

MARIE ELENA SACCOCCIO
ATTORNEY AT LAW
55 OTIS STREET
CAMBRIDGE, MA 02141
TEL. NO.: 617-864-8403
EMAIL: SACCOCCIOM@YAHOO.COM

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Cambridge Planning Board
344 Broadway
Cambridge MA

Re: Petition #288 Leggat McCall

Dear Members of the Planning Board:

Please accept this letter as my formal opposition to Petition #288 in which Leggat McCall is requesting your approval of a Special Permit to reconstruct/destroy/resurrect the Edward Sullivan Courthouse at 40 Thorndike Street for private use. To be sure, the present structure is an albatross in the neighborhood, out of scale with its surroundings, and disrespectful of the historic nature of the surrounding residential blocks which are located on the National Register of Historic Places. While it is needless to mention, the albatross sits opposite a pristine Bullfinch structure.

I am a resident and owner of 55 Otis Street, situated in what is known as Millionaire's Row. I am a lifelong resident of East Cambridge. In fact, I am 4th generation to live here. My family has paid property taxes to the City of Cambridge for over a century. My residence is one block from the Sullivan Courthouse. I lived through the 10 years of pile driving and flooding so dramatic that row boats were used at the site to ferry around supplies and workers. At that time, there was much opposition in the neighborhood to the construction of the present building based on scale, parking and demolition of a block filled with historic brick low-rise buildings and its large courtyard. There were neighbors picketing the site, including my own mother. I say this so that you can understand that, from its inception, the scale of this project, along with the destruction of a lovely city block, was imposed on this neighborhood. Residents never objected to the placement of a court house as it had been here since the origin of the neighborhood and was deemed an asset at all times.

I realize that your job is circumscribed by your distinct authority and duties as Members of the Planning Board. You have before you a request for a structure even more massive than the Sullivan Court House. You have before you a request for change of use that is dramatic, from public use to private. Note, as a Court House hours were short, with most visitors exiting the building by late afternoon. The building was essentially closed in the evenings, save for the rare meeting or sporadic

inmate visitors. Weekends were extremely quiet, as were all the holidays. Put simply, the use of the building was public and very limited. I am sure you realize that the position of DCAM (as memorialized in their letter to a neighborhood group) is that their hands were tied by their statutory duty to get the full and fair market value of the property. I am sure you realize that the position of DCAM is that any remedy, if it exists, rests in the hands of the local zoning. So, in effect, DCAM lays the entire burden of this albatross at the feet of this Planning Board. Note, while DCAM certainly has the statutory duty to get the full and fair market value of the property, DCAM has cherry picked that mandate. Within the same statute, DCAM is fully authorized to restrict use in the conveyance; enforce that restriction in the future; even demand reversion of title for violation of the restriction. M.G.L. c. 7C, Sect. 34.

While perhaps not within the purview of your authority, I wish to also share a cautionary note on some legal issues looming:

Much of the court property here in Cambridge was the result of a gift of Andrew Craigie who had the foresight and courage to recognize that placing the county seat here in East Cambridge would determine its fate as a thriving neighborhood. It did just that. His gift of the property and some of our present buildings are memorialized in a deed with explicit restrictive covenants, such that the property would always be for PUBLIC use; for the benefit of the residents of Middlesex County at large but also for the benefit of the local abutters, to be constructed of stone and brick and in harmony with its neighbors.

Is this a public trust? Is this enforceable as to letter or spirit of the donor? Those of us in the legal profession may quibble about the legal issues. What is clear is that when you have a Yale educated attorney disagreeing with a Harvard educated attorney, you, indeed, have a legal issue. It would not be the first time the residents of East Cambridge filed suit. The first nuisance suit in the country based on public health conditions was brought by East Cambridge residents. John M. Tyler, et al, Petitioner vs. John P. Squire, et al, Respondents, (1874). (The residents won; today we find the prohibition against the rendering of fat memorialized in our city ordinance.).

Respectfully submitted,

Marie Elena Saccoccio
55 Otis Street
Cambridge, MA 02141
BBO# 552854
Tel: 617-864-8403

Betty Lee Saccoccio, Joining in this Objection
55 Otis Street
Cambridge, MA 02141
Tel: 8117-864-8403