	10% ... Illegal moves
10. Mass Avenue and Prospect (Central Square).....	826	831	1% ... Illegal turns
11. Western Avenue and Putnam Avenue .....	1,004	1,299	29% ... Short Lanes
12. Prospect Street and Bishop Allen Drive .....	1,008	1,040	3% ... Lane use

**TABLE 2 Calculations of 15 bottleneck Locations, with 2002 counts for AM and PM Peaks**

	2002 traffic volumes	
	AM PEAK	<u>Kaiser Report</u> PM PEAK
13. Bridge Street and Museum Way .....	614 AM	698 PM
14. O'Brien Highway/Land Boulevard .....	1,715 AM	1,476 PM
15. O'Brien Highway at Lechmere Square .....	620 AM	604 PM
16. O'Brien Highway and Third Street.....	930 AM	970 PM
17. Cambridge Street and Third Street .....	1,334 AM	n.a.
18. Cambridge Street and First Street .....	979 AM	850 PM
19. Cambridge Street and Prospect Street .....	886 AM	1,127 PM
20. Cambridge Street & Hampshire Street (Inman Sq)	1,069 AM	n.a.

(continued)

Table 2 Calculations of 15 bottleneck Locations Continued

	AM PEAK	<u>Kaiser Report</u>	PM PEAK
	Only		
21. Memorial Drive and River Street .....	1,749 AM		1,535 PM
22. Cambridge Street and Soldiers Field Road.....	1,365 AM		1,323 PM
23. Memorial Drive and Western Avenue .....	1,318 AM		1,424 PM
24. Western Avenue and Soldiers Field Road .....	1,024 AM		1,162 PM
25. Memorial Drive and Anderson Bridge .....	990 AM		993 PM
26. Soldiers Field Road & Anderson Bridge (now) .....	971 AM		895 PM
27. Soldiers Field Road & Anderson Bridge (future) ..	1,319 AM		1,154 PM

The City's and citizen's capacity methods are both shown in special spreadsheets designed to replicate the critical lane specifications of 1985 Highway Capacity Manual. Because of the failure of critical lane methods to take pedestrians into account, it should be clear that critical lane sum results for both Central and Kendall Squares should be entirely disregarded. The City has revised its Central Square assessment using another model, but has not revised its analysis of Kendall Square.

As with many critical lane calculations made by different parties, small differences in the calculations can arise. Normally one would not expect significant differences of more than 5 to 10 percent. Of the twelve intersections assessed by both the City and this report, seven were 10 percent or less, and ten were 12 percent or less. The City's estimates for three locations were lower because short lanes were not taken into account. Overall, the differences in calculations were slightly larger than would be expected from independent parallel critical lane calculations. The primary cause is the three locations the City combined 2010 traffic counts with future changes to intersection design.

#### CENTRAL SQUARE : CONGESTION AND CAPACITY

Since last year, traffic congestion in the Central Square area has noticeably increased. The photos in Appendix A demonstrate the extent of this congestion. Last year, the City removed the middle lane on Prospect Street and made it into a turning-only lane. Efforts by the City to retime and coordinate the signal timing have been in a varied and experimental stage for over a year. Periods of improvement have been followed by increased congestion.

When congestion is at its worst, cars block crosswalks and pedestrians squeeze between cars. Pedestrians using two of the four crosswalks at Central Square must confront cars turning right when the light says WALK and the conflicts are not pleasant. The City has yet to understand the dimensions of this problem and has yet to seek solutions.

Typically, traffic is backed up in three of four directions -- from Green Street, Bishop Allen and Essex Street. Cars are sitting in the middle of the Mass Avenue intersection, not moving on the green. Impatient drivers honk their horns, and the situation appears to be in a classic gridlock condition. The photos from October 31 show some periods when traffic blockages prevented traffic from moving in any direction, even making a right turn. Transportation movement at these times was limited to pedestrians crossing between cars at the blocked crosswalks.

The traffic congestion we see at Central Square and along Prospect Street is the result of a combination of two factors. The first is the City's action of reducing the number of through lanes. The second is changing the signal timing to reduce the coordination between adjacent locations.

Sequential photos shown in Appendix A show how long it takes for individual vehicles to make their way through Central Square and along Prospect Street. Individual vehicles were calculated to be moving at average speeds of less than one to two miles an hour.\*

The photos confirm traffic observations over the past year : congestion has been quite varied, apparently because of on-going City changes in traffic signal timing and coordination. Traffic flow conditions at Central Square seem to be very much in flux. Drivers and pedestrians have no clear expectations of what to anticipate.

The City's original analysis of Central Square at Mass and Prospect showed a critical lane sum of 825 vph for existing conditions. By its own standard of 1500 vph, the City is implying that Central Square is well "under-capacity" and the number of vehicles is only 55 percent of estimated intersection capacity. This result implies that barely half of the traffic capacity at Central Square is being used by today's traffic. Such a result is totally contrary to public perceptions.

At the October 9 meeting between Alliance representatives and City officials, discussion centered on an accurate assessment of traffic conditions at Central Square. Alliance representatives urged the City to continue its evaluation of Central Square : include pedestrians and provide a better representation of traffic congestion.

The City's new estimates were presented to the Advisory Committee on October 17, and indicated a new rating of Central Square as being at capacity or "Level of Service E." While the Alliance has yet to see the new calculations other than the raw results, it appears that the accuracy of the City's analysis has improved significantly.

### USEFUL TRAFFIC ENGINEERING TECHNIQUES

Some useful techniques of traditional traffic engineering have been abandoned in recent years. The watershed 1955 text, Traffic Engineering,\*\* contains a list of nine characteristics of traffic, beginning with the Road User, the Vehicle, Speed, and Volume, and ends with Origin and

---

\* See photos, Appendix A. Note the progress of the pickup truck at photos A through H , pages A-5 to A-6. One vehicle on October 31, 2012 moved five car lengths in 90 seconds on Western Avenue. This movement is equivalent to an hourly volume of 200 vehicles per hour, yet the City's 2010 traffic count shown for Western Avenue showed 464 vph. Along Prospect Street vehicles were moving forward about ten car lengths in 106 seconds, r equivalent to 350 vehicles per hour -- about half of the City's 2010 count of 629 vph.

\*\* Traffic Engineering, T. Matson/W. Smith/F. Hurd, McGraw-Hill Civil Engineering Series, 1955.

Destination, Stream Characteristics, Intersection Characteristics, Parking Characteristics, and Accident Characteristics. The City's study is not unusual in limiting its concerns to only two : Volume and Intersection Characteristics.

The most important missing element is speed. If speeds were calculated in terms of the average distance moved per signal cycle, this data would tell us immediately where congestion exists and how severe it is. Understanding speed and delay would have resulted in better appreciation of congestion at Central Square.

### THE MAIN STREET CONNECTOR AT KENDALL SQUARE

The Kendall Square plan shows very limited evidence of attempted redesign of the "urban renewal street system" that now exists. Binney Street remains a vehicle speedway without significant pedestrian presence and active frontage. Broadway remains a bleak four-lane urban renewal street without proper pedestrian scale and amenities. Ames Street Extension is a street totally without distinction.

The City's traffic presentations on Kendall Square do not make clear that the proposed changes of lanes at Broadway and Third Street will likely result in reduced intersection capacity. There may indeed be a public value in reducing capacity and dependence on vehicle travel. But this issue needs to be discussed openly so everyone understands the values involved in a trade-off.

Any utility for the City's analysis of Broadway and Third is diminished by the failure of critical lane methods to account for pedestrian movements and conflicts. Pedestrian delay also needs to be taken into consideration. A redesign of Kendall Square for the purpose of quality pedestrian circulation should be the next step.

This Fall a new intersection plan for Kendall Square was proposed by consultants CBT. The proposal has run into strong criticism from City traffic officials and the Planning Board.\* The concept is designed to benefit vehicles and not pedestrians. Called the Main Street Connector, the plan would create a triangle of closely spaced signals and would produce a series of triangular islands that do not appear to be pedestrian-friendly. According to local news reports, a City traffic official said that this complex design "scares the living daylights out of me."

To the extent that City officials and the Planning Board have opposed the Main Street Connector plan, they are correct and deserve credit for opposing a plan that is unwise. This design was supported by developer interests on the Kendall Advisory Committee. The primary flaw -- requiring close coordination of closely-spaced traffic signals -- is very risky business and is extremely difficult to accomplish, as recent experience at Central Square has shown.

### CHANGING TRENDS IN TRAFFIC ANALYSIS

It has become a modern trend in the preparation of "evasive traffic studies" to avoid all references to bottlenecks, congestion and any photos that would illustrate such conditions. The City's report follows this prescription to the letter, as do the traffic studies of almost all developers. Consultants quickly get the message that they should never refer to congestion or long queues.

---

\* See Appendix F on proposed changes for Kendall Square.

For economic reasons, development advocates are motivated not to pay for traffic mitigation. For many years, strict state MEPA requirements for traffic studies spelled out the scope and intersections to study, so bottlenecks were not ignored. Any cheating on reporting congestion effects was punishable by circulating a correction to the full MEPA circulation list.

Around 1985, the strategy began to change. Widespread use of computer models showed many traffic intersections to be failing – what is termed Level-of-Service F. These failures could occur because of technical failures in the Highway Capacity Manual -- even if the intersection was not failing in reality. The first reaction of developers was to claim that traffic conditions were bad now (Level-Of-Service F) and would be bad in the future. The implication was that traffic was not getting worse.

Traffic studies still admitted to the awkwardness of traffic failings. How could one build in an area of Level-of-Service F traffic -- a recognized failure?

Over the years, developers changed strategies. Instead of showing intersection failure, they carefully selected puffball intersections. Now their traffic reports could claim there were no traffic problems. The City's study of Central and Kendall has continued this trend. It is like giving a test in school, but then throwing out all the difficult questions.

There are many different ways to corrupt a traffic analysis. Improper traffic counts ... gerrymandering of the study areas to avoid bottlenecks .... ignoring pedestrians ... and interfering with the internal working of computer models. Use of computer models can dramatically increase complications generally, while introducing opportunities for corrupt manipulation based on personal priorities.

These dangers of bias will remain likely a serious problem now and in the future, as has occurred in the past.\* Any traffic study performed by an advocate of development (whether private or municipal) will inevitably be subject to bias and manipulation -- unless there are strong independent powers of review that insure a fair and professional analysis will be done. Since the collapse in standards of MEPA review, those oversight capabilities are not in evidence. There is no reason to believe that any traffic analysis issued by the City or the developers will achieve high standards of professionalism and integrity.

### FUTURE TRAFFIC CONDITIONS

The City's own numbers show over 8.5 million square feet of development is being planned for the Kendall Square and Main Street corridor alone. North Point is another 5 million square feet of new development. Traffic increases from development would total 50,000 new car trips a day and 50,000 new transit trips a day, as the City study and past MEPA studies so indicate.

If Central Square continues to operate in its sorry state and Prospect street is congested from Central Square to Inman Square, there is a very practical concern about the street system to handle additional traffic, and the City's study does not indicate that today's bottlenecks will be able to handle growth traffic from development. The issue might be joined if the City were willing to recognize and assess all bottlenecks on the street system, but the City has been unwilling to do so.

---

\* Possibly the first-ever interference by an operator in the performance of a computer model is shown by the example in Appendix I, dating from the Presidential election of 1952.

Therefore, citizens are confronted with a situation where the truths about Cambridge street system now and in the future will not be described properly in any public document. Political priorities within the city will not allow for a fair and accurate description.

### TRAFFIC RECOMMENDATIONS

The 25 traffic recommendations in Table 3 below are offered with a full understanding of the difficulties in achieving credible traffic studies at any level of government. Political considerations should not prevent a proposal from being made to answer the basic question: "What should we do to make the transportation system work better?"

**TABLE 3 TRAFFIC RECOMMENDATIONS**

1. Develop a Growth Policy statement for Central and Kendall Squares, similar to the Growth Policy for Alewife, with emphasis on community preservation.
2. Adopt a policy of planning for infrastructure and transportation operations before planning for new development.
3. Reassess the Central-Kendall-North Point study area with full consideration of bottlenecks and practical capacity.
4. Develop a methodology to assess all traffic conflicts at Mass and Prospect -- including pedestrians -- and do so accurately. Revise the timing of traffic lights at Green and River/Western; Essex and Mass.; and Prospect and Bishop Allen to prevent queues from blocking the Mass Avenue intersection with Prospect Street.
5. Reform City priorities to place pedestrians ahead of cars. Pedestrians also come ahead of bicycles.
6. City policies on pedestrian exclusive phases and pushbuttons should be made much more flexible to allow all pedestrian options to be considered anywhere in the city. The three second lead pedestrian time prior to concurrent WALK should be extended up to 15 seconds depending on location and time of day.\*
7. Automatic pedestrian exclusive phases \*\* should be used at Central, Kendall and Lechmere Squares in combination with concurrent crossings where appropriate at Kendall Square. This exclusive-concurrent combination should also be reinstated to the intersection of Prospect Street and Bishop Allen Drive. The original design in 1999 was the first count-down signal display in Cambridge.

(continued)

\* Timing of traffic lights refers to how long a green or red light is displayed, and how long and when a WALK light is displayed. Giving more WALK time to pedestrians can mean taking green time away from cars.

\* A pedestrian Exclusive phase means WALK is displayed on all crosswalks, while all auto traffic must stop.

**TABLE 3 TRAFFIC RECOMMENDATIONS (continued)**

8. The preferred cycle length for city signals during the peak should be 70-80 seconds, rather than the current 90-100 seconds. Off-peak cycle times should be in the range of 50 to 60 seconds. The goal should be to reduce delays for everyone and limit queue lengths in all directions – while giving pedestrians a greater fraction of the crossing time when vehicle travel is less.
9. Pushbuttons should be available for use by the disabled to obtain more WALK time for wide street crossings.
10. Coordinate the Mass/Prospect cycle length with outbound Red Line arrivals to permit maximum use of the WALK light with minimum pedestrian delay and queuing.
11. Install raised crosswalks where speed or vehicle visibility may be a problem (Pleasant Street at Mass Avenue.; Essex Street at Mass. Avenue; Inman at Mass Avenue; etc.)
12. Consider four-way stops along Bishop Allen Drive, with raised crosswalks.
13. Improved design of bus stops. Allow for proper waiting space for bus passengers while keeping sidewalks open for passage at all times.
14. Consider improved delineation of crosswalks – including markings, lighting, and other indications.
15. Install better signing for No Left Turns and for Yield to Pedestrians.
16. The City seems to have abandoned traffic calming because of local controversy. Officials should develop a practical policy for where traffic calming makes sense (as at Kendall Square) or does not make sense.
17. Do not seek increases in traffic capacity for vehicles on city streets, and seek reduction of cut-through traffic on residential streets. Develop a plan to help insulate residential neighborhoods from commuter traffic trying to divert around bottlenecks.
18. Improvements can take the form of better marking of crosswalks, raised crosswalk and traffic calming, changes in traffic timing to make them more sensitive to the needs of pedestrians and disabled, shorter signal cycles (especially in the off-peak) to reduce delays for both drivers and pedestrians, increased use of advance WALK phases with advance times of 15 seconds or more, and pedestrian exclusive crossings combined with concurrent crossings.
19. Bicycle lanes are preferred over cycle tracks. A close review should be made of the Western Avenue and Vassar Street cycle tracks before any further applications are made in Cambridge.

(continued)

**TABLE 3 TRAFFIC RECOMMENDATIONS (continued)**

20. Improve signing for alternative bicycle routes to bicycle-unfriendly Prospect Street.
21. City policy should be to avoid above-ground parking garages (unless they are facing railroad land or elevated highway/transit structures).
22. Any traffic study should include photos of congestion and conflicts with pedestrians.
23. Reject the Main Street connector proposal for Kendall Square.
24. Do not use any traffic models during a study unless those models have been calibrated for accuracy in Cambridge.
25. Any growth policy should be based on transit improvements first.

**GENERAL CONCLUSIONS ON TRAFFIC PLANNING**

Traffic cannot be directly managed by zoning petitions, except to restrict the amount of development. Traffic is elastic in the sense that bad transportation conditions change people travel patterns, mode choice and time or route of travel.

The City's goal to "Enforce traffic ordinances to minimize conflict between vehicles, cyclists and pedestrians" is a very timid objective.\* There are notable conflicts at Central Square which need attention, including queues of cars that block crosswalks. There is a whole agenda of traffic-related issues which are not addressed in the draft recommendations. Most notable are the special concerns of the physically disabled and heightened tensions between pedestrians and bicyclists. For this reason I have included some individual thoughts from one citizen on how to begin to address these issues.\*\*

The City's proposal to "monitor pedestrian and vehicle flow/conflicts" again is passive and after the fact. City planners and engineers should be working to improve things before any development, and not leave all consideration of infrastructure until after development occurs.

The study and its recommendations should have addressed problems caused by parking garages that are different from open lots. Garages often have a blind entry from inside, so that drivers cannot see pedestrians and pedestrians cannot see cars. Driveways crossing sidewalks at garage entrances will present an increased safety hazard to pedestrians. The "solution" at some locations has been to install loud beepers which warn pedestrians. The City has no adequate noise ordinances that can deal with the unpleasant side effects of those beepers. The planners do not seem to have considered all of the implications of the changes they propose.

---

\* Draft Recommendations for Central Sq Advisory Committee, November 6, 2012

\*\* See Appendix D.

## PRIORITIES FOR TRANSIT

The City has performed a brief assessment Red Line capacity and effects of additional transit trips from new development. The intent was to address the question : would the Red Line be able to handle its part of the 50,000 new transit trips a day from new development?

To the best of my knowledge, the City's study is its first venture into Red Line capacity, even though transit priorities have prevailed since the demise of the Inner Belt forty years ago. Cambridge will survive without substantial changes in its street system. Future transportation growth will occur in the transit system. The City's transit study is welcome, even if it is tardy.

Whatever may be the pros and cons of its capacity assessment, the City's initiative is welcome since it places the issue squarely on the table. It compels everyone in Cambridge to consider the future of the Red Line – both its potential for improvement and its chances of decline.

## NORTH POINT TRANSIT STUDY OF 2002

For many years the City has been trying to concentrate development around transit stations. Primary examples are Kendall, Porter and Alewife, as well as North Point with its relocated Green Line Station. In 1990 the City Planning Board approved citywide zoning to reduce the expected vehicle trip generation and parking ratios near transit stations. More intense development was allowed within a certain distance from those stations.

### TABLE 4 SUMMARY POINTS FROM THE 2002 NORTH POINT STUDY

- § Red Line : 16 trains scheduled per hour in 2002.
- § Train capacity of 1,002 passengers per train and 16,032 passenger per hour in one direction, based on MBTA Service Delivery Policy of 1996. p. 3-27
- § V/C ratio for transit often known as the load factor p. 3-30
- § "A V/C ratio of 1.00 implies an acceptable level of crowding on transit services." 3-30
- § "Additional reserve capacity exists on these transit services beyond that assumed in this analysis. This additional capacity is the increment between the service planning capacity and crush capacity of the vehicles." p. 3-30
- § Northbound Red Line service in the peak hour in the peak direction was rated at a V/C of .50 for both the AM and PM peak hour. V/C ratios are 0.52 to 0.53 for the Southbound travel. The peak load link is Central-to-Kendall. p. 3-31
- § "The existing capacity of public transit services to the proposed project site was evaluated to help determine if capacity is available to support the proposed development." p. 3-27

(continued)

**TABLE 4 SUMMARY POINTS OF THE 2002 NORTH POINT STUDY Continued**

- § "The Red Line V/C ratios do not indicate any overcapacity situations." p. 3-32
- § The 2002 report considered Urban Ring Phase 1 as eleven crosstown bus routes, CT1 through CT11. By November 2012, a decade later only three of the routes have survived. p. 3-37
- § Growth rates in MBTA ridership: 1.36 percent a year between 1995 and 2003. p. 3-38

**RESULTS OF CITY'S TRANSIT ANALYSIS**

The City's transit study has generated considerable criticism from citizens who feel that the results are not credible. The City has variously claimed that existing peak hour ridership at Kendall station is 25% ... 60% ... and 85% of Red Line capacity.\* Yet many citizen riders of the Red Line testify to its overcrowding during peak hours and the need to wait for more than one train in order to squeeze onto the train. As with the traffic study, there is a credibility problem.

Transit capacity is important to everyone and is a legitimate topic. We might expect the City's first effort to be rather limited and unpolished. This lack of experience may account in the variations on claimed Red Line capacity.

Improvements can be made. If the goal is to increase Red Line capacity and prevent any loss of service in the near future, it will be a feasible task for City officials, citizens and business interests for work together for a better Red Line. The entire effort can be aimed at the MBTA, which has major challenges in handling both its operating and capital budgets.

The 2002 North Point study spelled out the value of the Red Line to Greater Boston :

"From a regional perspective the Red Line provides frequent service to Alewife, Ashmont and Braintree. Major activity centers served by the Red Line include, Massachusetts General Hospital area, Beacon Hill, downtown Boston at Park Street and Downtown Crossing, South Station, University of Massachusetts -- Harbor Campus, several Dorchester neighborhoods, Mattapan, Braintree and Quincy, and several neighborhoods of Cambridge and Somerville, including Central Square, Harvard Square, Porter Square, Davis Square and Alewife. The Red Line provides transit connections to the South Shore via Park-and-Ride facilities in Quincy and Braintree. Alewife Station also provides Park-and-Ride access to the rapid transit system from the Route 2 corridor. The Red Line Ashmont Branch and Mattapan High Speed Line provide connections to Dorchester, Mattapan, and Roxbury."\*\*

\* See Appendix G-3.

\*\* Draft Environmental Impact Report, Spaulding & Slye 2002 pp. 3-20 to 21

Like the City's study, the North Point report from a decade ago showed great optimism about the capacity of the Red Line. The claim in 2002 was that the Red Line was operating at only 50% of capacity. Such a claim appears consistent with the City's position showing vast amounts of unused train capacity on the existing subway system. Further analysis shows that these conclusions are both over-optimistic and jointly share a predisposition to discover residual capacity on the Red Line.

Both the North Point and City study are uniquely flawed. such assessment of the Red Line is not credible because the Red Line ridership clearly cannot be doubled with existing equipment and operations. The credibility of the analyst may be permanently undermined.

North Point came to the conclusion that the Red Line "does not indicate any over-capacity situations." The Cambridge conclusions are remarkably similar :

"Transit is critical to the success of development in the Greater Boston region, with Kendall Square being no exception. The past decade of development in Kendall Square has shown that smart growth is attainable, with a significant increase in jobs and housing minimal traffic impacts. ... Present-day ridership data ... show the remaining capacity that the Red Line has to serve additional users during the peak hour.\*

"... if all projected K2C2 development is built by 2030, there is a minimal impact on Red Line boardings during the peak hour. ... it was assumed that there was no other development throughout the MBTA system." \*\*

Cambridge makes a unique contribution in recognizing that from a regional perspective there will be an overload placed on the MBTA system. The clear implication is that Cambridge would be willing to work with others to seek a system solution for everyone, rather than focusing on a Cambridge problem and a Cambridge solution :

"Concerns regarding Red Line capacity problems stem from the increase in ridership resulting from the expected combined development throughout the MBTA system area."\*\*\*

The task at hand may be to understand that the City recognizes the problem and the possible solution. This approach is very similar to the concerns by the June 2012 report of Northeastern and the Urban Land Institute. The essential starting point is that the City's analysis of transit capacity needs to be improved, for the benefit of the entire Red Line service corridor. This matter will be discussed shortly.

---

\* 2012 K2C2 Red Line Transit Capacity Projections CDD 9-12 slide 12

\*\* 2012 CDD 9-12 Slide 25 : Average Train Load – AM peak toward Boston

\*\*\* 2012 CDD 9-12 Slides 12, 25

## THE URBAN LAND INSTITUTE REPORT ON TRANSIT-ORIENTED DEVELOPMENT

The Urban Land Institute, together with Northeastern University, in June 2012 issued a report on transit capacity and development growth.\* The report says that added ridership growth in past years is "filling the MBTA's rush hour trains, and straining the aging system's capacity. ... Where are the congestion 'hot spots' in the Boston/Cambridge core? ....Downtown Boston ... and Kendall Square."

The concern is that local communities competing for development growth near transit stations will rush into too much construction and related peak-hour trips. The already-strained MBTA will be unable to meet the demand.

To address these concerns, the Dukakis Center for Urban and Regional Policy at Northeastern University and the Center for Transit-Oriented Development (CTOD) announced they are seeking to develop a "rating system" for equitable transit-oriented development, scheduled for completion in late Fall 2012.

The Dukakis Center claims that State and local governments need to understand "what constitutes effective, equitable TOD that is worthy of public sector support."\*\* One danger of TOD is that the competitive nature of development included incentives to move quickly and be first with new construction to enhance the local tax base. Beating the competition of other developers and cities and towns becomes a very destabilizing factor when planning for TOD and adequate transit capacity. A cooperative regional plan is both a major obligation and challenge.

### FAVORABLE TRANSIT STRATEGY FOR CONSENSUS

The first step is to plan for a practical and realistic assessment of capacity for the Red Line. Any thought that the Red Line is being used to only 50% or 60% of its capacity must be placed on the side and given no credibility. Instead, the City is to be encouraged for engaging in a rather unique effort to respond to concerns about transit capacity and reliability. The City should be encouraged to seek a practical plan for transit, using the better elements of the work it has done so far.

Already, city staff have generated proposals for stabilizing operations and service for the Red Line. Such proposals will need added funding, but the goal of improving transit capacity and reliability seems a logical topic to bring together the joint interests of City officials, residents, developers, universities and the MBTA.

The results of forty years of transit priorities (despite the Big Dig) are summarized in Appendix G-1. Theoretically, extending the platforms to serve six car trains would increase capacity by 50 percent -- but only if 50% more red Line cars are acquired and operated. The effect of platform lengthening has been to increase both the headways of trains and platform waiting delays. However, the platform lengthening did allow for a potential increase in capacity.

---

\* Hub and Spoke. Urban Land Institute and Dukakis Institute at Northeastern University (Appendix G-4).

\*\* Website, Dukakis Institute at Northeastern University November 21, 2012

**CITY PROPOSALS and THE CHALLENGE OF RED LINE SERVICE**

In addition to its estimates of capacity for the Red Line, the City begins a fairly comprehensive proposal for improvements to the Red Line. The plan is not so much a formula for improving transit capacity as it is a formula to stabilize existing Red Line capacity into the near future. The key elements are shown in Table 5.

**TABLE 5**

1. Ensure the Red Line runs at existing capacity
2. Replace/Rebuild 1969-vintage Red Line cars to improve reliability (\$370 million)
3. Maintain newer Red Line cars (\$275 million over ten years) to improve reliability
4. Keep peak hour cars and trains in scheduled service at 168 cars, 28 trains.
5. Maintain current headways with minimal bunching of trains
6. Continue measuring ridership and monitoring bunching
7. Upgrade switching systems to improve reliability.

City proposals contain four possible elements for transit that have promise.

First is the idea of performing a capacity analysis for transit systems and distributing it for public review.

Second is a program to preserve the functions and capacity of the Red Line through active and preventative maintenance of the existing physical plant and vehicles.

Third is support for the Urban Land Institute concern that Transit-Oriented Development must be applied together with programs to achieve greater capacity on a system scale at the MBTA.

Fourth is an untested concept that springs from the First and Third Elements : actual proposals to increase capacity on the Red Line.

The objectives of the City's proposals seem improbable given today's budgetary difficulties of the MBTA in dealing with its daily operations. A second burden for the MBTA is planning for capital maintenance and expansion of service routes. A third burden is finding funds to pay for more trains to increase system capacity. Last year, the MBTA managed to balance its budget as required by law. This year there is a \$130 million deficit in the operating budget and continued worry.

The MBTA and the City may be aware of proprietary information that tells us how bad the operating and capital maintenance shortfall has become. Using public sources, analysts have been able to chart the decline of the Red Line over the past six years, and how much more threatening has been the decline in the Red Line relative to other lines, the Orange and Blue.\*

The Orange and Blue lines have been models of stability in the past six years. Meanwhile the Red Line has suffered from a significant declines in its active fleet, as cars have been added as "Run as Directed" to provide better service, while other cars have been sequentially pulled off-line for rebuilding, well as increases in trains out-of-service. From 214 railcars available for service in early 2006, the number has dropped ... to 196 cars in 2012. The number of spare trains in the peak hour had been cut in half, from 58 cars to 28 cars. Generally, the system still works most of the time, but during very cold weather the reliability of the Red Line is diminished considerably, as observed in early January 2013. The MBTA is also facing a difficult decision either to purchase new Red Line cars to replace 1969-1970 equipment that has already had one rebuild. The cars can be rebuilt again, with the goal of obtained another 25 years of operating life. Or new replacement cars can be obtained as a significantly higher price.

By contrast, the Orange Line has 120 cars that are thirty years old. The full fleet of 120 was available for service during all six years and none were out of service. While the car bodies are rusting badly in places, the Orange Line trains are running with an admirable degree of steadiness and reliability.

The Blue Line has gone a different route, since within the past six years the line was infused with 94 new cars, while 20 old cars have been retired to mothball storage. Cars in service in the peak hour has increased from 56 cars to 72, while the available cars for service using only brand new cars increased from 70 cars to 94 cars. The reserve or spare cars for the Blue line has actually increased from 14 old cars to 22 new cars. The Blue Line is in the best shape of all MBTA services.

There is another indicator of future troubles on the Red Line. The number of cars out-of-service from the newest elements of the fleet (vintage 1993) is increasing. Four new cars out of a total of 82 are in the shop, waiting for parts. Two of them have been waiting for eight years – since 2004. The cause appears to be that the manufacturer of the AC power systems (General Electric) has withdrawn from the transit market, leaving a scarcity of replacement parts for key components. Older Red Line cars more than 40 years old are expected to be unreliable. But MBTA problems with the newest equipment is very troubling.

There is inconsistency in some of the published scheduling information on Red Line headways. One source indicates peak hour headways of 4 to 8 minutes on the two branches, while another sources lists headways of 9 minutes on each branch, with a composite schedule of 4.5 minutes for downtown Boston and Cambridge service. The inconsistency should be resolved, and MBTA should make regular measurements of variances in headways, including bunching of trains in order to optimize the even distribution of service, for both peak hour and off-peak service. Off-peak headways have been measured by the author in January 2012 ranging from 2 minutes to 9.5 minutes, while the average headways match the scheduled listings.

The City has made specific recommendations for the Second Element -- aimed primarily at assuring continued service on the Red Line at existing levels. This goal falls short of the URI proposals for early discovery of increased capacity for transit service.

#### TRANSIT RECOMMENDATIONS

The City's proposals make a good start towards responding to the Four Elements identified above. Numerous modifications and additions to this list could bring about better transit capacity and reliability. The joint goal of short-term service stability and long-term capacity growth must be stressed. Twenty-six possible ideas are shown in Table 6.

For example, proposal #2 in Table 6 would combine both preservation and expansion of service, by recommending buying enough new cars to cover for retirement of the 68 forty-year-old cars on the Red Line today, as well as adding entirely new units to the fleet. Current needs are to have 168 cars in service today during the peak hour. Increasing capacity by 20% would require 34 additional cars. Further increasing capacity to achieve 50% growth would require 84 additional cars. Each new Red Line car would cost about \$5.5 million and be expected to last for 40 years.

### TABLE 6 TRANSIT RECOMMENDATIONS

1. The goal of improved transit capacity should be part of the plan for a better and more responsive MBTA.\*
2. Purchase additional cars, as well as replace or rebuild unreliable older ones. Identify possible increases in capacity.
3. Add personnel to operate and maintain new cars
4. Maintain a certain percentage of trains in reserve for emergencies (breakdowns), very bad weather (January 2011) or peak annual events higher than average (winter storms with less walking, bicycling and driving). Avoid undersupply of available trains and reduced peak hour capacity, esp. in cold weather.
5. Prevent train bunching and line instabilities. Seek and apply controls on bunching.\*\*
6. Capacity : Adjust for the peak day ridership being higher than average day\*\*\*
7. Adjust for uneven crowding within cars : around doors with less crowding in center aisles. Uneven crowding on six-car trains is more than on four-car trains\*\*\*\*

(continued)

\* The response to Hurricane Sandy by the Metropolitan Transportation Authority in New York City was effective and admirable. The MTA had tunnels pumped out and ready to go, even before the private power company had restored electricity to its grid. In Cambridge, the City's recommendations need to better make the case for how important mass transit and a well-run MBTA are for all residents.

\*\* Bunching occurs when one train or bus falls behind and gets overloaded, while other trains or buses behind tend to be underloaded and catch up to the train in front. Such an example for the outbound Red Line is shown in Appendix G-6, which is a screen shot on the Red Line during October 2012, showing 6 trains in the space between JFK station and Central. There is no train between Central and Alewife, suggesting at least a 12-minute gap between trains.

\*\*\* The MBTA report, "Capital Needs Developed at the Corridor Level : Northwest & South Shore" (1976), p. ix) indicated that Red Line ridership on the South Shore extension inbound over 251 days in 1973-74 was 13,210 riders, while the peak day ridership on February 21, 1974 was 16,300 -- a 23.4% difference.

\*\*\*\* With six-car trains, there is a greater likelihood that some of the cars in a train will be less crush-loaded than with four-car trains.

**TABLE 6 TRANSIT RECOMMENDATIONS (Continued)**

8. Capacity : Adjust for peak hour ridership surges \*
9. Use the actual number of trains per hour in service rather than "scheduled trains."  
The shortage of spare trains may limit peak hour service.
10. Improve the quality of riding the T by seeking fewer delays and less crowded trains, and less waiting on crowded platforms.\*\*
11. Allow for a reasonable safety factor in operations, including headways.\*\*\*
12. Increase power capacity by same percentage as increase in service
13. Waterproof all the electric systems within tunnels.
14. Reduce the need for Big Red cars \*\*\*\*
15. The City, in cooperation with the MBTA, should create a transit study report with data, trend lines and other working sources.\*\*\*\*\*

(continued)

\* Ridership counts have been made periodically by CTPS at various stations, possibly one a year, and there can be variations in the accuracy of these counts and in possible statistical variations from the count with such occasional measurements. The counts are taken over a full hour as an average, and there is no allowance for a "peak hour factor" or ridership peaking during the hour, as is typically considered for HCM traffic capacity analyses.

\*\* With better transit service, more people will switch from cars to transit. However, it would be wise to prevent more cars from filling up the streets. Hence, more of the crossing time should be given over to pedestrians. For example, the three second advance exclusive WALK could be expanded to 15 seconds or more.

\*\*\* With such uncertainties and variations in data, there is good reason to allow for a "safety factor" in planning for transit, so that local conditions that might result in peak bursts of riders, or the delay of a train with large headways opening up behind the train ahead. The result is more patrons waiting for a delayed train, which results in more loading delays. Each delayed train becomes more delayed. It is possible for an entire line to go unstable. A single creeping and crowded train would be followed by closely spaced less crowded trains. Such erratic headways and instabilities can increase if there are labor-management tensions, and lack of management skills in maintaining evenly-spaced headways.

\*\*\*\* Big Red cars have no seats, with standing only. These cars have about 10% more capacity than a conventional car, but also degrade the quality of the transit trip -- when the goal should be encouraging more people to ride transit.

\*\*\*\*\* The goal would be to explain how the latest capacity results were obtained. Only in this manner can quality transit-oriented development be planned and produced.

**TABLE 6 TRANSIT RECOMMENDATIONS (Continued)**

16. Through improved transit capacity the City would offer a positive response to the Northeastern/Urban Land Institute report.\*
17. Address concerns and experience of many riders that the Red Line is already at capacity, with frequent peak hour waits for several trains before there is room for all the passengers on the train.
18. Seek improvements in the most overloaded bus line serving Cambridge : the Route 1 MBTA bus service along Mass Avenue. This service has declined badly in recent years.
19. Develop a funding plan seeking a combination of new revenues and more efficient MBTA operations, esp. energy conservation.
20. Seek funding contributions to the MBTA from communities and developers benefiting from TOD projects.
21. Seek improved public display information about system performance and train-bus locations and arrival times, but only after service reliability has improved.\*\*
22. Encourage MBTA to develop Apps for all handhelds, to indicate location and schedule of trains and buses.
23. City monitoring of performance of Red Line (for bunching) and Route One bus (bunching and on-time performance).
24. Prepare an MBTA improvement program together with Chamber of Commerce and local developers for presentation to the MBTA, with financing proposals and local contributions.
25. Preserve the option for the Grand Junction multi-use path.\*\*\*

\* the NE/ULI report identified capacity limits on the capacity of the MBTA system, and the challenge posed by many communities proposing Transit-Oriented-Development near MBTA stations. (For selections see Appendix G-3).

\*\* The public should be informed system breakdowns and delays, but potential customers may be deterred if MBTA service has not been improved or deteriorates. Once system reliability has been optimized, the MBTA can alert riders as a courtesy and in a manner of trust. The process would be similar to a producer of quality automobiles seeing the advantage to having safety recalls for known defects.

\*\*\* The MBTA must revise track plans associated with Green Line Extension in Somerville to maintain the option for including the Grand Junction multi-use path in the available right-of-way. The City of Cambridge has urged completion of the Grand Junction path, beginning with the segment from Main Street to Broadway. (CDD Slides 18-19, Jan 26, 2012)

### SETTING TRANSIT CAPACITY GOALS : Several Alternatives

There are two basic approaches to a long-range plan for increasing capacity on the Red Line. One is to determine the need (anticipated development) and find ways to fund transit improvements to meet any new capacity need. An alternative is to look at the Red Line operations and determine what must be done to achieve a certain level of capacity improvement. The actual choice would be determined by available funds, among other factors.

One fascinating question is to ask what potential capacity is in the system today, regardless of funding. Potential capacity has already been increased on the Red Line by expanding trains and platform length by 50 percent – from 4 cars to 6 cars. The next step is to look at the Red Line signaling system and use that as a limit on headways.

Historical data shows that Boston's transit system reached his highest ridership levels during World War II. Public information is not currently available on calculations of headways and capacities 70 years ago. However, studies of transit planning in 1926 reported that the Red Line at maximum capacity would run on 90 second headways. Today's scheduled headways are in the range of 4 to 4.5 minutes.

These considerations suggest three options :

- (a) Continue to maintain present operations in 2012 as the system capacity .... about 16,000 passengers per hour in one direction in the peak hour. (84 cars per hour in 14 trains)
- (b) Achieve 1926 capacities of 90 second headways with four car trains. That result was 160 cars per hour in 40 trains, with a capacity increase of 90 percent to 30,400 passengers per hour. With today's six-car trains, 30,400 passengers an hour could be carried in 27 trains with headways of 135 seconds.
- (c) The combination capacity increase would consider six-car trains operating on 90-second headways. In the peak hour there would be 40 trains and 240 cars an hour. The system capacity would be 44,800 passengers per hour. This is an 180 percent increase over existing operating capacity in option (a) above.

Option (c) comes at a steep economic price – the purchase of almost twice as many new cars to add to the fleet and hiring of operating personnel for these new trains. Power systems would need to be expanded upwards by a factor of three, and for safety sake redundant switching and signaling equipment would need enhancement.

Similar capacity increases are possible for other lines. For the Green Line, historical headways in 1940 were 25 seconds on combined two tracks at Park Street and 40 seconds at Kenmore Square. These capabilities were demonstrated at a time when the Green Line exited to the surface prior to Kenmore Square and before the construction of the subway tunnels bypassing Kenmore Square surface congestion. Today's headways at Park Street are about 80 seconds on average. The 1940 performance of what we now call the Green Line was 90 trolley cars an hour in one direction through Kenmore Square – a phenomenal achievement by present-day standards. Today's performance is half that or 45 LRVs an hour.

## FUNDING PROPOSALS

Today the MBTA is in a state of severe financial crisis. The Red Line appears to be in the worst shape of all for equipment and maintenance of existing service. Staving off an operational collapse will require a group effort of communities, residents, neighborhoods activists and the business community, working with maximum cooperation. One of the first efforts must be the transfer of funds from proposed new or extended rail lines, such as the Green Line Extension and Commuter Rail to Fall River and New Bedford. There can be no priority greater than maintaining the service and operational integrity of the Red Line. Funds budgeted for new construction should be transferred to purchase and/or rehab Red Line cars. Data on the declining trend in available Red Line cars are collected in Appendix G-5, as well as more favorable data for the Orange Line and Blue Line.

### TABLE 7 FUNDING PROPOSALS

1. Plan on heading off service cuts affecting Kendall and Central.
2. Prepare funding plans for short-term maintenance and long-term fleet expansion
3. Improve preventative maintenance across the board.
4. Seek Legislative and budget authorization for capital maintenance expenses
5. Seek Legislative and budget authorization for Red Line fleet expansion (plus personnel and energy)
6. Seek increased efficiencies at the MBTA to reduce amounts of budget increases. Key areas would be energy efficiency and reduced personnel costs.

The correction of the present dire state of MBTA financial affairs is a complex proposition beyond the scope of this report. However, any financing proposal for both operations and capital improvements must meet several conditions prior to submission :

- (1) It must address concerns from Western Massachusetts that funding for the MBTA should not be their concern, without some appropriate compensation.
- (2). It must demonstrate that other changes have been made in MBTA operations to justify such financial support. Some of these change could include :
  - a. Evidence of an effective energy conservation program at the T, with cost savings
  - b. Evidence of sacrifice by MBTA unions on inefficient work rules and wage rates that are significantly above prevailing private wage rates.
  - c. Evidence of the implementation of a Preventive Maintenance program that shows long term cost savings and increased system reliability.

## CONCLUSIONS

Unfortunately, municipalities and developers do not prepare traffic studies with recordings of measured speeds, delays and congestion. This evidence suggests a desire to avoid any mention of negative aspects of traffic. Such a situation probably reflects the desires of commercial and municipal clients not to admit to traffic negativity, at a time when influential developers may be considering locating in the city.

The competition between cities and towns for Transit-Oriented Development or TOD is so great that concerns for worsening traffic congestion or overloading the MBTA system are usually not expressed professionally. The report of the Urban Land Institute is a welcome exception.

It would take an overwhelming and commanding set of circumstances to persuade the City of Cambridge to produce a useful, unbiased and top-quality traffic study. Today there is no entity in state or municipal government that could command such a study. No developers would be expected to demonstrate adequate credibility in any traffic report they produce.

The only solution is to require strict new state oversight of city traffic studies. This could be done through a re-invigorated MEPA process or through a strengthened MAPC. Cities and towns cannot be trusted to scope their own reports, nor should those reports be allowed to become slanted, evasive, deceitful, or generally untruthful.

For transit studies, the potentials for meaningful cooperation among cities and state agencies, as well as developers and residents is far greater and the need is extraordinary. The Red Line is heading towards a gradual service collapse, as more of its equipment goes out of service. The MBTA certainly may not be the best managed and staffed organization in the world. But a regional effort to focus on short-term and long-term problems and potential crises would be an important achievement. Benefits would be both assuring continued transit service and seeking financial and structural solutions to the current difficulties of the MBTA.

This cooperative process is also a productive contribution towards optimizing MBTA performance in the long run. The secondary goals would be reducing surface traffic problems and improving the pedestrian environment as transit capacity is increased.

Submitted by :

Stephen H. Kaiser, PhD  
Mechanical Engineer  
Traffic & Transportation Engineer  
Resident, City of Cambridge, 1961 to present

### Bibliography

- \* 1955 Traffic Engineering, T. Matson/W. Smith/F. Hurd, McGraw-Hill Civil Engineering Series
- \* 1976 "Capital Needs Developed at the Corridor Level : Northwest & South Shore, Staff Report, Exec. Office of Transportation & Construction. Summary page ix.
- \* 1978 Draft Environmental Impact Report, Lechmere Triangle in Cambridge, EEA File No. 3007. Prepared by City of Cambridge.
- \* 1980 "Interim Materials on Highway Capacity," Transportation Research Circular 212, Transportation Research Board. Section 1.
- \* 1985 Highway Capacity Manual, Special Report 209, Transportation Research Board, National research Council, Third Edition pp. 9-21-22.
- \* 2002 Draft Environmental Impact Report : North Point EOE #12650 Spaulding & Slye Capacity and Demand : pp. 3-26to 3-54
- \* 2006 through 2012 Rollsign, published by the Boston Street Railway Association. January-February issues on MBTA vehicle Inventory, 2006, 2008, 2010, 2011, 2012.
- \* 2011 Various Cambridge Community Development PowerPoint Presentations: Nov. 20, Nov. 27
- \* 2012 McMahon Trip Generation, Traffic Counts and Capacity Analysis
- \* 2012 Various Cambridge Community Development PowerPoint Presentations: January 24, July 11, August 11, September 11, October 1, October 17
- \* 2012 Hub and Spoke : Core Transit Congestion and the Future of Transit and Development in Greater Boston, Urban Land Institute and Dukakis Institute at Northeastern University
- \* 2012 McMahon & Associates, Counts 12 locations August 24.

=====

# *Treatise on Article 7 of the Declaration of Rights of the Massachusetts Constitution*

A Review of the History and Legal Implications  
of Article 7 on Municipal, State and Private Party Actions

Prepared by Stephen H. Kaiser, PhD  
191 Hamilton Street  
Cambridge, Mass. 02139

This report is the product of the author alone.  
No external funding. Not copyrighted. In the Public Domain.

Introduction .....	1
Support for the Common Good .....	2
Limitations on Profits .....	3
Ethical Implications ... Case Law ... State Constitutional Law .....	4
Origins of the Treatise ... Outline of the Analysis .....	5
Brief Historical Review ... Anne Hutchinson and John Winthrop .....	6
The American Revolution ... Modern Interpretations .....	7
Successes and Failures .....	9
Factions : Majority and Minority Rights .....	11
Actions Allowed under Article 7 ... Limits on State & Local Governments...	12
Changes in Government Operations .....	13
CONCLUSIONS and RECOMMENDATIONS .....	14
Appendix A ... Classical Philosophers and the Common Good .....	15
Appendix B ... St. Augustine ... Opponent of the Common Good .....	18
Appendix C ... The Concept of the Commonwealth .....	20
Appendix D ... Madison's Concept of the Public Good .....	21
Appendix E ... Common Lands .....	22
Appendix F ... Resentment Against Profits .....	23
Appendix G ... The Virginia Declaration of Rights .....	25

January 2013

First Edition

## *Treatise on Article 7 of the Declaration of Rights of the Massachusetts Constitution*

### INTRODUCTION

The Massachusetts State Constitution begins with a brief Preamble, followed immediately by a Declaration of Rights. Article 7 of the Declaration lays out a surprisingly short and simple statement of both the positive and negative goals for our government :

*Article 7 : "Government is instituted for the common good; for the protection, safety, prosperity and happiness of the people; and not for the profit, honor, or private interest of any one man, family, or Class of men..."*

The second half of Article 7 asserts the right of the people to create a new form of government -- especially when government officials do not live up to the stipulations for the common good and against profits :

*"Therefore, the people alone have an incontestible, unalienable, and indefeasible right to institute government, and to reform, alter and totally change the same, when their protection, safety, prosperity and happiness require it."*

The Preamble also asserts the right of the people to change their government whenever these goals "are not obtained." The preamble elaborates on the goals of government for the common good, and how Government is necessary for the "body-politic" to function :

*"The Body-Politic is formed by a voluntary association of individuals. It is a social contract, by which the whole people covenants with each Citizen and each Citizen covenants with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a Constitution of Government, to provide for an equitable mode of making laws, as well as for an impartial interpretation, and a faithful execution of them; that every man may, at all times, find his security in them."*

Several other Rights offer support to Article 7 and help identify the elements of the common good. Article 1 identifies for all men the natural right of "*enjoying and defending their lives and liberties; that of acquiring, possessing and protecting property; in fine, that of seeking and obtaining their safety and happiness.*" The preamble together with Article 1 focuses on the laws for the common good. combined with the rights of safety, prosperity and happiness.

The remainder of the Constitution and General Laws can be fairly described as an engineering specifications -- defining the structure and workings of the new government. Only in these early sections on rights shared values is the magic of this new form of government illuminated.

The wording of Article 7 does not appear highly technical, but its underlying complexity arises from crafting clear definitions and rules of application. Different sets of values come into play. Agreements and understandings become badly tangled up in controversy. The challenge is sufficiently great that few legal commentaries exist, and case law is virtually non-existent. In retrospect it would seem that the legal profession simply ducked the issue.

By contrast, the ancient Greek philosophers engaged in the earliest and deepest thought. Socrates and Plato dealt at length with societal concepts of the "good." Aristotle appears to have been the inventor of the term "common good" and its application to an assessment of governments. Among the Romans, only Cicero seems to have sought a functional meaning as applied to real world governments and the laws. Not until the late 18th century times of the Enlightenment activists were natural rights and the common good applied to the Constitutions of real governments.

Article 7 presents us with two key mandates : one desirable and one undesirable. It is *illegal* if a government action does not serve the common good. *All* government actions must clearly service the common good.

It is *illegal* if government actions result in profits for select individuals or groups. *All* government actions must exclude such illegal profits.

The task of this treatise is to assemble materials from various sources and apply additional analysis to yield an improved understanding of where Article 7 would take us, were it to be treated as a bona fide law that would affect the behavior of governments. In a practical world, one could ask : what changes should occur in decisions about zoning, subsidies, tax breaks, contracts, and all selective government-related benefits? The combination of concerns for the common good and against selective profits would have great implications for corruption and other criminal behaviors by public officials.

### Support for the Common Good

Article 7 specifies a purpose, the basis for an ethical form of government. The political challenge is to focus on the *general or common objectives* of government actions, while critiquing the private and the select activities that may favor the private good in society. Private good is linked in part to the "profit, honor or private interest" for a specialized segment of the populace, as opposed to the general or common citizenry. To the extent that such profiteering is excessive, it may be simple avarice. It become more or an evil than a good.

Article 7 goes further than the Preamble by limiting the *only* function of government to serving the common good, and not the private good. Nor can it do a little bit of both. It is **all or nothing** -- for the common good.

Article 7 does not tell us who defines or determines the common good in practical terms. The accumulation of court cases and the understandings compiled in case law could be one valid approach. Another option is the assembled Legislation -- shorn of contradictions -- to identify those government actions that do or do not serve the common good. An elitist approach would be to assign the task to enlightened and sensitive experts or to an aristocracy of Wise Men and Women. Furthermore, the values of society are constantly changing, so a public sense of the common good may gradually change as well. A vivid example is same-sex marriage and the dramatic shift in public and legal opinion in the past decade (*Goodridge v. Department of Public Health*).

Neither courts nor Legislatures are perfect in their decisions. But both over time are called upon to issue judgments in the public interest. For better or for worse, the practical way they go about this task can be informative.

We are at the very beginning stages of understanding what Article 7 means for society in the 21st century. For this reason, this treatise cannot include such a legal and legislative review and assemble a comprehensive list of government actions that do or do not serve the common good. Some individual examples are obvious -- such as police, fire, hospitals, public schools, anti-slavery efforts, water supply and sewers. Clearly negative examples are hazardous waste dumps near populated areas, bribery of public officials, child abuse and general criminal activity. Between the negative and the positive is a gray area of controversy : gambling casinos, assault weapons, abortions, tax breaks, and the benefits or burdens of technology. As noted earlier, some issues have been transformed from anathema to general popular acceptance : the abolition of slavery, equal voting rights, and same-sex marriage.

### Limitations on Profits

In no other state constitution is there anything like Article 7 of the Massachusetts Declaration of Rights with its specific restriction against special profits. It is important to recognize that the profit restriction is limited. Private profits are allowed when -- without government intervention -- private interests engage in legal business within our capitalist/free enterprise system. Article 7 sets limits only on government actions that directly *increase* special interest profits. It does not affect government actions that *decrease* profits. It does not forbid actions where *everyone* profits.

Despite our national participation in a dynamic world economy, there is remarkably little discussion among economists of capitalism and profits. Article 7 tells us that indeed, capitalism does exist in our society, but it is limited in certain ways whenever government acts. Economists understand that in certain cases there are limits on profits of such things as public utilities. There are anti-trust laws that exist to prevent excessive profits from monopolies or anyone engaged in restraint of trade, price fixing, price gouging, or producing products dangerous to the public health. All of these concerns are part of a conventional regulatory structure of government. Article 7 tells us that there should be an additional element -- one that prevents special interest profits caused by any government action. Article 7 does not forbid greed or profit, but simply states that government shall not facilitate such activity in a selective way.

The strict nature of Article 7 leaves little room for compromise. Where a private interest has achieved a profit from government action, it is not sufficient for that private entity to "kick back" some fraction of that profit to community benefits -- or to politicians and agency officials or board members. The *entirely* of the profit must be surrendered. An example would be an upzoning action at the local level, where all affected property owners would pay back to the government the increased value and revenues that would be counted as profits from government action. Article 7 would imply that the reimbursement must be *total*. It cannot be a partial or token payback of landowner benefits.

The historical context of Article 7 is easier to understand if we imagine a somewhat conservative Federalist John Adams writing up the Constitution in 1780. He and his fellow colonialists had suffered unpleasant experiences with the East India Company and related British taxes designed to favor the company (see Appendix F). Their non-radicalism is shown by the success in persuading both American and British business groups to oppose the Tea tax and other impositions. The idea was that honest and fair businessmen should oppose selective favoritism.

### Ethical Implications

The ethical implications of Article 7 are quite astounding. If we could ever achieve full compliance with Article 7, all corruption in government would stop. Corruption is basically giving special favors and riches to the select few. Both government officials and lobbyists would be unable to reap financial benefits.

### Case Law

A preliminary review of Case law shows a scattering of cases seeking to use the common good clause to promote government reform on certain issues, such as same-sex marriage, fair competition in business, veterans preference, or matters of welfare equity. There is no evidence of any court case dealing with *profits* to private interests from government actions. Nor are there examples of citing common good or profit as a weapon to deal with public corruption.

It appears that any legal challenge to government actions to allege inconsistency with the common good or to cite special interest profits could be an entirely new issue to place before the courts. The concerns have never been tested.

### State Constitutional Law

Generally our society seems at peace with its state constitutions. Ferocious battles over the *Federal* Constitution may occur, but with rare exceptions (such as same-sex marriage) state constitutions are treated like a dowager empress : to be respectfully allowed to rest in comfort. If we don't bother her, she will not bother us.

This situation is quite puzzling because by law -- by the Constitution itself -- every elected and appointed public official must take a solemn oath to support the Constitution. One suspects that most of these officials have little idea of the document they are sworn to uphold.

Article 7 is reality. It is the law, and it is the highest law in the Commonwealth -- short of the U.S. Constitution. If the state Constitution is moribund today, this condition is wrong. It is important for all municipal agencies, all state agencies, the Legislature and the Governor to be aware of the primacy of the state Constitution.

Our constitution should be a document that is alive, that has a unifying effect, and that stimulates everyone from citizens to judges. It should give meaning and purpose during those times when society settles into patterns of moral drift.

Article 7 and the Constitution generally are the province of the state Supreme Judicial Court for interpretation of meaning and precedent. Such interpretation is not the duty of the Governor or the Legislature. The state Constitution and its interpretation should be reasserted as the guiding force for our laws, thereby reducing the role of well paid lobbyists. It may well be that the avenue for obtaining a definitive clarification of Article 7 may come from a court appeal that reaches the Supreme Judicial Court.

## Origins of the Treatise

The idea of a treatise on Article 7 can be traced back to May 2011, during public discussions before the Cambridge Planning Board and City Council. The issue was a theoretical one whether a downzoning could result in a reduction in value of properties and hence a claim could be made for damages payable by public agencies. Simple logic would suggest that an *upzoning* of property should result in an increase in the property values and hence full compensation to the city should be paid by the landowners who benefit from the upzoning.

A brief dialogue ensued between this author and Cambridge Attorney James Rafferty, who offered a contrary interpretation. He promised to prepare a "Treatise" on Article 7, and to compare it critically against current rules for development in the City. These rules that all developers must follow have been described as "Pay-to-Play."

A good dialogue is always welcome. But when no such treatise appeared in over a year, the best course of action appeared to be to prepare a treatise under a different authorship and perspective. I recognize the concept of a treatise on Article 7 is an original concept from Mr. Rafferty. I have proceeded to produce my version of the treatise without the benefit of seeing his contribution.

## Outline of the Analysis

The first task will be to elaborate on the meaning of common good, both before and after acceptance of the state Constitution in 1780. Consideration will be made of the view of allies to the concept of the common good, as well as the detractors.

The second task will be to identify the limits and applications of government-induced profits to special interests. This effort will include a review of possible motivations for the unique reference to profits in the 1780 Constitution, in order to understand historical intent.

The final task will be to apply the meaning of Article 7 to actions by City and State governments and determine where policies will need to be revised to comply with the requirements of Article 7.

Relevance of our state Constitution may have been diminished by the decline of the Enlightenment. That decline was triggered by experiences with the French Revolution and the Industrial Revolution. In America, the past two centuries have seen a Civil War, a Gilded Age of business excess and related class warfare, two horrendous world wars, and a long Cold War. Anyone could logically conclude that modern history has offered less than fertile ground for an improved understanding of the common good.

An historical view begins with Plato and Aristotle, and passes through St. Augustine and St. Thomas Aquinas into the Renaissance and the growth of humanistic thinking that led to the Enlightenment. A bitter conflict threatened the cohesiveness and common purpose of the early Massachusetts colony, starring two religious zealots -- John Winthrop and Anne Hutchinson. As an immediate stimulus for the American revolution, a stubborn and recalcitrant King George III and Parliament orchestrated the "perfect storm," unleashing the ideals of the Revolution and the various state Constitutions. Key personnel are Montesquieu, Rousseau, George Mason, Thomas Jefferson, John Adams, and James Madison.

### A Brief Historical Review

The earliest references to the common good appear in Aristotle's *Politics*, as good and bad governments are evaluated by success in providing for the common good. Aristotle's concepts were carried through the early Roman times by Cicero, but the constant appearance of various tyrants prevented the idea of the common good from being established during the Roman era.

Aristotle's concepts of common good were extended in the early fifth century by an Irish monk named Pelagius, who advocated a policy of good works as an alternative to predestination, original sin and rigid allocations of grace. Good works represented efforts to help society in general. Pelagianism claimed that doing good works was a way of winning God's grace and a successful afterlife : the good done during one's stay on earth was meaningful. Pelagius had the misfortune of running afoul of St. Augustine and his allies, at a time the Roman empire was being battered by invading Vandals. Pelagius was crushed by Augustine, and in the subsequent Dark Ages good works and the common good were forgotten. Augustine's views held sway for another 800 years.

The beginning of the Medieval era triggered by the outreach of the Crusades produced an influx of Arabic knowledge into northern Europe. Arabic translations of Aristotle were introduced. By the thirteenth century St. Thomas Aquinas succeeded in resurrecting Aristotle's philosophy within the church. Aquinas distinguished between three types of good : an Ultimate good in God's world ..... a common good in this world ....and a private good. He saw the priorities as being in precisely that order. This contrast between private and common good is not explicitly mentioned in the Massachusetts Constitution, but it is implied.

Author Robert Nisbet recognized a common theme along almost all the philosophers from the ancient Greeks to the 20th century\* :

*“Different as are the writings and ideas of Plato, Aristotle, Augustine, More, Machiavelli, Hobbes, Rousseau, Marx, Tocqueville, and Kropotkin, all may be seen, from at least one great vantage point, as minds tormented by fear of the social void and in search of redeeming, fulfilling community.”*

Indeed, the "redeeming, fulfilling community" could be seen as one definition of the common good.

### Anne Hutchinson and John Winthrop

On 1987 then Governor Michael Dukakis pardoned Anne Hutchinson to revoke the order of banishment initiated by John Winthrop in 1638. Hutchinson and Winthrop were both fierce-minded neighbors, but on opposite sides of virtually every religious belief in colonial Boston (see Appendix B). She engaged in independent leadership and made accusations about the local leadership, while he felt increasingly threatened and offended. They saw each other as heretics and troublemakers. The ultimate collision occurred in a special politico-religious tribunal of the Great and General Court, with Winthrop ultimately destroying Hutchinson and her supporters and banishing many of them. While seen by many liberals as a feminist heroine, she was an advocate of a highly traditional, even retrograde, "covenant of grace" espoused by St. Augustine in opposition to Pelagius. The contest became a colonial war of the religious factions.

---

\*\* Robert Nisbet, *The Social Philosophers*, Paladin Publishing, 1976. p. 446

During the 1630s, the Boston colony struggled to establish its own way of life, including provisions for lands held in common and shared among the residents (see Appendix E). Today, only Boston and Cambridge Commons have survived. The ideal of harmony in the New World was difficult to achieve.

In the end, Hutchinson was banished to Rhode Island and later to Long Island. Through a peculiar irony of history, the Hutchinson River in New York City was named after Anne, and in 1928 the Hutchinson River Parkway was opened. Meanwhile, the Massachusetts community of Winthrop had been named after John Winthrop, and in 1909 the state constructed the Winthrop Parkway. Both of the protagonists of 1638 have had state parkways named after them -- a form of reconciliation denied to them during their lifetimes.

### The American Revolution

The American Revolution grew to maturity in the "perfect storm" of outrageous conduct by the King of England and the British parliament over the period 1765 to 1782. The litany of these outrages is summarized in the Declaration of Independence, listing all of the offenses that had driven the colonists to rebel and seek their independence. An overpowering resentment against the abuses of tyranny produced a reaction that sanctified rules by the people.

In June 1776, Adams served on the drafting committee for the Declaration of Independence. The first accusation of "repeated injuries and usurpations" by King George III was that "He has refused his assent to laws the most wholesome and necessary for the *public good*." Typically, the terms "public good" and "common good" are used interchangeably.

With the realization of independence, colonists pressed forward with ideas for the proper form of government -- what King George had denied them: a government responsive to the needs of the people. The protection of all citizens was envisioned by George Mason in 1776 in the form of the *Virginia Declaration of Rights*.

Many of the concepts of Mason's *Declaration* were carried over into the Massachusetts Constitution in 1780, as drafted by John Adams. In Article 7, Adams prescribed the positive goal as a common good, while he disallowed government-stimulated special profits. The Massachusetts Constitution is the only one in all fifty states that is explicit about limiting profits.

### Modern Interpretations

The frequent modern response is to view "common good" as an idealistic anachronism, as a topic for idle discussion by philosophers. Critics routinely ignore the issue, preferring to bypass consideration of the common good as a serious topic. One of the few exceptions is renowned economist Joseph Schumpeter, who in 1942 submitted an essay to discredit the credibility of the common good.

Schumpeter sought to tie common good to the idea of the General Will as advocated by Rousseau. The tactic was effective, in that Rousseau is usually seen by modern commentators as an erratic and radical father of the French Revolution. Schumpeter also sought to discredit common good by claiming that the term is undefinable and hence should be discarded.

His major error was in trying to suggest an alternative. He proposed a form of government whose only obligation was to win periodic elections. Once the government was elected, they were free to do anything they wished until the next election. From a current day perspective, this view is too reminiscent of the philosophy of Karl Rove and Dick Cheney, with their all-expansive perspective on government power. Schumpeter made the mistake of proposing a government with no sense of the common good.

In sum, the Schumpeter critique of the common good is neither persuasive nor useful in any way. Yet his essay is the only text that has been offered to rebut the ideal of the common good.

.....

By contrast, the Catholic church has been far more active in addressing the issue of the common good. In the aftermath of the Wall Street meltdown of 2008, Pope Benedict XVI expressed official concerns about modern capitalism, with the growing divide between rich and poor. He urged the establishment of a "true world political authority" to oversee the economy and work for the "common good." He perceived current economic systems, "where the pernicious effects of sin are evident," and asked financial leaders to "rediscover the genuinely ethical foundation of their activity." This view of the good and bad sides to economic activity suggests a parallel with John Adams over two centuries earlier.

The Pope called on business to exercise "greater social responsibility" in their daily activities. "Once profit becomes the exclusive goal, if it is produced by improper means and without the common good as its ultimate end, it risks destroying wealth and creating poverty," Benedict wrote in a 2011 encyclical. He asserted that "Financiers must rediscover the genuinely ethical foundation of their activity, so as not to abuse the sophisticated instruments which can serve to betray the interests of savers. .... The so-called outsourcing of production can weaken the company's sense of responsibility towards the stakeholders — namely the workers, the suppliers, the consumers, the natural environment and broader society — in favor of the shareholders. .... One of the greatest challenges facing the economy is to achieve the most efficient use — not abuse — of natural resources, based on a realization that the notion of 'efficiency' is not value-free." \*

In his annual message on peace, January 1, 2013, the Pope criticized capitalism and economic inequality. He identified "hotbeds of tension and confrontation" caused by "the prevalence of a selfish and individualistic mentality also expressed by unregulated financial capitalism." He criticized economic models that seek to maximize profit and unnecessary consumption, while stimulating competition at all costs.

The Catholic church has been careful not to become ensnared in controversies of evolution and Darwinian theories. However, certain Darwinian spinoffs into the social and especially the economic sphere have resulted in an exultation of "survival of the fittest" in the same sort of competitive excesses identified by Pope Benedict. The result is a societal fragmentation into cliques and factions, dominated by aggressive individualism. Charles Darwin the scientist provided a technical description of a process of survival in the natural world, but also realized much of the nastiness and insensitivity of the process. He was strongly opposed to slavery. Were Darwin alive today, he would likely find much in the Pope's comments to agree with.

---

\* New York Times, July 7, 2009

## Successes and Failures

Seeking to engage in good works with society and government has produced an inconsistent history of successes followed by failures. People like Mahatma Ghandi and Martin Luther King are revered for their upright moral leadership. But there have been enough failures to evoke the cynic's witticism that "No good deed goes unpunished."

The most positive example is that of William Wilberforce, who succeeded in abolishing the slave trade in England and influencing other countries to abolish slavery. As leader of the anti-slavery campaign between 1787 and 1807, he spent twenty years of his life patiently working to abolish the slave trade in the British colonies. He established the first successful abolitionist movement and did so motivated by Christian principles of morality. He converted to Methodism and later to Christian Evangelism. His primary weapons were reason, moral propriety, and patience.

A few years earlier in Massachusetts, slavery had effectively been banned in 1783 by the action of Judge William Cushing, the chief justice of the Supreme Judicial Court of Massachusetts. Cushing wrote in his notebook that "there can be no such thing as perpetual servitude of a rational creature." When the judge gave his instructions to the jury, he explicitly declared slavery violated the new Constitution of Massachusetts: "I think the Idea of Slavery is inconsistent with our own conduct & Constitution..."

Historian Henry Steele Commager observed: "how fascinating that one man, Judge Cushing ... got rid of slavery in Massachusetts. He said, 'The Constitution of Massachusetts says that all men are born free and equal, and that means there cannot be slavery in the state.' And that was the end of it." \*

Wilberforce, as a legislator, decided to take the long legislative route of changing the laws. Ultimately he was successful. Judge Cushing acted in a judicial appeal to the Massachusetts highest court, and the result was quicker but similarly decisive. An SJC decision on slavery in Massachusetts would seem a precedent for an SJC decision on Article 7.

Since 1807, social progress has been slowed by contrarian court decisions and resistance in the legislatures. A Federal judge could have ruled slavery illegal nationwide, just as Justice Cushing did. Similar judgments could have been issued allowing women to vote. Federal court rulings were effective in advancing the desegregation of interstate buses, schools and other facilities, but only after earlier Supreme Court decisions had stalled anti-discrimination efforts for half a century. Lincoln's Emancipation Proclamation became possible to two reasons: Union success at the Battle of Antietam, and the ability -- during a Civil War and with Southern states in secession -- for the President to issue his decree. Ridding society of the evils of slavery and segregation was an extremely difficult and drawn-out proposition.

The negative history of the common good ideal has jointly been a failure to strengthen and enforce those aspects of the common good that are explicit or implied in the legal statute, as well as a failure to achieve a consistent record of achievement in the way governments actually work. It would appear that governments follows the easier path of operating for the benefit of special interests.

---

\* Henry Steele Commager, in *Moyers, A World of Ideas*, Doubleday, 1989, p. 227

In the absence of clear standards and limits of behavior, our presently weakened concept of the common good has great difficulty asserting itself against the pervasive powers of greed and selfishness and the lobbying pressures of special interests. There are other situations where simple power predominates over greed.

Enforcement of Article 7 would provide for a stronger division between government and business. President Dwight Eisenhower was one of the few top officials who recognized the corrupting influences when governments and other institutions become too large and functionally intertwined. He addressed this societal danger in his Farewell Address in 1961, when he warned the nation to be on guard against a military-industrial complex :

***"In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist. We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together. ... "***

***"In the same fashion, the free university, historically the fountainhead of free ideas and scientific discovery, has experienced a revolution in the conduct of research. Partly because of the huge costs involved, a government contract becomes virtually a substitute for intellectual curiosity. .... The prospect of domination of the nation's scholars by Federal employment, project allocations, and the power of money is ever present and is gravely to be regarded. .... Yet, in holding scientific research and discovery in respect, as we should, we must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite."***

Of the immense shift in economic and political power, Eisenhower warned "we must not fail to comprehend its grave implications." The same claim could be made of modern developers and the megacorporations they serve, and that a separation between business and government is as important as a separation between church and state.

Joyce Appleby in her history of the power of capitalism, concluded that there is a danger in both the concentration in power and any collaboration between the powerful.

***"The danger of concentration is even greater if the two leviathans in our lives -- the government and the economy -- read off the same profit sheet. When government works hand in glove with the nation's businessmen, you can be sure that the market's own corrective mechanism will be disabled. Competition will then be muted, cronyism rampant, and inefficiency protected. The cash nexus for candidates for public office and wealthy donors, including labor unions, causes problems. The lobbyists have a field pro quo of donations and favors."*** \*

---

\* Joyce Appleby, *The Relentless Revolution : A History of Capitalism* Norton 2010 p. 435

Pressures from these powerful sources have limited the ability of modern leaders to advance themes of common good. The primary source of support has come from the Catholic church, both in initiatives from Rome and from theologians. In recent years, an important initiative of Perestroika was advocated by Soviet Premier Mikhail Gorbachev. He had tried to change Russia, a centrally planned economy. But in the end the effort in Russia failed under heavy hand of the Putin Administration.

In 1990, Gorbachev was awarded the Nobel Peace Prize, and he spoke of his valid goals :

*“We want to be an integral part of modern civilization. To live in harmony with mankind’s universal values, abide by the norms of international law, follow the ‘rules of the game’ in our economic relations with the outside world. The Cold War has ended. We live in a new world.” \**

Gorbachev did not have an Article 7 in his Russian Constitution. If he had, it might have applied its provisions to more permanent effect.

Advocates for Article 7 will likely find very strong forces arrayed against them. How does protecting the common good become a practical reality and a continuing one? Legislatures are too dependent on the generosity of lobbyists, and will not be likely to pass bills enforcing Article 7. The most likely strategy for success is to seek a favorable decision from the courts. It may be possible that business interests could see a separation of business and economic interests as advantageous in the long run. Milton Hershey, founder and longtime president of the Hershey Chocolate company used many innovative techniques. His general view was :

*“The more closely we work together, the more effectively can we contribute to the better health of all mankind; this should be our common objective, and its achievement would make the world a happier place in which to live.” \*\**

### **Factions : Majority and Minority Rights.**

James Madison probably developed the concept of factions to its highest level, including the necessary actions to avoid abuse of power. Unanimity is a rare occurrence in human affairs, so when votes or noses are counted, a supermajority is often identified as sufficient at Town Meetings or for important votes in legislatures. Most common is the majority vote, when only 51 percent can claim victory. Madison struggled brilliantly with ways to keep a simple majority from abusing its powers, typically at the expense of minority rights.

Thus anyone starting from a position of common good may find a practical situation when he has marginal majority power and a responsibility to defend minority rights. Such a defensive posture is quite different from a positive statement of the common good. Madison's solution was to create a playing field where the various factions competed with other for supremacy, often quite inefficiently so as to delay decisions. The result may be less abuse of power but can produce ineffective or frustrating government. Madison's ultimate hope was that the protracted debates would compel ultimate compromise, with the resolution coming closer to meeting the essence of the common good.

\* Nobel Lecture on June 5, 1991.

\*\* <http://www.miltonhersheyforums.org/showthread.php?738-Lessons-Learned>

### **Actions Allowed Under Article 7**

A fair interpretation of Article 7 would stress openness and accessibility by the public, with full freedom of information assured. Article 7 allows companies and individuals to earn business profits when there are no specific government actions seen as the stimulation for those profits. Government action could also be taken if there were full reimbursement by private beneficiaries to governments for any profits resulting from the government actions, such as up-zoning.

Competitive bidding for government contracts could continue if there was more than one bidder. Selecting the lowest bidder implies that the lowest profit was being selected among the choices. Government actions can increase profits but only if they do it for everyone, and not for a single person or select few. Where there was a doubt about Article 7 compliance, public agencies could make a legal finding that they were indeed in compliance with the law.

### **Limits on City and State Governments**

Article 7 requires two things : the government action must serve the common good, and the action cannot produce profits. Both conditions must be met. Any government action that does not serve the public good is not allowed. Any government action that produces a profit to an individual or select group is not allowed.

It is a simpler task to identify those activities that do *not* serve the common good than those that do. A useful challenge is to draw up three lists : government actions which are undeniably a common good .... those actions that are absolutely not .... and those for which there is a dispute or an uncertainty, like gambling casinos.

Governments can begin by making clear choices -- yes or no -- as a common good. Agency procedures could require findings that they are acting for the common good. These descriptions would help judges, legislators and citizens to logic for decision and compliance with the law. Irreconcilable disputes could be referred to the Inspector General's office.

Article 7 requires that legislators must rise above the special interests of individual constituents and instead pursue a common good based on a generally shared community perspective, not an isolated selfish one. Other guidelines could come from a restatement of the ethical and social objections of Pope Benedict.

Identifying the existence of a profit situation is easier to determine. In the case of an upzoning to benefit a single owner, such as Novartis, qualitative judgments are fairly straightforward. Up-zoning increases the value of the property and potential incomes in future years. More difficult judgments must be made in quantifying the full amount of compensation to be paid by the owner to the City. Without full compensation, the up-zoning is illegal by Article 7.

For the Forest City rezoning, there appear to be three beneficiaries, Forest City, MIT and a second landowner. This is a small group and thus is contrary to Article 7. MIT's rezoning proposal at Kendall Square has a single landowner proposing up-zoning of its land.

The Central Square plan raises many new issues : transfer of development rights as well as up-zoning. Every landowner within the rezoning area could be a party receiving a profit from the

government action, namely a rezoning by the City Council. In all cases, failure to mitigate impacts such as traffic, parking and noise serves to undermine any claim of serving the common good.

Compliance with Article 7 is not a voluntary or casual matter. The Preamble to the Constitution refers to a social contract between the citizens and their government. Where the government engages in such a contract with its citizens, and also sets out the rights of citizens and obligations of government, a promise has been made. It would imply a commitment, an obligation to meet the requirements that are spelled out in the Constitution.

An additional problem for the City occurs when zoning amendments are developed and endorsed by an advisory committee containing businessmen and entrepreneurs as stakeholders of interest. All of these stakeholders could be beneficiaries of profits that generated by up-zoning. When any such members make recommendations to CDD and the Planning Board, their conflict of interest should be recognized. They should have resigned from the advisory committee for that reason. This situation is true for both the Kendall and Central Square rezoning.

### Changes in Government Operations

The City would need to change its current policies on up-zoning.

The City would need to change its current interpretation on spot zoning.

Any payment from a private party to a government official (or advisory committee member) should be perceived as a personal profit from an action of government. Such payments would include any gratuity of value, including contributions to accounts for future college expenses. The making of the payment is sufficient to violate Article 7, since the issue is profit -- and it is not necessary to show a motive. Only the existence of a profit is at issue.

The theoretical down-zoning situation identified by Mr. Rafferty finds its response in a mirror image logic. The argument is as follows. If downzoning would create a condition where the *City* would have to pay damages for loss of value or income, then a up-zoning would require the reverse payment -- with the *property owner* paying the city the amount of the property enhancement. In either case, a calculation of the monetary compensation would be difficult, but the procedure would be similar for downzoning and for up-zoning.

This position is logical and consistent. Otherwise, there would be an unbalanced condition, where the city pays for downzoning. In the case of an up-zoning, the landowner must pay the City for the difference in value.

Mr. Rafferty has criticized the Article 7 approach as undermining existing programs for incentive programs giving grants and tax breaks to companies like Evergreen Solar or Curt Shilling's computer game company. These government contributions are unconstitutional because they benefit select private interests. This conclusion supports an increasing body of evidence that tax breaks and grants to special companies are both unfair and not productive. Thus Article 7 supports those critics who would do away with tax breaks and grants to special companies.

Article 7 is also a protection against bailouts of "fat-cat" companies that encounter financial difficulties. Just because a company is "too big to fail" is no legitimate justification for a bailout, according to Article 7.

## CONCLUSIONS and RECOMMENDATIONS

There are two options to resolve the issue of Article 7 and matters of the common good and profits. One is to bring a legal challenge to any city zoning action that serves to further enrich landowner-developers. The result would be a court determination similar to the case of *Moot vs. DEP*.

The second option is to file a bill in the Legislature, and obtain a vote of the Legislature to send the bill to the Supreme Judicial Court for an Opinion of the Justices. Such an initiative was made in 1980 and 1981 on a Chapter 91 tidelands bill, for which the Justices identified those parts of the bill which were legitimate and those which were not.

Both approaches are aimed at achieving a similar result : clarifying the application of Article 7 to zoning or any other government action.

With either formal approach for an Article 7 resolution, a strategy to stimulate informal dialogue could assist in discovering if various interested parties might achieve agreement on certain aspects of Article 7. There could be a clearer definition of what the disagreements are. This treatise is submitted with the intent of contributing to that dialogue.

This treatise is a first edition. I am not aware of any other analysis that concentrates with Article 7 and its implications for our public agencies. No claim can be made that this edition is the final word, and indeed the expectation is that revised editions will be issued in the coming months, as additional appendices are completed and as comments and suggestions are received from the various parties in the dialogue.

---

## Appendix A. Classical Philosophers and the Common Good

A useful first step is to identify the allies of the common good concept, as well as its detractors. The status of the debate should be summarized and evaluated.

The allies of the common good are Aristotle, Aquinas, Thomas More, John Locke, Montesquieu, Jefferson, John Adams, Peter Kropotkin, Ghandi, Martin Luther King, Mikhail Gorbachev, Pope Benedict and many catholic theologians, World Federalists and supporters of the United Nations. Madison developed a sympathetic treatment as he sought to resolve the conflict of factions. Some advocates of enlightened despotism could also be called supporters, such as Frederick the Great and Catherine the Great. Adam Smith in his idealism for the hidden hand and the harmony of individual economic judgments could also be considered an advocate. Some of the leaders of the great terror phase of the French Revolution may have thought they were serving the common good, but history has concluded otherwise.

Detractors include Plato, St. Augustine, various tyrannical dictators, super-competitors and zero-sum-game advocates in business and economics, Joseph Schumpeter, technocrats, minority rights advocates, lobbyists, criminals, and aristocrat/elitists.

The philosophical foundations that went into the Constitutions of the Enlightenment have now largely disappeared from our society, and there are no philosophers to be called on to give us expert opinion on what is meant by the "common good." Arguments and evidence are scattered inconsistently over twenty-four centuries of human existence.

Socrates and Plato began the discussion 2400 years ago with their consideration of "the good." Plato asserted that the laws should be "for the sake of what is common to the whole city." This statement comes close to the concept of common good.\*

The guardians in Plato's Republic were a band of intellectual elite, with the power to do what is right for the people, even killing them. His goal was to find and exercise "the good," but the actual process was very autocratic. Augustine, in sympathizing with Plato, saw the world as impossibly corrupt.

Jefferson gave a lacerating review of Plato's Republic in a letter to John Adams :

*"while wading through the whimsies, the puerilities, and the unintelligible jargon of this work, I laid it down often to ask myself how it could have been that the world could have so long consented to give reputation to such nonsense as this?" \*\**

A generation after Plato, Aristotle formulated the "common good." In the many centuries since, interpretations have been offered by theologians, political philosophers and economists. A few have been offered by legal experts but such commentaries are very rare.

\* 56 DePaul L. rev. 469 p. 477

\*\* Jefferson letter of July 5, 1814 to John Adams.

Aristotle identified three different forms of shared land ownership and use. These were private ownership of the soil and common use ... common ownership plus private use ... and ownership and use alike common. These concepts are heavy on common use, which American attitudes are more attuned to completely private ownership of land and use, with the home being a man's castle.

Aristotle was the worldly optimist, while Plato and Augustine were other-worldly pessimists. Aristotle made a valiant early attempt to be the first man who knew everything. He describes six types of constitutions, three pursuing the common good and three mired in perversion and corruption. Ideal monarchies, the ideal aristocracy and the ideal polity were the forms that served the common good. The perversions of government were tyranny, oligarchy, and democracy. Later inventors of new constitutions in the 17th and 18th century tried to improve on democracies so that an ideal polity might be approximated. Then the focus was often on the common good, a balance of power, and punishment for corruption or non-performance.

With regard to equity and favoritism in the law, Aristotle asked,

***"Should the laws be made for the higher classes, or for all?  
We answer that the laws should be just, and that the just is  
the equal, and has regard to the common good of the citizens.  
The laws therefore cannot regard the good of one class only,  
but of all the citizens."\****

Aristotle's influence carried through to the present day by his support from Aquinas and many influential thinkers in the Catholic church. The result was an added religious aspect to common good, although the general perspective can be virtually non-sectarian. The simple structure of Article 7 contains much ethical, cultural and religious influence in its use of "common good" and the hazards of certain profits and special benefits to certain preferred influential forces in society. For better or for worse, religion has been important throughout the history of Massachusetts, and it cannot be ignored.

The Romans filled the space between the Greek civilization and Augustine. The statesman Cicero contributed the best commentary, as he devised the ideal of a universal law of reason that is binding on all people and governments everywhere. People were presented as having natural rights that governments must honor.

***"We ought to follow nature as a guide, to contribute our part  
to the common good, and by the interchange of kind offices,  
both in giving and receiving, alike by skill, by labor, and by  
the resources at our command, to strengthen the social union  
of men among men ..... what I have laid down as the  
fundamental principles of justice, first, that injury should be  
done to no one, and in the next place, that service should be  
rendered to the common good.***

***"... common possession is to be maintained as to whatever  
nature has produced for the common use of men; so that***

---

\* Aristotle, *The Politics of Aristotle*; translated into English by B. Jowett. Oxford, Clarendon Press, 1885. 1 of 2 vols. Liberty Fund's Online Library of Liberty.

*while those things that are specially designated by the statutes and the civil law are held as thus decreed, according to these very laws other things may be regarded in the sense of the Greek proverb, All things are common among friends. Indeed, all those things seem to be common among men ..." \**

By the thirteenth century the ideas of Aristotle and Cicero had been imported into Europe. Aquinas assembled the package, while others were able to codify rules of right and wrong, the seven deadly sins and the cardinal virtues.

One of the earliest version of the seven deadly sins was offered by St. Gregory in 590 AD. By the 14th century, the list reached its modern form as *lust, gluttony, greed, sloth, anger, envy and pride*. The seven cardinal virtues were *chastity, temperance, charity, diligence, patience, kindness, and humility*. For the common good aspects of Article 7, the relevant virtues are *temperance, charity, patience, kindness and humility*. On matters of favoritism and profit, the relevant sins are *gluttony, greed, envy and pride*. Greed takes the form of seeking excess and undeserved profits, and the envy and pride associated with seeking special privileges.

Like the Enlightenment intellectuals, Aquinas wedded ideas of personal good and common good. He identified three types of good : *"the individual good, the good of the family, and the good of the political community and kingdom .... each one has different objectives. One is prudence, which is directed to one's own good, .... another is domestic prudence, which is directed to the common good of the home, .... while a third, political prudence is "directed to the common good of the political community or kingdom."* He defined political prudence to be "the same as the prudence which is directed to the common good." \*\*

Aquinas' role was to assure that morality was included in the process :

*"Aristotle had argued that it as the natural impulse of human beings to desire 'the good.' Aquinas goes further. The combination of this impulse towards "the good" with the power of rational thought allows human beings to reach an understanding of what is morally right." \*\*\**

Aquinas saw a natural law of common use, with each person's access to earthly goods having a related responsibility to assist in meeting the needs of others. He highlighted the importance of reason and seeing that the common good is served when each person controls and protects his own property. This view is an early version of Adam Smith's influential "invisible hand" in the field of economics. For Aquinas, private property exists to serve the common good and any excess over individual needs can be distributed to help the needy.

Both Aquinas and Aristotle agreed that the city became the ideal human community and that the purpose of government was to serve the public good. Aquinas provided the basis for a new view that those in power served as long as they could do right. Otherwise they would be replaced. He asserted that the common good was superior to the individual good in the hierarchy of virtues.

\* Cicero, *Ethical Writings of Cicero*, First Century BC, translated by Andrew P. Peabody, Little, Brown, and Co., 1887  
Liberty Fund's Online Library of Liberty.

\*\* St. Thomas Aquinas, *On Law, Morality, and Politics*, Hackett Publishing, 1988 p. 272

\*\*\* Charles Freeman, *The Closing of the Western Mind*, Random House 2002, Vintage Books 2005, p. 330-331

## Appendix B : ST. AUGUSTINE : OPPONENT OF ARTICLE 7 INTERESTS

St. Augustine's most active years were in the early fifth century. He dominated the important intellectual chasm between Aristotle and Aquinas. For life on earth, he became a forceful pessimist, convinced of the inevitability of sin and corruption among men. He established the basic church ideology on original sin and how the sins of the past were transmitted to all humans, without the opportunity for purification, forgiveness or recompense.

Human society, said Augustine, must be organized around God, and when it is not whatever remains is a human Hell. "For Augustine the reality of life on earth cannot be transformed by human effort as it will always be mired in sin." \* The sinfulness of man knows no limits, and governments must be organized around a system of strong hierarchy, binding authority, and strict censorship to control the forces of the mind that may seek freedom to think, plan or act. For Augustine, the intellectual mind was always at risk of disturbing the irresponsible masses. Seeing no value in a covenant of works and free will, Augustine was vehemently opposed to all such suggestions.

Early in the fifth century the Irish monk Pelagius appeared with proposals for banishing original sin and instead living lives of free will and good works. Pelagius believed that people could bring about their own salvation through the power of reason, the exercise of free will and the achievement of good works. People could make society and themselves better, and thus win the approval of God and the reward of grace in the next life. Pelagius was a sharp critic of corruption and expected his followers to be free of corruption as well.

But Augustine had the power and the influence. He was fully energized into preventing any spread of Pelagianism. In the battle with Pelagius, it was the issue of grace and spirit versus morality and good works. Pelagius was crushed, and his writings disappeared from history.

Augustine's influence established Church doctrine for the next eight centuries, driving out Aristotle, the common good, science and optimistic thinking. There was no hope in this world, only in the next.

The defeat of Pelagianism stabilized Christian doctrine, and established policies in favor of predestination, pre-ordained grace and original sin, while condemning free will and good works -- the key elements in common good. The result was a cultural desert that lasted for 850 years, until Aquinas resurrected the ideas of Aristotle.

### Anne Hutchinson and John Winthrop

The Massachusetts experience with its Declaration of Rights is important in terms of a distant and seemingly unrelated religious crisis that befell the Massachusetts colony in the 1630s. In the epic clash of two extremely strong willed individuals in Puritan Boston, Anne Hutchinson and John Winthrop, the two combatants locked horns over a three year period. Winthrop won the battle through a massive show of force, resulting in the shattering of Anne Hutchison's coalition.

---

\* Charles Freeman, *The Closing of the Western Mind*, p. 299

Had Anne Hutchison been victorious, the likely result would have a significant conservative repression and a return to the priorities of Augustine – a covenant of grace and spirituality above all else. There would be little room for self-improvement, good work, forgiveness, or the practice of virtue. Enlightenment thought would have struggled to get a foothold.

Boston almost saw a replay of the clash between Augustine and Pelagius 1200 years before. The stability of the new society was at risk. Historian David Hall stated the challenge faced by Winthrop : “*What safeguards could be introduced to prevent contentious saints from overthrowing their ministers, as nearly happened in the Boston congregation in 1636?*”\*

Winthrop's vision was to create a paradise on this earth, worthy of God's approval. His dream was underlain with utopian visions based on a spirit of cooperation and community. Dedication and hard work were essential to achievement, and that meant a covenant of works. It was an acceptance of the principles of St. Thomas Aquinas. Winthrop saw Anne Hutchinson as a direct threat to this dream, and she had to be banished.

#### BIBLIOGRAPHY :

Brooks Adams, *The Emancipation of Massachusetts* Houghton Mifflin Riverside Press 1887 / 1962

Francis J. Bremer, *First Founders : American Puritans and Puritanism in an Atlantic World* University of New Hampshire press 2012

Eve LaPlante, *American Jezebel, The Uncommon life of Anne Hutchinson the woman who defied the Puritans.* Harper Collins 2004

Darrett Rutman, *Winthrop's Boston*, North Carolina Press, Chapel Hill, 1965

---

\*\* David Hall *A Reforming People*, Knopf 2011. p. 122

## Appendix C THE CONCEPT OF THE COMMONWEALTH

The more common and modern use of "Commonwealth" is a state or group of states or nations. Commonwealth is the formal title for the states of Massachusetts, Kentucky, Pennsylvania, and Virginia.

Commonwealth or originally "common weal" mean a strong, healthy or prosperous state, intended to reflect the general welfare or the general good. It meant a group of people banded together for the common good. Welfare was the state of doing, going, faring or living well -- without evil or calamity. Welfare work became an organized community or government efforts for social betterment of society. This effort often took the form of a whole community acting to assist the whole of society, including those elements who needed assistance and who lacked the prevailing welfare. Gradually, over time the terms weal and wealth came to be identified with economic affluence.

The juxtaposition of common and wealth produces the clear implication of sharing the wealth among the community through a process of economic equality. A traditional commonwealth would appear to be a system where competitive striving for personal gain was restrained, if not discouraged. From this viewpoint, Article 7 in preventing the advancement of private interests through government action would be consistent with advancing the interests of society.

---

## APPENDIX D MADISON'S CONCEPT OF THE PUBLIC GOOD

James Madison's single greatest contribution was to advance the views of Montesquieu and Hume about factions, as explained in the *Federalist* Number 10. He argued that without strong public virtue, any democratic government would be constantly threatened by intense battles between competing factions, each seeking to advance its own narrow interests while defeating similar hopes of others. A real danger could occur when one side won outright and imposed its mandate recklessly.

Madison saw factional abuses being at the expense of the public good. His solution was not to legislate good will and the common good, but to structure government in a way to neutralize the powers of the combatants, slowing down the speed and efficiency of the process. Competing interests would feel pressure to compromise and work out an arrangement that settled the issues fairly and agreeably. The net result was less selfishness and a better chance for a socially useful result, conducive to the public good. In effect, it was Madison's version of Article 7.

He borrowed from Hume another feature of factions and governments -- that the higher levels of government and political associations could be better trusted to protect the concerns of larger society -- and not to espouse petty local preferences. Hence, the structure of government would begin at the local level, with increasing powers extending upwards to the national level : to the President, the Congress and the U.S Supreme Court. This recognition of executive virtue and local injudicious behavior served to defend against the opponents of the common good, who Madison saw as concentrated at the local and state levels.

The clash of factions could produce the tyranny of the majority and the oppression of the minority. The separation of powers became the bulwark to guard against abuse of majority rule, at least in theory.

---

## APPENDIX E COMMON LANDS

The transition away from medieval real estate took much of the monopoly in land ownership away from feudal lords and assigned it to the public as common land. The Puritans brought the common land concept with them to the new world, but problems with overgrazing of shared public lands and a preference for private house lots caused the colony to sell most of the common lands.

Cambridge in the early 1630s set aside extensive lands on its westerly border as common lands for grazing and other shared uses. Large grazing areas between what are now Harvard and Porter Squares were later converted for use as livestock markets. The common lands effort fell apart due to overgrazing (known as "the tragedy of the commons").\* Typically, common lands were either sold to private owners or retained as public parks (Boston, Cambridge, Burlington Commons). These lands continue to exist today without significant commercial abuse.

One of the early initiatives of the Puritan government in the 1640s was to redefine coastal tidelands. The Puritan government invented a new form of coastal regulation based on the shared interest in tidelands. The beach or flats area was automatically declared to be owned by the adjacent uplands landowner, but with a shared interest in the land to include a public access right owned by the Commonwealth for the purpose of navigation, hunting and fishing. To this day, these common law rights are protected by M.G.L. Chapter 91.

---

\* Garrett Hardin, "The Tragedy of the Commons," Science Vol. 162, pp.1243-1248, December 13, 1968

## APPENDIX F RESENTMENTS AGAINST PROFITS

In one of the earliest efforts to visualize the ideal commonwealth, Thomas More's *Utopia* (1517) identified avarice as contrary to the public good. He proposed "the prohibiting of many things under severe penalties, especially such as were against the interest of the people ... those whose avarice led them to transgress would be severely fined, so the selling licenses dear ... would be against the public good."\*

Beginning with the 1765 Stamp Act and continuing through Intolerable Acts, the British strategy became a sequence of incendiary taxes on basic commodities. These taxes resulted from the reorganization of the British empire and large expenses for past and anticipated wars. The most unpopular imposition was a tax on tea that favored a hated monopoly, the East-India Company. Parliament approved this tax with little debate and expected minimal controversy.

Instead intense resentment raged through Virginia and Massachusetts, with Patrick Henry heading the charge in Virginia and John Adams being the leader in the Bay State. Both claimed that rights were being infringed, that colonists should have the same rights as native Englishmen, and protested imposed taxation as tyranny.

The company of concern, the East-India Company, was a British government-business partnership. They used high prices and monopoly on tea supplies throughout the world. Prof. Henry Steele Commager described the origins of the tea crisis :

***"An act of May 1773 permitted the East India Company to export tea directly to the American Colonies free from all duties except the three-penny tax payable in America. The Company disposed of its enormous quantities of tea through its own agents, and thus had a practical monopoly on the tea business in the Colonies. It was the danger of this monopoly rather than the principle of the tea tax that aroused resentments in the Colonies." \*\****

The revolt of the Boston Tea Party was actually against a government tax imposed to assist a private company.

The decade from 1765 through 1776 marked the beginning and the culmination of the fracture between Britain and its American colonies. British historian W. H. Lecky concluded that :

***"From this time, the English government in America is little more than a series of deplorable blunders." \*\*\****

In short, Britain had completely failed in its obligations to be a good government.

\* Thomas More's *Utopia* at <http://www.gutenberg.org/cache/epub/2130/pg2130.txt>

\*\* Henry Steel Commager, *Documents in American History*, Seventh Edition, 1963, p. 70

\*\*\* W. H. Lecky in *History of England in the Eighteenth Century*, Vol III of VIII, p. 379  
Quoted by Commager, *Documents in American History*, p. 63.

John Adams appears to be the first and only author of a Declaration of Rights to refer specifically to certain profits as undesirable. The exact reasons for such inclusion have not been explained, but Adams' background as a recognized conservative does not suggest traditional anti-business motives. The unrest that produced protest and revolution was more about economic issues, like taxes, than any other fundamental irritant. Article 7 does not mention taxes but it does mention profits. The U.S. Constitution makes no mention of profits.

It is possible that Adams was affected by a similar concern as Adam Smith. Both believed that a free market was better and that the old mercantile system was based on privilege and favoritism. In 1765 he wrote the instructions for the Town of Braintree, complaining that the new taxes were "so numerous and so high, and the embarrassments to business in this infant, sparsely settled country so great, that it would be totally impossible for the people to subsist under it." Adams, unlike his Virginia counterparts a lifetime opponent of slavery, concluded "we never can be slaves ..." \*

However, Adam's complaint about profits was a limited one, with Article 7 being directly only at profits abetted by government action. The colonists were not early Marxist radicals opposed to capitalism, and instead the record shows local merchants supported many of the protests against the escalating British tax program.

Adams in opposing taxes that were excessive and unreasonable was clearly trying to speak for the colonies as a whole, including business. At no time did he express opposition to business profits that were reasonable and not exorbitant.

Yet Adams' critical approach to government-based profits finds a parallel in concerns about other government abuses such as freedom of religion, and the need for no favoritism or penalties for sectarian reasons. Madison's biographer Harold Schultz recounts how

***"Madison left among his papers the draft of a resolution on the free exercise of religion which was not accepted by the convention. If broadly interpreted, the resolution could have been used to sanction the separation of church and state. It declared 'that no man or class of men ought on account of religion to be invested with peculiar emoluments or privileges, no subjected to any penalties or disabilities.' " \*\****

The astute reader will notice the reference to "No man or class of men," in similar fashion to Article 7.

---

\* Henry Steel Commager, *Documents in American History*, Seventh Edition, 1963, p. 70

\*\* Harold Schultz, *James Madison*, Twayne Publishers, 1970 p. 32

## Appendix G The Virginia Declaration of Rights

The Virginia Declaration of Rights was written by George Mason, and approved three weeks before Jefferson's more famous Declaration of Independence. Mason's work is a precursor of both Jefferson's work and John Adams' Preamble and Article 7 :

*"that all men .. have certain inherent rights, of which, when they enter into society, they cannot by any compact deprive or divest their posterity; namely the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety."*

Mason's Article 3 comes the closest to the essence of Article 7 :

*"That government is, or ought to be instituted for the common benefit, protection, and security of the people, nation, or community ... producing the greatest degree of happiness and safety, and is most effectively secured against the danger of maladministration;"*

The Declaration of Independence contains a long list of offenses by the Crown -- a litany of "repeated injuries and usurpations" by King George III. The very first offense was : *"He has refused his assent to laws the most wholesome and necessary for the public good."* The themes of "We the people," "provide for the common defense" and "promote the general welfare" are included with "inalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness."

Massachusetts was the eleventh state to adopt a constitution after the Declaration of Independence. George Mason's work on the Virginia Declaration of Rights was so remarkable that almost all states used his work as a guide for their own Declarations. Indeed, while the U.S. Constitution has a Bill of Rights -- added as amendments -- all states except one have Declarations of Rights, and are modeled after Virginia.

---

Peter Valentine 1/17/2013

PZV J

In my opinion the planning board is a failure.

At 646 Main St. is located a building owned by MIT that has been unused and kept in a degraded state for over 30 years. The cite could be transformed easily and used for the Millenium building.

And that's where it belongs with other high tech and business buildings.

Not near the main citizen activities of Central Sq. and and in front of a main Central Sq. store.

What belongs on the cite however is a building which facilitate citizen created business products and services and other regularly used citizen activities that natrually ,because of location connect with Central Sq.

If MIT cares about the community as it proposes it does, then it should not allow its developers to buildings near or in main citizen used areas.

So the problem and conflicts about where the Millenium building should be is now solved.

The issue of the Millenium building is directly connected to the traffic, people and subway congestion problem.

P2V  
2

Why wasn't the Planning Board on top of the congestion problem before its roots took place? Because the Planning Board is a failure.

The city council is seriously responsible for the well being and health of the citizenry in relation to all the affects on health of congestion in terms of having appropriate spaces available to enable people to get away, exercise and relax in green open space.

At the very beginning of the University Park Planning there was supposed to be active citizen open space in U Park right next to Central Sq.

There was for a awhile. I gave large photographs to the Council of all the wonderful activities that went on there.

But Forest City <sup>took that</sup> stole that open space, <sup>away</sup>.  
~~or I shouldn't say that because of course they would never do such a thing.~~

~~But they selfishly took it away and built an apartment building at 23 Sidney St. visually cutting off Central Sq. from U Park.~~

~~They~~ created a fake active park as far

1/17/2022

JAV

2

away from Central Sq. Mass. Ave as possible. Also blocked off from Mass. Ave. by trees.

Forest City has refused to remove the building and return the open space.

If MIT cares about the community it should strongly convince Forest City to do so.

If it still refuses, the city can win an eminent domain taking of the property for an affordable price, justified by the health needs of the citizens and the people who work in the new developments. ~~due to the congestions caused by the excessive traffic and the large profits of the developers made by Forest City, the removal of such building would not seriously financially affect it.~~

January 15, 2013

To the Honorable Cambridge City Council:

I am writing in regards to the refiled Forest City upzoning petition. In general, I am against giving upzoning rights to specific developers, especially when the community fought so hard 25 years ago and relinquished upzoning rights at that time. In this case, the continued affordability of many units of affordable housing already in place at University Park (Forest City) is at stake. That changes the situation.

I am a resident of one of those affordable units in the Kennedy Biscuit Loft Building at 129 Franklin Street. I am also a board member and officer of the Alliance of Cambridge Tenants (ACT.) If the affordable housing piece of this deal can be worked out to the satisfaction of the affordable housing community, I would be in favor of the upzoning. However, I want to make it clear that this is not the case right now.

The CEOC, Cambridge and Somerville Legal Services (Susan Hegel, attorney) and ACT have been involved in negotiations but the most important aspects of affordability have NOT been put in place in the new proposal. They are as follows.

-- Forest City should agree to apply the inclusionary zoning ordinance rent formula (30% of income for rent and utilities with exceptions for tenants with subsidies and those paying minimum rent) to the existing 168 affordable apartments at University Park. That would ensure that the 77 affordable units at Kennedy Biscuit Lofts and 100 Landsdowne are actually affordable to low-income tenants. I am aware of about 10 households in these buildings that are currently unsubsidized. I don't know how many households are paying unaffordable rents.

--Forest City should commit to provide 20 new affordable units above and beyond any other affordable units required by some separate zoning provision or otherwise.

The residents of these units have not been properly informed of what is going on, only reassured that everything is "okay for now." We have been working hard to get the language clear and make these apartments affordable and in line with the inclusionary zoning rules that Cambridge uses. There is

no reason Forest City should not comply with the inclusionary zoning rules that constitute the current practice of the city. We are still in talks with Forest City but as I write this letter, we do not have these vital last pieces in place. I am asking that the ordinance committee not recommend this up zoning until the details have been worked out and put in writing.

Thank you.

Kathy Watkins  
129 Franklin St. Apt. 315  
Cambridge, MA 02139

**From:** shelly rieman [shellyrieman@gmail.com]  
**Sent:** Wednesday, January 16, 2013 12:34 PM  
**To:** City Council; Lopez, Donna  
**Subject:** REJECT Up Zoning for Forest City

Dear Councilors,

As intelligent and responsible City Councilors, I trust you to use your best judgement to vote against up zoning for 300 Mass. Ave. There needs to be a city-wide plan for growth and development before any construction that can potentially damage our wonderful city and it's livability.

Thank you for following your consciences.

Shelley Rieman

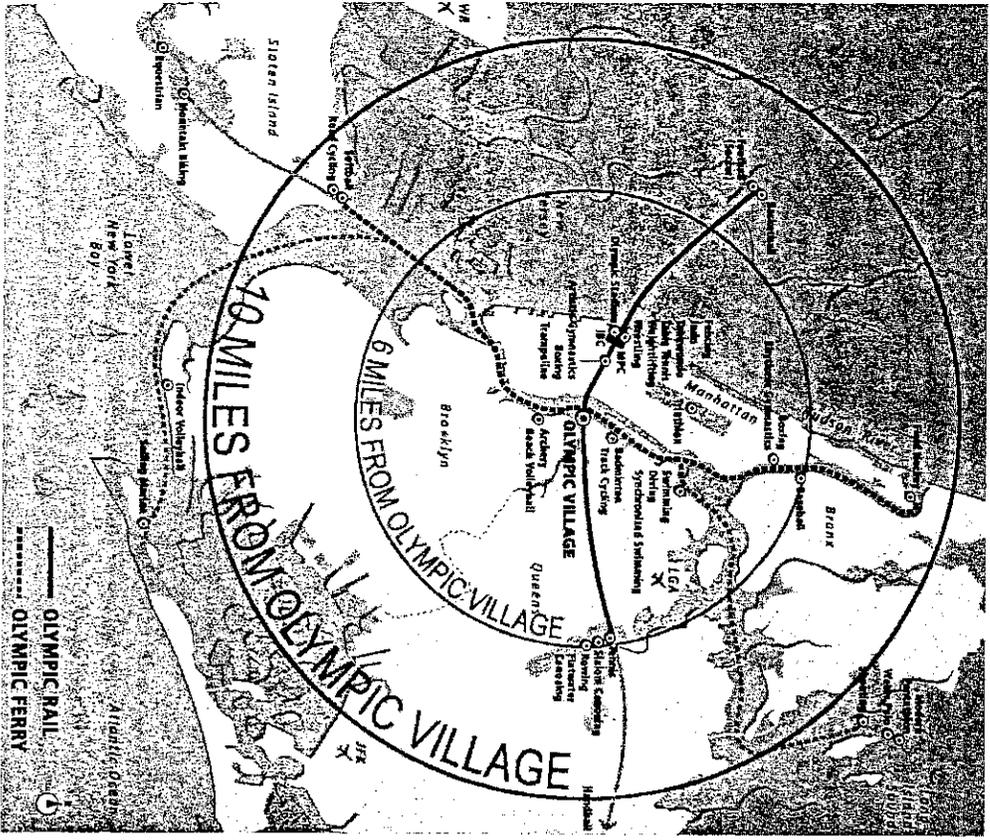


Figure 7.4 Map showing the Olympics 2012 plan

Submitted at the Urban Renewal Cont.

Public Hearing in the Forest City - NY

Re-opening Boston, 1/17/2012, by:

James W. Williams, 100 Jackson Place, Cambridge, MA 02140

1/17/2012

(see chapter 2). Midtown West may mark the most recent remarriage of global finance and real estate, but it also represents the triumph of zoning over planning and of privately controlled public finance (through tax increment financing) over the public budget and the difficulty of advancing inclusive community planning while in the very shadows of global capital.

Atlantic Yards: Urban Renewal All Over Again

*Forest City Ratner*

Atlantic Yards is a proposal to build the largest and densest private development in Brooklyn by using the state government's powers of eminent domain and substantial public subsidies. The struggle over Atlantic Yards is a recent replay of the struggles against urban renewal by community residents and business owners who declare "We won't move" when the power of eminent domain is used to remove them. In this case, however, community organizers are facing an unusually powerful and skillful private development group that has persuaded top elected officials to support a business plan and sell it to the public as an irreversible fact. The elaborate marketing campaign uses images and symbols that are associated with the sports and entertainment world. It includes contractual agreements for jobs and affordable housing that are made between the developer and selected community-based organizations and that aim to legitimize the project in the eyes of low-income people of color. The developer has been skillful at using race and class to divide the community opposition to the multibillion-dollar project. This has not prevented the development of alternative plans, three court cases, and a popular documentary, *Brooklyn Matters*,<sup>74</sup> that illustrates how key the manipulation of race is to the project's future. After four years of opposition, however, the multiclass, multiethnic community coalition that opposes the plan continues to press for a more inclusive, community-based alternative.

In 2003, Forest City Ratner (FCR), a national real estate giant and real estate investment trust (REIT) that has virtually monopolized office development in downtown Brooklyn, proposed to build over a million square feet of office space, 4,500 apartments, and an arena for the Nets, a basketball team owned by FCR principles, above the Vanderbilt rail yards, which are owned by the Metropolitan Transportation Authority. The rail yards separate the residential neighborhoods of Prospect Heights and Fort Greene, east of downtown Brooklyn. FCR was already known among Brooklynites for its Metrotech complex in downtown Brooklyn,

a 1980s suburban-style office enclave that absorbed generous public subsidies, turned its back on the adjacent African American neighborhood, and did little to boost local businesses. FCR also built the Atlantic Center, another forbidding mall that earned unanimous opprobrium for a fortresslike design that seemed to keep the neighbors away. To ease the way for its triumph at the Vanderbilt rail yards, FCR persuaded the governor and mayor to back its plan before it was announced and convinced the state and city to throw in at least \$229 million in direct subsidies (now over \$300 million). The governor placed at FCR's disposal the Empire State Development Corporation (ESDC), an independent authority with a board of directors appointed by the governor. With ESDC involvement, the plan would not have to undergo ULURP review by the three affected community boards, the borough president, the City Planning Commission, or the City Council. The ESDC believed that it would be justified in condemning private owners and displacing almost a thousand residents and businesses, since the U.S. Supreme Court's 2005 decision in *Kelo v. New London* allowed local government wide latitude if it wished to condemn property solely for the vaguely defined purpose of economic development. Tenants and owners on the project site later filed a lawsuit challenging ESDC on the grounds that condemnation was being used to transfer property from one set of owners to a single hand-picked developer and that this was contrary to principles stated in *Kelo* and state law.

Like Alice in Wonderland in her looking-glass world, the planning for Atlantic Yards was all backwards.<sup>75</sup> In planning without the mirrors, government creates a plan for the area, looks at the potential environmental impacts of the plan, decides what to do, and then either takes action by itself or puts the plan out to private developers to bid on. In Atlantic Yards and increasingly in other megaprojects throughout the neoliberal city, the reverse is happening: the private developer does the plan, persuades government officials to back it, and then announces a done deal. This ideology of the fait accompli becomes a key instrument for moving through all stages of the planning and public approval process. It poses a serious challenge to community organizers because even those who find the project to be unacceptable are led to believe that nothing can be done to change or stop it.

This looking-glass world also has the environmental review process backwards. The purpose of the environmental impact analysis is to inform decision makers about the potential negative impacts of the project before they make their decisions. Project proponents are required

to disclose these impacts, using a worst-case scenario that will alert decision makers to all possible consequences of their decisions. In this case, however, the decisions to approve the project were made in advance. The complex process of environmental review moved from a scope of work to a draft and a final statement but did not substantially change the contours of the project.

As community groups get more skilled at stopping megadevelopments like FCR's, developers are also getting more skilled at picking and choosing community-based partners. Shortly after announcing his grand plan for downtown Brooklyn, FCR's Bruce Ratner faced an outpouring of opposition from residents and business owners who did not want to move, objected to the scale of the project, and were deeply concerned about traffic and environmental impacts. They formed Develop Don't Destroy Brooklyn to oppose the project<sup>76</sup> and started preparing their own plan. The UNITY Plan workshop was convened by City Council member Leticia James under the direction of architect Marshall Brown (figure 7.5). The UNITY plan (Understanding, Imagining and Transforming the Yards) assumes no condemnation of property and a similar residential density but on a smaller footprint and in a more contextual scale and

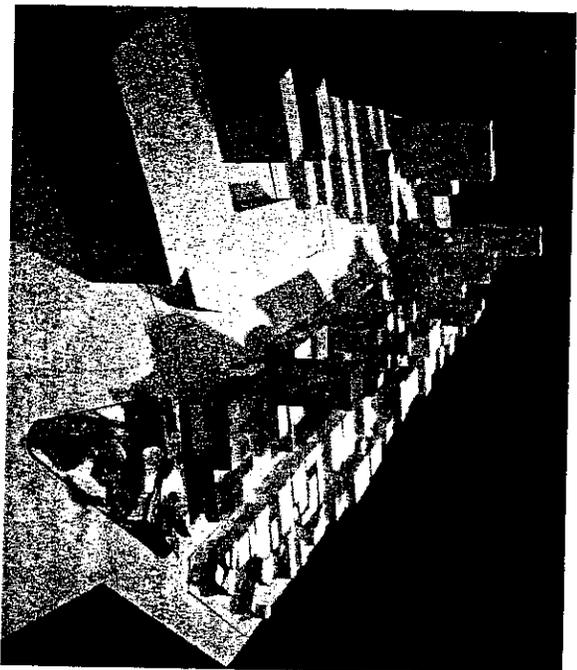


Figure 7.5  
Model of the UNITY proposal for Vanderbilt Yards, Brooklyn. Credit: Marshall Brown

configuration. There is no basketball arena in the UNITY plan. The principles for responsible development that emerged from the planning process stressed the need for integration of new development with the existing neighborhoods and included an affordable housing component.<sup>77</sup>

Before FCR announced its plan and in anticipation of neighborhood opposition, it lined up a community partner that would back its project. FCR owner Bruce Rarner made a deal with the Association of Community Organizations for Reform Now (ACORN), perhaps the largest nationwide grassroots advocacy group with a presence in low-income communities, including communities of color. The deal, sealed in an unprecedented written community benefits agreement (CBA), promised that 50 percent of all rental units would be affordable for people with low or moderate incomes. Rarner also signed an accord with BUILD, a group representing minority construction workers and unions, that would guarantee some local jobs and job training. These CBAs were developed in exclusive negotiations and included a gag order that prevented participants from criticizing the project.

Shortly after the execution of the ACORN CBA, FCR sidestepped the requirement of 50 percent affordable housing by cutting the amount of office space and adding market-rate condominium units to the project, which reduced the proportion of affordable housing to around 31 percent, with less than half of that going to low-income tenants (the program was structured in such a way that only 14 percent of all units would be affordable to those making less than the median income for Brooklyn). It was later revealed that BUILD had been only recently created, its leadership had no track record in job training or development, and it secretly received funding from FCR.

Community opposition to the FCR project included tenants and owners who refused to be bought out and vowed to fight eminent domain (figure 7.6). Judging from testimony that was presented in the environmental review process, many residents also objected to the location of an arena on a site bordered by low- to midrise residential communities. Others were worried about the high density (this would be one the densest projects in the city), existing traffic and transit deficiencies and the likelihood that they would worsen since no improvements were planned (the site is at the juncture of three major thoroughfares and one of the borough's most dangerous intersections), the lack of public open space, secondary displacement of affordable housing and local businesses, and a tower-in-the-park design that required the closing of local



Figure 7.6

Protesters from Develop Don't Destroy Brooklyn. Credit: Amy Greer

streets and would effectively isolate the new development from the surrounding neighborhoods. Even those who might be inclined to accept some version of the proposed project protested the lack of local input. However, by making a deal in advance with the governor and mayor and going through the ESDC, FCR effectively evaded the city's land-use review process and avoided having to answer to local neighborhood groups. A single public hearing on the scope of work for the environmental review and another on the draft environmental impact statement were the only forums for community input. FCR, ACORN, and the construction trades financed busloads of supporters to disrupt the forums. The environmental review process is strictly a forum for disclosure of potential environmental impacts. It is not geared toward planning, and in these forums ESDC officials never responded to concerns or allowed a dialogue or shared decision making.<sup>78</sup>

#### Deal Making and Race Baiting

Whatever the merits or problems of the FCR project, it has brought out some of the most controversial and difficult issues for both community organizing and planning strategy. The first critical question is whether community-based organizations should partner with developers in developer-driven deals and, if so, when. ACORN and elected officials who

supported the project have argued that the CBA is a victory because it guarantees affordable housing at a time when public funding is drying up, because the CBA redistributes wealth, and because it will help keep at least some local residents from being forced out by new development. But ACORN overlooked deep community opposition to the project and never sought community consensus; signed an exclusive CBA with a clause that required ACORN to publicly support the project, thereby taking away their ability to work together with other community groups opposing the project; and ACORN signed an agreement with no legal guarantees that the affordable housing would be built or within the reach of low-income people or people displaced by FCR. Experts commenting in the environmental review on housing impacts also charged that the giant luxury project would likely displace more low-income people than the new affordable units, and more local retailers. The Atlantic Yards CBA is the first developer-initiated CBA, unlike CBAs in other parts of the nation that were the result of a negotiated settlement followed by a struggle between community and developer.<sup>79</sup> It set a precedent of developer-initiated CBAs that was soon followed by the Yankees to advance their proposal for a new stadium and Columbia University to advance its proposal to expand into West Harlem. As these CBAs proliferate, it raises a question about whether they are legitimate instruments for community involvement or developer tactics that undermine the legitimacy of the public land use review process.

Race is a fundamental but largely unspoken issue in the Atlantic Yards development. In initiatives like Atlantic Yards (and IKEA in Red Hook; see chapter 6), developers driving the planning process have been skillful in using race to divide communities, taking advantage of deep racial divisions that exist within communities. Since ACORN and BUILD have largely African American members, FCR supporters are quick to pose as champions of civil rights and low-income housing for people of color. They have tagged the opposition as upper-income—white brownstones who were looking to protect their quiet blocks and exclude poor people. But a careful look at the lineup for and against the project reveals no such facile division. According to Nicholas Confessore of the *New York Times*, “Atlantic Yards has drawn no true color line in Brooklyn, but only a blur of intersecting agendas, and constituencies, both black and white.”<sup>80</sup> Those lined up in favor of the project include white and black elected officials, community-based organizations, and religious leaders. Against the project are white and black elected officials, community-based organizations, and religious leaders. City Councilman Charles

Barron, a former Black Panther, is one of a few elected officials who have decried race baiting by developers (he also did so in the IKEA case) and at the same time spoken out against institutional racism in government. Barron called the project “instant gentrification.” Bob Law, another former Black Panther who owns a local business, says he thinks that Bruce Ratner “gives out a little money here and there to whoever he chooses, he makes some billions, and what we get in return are some temporary jobs on a construction site and those jobs are dead-end jobs. . . . It’s a con game.”<sup>81</sup>

Developer-driven planning is growing and is taking its toll on the integrity of community-based organizations. In the pursuit of public-private partnerships, community groups may mimic the deal making that occurs in the real estate sector. In the case of Atlantic Yards, community organizations whose main focus has been to extract concessions from the developer seem to have copied the short-term approach of real estate developers and corporate strategic planning. As soon as organizations put deal making ahead of organizing, they leave little space for democratic planning. ACORN, a prominent nonprofit housing developer, chose to act independently without the involvement of a sizeable number of community groups—block and neighborhood associations, environmental and transportation advocacy groups, and community boards—including those who were troubled by the project as well as those who supported or opposed it. As with all community coalitions, a broad community effort would invariably include people and organizations that do not share ACORN’s passion for social justice, but such is the nature of coalitions (and FCR has not been known as an advocate of social justice). As the struggle over Atlantic Yards continues, ACORN has maintained an exclusive dialogue with FCR, with which it has a contractual relation, and has had no significant dialogue with the majority of community-based organizations seeking to influence, modify, or overthrow the mega-project. As a result, ACORN relinquished its ability to build unity in the community and strengthen its own leverage in dealing with FCR.

FCR has used to its advantage the public debate over the size of the project. In response to concerns in the community about the large scale of the project, FCR twice cut the size of the project in small increments but ended up with more or less the same size it started with because it had also increased the project size at one point. In another megaproject, community advocates on Manhattan’s West Side were successful in getting Donald Trump to cut his Riverside South project in half, but the question will always remain whether Trump doubled the size of his

original plan in anticipation of community opposition and the need for a negotiated deal. Although cutting megaprojects down to size can be an important goal of local organizing, such a pattern results in a perverse syndrome in which developers start with a high bid, look good by making concessions, but always remain in the driver's seat.

The basic problem with developer-driven planning is that the entire policy debate revolves around the developer's proposals, not around a plan that is based on what is best for the neighborhood and city. Community organizations are diverted away from pursuing plans that will meet their needs and instead toward negotiating over a developer's plan. They can end up mimicking the real estate industry and become local power brokers instead of community advocates. Community meetings and the press focus on potential impacts and appropriate concessions by the developer, but few people project a different sort of process in which plans can start with the problems, needs, and proposals of people who live and work in communities. Should not communities come up with their own plans through an open democratic process and then let developers compete for the right to implement them?

#### And More Urban Renewal?

Following the Atlantic Yards scenario, developers are becoming more aggressive in holding the threat of eminent domain over the heads of small businesses and residents. For example, Columbia University has stated publicly that if necessary it would resort to ESDC sponsorship and the use of eminent domain to accomplish its expansion plan in West Harlem. The city is also proposing condemnation in Willets Point, Queens, a thriving auto service district with 225 businesses and some 1,800 jobs that the city would like to relocate to create a giant commercial center.<sup>82</sup> The city also displaced twenty-three small ethnic businesses from the Bronx Terminal Market in favor of the Related Corporation and chain superstores, a project financed by tax incentives and Liberty Bonds.<sup>83</sup> And the city has moved hundreds of street vendors off 125th Street in Harlem and Fulton Street in Brooklyn to make way for established national chains.

The next chapter looks at the relationship between community planning and broader progressive politics, the ways that community planning can consolidate democratic control over community land, and the challenges ahead.

### III

## The Future of Progressive Community Planning

---

**Urban and Industrial Environments**

Series editor: Robert Gottlieb, Henry R. Luce Professor of Urban and Environmental Policy, Occidental College

For a complete list of books published in this series, please see the back of the book.

---

**New York for Sale**

**Community Planning Confronts Global Real Estate**

**Tom Angotti**

The MIT Press  
Cambridge, Massachusetts  
London, England

1/17/2012

ATTACHMENT K

Search Item Results			
Count: 7, Sum: \$725.00			
Criteria: WHERE Contributor Name contains 'Calkins' AND Date >= '5/4/2011' AND Date <= '1/8/2013'			
Date	From	Recipient	Amount
12/19/2012	Calkins, Peter 79 Johnson Street North Andover, MA 01845	TO: Reeves, Kenneth	\$100.00
12/11/2012	CALKINS, PETER 79 JOHNSON STREET NORTH ANDOVER, MA 01845	TO: Cheung, Leland	\$100.00
6/27/2012	Calkins, Peter 79 Johnson Street North Andover, MA 01845	TO: Reeves, Kenneth	\$100.00
10/18/2011	Calkins, Peter 79 Johnson St North Andover, MA 01845	TO: Reeves, Kenneth	\$100.00
9/20/2011	CALKINS, PETER (EXECUTIVE VICE PRESIDENT / CHIEF OPERATING OFFICER, FOREST CITY BOSTON) 79 JOHNSON STREET NORTH ANDOVER, MA 01845	TO: Cheung, Leland	\$100.00
5/28/2011	Calkins, Peter 79 Johnson St North Andover, MA 01845	TO: Maher, David P.	\$125.00
5/5/2011	CALKINS, PETER 79 JOHNSON STREET NORTH ANDOVER, MA 01845	TO: Cheung, Leland	\$100.00

\* } contributions made in  
 \*\* } conjunction with  
 Forest City - MIT  
 re-filing of Re-zoning  
 Petition in December 10.

Submitted to  
 the Ordinance Committee  
 at the time of the  
 first Public Hearing on  
 the Forest City - MIT  
 Re-zoning Petition, January 17, 2012,  
 by: James Williams,  
 1000 Jackson Place,  
 Cambridge, MA 02140

November 29, 2012

Richard Davey  
 Secretary of Transportation  
 10 Park Plaza  
 Boston, MA 02116

Over 73% of the Massachusetts population lives within the MBTA service district, with over 1.3 million trips taken each day. According to the 2010 US Census, 27% of those who live in Cambridge or come to work in Cambridge rely on transit. Many more use transit as a secondary means to get to work and use it regularly for non-commuting purposes. The MBTA Red Line carries 250,000 riders per typical weekday. There are 26 bus routes that are in or pass through Cambridge carrying about 85,000 riders per typical weekday. Of the 10 highest ridership bus routes in the entire MBTA system, four of them are in Cambridge (#66, #1, #77, and #70).

The continued increase in transit ridership is certainly desired, but is putting increased strain on the existing system. Because of the chronic underfunding of the MBTA over the past several decades, there has been a consistent failure to fund the ongoing maintenance necessary just to keep our existing system working reliably and safely. This results in the Agency's inability to operate the existing infrastructure to the maximum extent possible. All of the Red Line and Orange Line trains have exceeded their useful lifespan and are being cobbled together on a daily basis, sometimes not able to provide full capacity of cars available each morning for the peak hour commute. In addition to delays caused by regular vehicle breakdowns, track switching systems in need of upgrade regularly fail, causing more delays. An additional 10% capacity could be added to the Red Line during peak hours if the power system was replaced along the line and additional vehicles were available.

Four of the bus routes operating in Cambridge (#1, #47, #66, and #71), fail the MBTA's "vehicle load standard," meaning there is excessive crowding during peak times. The "vehicle load standard," which is expressed as the ratio of passengers to the number of seats on the bus, is exceeded when more than 28% of passengers on a bus are standing without a seat.

While difficult to think about adding additional transit capacity at this time, it is critical to recognize that this is needed to maintain a healthy economy into the future, and to continue forward with the planning process for changes which take years to bring to fruition. Funding for the Green Line Extension project must be provided to get the project operating as quickly as possible, in the face of increasingly painful delays. Given existing fiscal constraint, the Urban Ring Phase 2 project is not included in the MPO's long-range plan. This highlights the extent of the transportation crisis that we are pushing off to the next generation. It is essential to get the Urban Ring project back on the list of planned

Lopez, Donna

ATTACHMENT L

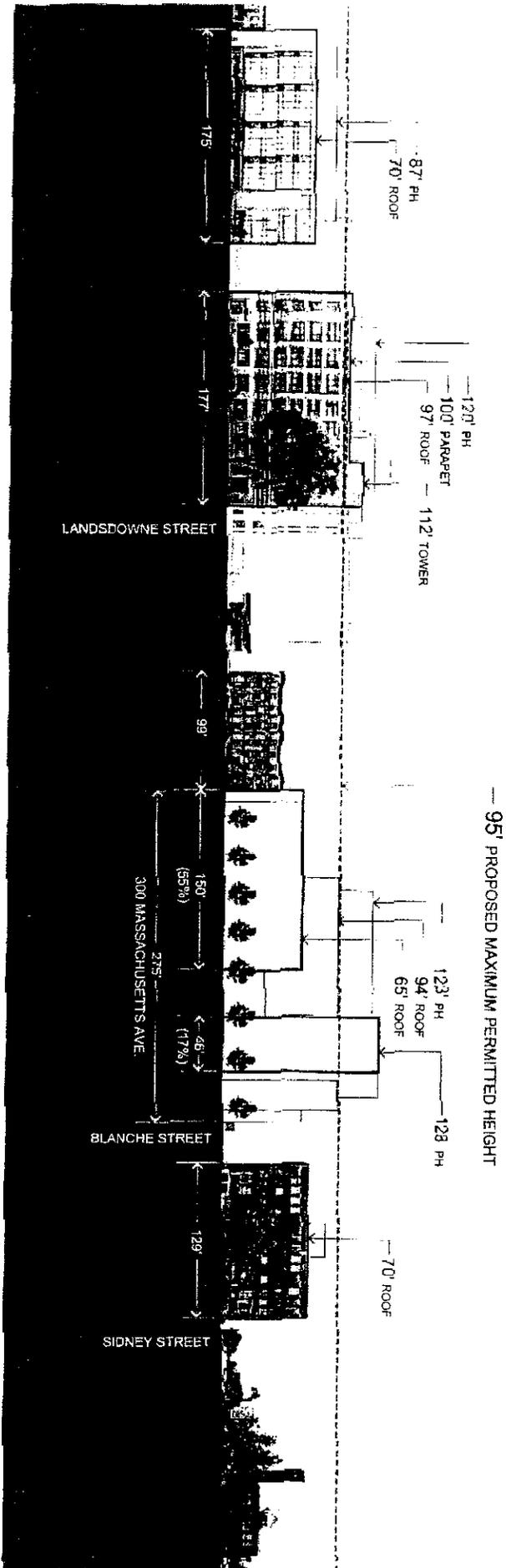
**From:** Phyllis Bretholtz [pbretholtz@comcast.net]  
**Sent:** Wednesday, January 16, 2013 8:51 PM  
**To:** City Council  
**Cc:** Lopez, Donna  
**Subject:** Reject Up Zoning for Forest City  
**Attachments:** IMG\_0149.jpeg; ATT00001..txt

To the honorable members of the Cambridge City Council,

Please reject Forest City's proposal for up zoning.

Last week I spent 2 1/2 hours walking the blocks from Central Square, along Massachusetts Ave. from Prospect Street to Albany Street, then down to Main and back up Bishop Allen Drive. I took pictures as I went, both for historical purposes, since the city is changing so rapidly, and to capture the scale of the city as it now exists. What stands out most strongly is the difference in scale that currently exists between the All Asia block and the Necco factory building beyond it, the Novartis building as it currently exists across Main Street from the four story New Towne Court apartments, and the drawings of proposed buildings for much of the corridor of Mass. Ave. against the two story houses along Bishop Allen, Essex Street, Norfolk streets, where many of my former students grew up. The difference in size and scale of existing buildings against those under construction or proposed is deeply disturbing. If Forest City is allowed to up zone, the scale of Central Square as I have known and loved it, will forever be changed. And, the quality of life of Cambridge as a walkable/livable city will also be diminished.

I am not opposed to development. But, I feel the need to see a scale model of what is being proposed by Forest City - a model showing existing buildings as well as proposed buildings - not some lovely water colored renderings with no specific attention to detail. For example, in the pictures of the Novartis Cambridge Campus, there is no way to understand these new buildings under construction in relation to the existing housing within the blocks across from them and in the adjacent neighborhood.



FOREST CITY  
COMMERCIAL CORP.

KLING

MASS AVE MIXED-USE  
Cambridge, MA

Mass Ave Elevation  
July 11, 2012

**From:** Charles Teague [charles.d.teague@gmail.com]  
**Sent:** Tuesday, January 15, 2013 5:34 PM  
**To:** City Council  
**Cc:** Lopez, Donna  
**Subject:** REJECT Up Zoning for Forest City

Dear Councillors:

**Up Zoning without a Master Plan**

Forest City is the first of four up zonings for Kendall and Central. Hearings for the second start today and up zones the MIT campus to add millions of square feet of commercial development (instead of student housing etc.). Then the third and fourth will follow to add millions more square feet and thousands of apartments.

Every up zoning has city-wide effects and there is no city-wide Master Plan to handle even the transportation. The city's "Development Log" shows in process right now 12 MILLION square feet and over 5,000 housing units. Let all that continue but get a plan before changing the law to allow even bigger buildings.

**Bio Labs can go Anywhere**

Our current zoning allows Bio Labs in any commercial district. Even in Huron Village or Porter Square. Bio Labs are bigger and noisier than when the 1970's moratorium on Bio Labs resulted in our "first in the nation" regulations. It is time to say where Bio Labs go and where they don't. In this case, pushing deeper in Central Sq and closer to people's homes (within 700' of public housing) should not be allowed ... and certainly do not give the developer a giant bonus for doing so.

**Cambridge Noise Ordinance does NOT Work**

The Bio Lab at 60 Hampshire St has been allowed to break the law for years despite people's houses being right there. Our law could not be enforced so the city granted them an exemption. Bio Labs are noisy. Tremendous fan noise is generated from running the heating and cooling really hard to replace all the exhaust pumped into the sky. The law needs to be fixed and labs need to stay away from homes.

**Zoning should not be For Sale**

This is beyond a slippery slope. No homeowner can make a cash payment to the city and get the right to add a third apartment with no parking to their two family house. This is what the Forest City corporation wants to do. And for cheap. \$10/square foot. Zoning is supposed to implement a plan that protects the quality of life of

the residents and the value of their homes, their largest investment. Zoning decisions should be based on reasons such as public health, public safety, and other public welfare, not for payments.

*"Community Benefits" Are Not What You Would Hope*

The developer's offer of community benefits is still filled with loopholes. They want to build something that will stand over a hundred years and have development rights forever. They offer money (with a lot of conditions), to build more housing (well maybe, maybe not), and to extend the expiration date of "affordable" housing (except it still expires AND, with rent not tied to 30% of income, are "affordable in name only"). The developer has been at this for over a year and is still trying to get a lot for cheap. Zoning should **not** be for sale and certainly not for cheap. Forest City had plenty of time to "get it right" and should now be rejected. They can wait with everybody else for the re-zoning of Central Square.

Charles Teague

23 Edmunds St

**Lopez, Donna**

ATTACHMENT 0

**From:** Carol O'Hare [c.burchardohare@att.net]  
**Sent:** Friday, January 11, 2013 11:13 AM  
**To:** Paden, Liza; City Council  
**Cc:** Lopez, Donna  
**Subject:** MIT's 26-acre Kendall Sq. Area Rezoning, 2 Hearings, 1/15/13 and 1/24/13 - "The devil is in the details."  
**Attachments:** ZoningKendall-MIT-PlanningBd&OrdinanceCommitteeHearings130115&130124-CBOComments.doc  
**Importance:** High

Dear Chairpersons and Members of the Planning Board and the Ordinance Committee:

My attached comments are for your review in anticipation of your upcoming hearings on MIT's revised, rezoning petition for its 26 acres in Kendall Sq. and vicinity. They relate to MIT's proposed PUD-5 zoning amendment, as follows:

- 1. Signs & Illumination\***
- 2. Specifics for the Significant 8.5-acre Memorial Drive Subdistrict**
- 3. Process Matters**
- 4. Plea**

\*Please do believe that I'm more than tired of this subject. I'm guessing you may be, too. But, MIT's 1-sentence, proposed "restriction" on signs may haunt us. Whether by design or by inadvertence, I think that MIT has not adequately addressed concerns about what signs and what sign-lighting will be allowed in this new PUD district. Indeed, MIT's revision now raises more questions than did its 2011 version, which would have exempted signs and their illumination from all existing zoning restrictions.

Thank you for your consideration.

Sincerely,

Carol O'Hare  
172 Magazine St., Cambridge

Cc: Robert W. Healy, City Manager  
Donna Lopez, Interim City Clerk  
Brian Murphy, Asst. City Manager for Community Development  
Susan Glazer, Deputy Director, Community Development Dept.

Memo

**To:** Cambridge Planning Board and Ordinance Committee  
**Fr:** Carol O'Hare  
**Date:** January 11, 2102  
**Re:** The Devil is in the Details:  
Some Concerns about MIT's Kendall Sq., 26-acre PUD-5 Revised Rezoning Petition

---

With input from numerous sources, MIT (including MITIMCo) has made significant changes to its earlier petition for rezoning this area. But, again City officials and personnel and the public have had only a brief time to review the proposal's actual text.<sup>1</sup> My comments relate to:

**1. Signs & Illumination; 2. Plans for the 8.5-acre Memorial Drive Subdistrict; 3. Process Matters.**

**1. Signs & Illumination: Loopholes and Ambiguity > More Problems, Yet Again!**

Cambridge Zoning Ordinance Article 7.000 regulates both Signs (7.10) and Illumination (7.20).

MIT's Original 2011 Rezoning Petition

**13.89 Signage.** The provisions of Article 7 of the [City's Zoning] Ordinance shall not be applicable in the PUD-5 District. The Planning Board shall approve all signage for new development in the PUD-5 District.

MIT's Current Rezoning Petition – Planning Board Hearing 1/15/12

**13.810.1 Signs.** The **sign regulations** of Article 7.000 applicable to Business, Office and Industrial Districts shall be applicable to **new buildings** in the PUD-5 District. [Emphasis added.]

**Problem 1: Why does MIT's proposal refer only to Article 7's "sign regulations," omitting any reference "illumination regulations"?** Would the Ordinance's significant restrictions on the illumination (types of lights, from what source, etc.) even apply at all, or would they apply with less force than in other Business, Office and Industrial Districts in the City? Indeed, I'd bet that, if the Board of Zoning Appeal were asked to grant a variance under MIT's current rezoning proposal, the BZA could be easily persuaded that the existing illumination-restrictions were not intended to apply to signs in this PUD-5 District.

**Problem 2: Why limit Article 7's restrictions only "to new buildings"?** This raises more doubts.

Will Article 7's restrictions apply to new or modified signs: (i) on **existing buildings** (whether they're renovated or added to or are unchanged) or (ii) on **land, posts, poles, wires, etc?**

Won't pre-existing nonconforming signs in the PUD District be protected by grandfathering or by zoning variance from the BZA? If so, what's the intent and what could be the impact of this curtailing of Article's 7's restrictions? For example, may an existing sign be changed in message, color, design, size and/or illumination? If MIT wants to retain permanent grandfathering for existing signs that are grandfathered or received variances, then, at a minimum, those existing signs should be catalogued with descriptions, dimensions, heights, locations, etc. and accompanying images so that an informed determination can be made about this.

**Here's a solution for removing all this ambiguity. Revise the section as follows:**

**13.810.1 Signs and Illumination.** The regulations of Article 7.000 applicable to Business, Office and Industrial Districts shall be applicable in the PUD-5 District.

Bottom line: I urge you to avoid "creative ambiguity" in this zoning language. It may seem inconsequential now, but it's pretty certain to create long-term problems that will subvert the original intent of planners. How? The BZA has historically been exceedingly liberal in granting sign-variances. (Where's the hardship?) With ambiguous restrictions, this could very well be exacerbated.

---

<sup>1</sup>MIT filed its rezoning petition midday on Thurs., Dec. 13, just 6 work days before the Christmas holidays. The Planning Board's and Ordinance Committee's hearings are scheduled for Jan. 15 and Jan. 24.

## 2. Memorial Drive 150'-Height Subdistrict:

**What's planned for this >8 ½-acre, ½-mile stretch along Memorial Drive, from MIT's Sloan School to its Gray House at Ames St.?**

If more or bigger buildings are planned along this significant, ½-mile stretch of riverfront property, have you any idea what they are or may be? Do you really want to permit up to 150'/15-story buildings there? Or, is this large area included, so MIT can use the merely theoretical possibility of building up and out in this Subdistrict to gain more FAR and height in its remaining development parcels in this rezoning package? For short, I'll call that strategy "bulk-banking."

For example, the Maximum FAR in proposed PUD-5 is 3.9, but if it's actually less than 3.9 in this Subdistrict, then that difference can be credited to other parcels in the PUD to allow them to exceed the 3.9 FAR. Similarly, the Minimum Open Space is 15%, but it's actually more than 15%, then that difference can be credited to other parcels in the PUD to allow them to reduce their open space significantly.

And, I hope it's simply a mistake that there are **no minimum setback requirements** in this Subdistrict.

**If MIT is "bulk-banking" and doesn't plan much change to its properties along the River, is there any way to require them to seek additional Planning Board review and approval for material changes in bulk (height, FAR, open space and setbacks) in the Memorial Drive Subdistrict?**

And, what about the 100 Memorial Drive apartment complex smack in the middle of this Subdistrict per Assessors' records owned by New England Mutual Life? Does this rezoning mean they'll have the right to increase the bulk of their structures?

## 3. Process Concern

On December 4, MIT presented its project to the Planning Board "for discussion." Was the text of its zoning amendment made available for the Board's or its professional staff's or the public's review? If not, it's hard to understand how Mr. Russell could say during this "discussion": "It's a fine tuning but it's a pretty significant fine tuning. I feel like they've done the job, and I don't feel like I want to go out and say there's something more I want you to add to this."

[http://www.wickedlocal.com/cambridge/news/x1107418348/MIT-revamps-development-plan-for-Cambridges-Kendall-Square?zc\\_p=2#axzz2HcKY3M8C](http://www.wickedlocal.com/cambridge/news/x1107418348/MIT-revamps-development-plan-for-Cambridges-Kendall-Square?zc_p=2#axzz2HcKY3M8C)

That seems premature, before there has even been an in-depth review of the actual language of MIT's zoning petition or the public hearing phase of this project! It may be that MIT has been vetting this with City personnel and officials and various interested constituent groups since its premature and dishearteningly out-of-touch, mid-2011, first attempt to rezone this area, which shouldn't even count. But, there has not yet even been a public hearing presented.

## 4. Plea

Finally, I respectfully urge you to remember that the devil is indeed in the details and to give your talented professional staff a reasonable opportunity to review and analyze the short- and long-term effects and implications of the text that was first presented to them just before the holiday season.

Cc: Robert W. Healy, City Manager

Donna Lopez, Interim City Clerk (Please **file this with the Official Records.**)

Brian Murphy, Asst. City Manager for Community Development

Susan Glazer, Deputy Director, Community Development Dept.

Sarah Eusden Gallop, MIT, Co-Director, Government and Community Relations Office

**Lopez, Donna**

ATTACHMENT P

---

**From:** Dara Glass [daraglass@gmail.com]  
**Sent:** Tuesday, January 15, 2013 1:19 PM  
**To:** City Council  
**Cc:** Lopez, Donna  
**Subject:** REJECT Forest City Petition

Dear City Council,

This summer you did the right thing by not allowing Forest City to up-zone in Central Square. Please do it again on Thursday. We need a master plan in this city, and a huge building like the one proposed by Forest City before such a plan exists will make a devastating impact on all of our communities.

Dara Glass  
21 Edmunds St

Lopez, Donna

ATTACHMENT R

---

**From:** Mary Vanderwicken [mvanderwicken@msn.com]  
**Sent:** Tuesday, January 15, 2013 8:50 AM  
**To:** City Council; Lopez, Donna  
**Cc:** keepcambridgelivable@gmail.com  
**Subject:** reject Forest City petition

**Lopez, Donna**

*ATTACHMENTS*

**From:** Judy Somberg [judy\_somberg@igc.org]  
**Sent:** Wednesday, January 16, 2013 1:20 PM  
**To:** City Council  
**Cc:** Lopez, Donna  
**Subject:** REJECT Up Zoning for Forest City

Please vote no to this Forest City development proposal. It is critical that the city address development with a comprehensive plan first.

Thank you.

Judith E. Somberg  
Attorney at Law  
48 Antrim Street  
Cambridge, MA 02139-1102  
Tel: 617-497-5364  
Fax: 617-497-6775  
[Judy\\_somberg@igc.org](mailto:Judy_somberg@igc.org)

Lopez, Donna

ATTACHMENT T

**From:** Erin Dullea [erindullea@hotmail.com]  
**Sent:** Wednesday, January 16, 2013 2:12 PM  
**To:** City Council  
**Cc:** Lopez, Donna  
**Subject:** No to Up Zoning for Forest City

To Whom It May Concern,

I am writing to let you know that I oppose Up Zoning for Forest City. I would like to see a more comprehensive city plan before this kind of initiative is approved and implemented.

Thank you,

Erin Dullea

Erin E. Dullea, CPCC, ACC  
Certified Professional Coach  
Create your next great adventure.  
[www.erindullea.com](http://www.erindullea.com)  
(617) 714-3022

Follow me @erincoach on Twitter!

Ready to be inspired? Sign up for my monthly e-letter by simply replying SIGN ME UP in the subject line.

Lopez, Donna

ATTACHMENT U

From: frances folsom [francesfolsom@comcast.net]  
Sent: Wednesday, January 16, 2013 2:44 PM  
To: City Council  
Cc: Lopez, Donna  
Subject: Forest City petition

I want to go on record in saying that I am in favor of the Forest City petition. I live on Valentine Street, a stones throw from their buildings, and they don't bother me.

I have been a Cambridge resident all my life. I appreciate the fact that, finally, a company is bringing us into the 21st century with its businesses, architecture, employment opportunities and supporting neighborhood outreach.

These are not companies making bombs, their buildings are very "green", they are not polluting the air so if we have the space let them build.

Takeda, Novartis, and other pharmaceutical companies that Forest City wants to bring in are contributing to the stamping out of diseases, namely, cancers.

I am in favor of Harvard, MIT, Forest City, Takeda, Novartis, etc. They are what helps to keep our real estate taxes manageable for homeowners.

Fran Folsom  
20 Valentine Street  
Cambridge MA 02139  
617-864-0746

Information from ESET NOD32 Antivirus, version of virus signature database 6218  
(20110617)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

Lopez, Donna

ATTACHMENT V

**From:** Suzanne Bas-Davis [suzannebasdavis@yahoo.com]  
**Sent:** Wednesday, January 16, 2013 7:36 PM  
**To:** City Council  
**Cc:** Lopez, Donna  
**Subject:** REJECT Forest Hill Petition

Please reject Forest Hill petition.

The city of Cambridge must have a better comprehensive study of Central Square needs.

- are the proposed zoning laws for the residents benefits?
- does a biolab belongs to a residential area?
- can the city afford new traffic? how? what is the plan?

there is not enough affordable units in the proposal

what concrete benefits to the community would Forest Hills proposal bring ?

respectfully

Suzanne Bas-Davis, 162 Hampshire street

**Lopez, Donna**

*ATTACHMENT W*

**From:** Adam Dean [deanaj68@gmail.com]  
**Sent:** Wednesday, January 16, 2013 10:19 PM  
**To:** City Council  
**Cc:** Lopez, Donna  
**Subject:** REJECT Up Zoning for Forest City

Dear City Council,

Please do not accept Forest City's proposal. It is important for this city to first adopt a master plan before such large development is allowed.

Sincerely,

Adam J. Dean  
21 Edmunds St

Lopez, Donna

ATTACHMENT X

---

**From:** Larry Rosenberg [larry.rosenberg@gmail.com]  
**Sent:** Wednesday, January 16, 2013 6:05 PM  
**To:** City Council  
**Cc:** Lopez, Donna  
**Subject:** Slow down! re upzoning!

Up zoning without a master plan -- that's a bad idea. Too many important concerns have been raised for the Forest City proposal to be okayed right now.

Please slow down and do this more carefully.

Larry Rosenberg  
48 Antrim St.

Lopez, Donna

ATTACHMENT Y

**From:** Dexter Eames [dexter.eames@gmail.com]  
**Sent:** Wednesday, January 16, 2013 5:23 PM  
**To:** City Council  
**Cc:** Lopez, Donna  
**Subject:** Opposed to Up Zoning for Forest City

To the Honorable,

As a former resident of Random Hall I am familiar with the stretch of Massachusetts Avenue where a large building is being proposed. The property seems ripe for development, but I believe that the Zoning Ordinance for Cambridge should be respected.

The purpose of the zoning includes: "to lessen congestion in the streets; to conserve health;... to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population". The purpose of the Zoning Ordinance is not to allow developers to maximize their profits.

I welcome development in our city, and I believe it can be done within the bounds of our Zoning Ordinance.

Dexter Eames  
6 Avon Place

**Lopez, Donna**

ATTACHMENT 2

**From:** Margaret Lynch [mlynch2006@verizon.net]  
**Sent:** Wednesday, January 16, 2013 5:07 PM  
**To:** City Council  
**Cc:** Lopez, Donna  
**Subject:** Please reject the FCI petition

Dear Councilors,

Please forgive the group email.

I am writing express my opposition to the Forest City's request for a zoning variance, for the South Side of Mass Ave. There is no doubt that creating jobs is very important to all cities. But in doing that, our city and our neighborhood must work hard to be Livable and livable for all residents and workers.

FCI has pushed the limit on every FAR and zoning ordinance in Central Square. Why do they have to do that? Perhaps because they think that they can. Because they have in the past. The absence of setbacks, the noise potential, and the parking issue, are some of the reasons why I find this variance request objectionable to me. If Vertex is gone, why do we have to overbuild on Mass Ave?

We are going to have an increasingly marginalized working class section of Central Square. Is FCI and the City going to increase our shelter capacity or even better build some SRO units? Is the Manager and the City Council going to work on getting small business tenants in to store fronts in Central Square?

We, your constituents, are not the enemy. We elected you to serve the city and all of its residents.

Thank you for this opportunity to express my opinion.

Peggy Lynch  
69 Brookline St

Lopez, Donna

ATTACHMENT AA

**From:** Micki McElya [micki.mcelya@gmail.com]  
**Sent:** Thursday, January 17, 2013 9:32 AM  
**To:** City Council  
**Cc:** Lopez, Donna  
**Subject:** REJECT Forest City Petition

Dear Councillors,

Please attend the hearing today and vote NO on the Forest City petition in the interests of our community and our democracy. Please don't allow corporate interests to to operate unchecked and to drown out the voices and interests of everyone in this community.

Sincerely,  
Micki McElya  
47 Magazine Street, Cambridge

Lopez, Donna

ATTACHMENT BB

**From:** Rachel Wyon [r.wyon2010@gmail.com]  
**Sent:** Thursday, January 17, 2013 8:47 AM  
**To:** City Council  
**Cc:** Lopez, Donna  
**Subject:** REJECT Upzoning for Forest City

Dear Cambridge Council,

At this time, I write to say that I am against the upzoning petition for 300 Mass. Ave.

Sincerely,

Rachel Wyon  
[r.wyon2010@gmail.com](mailto:r.wyon2010@gmail.com)  
283 Sidney St  
Cambridge, MA 02139

From: Jacqueline King [jackiedeeking@verizon.net]  
Sent: Thursday, January 17, 2013 2:00 PM  
To: City Council; Lopez, Donna  
Subject: Reject Forest City petition

January 17, 2013

Dear Cambridge City Councilors,

My name is Jackie King. I have lived in Cambridge for more than 30 years. My husband and I have raised our sons here, we have been active in the public schools and in community affairs for a long time. Years ago, I was part of an organization working to secure and extend rent control and protect tenants. I am currently a member of the Area 4 Coalition and the Cambridge Residents Alliance.

I am writing to ask that you vote against the Forest City petition for up-zoning of the 300 Mass Ave, All Asia block.

Our city desperately needs affordable housing. That means that existing affordable housing must be protected, and new affordable housing must be built.

First and foremost, the existing 168 affordable units in Forest City buildings in University Park must be protected, before there is even a consideration of Forest City's up-zoning petition for 300 Mass. Ave. This was part of an agreement that was worked out years ago (amid hard-fought battles) and it should be honored. These tenants should not be used as bargaining chips. The affordable housing restrictions for the Kennedy Biscuit Lofts and 100 Lansdowne buildings should be extended for at least the remaining portion of the 75-year MIT ground leases. The extension should be recorded in the Registry of Deeds.

In addition, Forest City should agree to apply the inclusionary zoning ordinance rent formula (30% of gross income for rent and utilities) to the existing 168 income-restricted apartments in University Park. The units currently are not affordable to some existing income-qualified tenants who are being forced to pay far more than 30% of their gross income for rent and heat.

We are also asking the City Council to deny the Forest City upzoning petition for the 300 Mass. Ave. site. The building proposed by Forest City Ratner is too high and too bulky. Any new building should be within the existing zoning law.

Any new building at this site should include housing, including affordable housing, as the Planning Board and City Council requested when considering an earlier petition. The area is already zoned for housing. The site is adjacent to and across the street from housing. (There is no need to take away precious open space, such as the public-use park next to the Fire Station and across from Lafayette Park, to build a giant glass tower filled with market-rate apartments. New housing should be included on this 300 Mass. Ave. site.) Any construction at this site should also include retail, with some percentage oriented toward low- and middle-income families.

The All Asia block is part of a gateway into Central Square. The decisions made about this site will have an impact on the further development of the square. We do not want the gigantic glass-and-steel towers of Kendall Square marching down into Central Square and transforming its character. We do not want the racial, economic, and cultural diversity of Central Square destroyed. We are tired of seeing our friends and neighbors forced out of this city. We urge you to vote "no" on the Forest City petition.

Thank you,

Jacqueline King  
40 Essex Street  
Cambridge, MA 02139  
617-864-0842

**Lopez, Donna**

ATTACHMENT DD

**From:** gailseid@comcast.net  
**Sent:** Thursday, January 17, 2013 2:35 PM  
**To:** Lopez, Donna  
**Subject:** Forest City Petition to Amend Cambridgeport Revialization Development District

Dear Members of the Ordinance Committee:

We have been across the street in our store at 311 Mass. Avenue, since 1941 and have seen many changes to this area. As someone who has to look across Mass. Avenue at a broken down block, I strongly urge you to approve this petition. As a retail store, we are in need of additional retailers and also customers.

Forest City has been a good neighbor for many years and has certainly improved the business climate in this area. We look forward to the day when the eyesore across the street will be eliminated. I am in complete agreement with George Metzger's letter of January 17, 2013.

I am also a Cambridge resident and am sure that Forest City will live up to their commitments.

Sincerely,

Gail Seidman

Gail Seidman  
University Stationery Co.  
311 Massachusetts Avenue  
Cambridge, MA 02139  
Ph. 617-547-6650  
Fax 617-547-0113

**From:** Matt LaRue [mailto:mattalarue@yahoo.com]  
**Sent:** Tuesday, January 15, 2013 10:06 PM  
**To:** City Council  
**Cc:** Albano, Sandra  
**Subject:** In support of forest city petition

David Maher  
Chair, City Council Ordinance Committee  
City of Cambridge  
795 Massachusetts Avenue  
Cambridge MA 02139

Re: Forest City Zoning Petition

Dear Councillor Maher and Members of the Ordinance Committee:

After much consideration, I am writing to show my support for the proposed Forest City Zoning Petition. As a resident of Central Square, the project addresses many of the concerns that I consider important:

1. The activation of that part of Massachusetts Avenue with street level retail (preferably by independent proprietors).
2. The preservation of affordable housing and the provision of additional affordable housing (although I would like to see this pushed further than what has been offered).
3. Excellence in architectural design quality and urban experience (for this I am optimistic that it will be included).

I request that the Ordinance Committee consider this petition very carefully as it provides many of the benefits that we seek as a community, a diverse Cambridge where people can live and work and play. Whereas I share residents' concern with regards to the extension of the banality of the laboratory buildings of Kendall Square into Central Square, I also support the expansion of the innovation economy in Cambridge in a meaningful way that does not impact the residential neighborhoods negatively. I also realize that many people prefer housing in general, as I do, but I also believe that we should also strike a balance between residential and commercial development in order to accomplish our goals of enhancing and supporting a mixed-use neighborhood. The Forest City Zoning Petition does just that: it preserves and adds housing in the area and proposes a research and office building with active street retail on Massachusetts Avenue adjacent to but also away from the heart of the residential neighborhoods.

The Forest City Zoning Petition has my full support.

Matthew LaRue  
88 School Street

Lopez, Donna

ATTACHMENT FF

---

**From:** Peter Lyons [petertyons@gmail.com]  
**Sent:** Thursday, January 17, 2013 10:25 PM  
**To:** City Council; Lopez, Donna  
**Subject:** REJECT Forest City Petition

Dear Cambridge City Council,

I am writing in opposition of the Forest City Petition and wish for the city council to vote against it. I don't believe that it will contribute positively to the quality of our city and its families.

Thanks,  
Peter Lyons

104a Irving Street  
Cambridge

---  
Peter Lyons  
508-878-1878

January 16, 2013



The Honorable David P. Maher,  
Chairman,  
Cambridge City Council Ordinance Committee  
City Hall, 795 Massachusetts Avenue  
Cambridge, MA 02139

main: 617 • 674 • 5100 fax: 617 • 674 • 5101

Massachusetts Biotechnology Council  
300 Technology Square, Eighth Floor  
Cambridge, MA 02139

Dear Chairman Maher and Members of the Committee:

It is my pleasure, on behalf of the Massachusetts Biotechnology Council (MassBio), to offer support for the proposed extension of the Cambridge Revitalization Development District from Green Street to Massachusetts Avenue and to amend Article 15.000 of the Zoning Ordinance to increase the total allowed development in the District.

The proposal would allow for a new building that would host laboratory and office facilities for Millennium: The Takeda Oncology Company. Since its founding in 1993, Millennium has been at the forefront of important advances in the life sciences that have helped Massachusetts and Cambridge become the most significant life sciences cluster in the world. Over 230 lifesaving therapies have been developed by Massachusetts companies that treat a patient population, in the U.S. alone, of 160 million people. One reason for the success of the medical research and development cluster here is the quality of the outstanding research and office facilities found in Massachusetts.

As has been the trend among the newest life sciences buildings constructed, the proposed new building at the 300 block of Massachusetts Avenue will lend itself to a thriving neighborhood by the inclusion of street level retail space. As the petitioner has also made additional commitments to support affordable housing and betterments in accordance with the vision supported by the Central Square Advisory Committee, we feel the proposal merits your support.

We hope you consider in your deliberations that the life sciences industry has always sought to be a good neighbor and active corporate citizen in the life of Cambridge.

Thank you for your consideration of this testimony.

Best regards,

A handwritten signature in black ink that reads "Peter J. Abair". The signature is written in a cursive, flowing style.

Peter J. Abair  
Director of Economic Development and Global Affairs

**Lopez, Donna**

ATTACHMENT H H

**From:** Smith, Jacquelyn A [jams@bu.edu]  
**Sent:** Wednesday, January 16, 2013 12:44 PM  
**To:** City Council; Lopez, Donna  
**Cc:** keepcambridgelivable@gmail.com  
**Subject:** Reject Forest city Petition

Dear City Council Members:

I urge you to reject the Forest City Petition currently before you. While the city needs development to grow and prosper, it needs planned, well considered development looking at what kind of community Cambridge we want to be in the coming years. Let's not be the handmaidens of developers who will construct buildings that are oversized for our infrastructure and sensibilities and then sit back to count their profits in the comfort of their own community far from Cambridge.

FYI: This morning, on a very crowded bus, I saw a newly married college educated working young woman I know who said that she was not certain how long she and her employed husband could afford to live in Cambridge. Several of their friends who live in the Kendal Square area have recently had their rents raised by a third. She wondered if the same would happen them in Central Square.

We tell people of all ages about the necessity of planning. I urge you as the entrusted leaders of Cambridge to do the same.

Sincerely,  
Jacquelyn Smith  
7 Ashburton Place