ARTICLE 6.00 NOTICE

LEGAL NOTICE
PUBLIC NOTICE
RELATIVE TO ZONING
CITY OF CAMBRIDGE
MASSACHUSETTS
OFFICE OF THE CITY CLERK

Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on **Wednesday, March 24, 1999 at 5:30 p.m.** in the **Sullivan Chamber, 795 Massachusetts Avenue, 2nd floor,** Cambridge, Massachusetts, on a petition to amend Article 6.00 of the Zoning Ordinance of the City of Cambridge as follows:

1. Amend the heading of this article to read as follows:
"Off Street Parking and Loading Requirements and Nighttime Curfew on Large Commercial Through Trucks."

2. Amend the first sentence of Section 6.11 to read as follows:
it is the intent of this Article 6.000 to reduce traffic congestion, noises, vibrations, fumes and safety hazards caused by large commercial trucks, thereby promoting the safety, health and welfare of the public, by establishing requirements for off street parking and loading and restrictions ~~the night-time by large Commercial trucks~~ with points of origin and destinations outside the City of Cambridge in order to implement the purposes of The Zoning Act, Section 2A of Chapter 808, and Article 1.000, Section 1.30 of the Cambridge Zoning Ordinance, including:

- in lesser congestion in the streets
- to conserve health
- to conserve the value of land and buildings
- to prevent pollution of the environment
- to protect residential neighborhoods from incompatible activities; and
- to preserve and increase the amenities of the City."

3. Add a new Section 6.96 as follow:
6.96. Night-time Curfew on use of City Streets by Through Trucks. All trucks 2.5 tons or more in gross weight traveling through Cambridge from origins and to destinations outside the City are prohibited from using any City streets from the hours of 11:00 a.m. to 7:00 a.m. This curfew shall not apply to trucks with points of origin or delivery in the City of Cambridge. Nothing herein shall affect in any way restrictions on trucks currently in effect."

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee.
Councillor Henrietta Davis, Chair

AD #791171
Cambridge Chronicle, 3/4, 3/11/99

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MENU

The following menus will be served at congregate meal sites run by Somerville-Cambridge Elder Services. Reservations must be made by 10 a.m. on the previous day. The suggested donation is $1.50 per meal.

Thursday, March 11: Salisbury steak, onion gravy, peas, sweet potato, oatmeal bread, orange.

Friday, March 12: Cream of broccoli soup, crackers, crunchy fish wedge or turkey and gravy, O'Brien potato, Scali bread, mixed fruit or water-packed peaches.

Monday, March 15: American chop suey, mixed vegetables, French roll, brownie or diet chocolate pudding.

Tuesday, March 16: Baked chicken leg, mushroom gravy, mashed potatoes, spinach, cranberry sauce, whole wheat bread, butterscotch pudding.

Wednesday, March 17: Corned beef or low-sodium ham, mustard, boiled potatoes, carrots, cabbage, raisin bread, Jell-O.

Thursday, March 18: Apple juice, turkey chow mein, steamed brown rice, Oriental blend vegetables, rye bread, pineapple.

Friday, March 19: Stuffed shells with tomato sauce, garden salad with chick peas and dressing, green beans, Vienna bread, orange.

All meals are served with milk. Skim milk and low-sugar desserts are available and need to be ordered with the site manager. Menu subject to change.

ureau of Energy, at 1-800-632-8175.

For more information about Cambridge NA's services, call 1-800-728-1862 or visit ttp://www.townonline.com/community/vna.

ecture presents nsurance info

A health insurance presentation will be ponsored by SHINE (Serving Health Information Needs of Elders) and Cambridge ouncil on Aging on Thursday, March 25, at 1 .m. in the Milne Ballroom, Cambridge Senior enter, 806 Mass. Ave.

Seniors, their families and/or caregivers are nvited to bring their questions and concerns.

peaker emphasizes xercise for seniors

Maureen Conlon of Newton-Wellesley Hospital will be the guest speaker at the quarterly eting of the Greater Arlington Chapter of National Association of Retired Federal ployees to be held Wednesday, March 17,

DEATHS

William E. Alfred
Professor

William E. Alfred died May 20 at his home in Cambridge. He was 76.

Mr. Alfred was born in Brooklyn, N.Y., son of the late Thomas and Mary (Bunyan) Alfred, and was a resident of Cambridge. He was a U.S. Army veteran of World War II.

He graduated from Brooklyn College in 1948, and received his master's degree in 1949 and his Ph.D. in 1954. He was an English professor at Harvard University.

He was the half-brother of Vincent Allfrey; and uncle of Allison Allfrey and Richard Allfrey.

A Funeral Mass will be held May 28 at 10 a.m. at St. Paul's Church in Cambridge, with burial at Mt. Auburn Cemetery. Arrangements were made by the Keefe Funeral Home in Cambridge.

Donations in Mr. Alfred's memory may be made to the Boston Archdiocesan Choir School or a Cambridge homeless shelter.

Mary M. Casey
Homemaker

Mary M. (Hynes) Casey died May 15 at the Sancta Maria Nursing Facility in Cambridge after a brief illness. She was 85.

Mrs. Casey was a lifelong resident of Cambridge. She was a homemaker.

She was the wife of John E. Casey; mother of John E. Casey Jr. of Arizona; grandmother of Christine, David and Michelle Casey; great-grandmother of Shaun and Ashley; and sister of C. Edward "Sid" Hynes of Cambridge. She is also survived by many nieces and nephews.

A Funeral Mass was held May 19 at St. Peter's Church, with burial at Mass National Cemetery in Bourne. Arrangements were made by the Hickey Funeral Home in Cambridge.

Marion A. Donahue
Pediatric nurse

Marion A. Donahue died May 16 at the Hollywell Health Care Facility in Randolph after a brief illness. She was 89.

Ms. Donahue was born in Cambridge where she lived for many years before moving to Woburn. She was a 1932 graduate of Cambridge City Hospital School of Nursing, and was in the first group of Army nurses to enter the European Theater of Operations in World War II. Following her military services, she served as a pediatric nurse with the late Drs. Alfred Weller and Irving Koretsky in Arlington.

She was the daughter of the late Joseph and Abigail Donahue; and sister of the late Edward, George and Frank Donahue and Alice Donahue Kane. She is also survived by three nephews, Paul, Thomas and Joseph Donahue; and four nieces, Marie Vachon, Claire Skelton, Abigail Burns and Margaret Ann Dolan.

A Funeral Mass was held May 19 at St. Peter's Church, with burial at Holy Cross Cemetery. Arrangements were made by the Hickey Funeral Home in Cambridge.

Emily M. Doran
Housekeeper

Emily M. (McGrath) Doran died May 25 at Cambridge Nursing Home after a lengthy illness. She was 87.

Mrs. Doran was born in Cambridge, daughter of the late Joseph and Exeldra (Doiron) McGrath, and was a longtime resident. She was a housekeeper in private homes.

She was the wife of the late James Doran; sister of the late Henry McGrath; and sister-in-law of Marie Doran of Somerville.

A Funeral Mass will be held May 28 at 9 a.m. at Immaculate Conception Church in Cambridge, with burial at Mt. Auburn Cemetery. Arrangements were made by the Keefe Funeral Home in Cambridge.

John Fleagle Jr.
Musician

John Fleagle Jr. died May 17 at his home in Somerville. He was 47.

Mr. Fleagle was born in Pennsylvania, son of Rachel (Kiuru) and the late John Fleagle Sr. He was a graduate of Woodstock Academy High School and Quadrivium Collegium, and attended Berkley.

He played the gothic harp, lute, and hurdy-gurdy, which he designed and built himself. He performed regularly with Trio LiveOak, Alexander's Feast, and many other early music ensembles. He also was a costumed interpretor at Sturbridge Village for three years.

In March 1994, he performed his version of the 900-year-old Anglo-Norman saga, "The Voyage of St. Brendan," in Longy School of Music in Cambridge, accompanying himself only on gothic harp, and was written up in the Boston Globe entertainment section. Many benefit concerts were held to help raise money for his medical expenses.

He was the brother of Nancy Williams of Somerville and Robert Fleagle of Cambridge; nephew of Alma Morris of Cambridge and Aili Kiuru of Arlington; and longtime companion of Lottie Labys of Somerville.

A graveside committal of ashes was held May 20 at Barlow Cemetery in Woodstock, Conn. Arrangements were made by the Keefe Funeral Home in Cambridge.

James P. Hastings
Auditor

James P. Hastings died May 7 at his home in Cambridge after a brief illness. He was 73.

Mr. Hastings was a lifelong resident of Cambridge. He was retired from the auditing department for the city of Cambridge, and was an Army veteran of World War II.

He was the son of the late Catherine "Kitty" and Fred Whittington; brother of Fred Whittington Jr. of Billerica; cousin of Carole A. Gentile and her husband John, and their children John and Debbie Gentile; and uncle of Betty Donahue of Somerville, Lil Cronin and Marlene O'Toole of Florida, Jud Margeson of Attleboro, Bob Margeson of Jamaica Plain, and Ron Margeson of

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John Supprise of Arlington, Jay Linardy of Lowell, Henry J. Marcotte Jr. of Somerville, Carol Coyne of Maine, Jean Roche of Somerville, and Robin Conte of Billerica; and brother of Mary Trout of Cambridge, Louise Hegarty of Arlington, Steve Marcotte of Sharon, and the late Peter and Robert Marcotte. He is also survived by 15 grandchildren and seven great-grandchildren.

A Funeral Mass was held May 15 at St. Ann's Church in Somerville, with burial at Mt. Auburn Cemetery in Cambridge. Arrangements were made by the Doherty Funeral Home in Somerville.

Henry J. Marcotte Sr.
Supervisor

Henry J. Marcotte Sr. died May 13 in Bennington, Vt. He was 74.

Mr. Marcotte was born in Cambridge and was a resident of Somerville for 30 years. He worked as a supervisor at Bradford Novelty Shop.

He was the husband of the late Mary (Wood) Marcotte; father of Wilmington.

Graveside services will be held June 9 at 1 p.m. at Cambridge Cemetery. Arrangements were made by the Cota-Struzziero Funeral Home in Somerville.

Gene A. Meyer
Educator

Gene A. Meyer died May 19 at his home in Cambridge. He was 51.

Mr. Meyer was born in Minnesota, son of Arnold and Ellen (Vogelsang) Meyer. An Army veteran, he was an educator for Cambridge Rindge and Latin School for many years. He was in charge of special education.

He was the brother of Dennis Meyer of Iowa, and Ronald Meyer and David Meyer, both of Minnesota; and companion of Jack Lee of Cambridge. He is also survived by several nieces and nephews.

A memorial service will be held at a later date. Burial took place in Wells, Minn. Arrangements were made by the Keefe Funeral Home in Cambridge.

Flower donations may be sent to the Bruss-Heitner Funeral Home, 255 Second Ave. SW, Wells, Minn., 56097.

John F. Murphy
Maintenance worker

John F. Murphy died May 20 at Magoun Manor Nursing Home in Medford after a lengthy illness. He was 80.

Mr. Murphy was born in Cambridge, son of the late Cornelius and Elizabeth (Doherty) Murphy, and was a longtime resident of Somerville. He was a 1935 graduate of St. Joseph's High School, and was retired from the Kit Clark Senior Citizen Center in Boston.

He was the brother of Marie O'Donnell of Plymouth, and the late Daniel and Edward Murphy, Helen Egan Getty and Florence Smith; and uncle of Betty Donahue of Somerville, Lil Cronin and Marlene O'Toole of Florida, Jud Margeson of Attleboro, Bob Margeson of Jamaica Plain, and Ron Margeson of

Florence C. Patriquin
Lodge owner

Florence C. (McGillveary) Patriquin died May 19 at Southern Maine Medical Center in Biddeford after a brief illness. She was 74.

Mrs. Patriquin was born in Connecticut, daughter of the late Donald and Flora (MacDonald) McGillveary, and was a former resident of Cambridge. She was director of the credit union at the Herald Traveler during the 1940s and early 1950s. In 1963 she and her husband opened the Patriquin Lodge on Long Lake in Naples, Maine.

She was the wife of the late Carleton Woodend Patriquin; mother of John C. and his wife Pamela Rodgers of Maine, William E. and his wife Wendy Taylor of Dover, Donald E. of Maine, and Jane F. of Cambridge; grandmother of John C. and Joseph R. of Maine, and Josiah M. and Anne C. of Dover; and sister of Arthur McGillveary of Sandwich, Dorothy Blanchard of Florida, and the late Robert and John A. McGillveary.

Graveside services were held May 22 at Highland Cemetery in Dover.

Donations in Mrs. Patriquin's memory may be made to South Norfolk County Association for Retarded Citizens, 789 Clapboardtree St., Westwood, Mass., 02090, Attention: Development.

Barbara A. Plenty
Telephone operator

Barbara A. Plenty died May 6 in Anchorage, Alaska. She was 63.

Mrs. Plenty was born in Cambridge and was a lifelong resident. She was retired from MIT where she was employed as a telephone operator for many years. She loved opera and all classical music. She was a professional seamstress and enjoyed watercoloring and sketching.

She was the mother of Scott Plenty of Cambridge; mother-in-law of Evelyn Plenty of Cambridge; sister of Evelyn Moore of Alaska, Nancie Price of New Jersey, Gladys Mercer of Boston, and Judi Carr of Cambridge; close friend of Lou Hill of Cambridge; and aunt of Dena Rothwell and Debra Moss, both of Alaska. She is also survived by many nieces, nephews, and friends.

A memorial service was held May 11 at the Mary Conrad Chapel in Anchorage, Alaska.

Ellen Quigley
Accountant

Ellen (Maher) Quigley died May 23 at the Meadow Green Nursing Home in Waltham. She was 82.

Mrs. Quigley was born in Cambridge, daughter of the late Daniel J. and Mary M. (Carr) Maher. She was a graduate of Cambridge High and Latin School and a resident of Watertown for 50 years.

She was a former accountant for First National Bank of Boston, Union Market National Bank, and was retired from BayBank. She was also a member of Our Lady of Mercy Ladies Club in Belmont, and past president of VFW Waverley Post 1272 Auxiliary in Belmont.

She was the wife of the late Peter F. Quigley; and sister of Mary M. Maher of Watertown, James D. Maher of Cambridge, Daniel J. Maher of Lexington, John F. Maher of Arlington, Robert B. Maher of Connecticut, and Elizabeth Breitmaier of Billerica. She is also survived by 26 nieces and nephews, and 41 grandnieces and grandnephews.

A Funeral Mass was held May 26 at the Church of St. Patrick in Watertown, with burial at Newton Cemetery. Arrangements were made by the MacDonald, Rockwell and MacDonald Funeral Home in Watertown.

Donations in Mrs. Quigley's memory may be made to the American Lung Association, Box 265, Burlington, Mass., 01803.

Frances K. Vandermark
Artist, teacher

Frances (Keyes) Vandermark died May 18 at the Lodge of Riverwoods. She was 86.

Mrs. Vandermark was born in Brookline, daughter of the late Henry F. and Marion B. (Call) Keyes. She attended the School of Practical Arts in Boston. Her first job was a staff artist for the Children's Museum in Jamaica Plain. She later taught art at Wheelock and mechanical drawing at MIT.

During World War II she served in the WAVES working as a cartographer in the hydrographic office in Washington, D.C. She later taught art at Dexter and Buckingham schools. She married in 1946 and lived in Cambridge where they raised their family.

After retiring with her husband to Annisquam, Mrs. Vandermark continued as an active artist and a member of the Rockport Art Association. She was active with the Annisquam Village Hall assocation and the Annisquam Village Church until she moved to Riverwoods in Exeter, N.H.

She was the wife of the late John H. Vandermark; mother of Peter of New Hampshire and Henry K. of Cambridge; and grandmother of Alex and Ethan of New Hampshire.

Funeral services will be held June 4 at 11 a.m. at Annisquam Village Church in Gloucester. Assistance with the arrangements was made by the Stockbridge Funeral Home in Exeter.

Donations in Mrs. Vandermark's memory may be made to the Seacoast Hospice, 10 Hampton Road, Exeter, N.H., 03833.

Emily M. West
Homemaker

Emily (Mountz) West died May 20 at her home in Cambridge after a lengthy illness. She was 63.

Mrs. West was born in Boston, daughter of the late James and Margaret (Glover) Mountz. She attended the Winsor School in Boston and Cornell University, from which she graduated with a bachelor of arts degree in 1957 and a master of arts degree in teaching in 1958.

She lived in Wisconsin for 28 years before moving to Cambridge in 1994 with her husband. She was active in civic affairs in Cambridge, serving on the Mid-Cambridge Neighborhood Coordinating Council and Cambridge's Library 21 Committee. She also served on the alumnae board of the Winsor School, and was the chair of its Nora Saltonstall Scholarship Committee.

She was the wife of Allen C. West; mother of Mrs. James M. (Margaret C.) Bennett of Ohio, Mrs. David S. (Katherine H.) Walles of Agawam, and Daniel C. West of Cambridge; grandmother of Andrew and Christopher Walles, Jenni Bennett, and the late Michael C. Bennett; and sister of Mrs. John P. (Helen) Talbot of California.

A memorial service was held May 25 at Bigelow Chapel, Mt. Auburn Cemetery.

Donations in Mrs. West's memory may be made to VNA Care Choices, 245 Winter St., Waltham, Mass., 02154 or the Nora Saltonstall Scholarship Fund at the Winsor School, Pilgrim Road, Boston, Mass., 02215.

COMMUNITY NEWSPAPER COMPANY

MORTGAGE LINE

COMMUNITY NEWSPAPER COMPANY

Rates as of May 19, 1999. Information supplied by Mortgage Information Services, Inc.*

LENDER NAME	TELEPHONE	30-YEAR FIXED CONFORMING			30-YEAR FIXED JUMBO			1-YEAR ARM CONFORMING			3-YEAR ARM CONFORMING			5-YEAR ARM CONFORMING		
		%	pts	APR	%	pts	APR	%	pts	APR	%	pts	APR	%	pts	APR
Action Mortgage Corp.	(800) 331-4715	6.750	2.000	6.948	7.250	1.000	7.351	6.375	0.000	7.763	6.625	0.000	7.566	6.875	0.000	7.485
Assurance Mortgage	(800) 875-1996	6.625	2.000	6.822	6.750	2.000	6.948	4.500	1.750	7.532	5.625	1.750	7.375	5.875	1.750	7.184
BankAmerica	(800) 272-6704	6.500	1.000	6.695	6.625	2.000	6.822	5.250	2.000	6.714	6.000	2.000	7.371	6.000	1.875	6.656
BankBoston	(800) 2-BOSTON	7.000	2.000	7.201	7.000	2.000	7.201	5.750	2.000	7.683	5.750	2.000	7.366	6.250	2.000	7.286
Bay State Federal Savings	(617) 739-9500	7.125	2.000	7.328	7.250	2.000	7.455	4.500	1.000	7.356	5.990	2.000	7.419	6.625	2.000	7.439
Belmont Savings Bank	(617) 484-8300	6.875	2.000	7.075	7.000	2.000	7.200	3.625	2.000	7.250	5.750	1.000	7.166	6.375	0.000	7.067
Boston Federal	(800) 688-LOAN	6.990	2.000	7.191	7.125	2.000	7.328	5.125	2.000	7.440	5.875	2.000	7.250	6.125	2.000	7.162
Braintree Co-operative Bank	(617) 843-1370	6.875	2.000	7.075	7.125	2.000	7.328	5.750	0.000	5.787	6.250	0.000	6.265	6.000	2.000	7.112
Cambridgeport Bank	(800) 942-4449	7.125	1.625	7.289	7.375	1.375	7.516	5.625	1.000	7.455	6.250	1.000	7.297	6.375	1.000	7.164
Charter Bank	(888) 881-6800	7.000	2.000	7.201	7.250	1.750	7.428	5.000	2.000	7.650	6.125	1.750	7.686	6.375	2.000	7.264
Chase Manhattan Mortgage	(617) 821-6421	6.750	2.000	6.948	7.000	2.000	7.201	5.750	2.000	7.570	6.000	2.000	7.005	6.500	2.000	7.314
Co-operative Mortgage Co.	(888) 360-6789	6.625	2.000	6.822	7.125	2.000	7.328	5.125	2.000	7.440	5.875	2.000	7.479	6.000	2.000	7.258
Commonwealth Bank	(800)924-9091	7.250	0.000	7.250	7.375	0.000	7.375	6.000	0.000	7.834	0.000	0.000	0.000	0.000	0.000	0.000
DCU Federal Credit Union	(800) 328-8797	7.125	2.000	7.328	7.375	2.000	7.581	5.250	2.000	7.495	6.125	1.000	7.264	6.375	1.000	7.164
Dedham Savings	(800) 461-1196	7.000	1.000	7.100	7.125	1.000	7.226	5.375	1.000	6.301	6.000	1.000	7.372	6.750	1.000	7.595
East Cambridge Savings Bank	(617) 354-7700	6.625	2.000	6.822	7.375	2.000	7.375	5.500	0.000	7.339	6.250	0.000	7.543	n/a	n/a	n/a
East-West Mortgage Co.	(800) 470-3703	6.625	2.250	6.847	6.880	1.750	7.054	4.750	1.750	7.377	5.630	2.250	7.258	5.990	2.250	7.133
Eastern Bank	888 432-6847	6.625	2.000	6.822	6.750	2.000	6.948	5.000	2.000	7.550	5.750	2.000	7.355	6.000	2.000	7.258
First Massachusetts Mortgage	(800) 308-5395	6.625	2.500	6.872	6.750	2.500	6.999	4.500	2.000	7.356	5.500	2.000	7.196	6.000	2.000	7.112
FIRSTFED	(800) 377-6181	7.125	2.000	7.328	7.125	2.000	7.328	4.750	2.000	7.604	6.000	2.000	7.512	6.125	2.000	7.308
Fleet	(800) 9-FLEET-1	6.750	2.000	6.948	6.875	2.000	7.075	5.500	2.000	7.542	6.250	2.000	7.397	6.625	2.000	7.366
Foundation Mortgage Corp.	(800) 525-0958	6.500	2.000	6.695	6.750	2.000	6.948	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Hyde Park Savings Bank	(617) 361-1450	7.000	1.000	7.100	7.250	1.000	7.351	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Infinity Mortgage	(888) 463-4040	6.875	2.000	7.075	7.000	2.000	7.201	4.325	2.000	7.324	5.500	2.000	7.439	6.000	2.000	7.424
Leader Mortgage	(800) 562-6690	6.500	2.000	6.695	6.750	2.000	6.948	5.000	2.000	7.550	5.500	2.000	7.196	5.875	2.000	7.062
Lowell Co-operative Bank	(888) 676-2222	6.750	2.000	6.948	7.000	2.000	7.201	5.125	2.000	7.674	5.875	2.000	7.298	6.250	2.000	7.213
Medford Co-operative Bank	(781) 395-2800	6.625	2.000	6.822	7.000	2.000	7.201	5.500	0.000	7.119	6.000	0.000	7.298	n/a	n/a	n/a
Middlesex Savings Bank	(877) 463-0287	6.750	2.000	6.948	n/a	n/a	n/a	6.500	0.000	7.439	6.750	0.000	7.329	6.875	0.000	7.267
Mortgage Partners	(978) 459-1800	6.375	1.750	6.544	6.500	1.500	6.646	5.750	1.750	7.544	6.250	1.800	7.377	6.750	1.875	7.377
Natick Federal Savings	(508) 653-2340	7.125	2.000	7.328	7.625	2.000	7.834	5.250	2.000	7.068	6.375	2.000	7.086	6.500	2.000	7.037
Norwood Co-operative Bank	(781) 255-7852	7.125	2.000	7.328	7.500	2.000	7.708	5.250	2.000	7.495	6.125	2.000	7.711	6.875	2.000	7.469
Powder House Mortgage	(800)781-0909	6.875	2.750	7.080	6.875	2.000	7.075	4.500	2.000	7.154	5.750	2.000	7.265	6.000	2.000	7.112
Stagestone Mortgage Co.	(800) 363-1881	6.500	2.000	6.695	6.750	2.000	6.948	4.000	2.000	7.060	6.250	2.000	7.397	6.500	2.000	7.314
The Bank of Canton	(781)828-5626	6.750	2.000	6.948	6.750	2.000	6.946	5.125	2.000	7.573	5.750	1.125	7.268	6.000	1.125	7.100
Wellesley Co-op	(617) 235-2550	6.750	2.000	6.948	7.125	1.000	7.226	5.000	2.000	7.650	6.375	1.000	7.511	6.750	1.000	7.462
Winter Hill Fed.Sav.Bank	(800) 444-4932	7.125	1.750	7.307	7.500	1.000	7.600	5.000	1.000	7.347	6.125	1.000	7.364	6.375	1.000	7.237

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LEGAL NOTICES

BARTIE GUARDIANSHIP
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
MIDDLESEX, SS DIVISION
DOCKET NO. 99P2236GI
GUARDIANSHIP - MENTALLY ILL WITH SURETIES
NOTICE

To Ben S. Bartie, Sr. of Cambridge in said county and wife and heirs apparent or presumptive:

A petition has been presented in the above-captioned matter alleging that said Ben S. Bartie, Sr. is a mentally ill person and praying that Rosa A. Bartie of Cambridge in the County of Middlesex and Jared F. Bartie of Brooklyn in the State of New York -or some other suitable person - be appointed his guardian; with the further authority to treat with antipsychotic medication in accordance with the treatment plan.

IF you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said court at Cambridge, on or before June 11, 1999.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the fifth day of May in the year of our Lord one thousand nine hundred and ninety nine.

Marie A. Gardin
Acting Register of Probate Court

AD #861528
Cambridge Chronicle, 5/27/99

BRODERICK RETURN
LEGAL NOTICE
THE ANNUAL RETURN OF THE ROBERT F. BRODERICK MEMORIAL FOUNDATION IS AVAILABLE FOR INSPECTION AT ITS PRINCIPAL OFFICE DURING REGULAR BUSINESS HOURS BY ANY CITIZEN WHO REQUESTS AN INSPECTION WITHIN 180 DAYS AFTER THE DATE OF THIS NOTICE.

CONTACT: DANIEL P. BRODERICK
43 THORNDIKE STREET
CAMBRIDGE, MA 02141
(617) 494-4700

AD #861863
Cambridge Chronicle, 5/27/99

CDC 6/7 HEARING
LEGAL NOTICE
MID CAMBRIDGE NEIGHBORHOOD CONSERVATION DISTRICT COMMISSION

Notice is hereby given that the Commission will hold a Public Hearing on Monday, June 7, 1999 at 5:30 PM in the third floor conference room at the City Hall Annex, 57 Inman Street, to consider the following applications for Certificate of Appropriateness under Article III and the ordinance establishing the Commission:

MC-1675: 4 Hancock Park: For review of non-binding Certificate of Appropriateness to construct shed dormer, restore entrance porch, add 100 sf sun room, and remove shed and fire escape. By Keith and Elizabeth Dionne.

MC-1687: 84 Inman Street: For review of non-binding Certificate of Appropriateness to rebuild front porch and alter orientation and to enclose front yard with fencing. By Maria Loring and Al Wroblewski.

MC-1688: 8 Broadway Terrace: For review of binding Certificate of Appropriateness to demolish concrete block garage and construct 1566 sf building. By Sharon Boccelli.

MC-1690: 75-81 Antrim: For binding review of amendments to previously-issued Certificate of Appropriateness for renovations and new construction; footprint and mass of both structures remains the same; amendments pertain to requested variance conditions at 75-77 Antrim relative to open space requirements and floor area changes on interior only, and at 79-81 Antrim relative to floor area changes on interior only and to lowering of basement level window sill heights. By John Kennedy.

MC-1691: 420 Broadway: For review of non-binding Certificate of Appropriateness to reconstruct facade and half of west elevation of existing building, rebuild roofline to 19'6", construct four small windows on south elevation, and install lighting on south elevation. By Charles Sage and Edward Morandi, Trustee, S&M Realty Trust on behalf of the Government of Switzerland.

John Moos, Chairman

AD #861865
Cambridge Chronicle, 5/27, 6/3/99

CHALFEN ESTATE

LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
MIDDLESEX, SS DIVISION
DOCKET NO. 99P2374EP

ESTATE OF Mary Chalfen also known as Mary Elizabeth Garrett Chalfen
LATE OF Cambridge
IN THE COUNTY OF MIDDLESEX
NOTICE

A petition has been presented in the above captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Melvin.H. Chalfen of Cambridge in the County of Middlesex be appointed executor without giving surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 a.m. in the forenoon on June 18, 1999.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twelfth day of May in the year of our Lord one thousand nine hundred ninety nine.

Marie A. Gardin
Acting Register of Probate Court

AD #861527
Cambridge Chronicle, 5/27/99

Constable Services Bids
LEGAL NOTICE
INVITATION FOR BIDS

The Cambridge Housing Authority invites sealed bids to perform Constable services. Services will include serving legal notices to public housing tenants and performing evictions. The period of this contract will be for one year.

Bidding documents will be available until the date and time set for the bid opening. There is no charge for the documents which will be mailed on request or may be picked up at the Cambridge Housing Authority, Legal Department, 675 Massachusetts Avenue, 2nd Floor, Cambridge, MA 02139.

Bids will be subject to approval, and awarded by the Cambridge Housing Authority Board of Commissioners. Bids will be irrevocable for a period of 30 days from the date of bid opening.

The Cambridge Housing Authority reserves the right to reject any or all bids and to waive informalities.

Bids must be received at the offices of the Cambridge Housing Authority, 675 Massachusetts Avenue, 2nd Floor Cambridge, MA 02139.

Bids will be subject to approval, and awarded by the Cambridge Housing Authority Board of Commissioners. Bids will be irrevocable for a period of 30 days from the date of bid opening.

The Cambridge Housing Authority reserves the right to reject any or all bids and to waive informalities.

Bids must be received at the offices of the Cambridge Housing Authority, 675 Massachusetts Avenue, 2nd floor, Cambridge, MA 02139, no later than 11:00 a.m. on Friday, June 4, 1999. At that time, all bids will be publicly opened and read aloud.

Ad# 854036
Cambridge Chronicle, 5/27/99

DAN COACH LICENSE
LEGAL NOTICE
CITY OF CAMBRIDGE
BOARD OF
LICENSE COMMISSIONERS

Notice is hereby given that Daniel Hermon, d/b/a Dan Coach, has applied for a Livery/Limousine License for one vehicle at 605 Massachusetts Avenue, 1st Floor.

The hearing on this application will be heard at six o'clock on Tuesday evening, June 8, 1999 in the Basement Conference of the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, Cambridge.

Benjamin Barnes
Kevin Fitzgerald
Henry Breen
License Commission

AD #859184
Cambridge Chronicle, 5/27/99

ETHIOPIAN RESTAURANT LICENSE
LEGAL NOTICE
CITY OF CAMBRIDGE
BOARD OF
LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138 as amended, that Ethiopian Restaurant & Bar, Inc., George Paras, Manager, holder of an All Alcoholic Beverages as a Restaurant license at 12 Central Square has applied for an extension of its Inactive license.

The hearing on this application will be held on Tuesday evening, June 8, 1999 at six o'clock in the Basement Conference Room of the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue.

Benjamin Barnes
Kevin Fitzgerald
Henry Breen
License Commission

AD #859181
Cambridge Chronicle, 5/27/99

FURNISHINGS BIDS
LEGAL NOTICE
CITY OF CAMBRIDGE
PURCHASING DEPARTMENT

Sealed bids will be received at the Office of the Purchasing Agent, Room 211A, City Hall, Cambridge, Mass. 02139-3219, until 11:00 A.M. **JUNE 10, 1999** at which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge:

MISCELLANEOUS FURNISHINGS FOR HUMAN SERVICES DEPARTMENT
SIGMA CAMA SOFTWARE UPGRADE ENHANCEMENT & MAINTENANCE
FUEL MANAGEMENT SYSTEM
(FILE NO. 3384A) (1)

The City of Cambridge reserves the right to waive any minor informalities or to reject any or all bids if it is in the City's best interest to do so. Specifications may be obtained at the Office of the Purchasing Agent. Each bid must be in a sealed envelope marked "Bid for (Commodity/Service)" and addressed to Andrea J. Spears, Acting Purchasing Agent.

Andrea J. Spears
Acting Purchasing Agent

AD #860287
Cambridge Chronicle, 5/27/99

GELOWTSKY ESTATE
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
MIDDLESEX, SS DIVISION
DOCKET NO. 99P2342EP

ESTATE OF Julia Gelowtsky
LATE OF Cambridge
IN THE COUNTY OF MIDDLESEX
NOTICE

A petition has been presented in the above captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Marcessia X. Gelowtski of Cambridge in the County of Middlesex be appointed executrix without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 a.m. in the forenoon on June 17, 1999.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the eleventh day of May in the year of our Lord one thousand nine hundred ninety nine.

Marie A. Gardin
Acting Register of Probate Court

AD #861861
Cambridge Chronicle, 5/27/99

LEONARD ESTATE
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
MIDDLESEX, SS DIVISION
DOCKET NO. 99P2307EP

ESTATE OF Clare V. Campbell Leonard also known as Clare V. Leonard
LATE OF Cambridge
IN THE COUNTY OF MIDDLESEX
NOTICE

A petition has been presented in the above captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that William F. Leonard of Cambridge in the County of Middlesex and Clare M. McKenna of Andover in the County of Essex be appointed executors without giving surety on their bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 a.m. in the forenoon on June 15, 1999.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said court at Cambridge, the seventh day of May in the year of our Lord one thousand nine hundred ninety nine.

Marie A. Gardin
Acting Register of Probate Court

AD #859185
Cambridge Chronicle, 5/27/99

LUCKY GARDEN LICENSE
LEGAL NOTICE
CITY OF CAMBRIDGE
BOARD OF
LICENSE COMMISSIONERS

Notice is hereby given that Fu Xing, Inc. d/b/a Lucky Garden Restaurant, Ming Liang Zhang, Manager, has applied for a Common Victualer license to be exercised on the first floor at 282 Concord Avenue. Said license, if granted, would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises and to have a total occupancy of 50 persons. Said license, if granted, would be exercised Monday through Thursday, from 11:30 a.m. to 10:30 p.m., Friday and Saturday from 11:30 a.m. to 11:30 p.m. and Sunday from noon to 10:30 p.m.

The hearing on this application will be heard on Tuesday evening, June 8, 1999 at six o'clock in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, Cambridge.

Benjamin C. Barnes
Kevin J. Fitzgerald
Henry Breen
License Commission

AD #859180
Cambridge Chronicle, 5/27/99

MACAULAY GUARDIANSHIP
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
GUARDIAN - MAINTENANCE
MIDDLESEX DIVISION
DOCKET NO. 97P-6000
SALE OF REAL ESTATE
NOTICE

To all persons interested in the estate of Lewis N. Macaulay of Cambridge in said County, Middlesex, mentally ill person. A petition has been presented to said Court praying for license to sell - at private sale - certain real estate of said Lewis N. Macaulay for his maintenance.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on June 11, 1999.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the 13th day of May, in the year of our Lord, one thousand nineteen hundred and nine

Marie A. Gardin
Acting Register of Probate Court

AD #861864
Cambridge Chronicle, 5/27/99

MCMAHON ESTATE
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
MIDDLESEX DIVISION
DOCKET NO. 99P2269AD
ADMINISTRATION
WITHOUT SURETIES

Estate of Mary T. McMahon
late of Cambridge
in the County of Middlesex
NOTICE

A petition has been presented in the above-captioned matter praying that Joseph P. Cusack of Cambridge in the County of Middlesex be appointed administrator of said estate without giving surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on June 11, 1999.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the tenth day of May in the year of our Lord one thousand nine hundred and ninety nine.

Marie A. Gardin
Acting Register of Probate Court

AD #860289
Cambridge Chronicle, 5/27/99

ORD 2844

LEGAL NOTICE
CITY OF CAMBRIDGE
FIRST PUBLICATION NUMBER 2844
IN THE YEAR ONE THOUSAND, NINE HUNDRED NINETY-NINE
AN ORDINANCE

In Amendment to the "Zoning Ordinance of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

To amend Article 6.0 of the Zoning Ordinance of the City of Cambridge as follows:

1. Amend the heading of this article to read as follows:

"Off Street Parking and Loading Requirements and Nighttime Curfew on Large Commercial Through Trucks."

2. Amend the first sentence of Section 6.11 to read as follows:

It is the intent of this Article 6.000 to reduce traffic congestion, noises, vibrations, fumes and safety hazards caused by large commercial trucks, thereby promoting the safety, health and welfare of the public, by establishing requirements for off street parking and loading and restrictions on the use of City streets during the night-time by large commercial trucks with points of origin and destinations outside the the City of Cambridge in order to implement the purposes of The Zoning Act, Section 9A of Chapter 808, and Article 1.000, Section 1.30 of the Cambridge Zoning Ordinance, including:

- to lessen congestion in the street
- to conserve health
- to conserve the value of land and buildings
- to prevent pollution of the environment
- to protect residential neighborhoods from incompatible activities, and
- to preserve and increase the amenities of the City."

3. Add a new Section 6.96 as follows:

6.96. Night-Time Curfew on use of City Streets by Through Trucks. All trucks 2.5 tons or more in gross weight traveling through Cambridge from origins and to destinations outside the City are prohibited from using any City streets from the hours of 11:00 p.m. to 7:00 a.m. This curfew shall not apply to trucks with points of origin or delivery in the City of Cambridge. Nothing herein shall affect in any way restrictions on trucks currently in effect"

Passed to a second reading at the City Council Meeting held on May 24, 1999 and on or after June 7, 1999 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury, City Clerk

AD #861019
Cambridge Chronicle, 5/27/99

ORD 2845

LEGAL NOTICE
CITY OF CAMBRIDGE
FIRST PUBLICATION NUMBER 2845
IN THE YEAR ONE THOUSAND, NINE HUNDRED NINETY-NINE
AN ORDINANCE

In Amendment to the "Zoning Ordinances of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

A. In Article 2.000 - Definitions, amend the definition of "Green Area" to read as follows:

Green Area.

A landscaped area of land associated with and located on the same tract of land as a major building or group of buildings in relation to which it serves to provide light and air, or scenic, recreational or similar purposes. Green area shall, except as stated below, be completely planted with living trees, grass ground cover, bushes, shrubs, and/or similar vegetation, as well as water and other natural features of the site. Previous ground covers such as wood shavings may be used, but only as mulch beneath vegetation.

Such area may not include any portion of the lot used for parking access drives or other hard surface areas except walks and terraces designed and intended for non-vehicular use. However, in no case shall hard surfaced walks and terraces exceed twenty-five (25) percent of the total required green area.

Green area shall consist of open space at grade, with vegetation as stated above. It shall be open and unobstructed to the sky. It shall consist of friable, permeable material (including but not limited to loam, gravel, sand and crushed stone, and including naturally occurring soil, bedrock, and incidental pipes and other underground utilities) having a minimum depth of three feet. Said land shall be capable of supporting the growth of trees, grass, ground cover, bushes, shrubs, and similar vegetation.

B. Amend Section 4.21.c. to read as follows:

Provision of parking for occupants, employees, customers, or visitors shall be considered as an accessory use, provided that:

(1) where accessory to residential uses, such parking shall be limited to the accommodation of three passenger vehicles, or two passenger vehicles for each dwelling unit, whichever is greater, and
(2) an accessory building used for garage purposes shall be limited to the accommodation of one passenger vehicle.

C. Amend Section 4.21.d. to read as follows:

A customary home occupation or the office of a resident physician, dentist, attorney-at-law, architect, engineer, or member of other recognized profession shall be considered as an accessory use, provided that:

(1) no more than three persons shall practice or be employed on the premises at any one time, and
(2) said use shall not occur in an accessory building.

D. Amend Section 4:11.g.(2) to read as follows:

The total area of uses accessory to the principal use except for non-structural parking facilities and driveways may not occupy more than 150 square feet of the area of the lot.

E. Amend Section 4.21.h to read as follows:

An accessory building shall not occupy more than 150 square feet of the area of the lot. No side of an accessory building shall exceed 18 feet in length. An accessory building shall not be located nearer than ten (10) feet to the principal building or nearer than five (5) feet to any side or rear lot line or nearer to the front lot line than the minimum setback in the zoning district. No lot may contain more than one accessory building.

F. Amend Section 4.2.k to read as follows:

No accessory building shall be constructed except at natural grade, nor may any accessory building exceed fifteen (15) feet in height above mean natural grade.

G. Add a new Section 4.21.0, reading as follows:

o. An ornamental pool shall be considered an allowed accessory use, subject to the following conditions:

(1) With regard to the ornamental pool itself:
(a) Its height shall not exceed two (2) feet above mean natural grade;
(b) It shall not exceed two (2) feet in depth; and
(c) It shall otherwise comply with the provisions of this section 4.21 with regard to the dimensions of accessory buildings.

(2) With regard to any structure or structures contained in the ornamental pool:
(a) The total area of said structures shall not occupy an area in excess of 15% of the area of the ornamental pool; and
(b) They shall otherwise comply with the provisions of this section 4.21 with regard to the dimensions of accessory buildings.

H. Delete section 5.22.3 as the zoning ordinance is numbered prior to the changes below.

I. Insert a new Section 5.22 reading as follows, and renumber the existing Sections 5.22 and following accordingly.

5.22 Minimum Standards for Yards:

5.22.1 Minimum Standards for Yards in Office, Residence and Open Space Districts.

Yards in Office, Residence and Open Space Districts shall comply with the following standards:

(1) Setbacks.
Buildings shall comply with yard requirements stated in this Zoning Ordinance by being set back above and below ground.
(2) Green area - general.
Three of the yards on a lot shall consist exclusively of green area as defined in section 2.000. At a minimum, green area setback shall consist of permanently maintained densely planted trees and shrubs that may be expected to form within three (3) years after time of planting a continuous unbroken, year round visual screen. Every effort shall be made to retain the best existing trees in said setbacks to meet the requirements of this section in whole or in part. Plans for landscaping and maintenance shall be approved by the Committee on Public Planting as appointed by the City Manager. No Certificate of Occupancy may be granted until landscaping under the terms of this section is completed.
(3) Lots with more than four yards.
If the shape of a lot creates a situation where there are more than four yards, this green area requirement shall apply to three-fourths of the yards, rounded up if the calculation results in a fractional number.
(4) Lots in two or more zoning districts.
Where a zoning district boundary line or lines split a lot, a lot partially in an Office, Residence or Open Space district shall comply with provisions elsewhere in this zoning ordinance with regard to lots in two or more zoning districts, except that the setback and green area requirements of this section 5.22.1 shall apply to all parts of the lot regardless of zoning district.
(5) Lots abutting more restrictively zoned districts.
When any lot abuts a more restrictively zoned district or districts, all yards abutting the more restrictively zoned district(s) shall be designated as yards required to comply with the green area requirements of this section 5.22.1. This provisions shall apply to that quantity of abutting yards numbering up to and including the maximum number of green area yards required. The total number of green area yards required on a lot shall not be changed by the provisions of this subsection (5).
(6) Pedestrian and vehicular access.
(a) When a yard used to satisfy the green area requirement of this section 5.22.1 is a front yard, the green area may be interrupted by not more than one path for pedestrian access to the building. Said pedestrian path shall be constructed perpendicular to the lot line and shall be not more than 8 feet wide. The green area yard may also be interrupted by not more than one driveway constructed perpendicular to the lot line and which is not more than 12 feet wide.
(b) The sum of the widths of the said pedestrian path and driveway may not exceed the setback provided by the smallest of the yards provided on the lot.
(c) The areas allowed to be used for access under this subsection (6) shall be counted as part of the 25% of total required green area which is allowed to be used for hard surfaced walks and terraces for the front yard in which the access areas are constructed.
(7) Townhouse development.
When a lot is used for townhouse development, the provisions of this section 5.22.1 shall apply to the lot before subdivision into townhouse lots. Subdivision into townhouse lots shall be done in such a manner as to not affect the application of this footnote to the entire unsubdivided lot. In particular, the pedestrian path and driveway allowed by subsection (6) above shall apply to the lot before subdivision into townhouse lots and subdivision into townhouse lots shall not increase the number of pedestrian paths and driveways allowed.

5.22.2 Minimum standards for yards in districts other than Office, Residence and Open Space Districts.

Yards in districts other than Office, Residence and Open Space districts shall comply with the following standards:
(1) Yards in districts other than Office, Residences and Open Space districts on lots which include residential uses shall comply with the following standards:
(a) Yards which are required in the district shall comply with Section 5.22.1. In the situation stated in (1)(b) following the number of required yards shall be increased as stated in (1)(b) through (1)(d) following.
(b) If a lot:
(i) abuts a Residence or Open Space district, and
(ii) there are no yard dimensional requirements in the district in which the lot is located applicable to that portion of the lot abutting the Residence or Open Space district, or if the applicable yard dimensional requirements of the district in which the lot is located are less than those which apply to the yard in the district which is abutted by it,
Then that portion of the lot abutting the Residence or Open Space district shall comply with the yard dimensional requirements applicable to the yard in the Residence or Open Space district which is abutted by it.
(c) In the event that a portion of a lot abuts more than one yard in a Residence or Open Space district which yards differ in applicable dimensional requirements, the most stringent of the various dimensional requirements shall apply.
(d) The number of yards on a lot required to comply with green area requirements shall be the number of yards required in the district plus additional yards in accordance with subsections (b) and (c) above, except that the total number of yards required to comply shall not exceed the number of yards required for a similar lot located in a Residence, Office or Open Space district to be calculated in accordance with section 5.22.1 above.
(2) Yards in district other than Office, Residence, and Open Space districts on lots which do not include residential uses shall comply with the following standards:

(a) Yards shall comply with the provisions of section 5.22.1 with regard to yards abutting Residence or Open Space districts except that:
(i) Yards abutting Residence or Open Space districts shall comply with the requirements of section 5.22.1 up to the maximum number of yards required, in the same manner as stated in section 5.22.1.(5) and
(ii) Yards not abutting Residence or Open Space districts shall not be subject to the requirements of this section.
(b) If:
(i) a lot abuts a Residence or Open Space district, and
(ii) there are no yard requirements in the district in which the lot is located applicable to that portion of the lot abutting the Residence or Open Space district, or the applicable yard dimensional requirements of the district in which the lot is located are less than those which apply to the yard which is abutted by it,
then the portion of the lot abutting the Residence or Open Space district shall comply with the yard dimensional requirements applicable to the yard which is abutted by it.
(c) In the event that a portion of a lot abuts more than one yard or yards in Residence or Open Space districts which yards differ in applicable dimensional requirements, the most stringent of the various dimensional requirements shall apply.
(d) The number of yards on a lot required to comply with green area requirements shall be the number of yards which abut a Residence or Open Space district, except that the total number of yard required to comply shall not exceed the number of yards required for a similar lot located in a Residence, Office or Open Space district, as calculated in accordance with section 5.22.1. above.

J. In Section 5.31.1. Table 5-1, delete footnote (k) with regard to yard requirements for the "Res. C-2B" District, and in Section 5.31.2. Footnotes, delete footnote (k) and insert the following in place thereof: "Reserved".

Passed to a second reading at the City Council Meeting held on May 24, 1999 and on or after June 7, 1999 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury, City Clerk

AD #861524
Cambridge Chronicle, 5/27/99

DEATHS

William E. Alfred
Professor

William E. Alfred died May 20 at his home in Cambridge. He was 76.

Mr. Alfred was born in Brooklyn, N.Y., son of the late Thomas and Mary (Bunyan) Alfred, and was a resident of Cambridge. He was a U.S. Army veteran of World War II.

He graduated from Brooklyn College in 1948, and received his master's degree in 1949 and his Ph.D. in 1954. He was an English professor at Harvard University.

He was the half-brother of Vincent Allfrey; and uncle of Allison Allfrey and Richard Allfrey.

A Funeral Mass will be held May 28 at 10 a.m. at St. Paul's Church in Cambridge, with burial at Mt. Auburn Cemetery. Arrangements were made by the Keefe Funeral Home in Cambridge.

Donations in Mr. Alfred's memory may be made to the Boston Archdiocesan Choir School or a Cambridge homeless shelter.

Mary M. Casey
Homemaker

Mary M. (Hynes) Casey died May 15 at the Sancta Maria Nursing Facility in Cambridge after a brief illness. She was 85.

Mrs. Casey was a lifelong resident of Cambridge. She was a homemaker.

She was the wife of John E. Casey; mother of John E. Casey Jr. of Arizona; grandmother of Christine, David and Michelle Casey; great-grandmother of Shaun and Ashley; and sister of C. Edward "Sid" Hynes of Cambridge. She is also survived by many nieces and nephews.

A Funeral Mass was held May 19 at St. Peter's Church, with burial at Mass National Cemetery in Bourne. Arrangements were made by the Hickey Funeral Home in Cambridge.

Marion A. Donahue
Pediatric nurse

Marion A. Donahue died May 16 at the Hollywell Health Care Facility in Randolph after a brief illness. She was 89.

Ms. Donahue was born in Cambridge where she lived for many years before moving to Woburn. She was a 1932 graduate of Cambridge City Hospital School of Nursing, and was in the first group of Army nurses to enter the European Theater of Operations in World War II. Following her military services, she served as a pediatric nurse with the late Drs. Alfred Weller and Irving Koretsky in Arlington.

She was the daughter of the late Joseph and Abigail Donahue; and sister of the late Edward, George and Frank Donahue and Alice Donahue Kane. She is also survived by three nephews, Paul, Thomas and Joseph Donahue; and four nieces, Marie Vachon, Claire Skelton, Abigail Burns and Margaret Ann Dolan.

A Funeral Mass was held May 19 at St. Peter's Church, with burial at Holy Cross Cemetery. Arrangements were made by the Hickey Funeral Home in Cambridge.

Emily M. Doran
Housekeeper

Emily M. (McGrath) Doran died May 25 at Cambridge Nursing Home after a lengthy illness. She was 87.

Mrs. Doran was born in Cambridge, daughter of the late Joseph and Exeldra (Doiron) McGrath, and was a longtime resident. She was a housekeeper in private homes.

She was the wife of the late James Doran; sister of the late Henry McGrath; and sister-in-law of Marie Doran of Somerville.

A Funeral Mass will be held May 28 at 9 a.m. at Immaculate Conception Church in Cambridge, with burial at Mt. Auburn Cemetery. Arrangements were made by the Keefe Funeral Home in Cambridge.

John Fleagle Jr.
Musician

John Fleagle Jr. died May 17 at his home in Somerville. He was 47.

Mr. Fleagle was born in Pennsylvania, son of Rachel (Kiuru) and the late John Fleagle Sr. He was a graduate of Woodstock Academy High School and Quadrivium Collegium, and attended Berkley.

He played the gothic harp, lute, and hurdy-gurdy, which he designed and built himself. He performed regularly with Trio LiveOak, Alexander's Feast, and many other early music ensembles. He also was a costumed interpreter at Sturbridge Village for three years.

In March 1994, he performed his version of the 900-year-old Anglo-Norman saga, "The Voyage of St. Brendan," in Longy School of Music in Cambridge, accompanying himself only on gothic harp, and was written up in the Boston Globe entertainment section. Many benefit concerts were held to help raise money for his medical expenses.

He was the brother of Nancy Williams of Somerville and Robert Fleagle of Cambridge; nephew of Alma Morris of Cambridge and Aili Kiuru of Arlington; and longtime companion of Lottie Labys of Somerville.

A graveside committal of ashes was held May 20 at Barlow Cemetery in Woodstock, Conn. Arrangements were made by the Keefe Funeral Home in Cambridge.

James P. Hastings
Auditor

James P. Hastings died May 7 at his home in Cambridge after a brief illness. He was 73.

Mr. Hastings was a lifelong resident of Cambridge. He was retired from the auditing department for the city of Cambridge, and was an Army veteran of World War II.

He was the son of the late Catherine "Kitty" and Fred Whittington; brother of Fred Whittington Jr. of Billerica; cousin of Carole A. Gentile and her husband John, and their children John and Debbie Gentile; and uncle of Jean Kuropatkin, Fred Whittington III and Christine Di-Pasquale.

A Funeral Mass was held May 11 at St. Peter's Church, with burial at Cambridge Cemetery. Arrangements were made by the Hickey Funeral Home in Cambridge.

Henry J. Marcotte Sr.
Supervisor

Henry J. Marcotte Sr. died May 13 in Bennington, Vt. He was 74.

Mr. Marcotte was born in Cambridge and was a resident of Somerville for 30 years. He worked as a supervisor at Bradford Novelty Shop.

He was the husband of the late Mary (Wood) Marcotte; father of John Supprise of Arlington, Jay Linardy of Lowell, Henry J. Marcotte Jr. of Somerville, Carol Coyne of Maine, Jean Roche of Somerville, and Robin Conte of Billerica; and brother of Mary Trout of Cambridge, Louise Hegarty of Arlington, Steve Marcotte of Sharon, and the late Peter and Robert Marcotte. He is also survived by 15 grandchildren and seven great-grandchildren.

A Funeral Mass was held May 15 at St. Ann's Church in Somerville, with burial at Mt. Auburn Cemetery in Cambridge. Arrangements were made by the Doherty Funeral Home in Somerville.

Gene A. Meyer
Educator

Gene A. Meyer died May 19 at his home in Cambridge. He was 51.

Mr. Meyer was born in Minnesota, son of Arnold and Ellen (Vogelsang) Meyer. An Army veteran, he was an educator for Cambridge Rindge and Latin School for many years. He was in charge of special education.

He was the brother of Dennis Meyer of Iowa, and Ronald Meyer and David Meyer, both of Minnesota; and companion of Jack Lee of Cambridge. He is also survived by several nieces and nephews.

A memorial service will be held at a later date. Burial took place in Wells, Minn. Arrangements were made by the Keefe Funeral Home in Cambridge.

Flower donations may be sent to the Bruss-Heitner Funeral Home, 255 Second Ave. SW, Wells, Minn., 56097.

John F. Murphy
Maintenance worker

John F. Murphy died May 20 at Magoun Manor Nursing Home in Medford after a lengthy illness. He was 80.

Mr. Murphy was born in Cambridge, son of the late Cornelius and Elizabeth (Doherty) Murphy, and was a longtime resident of Somerville. He was a 1935 graduate of St. Joseph's High School, and was retired from the Kit Clark Senior Citizen Center in Boston.

He was the brother of Marie O'Donnell of Plymouth, and the late Daniel and Edward Murphy, Helen Egan Getty and Florence Smith; and uncle of Betty Donahue of Somerville, Lil Cronin and Marlene O'Toole of Florida, Jud Margeson of Attleboro, Bob Margeson of Jamaica Plain, and Ron Margeson of Wilmington.

Graveside services will be held June 9 at 1 p.m. at Cambridge Cemetery. Arrangements were made by the Cota-Struzziero Funeral Home in Somerville.

Florence C. Patriquin
Lodge owner

Florence C. (McGillveary) Patriquin died May 19 at Southern Maine Medical Center in Biddeford after a brief illness. She was 74.

Mrs. Patriquin was born in Connecticut, daughter of the late Donald and Flora (MacDonald) McGillveary, and was a former resident of Cambridge. She was director of the credit union at the Herald Traveler during the 1940s and early 1950s. In 1963 she and her husband opened the Patriquin Lodge on Long Lake in Naples, Maine.

She was the wife of the late Carleton Woodend Patriquin; mother of John C. and his wife Pamela Rodgers of Maine, William E. and his wife Wendy Taylor of Dover, Donald E. of Maine, and Jane F. of Cambridge; grandmother of John C. and Joseph R. of Maine, and Josiah M. and Anne C. of Dover; and sister of Arthur McGillveary of Sandwich, Dorothy Blanchard of Florida, and the late Robert and John A. McGillveary.

Graveside services were held May 22 at Highland Cemetery in Dover.

Donations in Mrs. Patriquin's memory may be made to South Norfolk County Association for Retarded Citizens, 789 Clapboardtree St., Westwood, Mass., 02090, Attention: Development.

Barbara A. Plenty
Telephone operator

Barbara A. Plenty died May 6 in Anchorage, Alaska. She was 63.

Mrs. Plenty was born in Cambridge and was a lifelong resident. She was retired from MIT where she was employed as a telephone operator for many years. She loved opera and all classical music. She was a professional seamstress and enjoyed watercoloring and sketching.

She was the mother of Scott Plenty of Cambridge; mother-in-law of Evelyn Plenty of Cambridge; sister of Evelyn Moore of Alaska, Nancie Price of New Jersey, Gladys Mercer of Boston, and Judi Carr of Cambridge; close friend of Lou Hill of Cambridge; and aunt of Dena Rothwell and Debra Moss, both of Alaska. She is also survived by many nieces, nephews, and friends.

A memorial service was held May 11 at the Mary Conrad Chapel in Anchorage, Alaska.

Ellen Quigley
Accountant

Ellen (Maher) Quigley died May 23 at the Meadow Green Nursing Home in Waltham. She was 82.

Mrs. Quigley was born in Cambridge, daughter of the late Daniel J. and Mary M. (Carr) Maher. She was a graduate of Cambridge High and Latin School and a resident of Watertown for 50 years.

She was a former accountant for First National Bank of Boston, Union Market National Bank, and was retired from BayBank. She was also a member of Our Lady of Mercy Ladies Club in Belmont, and past president of VFW Waverley Post 1272 Auxiliary in Belmont.

She was the wife of the late Peter F. Quigley; and sister of Mary M. Maher of Watertown, James D. Maher of Cambridge, Daniel J. Maher of Lexington, John F. Maher of Arlington, Robert B. Maher of Connecticut, and Elizabeth Breitmaier of Billerica. She is also survived by 26 nieces and nephews, and 41 grandnieces and grandnephews.

A Funeral Mass was held May 26 at the Church of St. Patrick in Watertown, with burial at Newton Cemetery. Arrangements were made by the MacDonald, Rockwell and MacDonald Funeral Home in Watertown.

Donations in Mrs. Quigley's memory may be made to the American Lung Association, Box 265, Burlington, Mass., 01803.

Frances K. Vandermark
Artist, teacher

Frances (Keyes) Vandermark died May 18 at the Lodge of Riverwoods. She was 86.

Mrs. Vandermark was born in Brookline, daughter of the late Henry F. and Marion B. (Call) Keyes. She attended the School of Practical Arts in Boston. Her first job was a staff artist for the Children's Museum in Jamaica Plain. She later taught art at Wheelock and mechanical drawing at MIT.

During World War II she served in the WAVES working as a cartographer in the hydrographic office in Washington, D.C. She later taught art at Dexter and Buckingham schools. She married in 1946 and lived in Cambridge where they raised their family.

After retiring with her husband to Annisquam, Mrs. Vandermark continued as an active artist and a member of the Rockport Art Association. She was active with the Annisquam Village Hall assocation and the Annisquam Village Church until she moved to Riverwoods in Exeter, N.H.

She was the wife of the late John H. Vandermark; mother of Peter of New Hampshire and Henry K. of Cambridge; and grandmother of Alex and Ethan of New Hampshire.

Funeral services will be held June 4 at 11 a.m. at Annisquam Village Church in Gloucester. Assistance with the arrangements was made by the Stockbridge Funeral Home in Exeter.

Donations in Mrs. Vandermark's memory may be made to the Seacoast Hospice, 10 Hampton Road, Exeter, N.H., 03833.

Emily M. West
Homemaker

Emily (Mountz) West died May 20 at her home in Cambridge after a lengthy illness. She was 63.

Mrs. West was born in Boston, daughter of the late James and Margaret (Glover) Mountz. She attended the Winsor School in Boston and Cornell University, from which she graduated with a bachelor of arts degree in 1957 and a master of arts degree in teaching in 1958.

She lived in Wisconsin for 28 years before moving to Cambridge in 1994 with her husband. She was active in civic affairs in Cambridge, serving on the Mid-Cambridge Neighborhood Coordinating Council and Cambridge's Library 21 Committee. She also served on the alumnae board of the Winsor School, and was the chair of its Nora Saltonstall Scholarship Committee.

She was the wife of Allen C. West; mother of Mrs. James M. (Margaret C.) Bennett of Ohio, Mrs. David S. (Katherine H.) Walles of Agawam, and Daniel C. West of Cambridge; grandmother of Andrew and Christopher Walles, Jenni Bennett, and the late Michael C. Bennett; and sister of Mrs. John P. (Helen) Talbot of California.

A memorial service was held May 25 at Bigelow Chapel, Mt. Auburn Cemetery.

Donations in Mrs. West's memory may be made to VNA Care Choices, 245 Winter St., Waltham, Mass., 02154 or the Nora Saltonstall Scholarship Fund at the Winsor School, Pilgrim Road, Boston, Mass., 02215.

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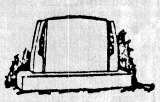
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LENDER NAME	TELEPHONE	30-YEAR FIXED CONFORMING			30-YEAR FIXED JUMBO			1-YEAR ARM CONFORMING			3-YEAR ARM CONFORMING			5-YEAR ARM CONFORMING		
		%	pts	APR	%	pts	APR	%	pts	APR	%	pts	APR	%	pts	APR
Action Mortgage Corp.	(800) 331-4715	6.750	2.000	6.948	7.250	1.000	7.351	6.375	0.000	7.763	6.625	0.000	7.566	6.875	0.000	7.485
Assurance Mortgage	(800) 875-1899	6.875	2.000	6.897	6.750	2.000	6.948	4.500	1.750	7.532	5.625	1.750	7.975	5.875	1.750	7.184
BankAmerica	(800) 272-6704	6.500	2.000	6.695	6.625	2.000	6.822	3.750	2.000	6.714	6.000	2.000	7.331	6.000	1.875	6.656
BankBoston	(800) 2-BOSTON	7.000	2.000	7.201	7.000	2.000	7.201	5.750	2.000	7.583	5.750	2.000	7.355	6.250	2.000	7.280
Bay State Federal Savings	(617) 739-9500	7.125	2.000	7.328	7.250	2.000	7.455	4.500	1.000	7.356	5.990	2.000	7.419	6.625	2.000	7.439
Belmont Savings Bank	(617) 484-0700	6.875	2.000	7.075	7.500	0.000	7.500	3.625	2.000	7.250	5.750	1.000	7.166	6.375	0.000	7.067
Boston Federal	(800) 688-LOAN	6.990	2.000	7.191	7.125	2.000	7.328	5.125	2.000	7.440	5.875	2.000	7.298	6.125	2.000	7.162
Braintree Co-operative Bank	(617) 843-1370	6.875	2.000	7.075	7.125	2.000	7.328	5.750	0.000	5.787	6.250	0.000	6.285	6.000	0.000	6.112
Cambridgeport Bank	(800) 942-4449	7.125	1.625	7.289	7.375	1.375	7.516	6.625	1.000	7.455	6.250	1.000	7.297	6.375	1.000	7.164
Charter Bank	(888) 891-6400	7.000	2.000	7.201	7.250	1.750	7.428	5.000	2.000	7.650	6.125	1.750	7.686	6.375	2.000	7.264
Chase Manhattan Mortgage	(617) 821-6421	6.750	2.000	6.948	7.000	2.000	7.201	5.750	2.000	7.570	6.000	2.000	7.005	6.500	2.000	7.314
Co-operative Mortgage Co.	(888) 360-6789	6.625	2.000	6.822	7.125	2.000	7.328	5.125	2.000	7.440	5.875	2.000	7.479	6.000	2.000	7.258
Commonwealth Bank	(800)924-9091	7.250	0.000	7.250	7.375	0.000	7.375	6.000	0.000	7.834	0.000	0.000	0.000	0.000	0.000	0.000
DCU Federal Credit Union	(800) 328-8797	7.125	2.000	7.328	7.375	2.000	7.581	5.250	2.000	7.495	6.125	1.000	7.264	6.375	1.000	7.164
Dedham Savings	(800) 461-1199	7.000	1.000	7.100	7.125	1.000	7.226	5.375	1.000	6.301	6.000	1.000	7.372	6.750	1.000	7.595
East Cambridge Savings Bank	(617) 354-7700	6.625	2.000	6.822	7.375	0.000	7.375	5.500	0.000	7.339	6.250	0.000	7.543	n/a	n/a	n/a
East-West Mortgage Co.	(800) 470-3703	6.625	2.250	6.847	6.880	1.750	7.054	4.750	1.750	7.377	5.630	2.250	7.258	5.990	2.250	7.133
Eastern Bank	(888) 432-4347	6.625	2.000	6.822	6.750	2.000	6.948	5.000	2.000	7.550	5.750	2.000	7.356	6.000	2.000	7.258
First Massachusetts Mortgage	(800) 308-5395	6.625	2.500	6.872	6.750	2.500	6.999	4.500	2.000	7.356	5.500	2.000	7.196	6.000	2.000	7.112
FIRSTFED	(800) 377-8181	7.125	2.000	7.328	7.125	2.000	7.328	4.750	2.000	7.604	6.000	2.000	7.512	6.125	2.000	7.308
Fleet	(800) 9-FLEET-1	6.750	2.000	6.948	6.875	2.000	7.075	5.500	2.000	7.542	6.250	2.000	7.397	6.625	2.000	7.366
Foundation Mortgage Corp.	(800) 525-0995	6.500	2.000	6.695	6.750	2.000	6.948	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Hyde Park Savings Bank	(617) 361-1450	7.000	1.000	7.100	7.250	1.000	7.351	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Infinity Mortgage	(888) 463-6040	6.875	2.000	7.075	7.000	2.000	7.201	4.325	2.000	7.324	5.500	2.000	7.499	6.000	2.000	7.424
Leader Mortgage	(800) 562-6699	6.500	2.000	6.695	6.750	2.000	6.948	5.000	2.000	7.550	5.500	2.000	7.196	5.875	2.000	7.062
Lowell Co-operative Bank	(888) 678-2222	6.750	2.000	6.948	7.000	2.000	7.201	5.125	2.000	7.674	5.875	2.000	7.298	6.250	2.000	7.213
Medford Co-operative Bank	(781) 395-2800	6.625	2.000	6.822	7.000	2.000	7.201	5.500	0.000	7.119	6.000	0.000	7.298	n/a	n/a	n/a
Middlesex Savings Bank	(877) 465-6287	6.750	2.000	6.948	n/a	n/a	n/a	6.500	0.000	7.439	6.750	0.000	7.329	6.875	0.000	7.267
Mortgage Partners	(978) 459-1600	6.375	1.750	6.544	6.500	1.500	6.646	5.750	1.750	7.544	6.250	1.800	7.377	6.750	1.600	7.377
Natick Federal Savings	(508) 653-2340	7.125	2.000	7.328	7.625	2.000	7.834	5.250	2.000	7.063	6.375	2.000	7.086	6.500	2.000	7.037
Norwood Co-operative Bank	(781) 255-7852	7.000	2.000	7.201	7.500	2.000	7.708	5.500	2.000	7.495	6.125	2.000	7.711	6.875	2.000	7.409
Provident House Mortgage	(800)783-0309	6.875	1.750	7.050	6.875	2.000	7.075	4.500	2.000	7.154	5.750	2.000	7.265	6.000	2.000	7.112
Stepstone Mortgage Co.	(800) 303-1889	6.500	2.000	6.695	6.750	2.000	6.948	4.000	2.000	7.063	6.250	2.000	7.397	6.500	2.000	7.314
The Bank of Canton	(781)828-5626	6.750	2.000	6.948	6.750	2.000	6.948	5.250	2.000	7.573	5.750	2.125	7.368	6.000	2.125	7.190
Wellesley Co-op	(617) 235-2506	6.750	2.000	6.948	7.125	1.000	7.226	5.000	2.000	7.650	6.375	1.000	7.511	6.750	1.000	7.462
Winter Hill Fed.Sav.Bank	(800) 444-1300	7.125	1.753	7.302	7.500	1.000	7.603	5.000	1.000	7.347	6.125	1.000	7.354	6.375	1.000	7.237

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LEGAL NOTICES

BARTIE GUARDIANSHIP
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
MIDDLESEX, SS DIVISION
DOCKET NO. 99P2236GI
GUARDIANSHIP - MENTALLY ILL WITH SURETIES
NOTICE

To Ben S. Bartie, Sr. of Cambridge in said county and wife and heirs apparent or presumptive:

A petition has been presented in the above-captioned matter alleging that said Ben S. Bartie, Sr. is a mentally ill person and praying that Rosia A. Bartie of Cambridge in the County of Middlesex and Jared F. Bartie of Brooklyn in the State of New York -or some other suitable person - be appointed his guardian; with the further authority to treat with antipsychotic medication in accordance with the treatment plan.

IF you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said court at Cambridge, on or before June 11, 1999.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the fifth day of May in the year of our Lord one thousand nine hundred and ninety nine.

Marie A. Gardin
Acting Register of Probate Court

AD #861528
Cambridge Chronicle, 5/27/99

BRODERICK RETURN
LEGAL NOTICE
THE ANNUAL RETURN OF THE ROBERT F. BRODERICK MEMORIAL FOUNDATION IS AVAILABLE FOR INSPECTION AT ITS PRINCIPAL OFFICE DURING REGULAR BUSINESS HOURS BY ANY CITIZEN WHO REQUESTS AN INSPECTION WITHIN 180 DAYS AFTER THE DATE OF THIS NOTICE.

CONTACT: DANIEL P. BRODERICK
43 THORNDIKE STREET
CAMBRIDGE, MA 02141
(617) 494-4700

AD #861863
Cambridge Chronicle, 5/27/99

CDC 6/7 HEARING
LEGAL NOTICE
MID CAMBRIDGE NEIGHBORHOOD CONSERVATION DISTRICT COMMISSION

Notice is hereby given that the Commission will hold a Public Hearing on Monday, June 7, 1999 at 5:30 PM in the third floor conference room at the City Hall Annex, 57 Inman Street, to consider the following applications for Certificate of Appropriateness under Article III and the ordinance establishing the Commission:
MC-1675: 4 Hancock Park: For review of non-binding Certificate of Appropriateness to construct shed dormer, restore entrance porch, add 100 sf sun room, and remove shed and fire escape. By Keith and Elizabeth Dionne.
MC-1687: 84 Inman Street: For review of non-binding Certificate of Appropriateness to rebuild front porch and alter orientation and to enclose front yard with fencing. By Maria Loring and Al Wroblewski.
MC-1688: 8 Broadway Terrace: For review of binding Certificate of Appropriateness to demolish concrete block garage and construct 1566 sf building. By Sharon Boccelli.
MC-1690: 75-81 Antrim: For binding review of amendments to previously-issued Certificate of Appropriateness for renovations and new construction; footprint and mass of both structures remains the same; amendments pertain to requested variance conditions at 75-77 Antrim relative to open space requirements and floor area changes on interior only, and at 79-81 Antrim relative to floor area changes on interior only and to lowering of basement level window sill heights. By John Mahoney.
MC-1691: 420 Broadway: For review of non-binding Certificate of Appropriateness to reconstruct facade and half of west elevation of existing building, rebuild roofline to 19'6", construct four small windows on south elevation, and install lighting on south elevation. By Charles Sage and Edward Morandi, Trustee, S&M Realty Trust on behalf of the Government of Switzerland.

John Moos, Chairman

AD #861865
Cambridge Chronicle, 5/27, 6/3/99

CHALFEN ESTATE

LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
MIDDLESEX, SS DIVISION
DOCKET NO. 99P2374EP

ESTATE OF Mary Chalfen also known as Mary Elizabeth Garrett Chalfen
LATE OF Cambridge
IN THE COUNTY OF MIDDLESEX
NOTICE

A petition has been presented in the above captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Melvin H. Chalfen of Cambridge in the County of Middlesex be appointed executor without giving surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 a.m. in the forenoon on June 18, 1999.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twelfth day of May in the year of our Lord one thousand nine hundred ninety nine.

Marie A. Gardin
Acting Register of Probate Court

AD #861528
Cambridge Chronicle, 5/27/99

Constable Services Bids
LEGAL NOTICE
INVITATION FOR BIDS

The Cambridge Housing Authority invites sealed bids to perform Constable services. Services will include serving legal notices to public housing tenants and performing evictions. The period of this contract will be for one year.

Bidding documents will be available until the date and time set for the bid opening. There is no charge for the documents which will be mailed on request or may be picked up at the Cambridge Housing Authority, Legal Department, 675 Massachusetts Avenue, 2nd Floor, Cambridge, MA 02139.

Bids will be subject to approval, and awarded by the Cambridge Housing Authority Board of Commissioners. Bids will be irrevocable for a period of 30 days from the date of bid opening.

The Cambridge Housing Authority reserves the right to reject any or all bids and to waive informalities.

Bids must be received at the offices of the Cambridge Housing Authority, 675 Massachusetts Avenue, 2nd Floor Cambridge, MA 02139.

Bids will be subject to approval, and awarded by the Cambridge Housing Authority Board of Commissioners. Bids will be irrevocable for a period of 30 days from the date of bid opening.

The Cambridge Housing Authority reserves the right to reject any or all bids and to waive informalities.

Bids must be received at the offices of the Cambridge Housing Authority, 675 Massachusetts Avenue, 2nd floor, Cambridge, MA 02139, no later than 11:00 a.m. on Friday, June 4, 1999. At that time, all bids will be publicly opened and read aloud.

Ad# 854036
Cambridge Chronicle, 5/27/99

DAN COACH LICENSE
LEGAL NOTICE
CITY OF CAMBRIDGE
BOARD OF
LICENSE COMMISSIONERS

Notice is hereby given that Daniel Hermon, d/b/a Dan Coach, has applied for a Livery/Limousine License for one vehicle at 605 Massachusetts Avenue, 1st Floor.

The hearing on this application will be heard at six o'clock on Tuesday evening, June 8, 1999 in the Basement Conference Room of the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, Cambridge.

Benjamin Barnes
Kevin Fitzgerald
Henry Breen
License Commission

AD #859184
Cambridge Chronicle, 5/27/99

ETHIOPIAN RESTAURANT LICENSE
LEGAL NOTICE
CITY OF CAMBRIDGE
BOARD OF
LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138 as amended, that Ethiopian Restaurant & Bar, Inc., George Paras, Manager, holder of an All Alcoholic Beverages as a Restaurant license at 12 Central Square has applied for an extension of its Inactive license.

The hearing on this application will be held on Tuesday evening, June 8, 1999 at six o'clock in the Basement Conference Room of the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue.

Benjamin Barnes
Kevin Fitzgerald
Henry Breen
License Commission

AD #859181
Cambridge Chronicle, 5/27/99

FURNISHINGS BIDS
LEGAL NOTICE
CITY OF CAMBRIDGE
PURCHASING DEPARTMENT

Sealed bids will be received at the Office of the Purchasing Agent, Room 211A, City Hall, Cambridge, Mass. 02139-3219, until 11:00 A.M. **JUNE 10, 1999** at which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge:

MISCELLANEOUS FURNISHINGS FOR HUMAN SERVICES DEPARTMENT
SIGMA CAMA SOFTWARE UPGRADE ENHANCEMENT & MAINTENANCE FUEL MANAGEMENT SYSTEM
(FILE NO. 3384A) (1)

The City of Cambridge reserves the right to waive any minor informalities or to reject any or all bids if it is in the City's best interest to do so. Specifications may be obtained at the Office of the Purchasing Agent. Each bid must be in a sealed envelope marked "Bid for (Commodity/Service)" and addressed to Andrea J. Spears, Acting Purchasing Agent.

Andrea J. Spears
Acting Purchasing Agent

AD #860287
Cambridge Chronicle, 5/27/99

GELOWTSKY ESTATE
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
MIDDLESEX, SS DIVISION
DOCKET NO. 99P2342EP

ESTATE OF Julia Gelowtsky
LATE OF Cambridge
IN THE COUNTY OF MIDDLESEX
NOTICE

A petition has been presented in the above captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Marcessia X. Gelowtski of Cambridge in the County of Middlesex be appointed executrix without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 a.m. in the forenoon on June 17, 1999.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the eleventh day of May in the year of our Lord one thousand nine hundred ninety nine.

Marie A. Gardin
Acting Register of Probate Court

AD #861861
Cambridge Chronicle, 5/27/99

LEONARD ESTATE
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
MIDDLESEX, SS DIVISION
DOCKET NO. 99P2307EP

ESTATE OF Clare V. Campbell Leonard also known as Clare V. Leonard
LATE OF Cambridge
IN THE COUNTY OF MIDDLESEX
NOTICE

A petition has been presented in the above captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that William F. Leonard of Cambridge in the County of Middlesex and Clare M. McKenna of Andover in the County of Essex be appointed executors without giving surety on their bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 a.m. in the forenoon on June 15, 1999.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said court at Cambridge, the seventh day of May in the year of our Lord one thousand nine hundred ninety nine.

Marie A. Gardin
Acting Register of Probate Court

AD #859185
Cambridge Chronicle, 5/27/99

LUCKY GARDEN LICENSE
LEGAL NOTICE
CITY OF CAMBRIDGE
BOARD OF
LICENSE COMMISSIONERS

Notice is hereby given that Fu Xing, Inc. d/b/a Lucky Garden Restaurant, Ming Liang Zhang, Manager, has applied for a Common Victualer license to be exercised on the first floor at 282 Concord Avenue. Said license, if granted, would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises and to have a total occupancy of 50 persons. Said license, if granted, would be exercised Monday through Thursday, from 11:30 a.m. to 10:30 p.m., Friday and Saturday from 11:30 a.m. to 11:30 p.m. and Sunday from noon to 10:30 p.m.

The hearing on this application will be heard on Tuesday evening, June 8, 1999 at six o'clock in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, Cambridge.

Benjamin C. Barnes
Kevin J. Fitzgerald
Henry Breen
License Commission

AD #859180
Cambridge Chronicle, 5/27/99

MACAULAY GUARDIANSHIP
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
GUARDIAN - MAINTENANCE
MIDDLESEX DIVISION
DOCKET NO. 97P-6000
SALE OF REAL ESTATE
NOTICE

To all persons interested in the estate of Lewis N. Macaulay of Cambridge in said County, Middlesex, mentally ill person. A petition has been presented to said Court praying for license to sell - at private sale - certain real estate of said Lewis N. Macaulay for his maintenance.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on June 11, 1999.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the 13th day of May, in the year of our Lord, one thousand nineteen hundred and nine

Marie A. Gardin
Acting Register of Probate Court

AD #861864
Cambridge Chronicle, 5/27/99

MCMAHON ESTATE
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
MIDDLESEX DIVISION
DOCKET NO. 99P2269AD
ADMINISTRATION
WITHOUT SURETIES

Estate of Mary T. McMahon
late of Cambridge
in the County of Middlesex
NOTICE

A petition has been presented in the above-captioned matter praying that Joseph P. Cusack of Cambridge in the County of Middlesex be appointed administrator of said estate without giving surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on June 11, 1999.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the tenth day of May in the year of our Lord one thousand nine hundred and ninety nine.

Marie A. Gardin
Acting Register of Probate Court

AD #860289
Cambridge Chronicle, 5/27/99

ORD 2844

LEGAL NOTICE
CITY OF CAMBRIDGE
FIRST PUBLICATION NUMBER 2844
IN THE YEAR ONE THOUSAND, NINE HUNDRED NINETY-NINE
AN ORDINANCE

In Amendment to the "Zoning Ordinance of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

To amend Article 6.0 of the Zoning Ordinance of the City of Cambridge as follows:

1. Amend the heading of this article to read as follows:

"Off Street Parking and Loading Requirements and Nighttime Curfew on Large Commercial Through Trucks."

2. Amend the first sentence of Section 6.11 to read as follows:

It is the intent of this Article 6.000 to reduce traffic congestion, noises, vibrations, fumes and safety hazards caused by large commercial trucks, thereby promoting the safety, health and welfare of the public, by establishing requirements for off street parking and loading and restrictions on the use of City streets during the night-time by large commercial trucks with points of origin and destinations outside the the City of Cambridge in order to implement the purposes of The Zoning Act, Section 2A of Chapter 808, and Article 1.000, Section 1.30 of the Cambridge Zoning Ordinance, including:

- to lessen congestion in the street
- to conserve health
- to conserve the value of land and buildings
- to prevent pollution of the environment
- to protect residential neighborhoods from incompatible activities, and
- to preserve and increase the amenities of the City."

3. Add a new Section 6.96 as follows:

6.96. Night-Time Curfew on use of City Streets by Through Trucks. All trucks 2.5 tons or more in gross weight traveling through Cambridge from origins and to destinations outside the City are prohibited from using any City streets from the hours of 11.00 p.m. to 7:00 a.m. This curfew shall not apply to trucks with points of origin or delivery in the City of Cambridge. Nothing herein shall affect in any way restrictions on trucks currently in effect"

Passed to a second reading at the City Council Meeting held on May 24, 1999 and on or after June 7, 1999 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury, City Clerk

AD #861019
Cambridge Chronicle, 5/27/99

ORD 2845

LEGAL NOTICE
CITY OF CAMBRIDGE
FIRST PUBLICATION NUMBER 2845
IN THE YEAR ONE THOUSAND, NINE HUNDRED NINETY-NINE
AN ORDINANCE

In Amendment to the "Zoning Ordinances of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

A. In Article 2.000 - Definitions, amend the definition of "Green Area" to read as follows:

Green Area.

A landscaped area of land associated with and located on the same tract of land as a major building or group of buildings in relation to which it serves to provide light and air, or scenic, recreational or similar purposes. Green area shall, except as stated below, be completely planted with living trees, grass ground cover, bushes, shrubs, and/or similar vegetation, as well as water and other natural features of the site. Previous ground covers such as wood shavings may be used, but only as mulch beneath vegetation.

Such area may not include any portion of the lot used for parking access drives or other hard surface areas except walks and terraces designed and intended for non-vehicular use. However, in no case shall hard surfaced walks and terraces exceed twenty-five (25) percent of the total required green area.

Green area shall consist of open space at grade, with vegetation as stated above. It shall be open and unobstructed to the sky. It shall consist of friable, permeable material (including but not limited to loam, gravel, sand and crushed stone, and including naturally occurring soil, bedrock, and incidental pipes and other underground utilities) having a minimum depth of three feet. Said land shall be capable of supporting the growth of trees, grass, ground cover, bushes, shrubs, and similar vegetation.

B. Amend Section 4.21.c. to read as follows:

Provision of parking for occupants, employees, customers, or visitors shall be considered as an accessory use, provided that:

(1) where accessory to residential uses, such parking shall be limited to the accommodation of three passenger vehicles, or two passenger vehicles for each dwelling unit, whichever is greater, and
(2) in accessory building used for garage purposes shall be limited to the accommodation of one passenger vehicle.

C. Amend Section 4.21.d. to read as follows:

A customary home occupation or the office of a resident physician, dentist, attorney-at-law, architect, engineer, or member of other recognized profession shall be considered as an accessory use, provided that:

(1) no more than three persons shall practice or be employed on the premises at any one time, and
(2) said use shall not occur in an accessory building.

D. Amend Section 4.11.g.(2) to read as follows:

The total area of uses accessory to the principal use except for non-structural parking facilities and driveways may not occupy more than 150 square feet of the area of the lot.

E. Amend Section 4.21.h to read as follows:

An accessory building shall not occupy more than 150 square feet of the area of the lot. No side of an accessory building shall exceed 18 feet in length. An accessory building shall not be located nearer than ten (10) feet to the principal building or nearer than five (5) feet to any side or rear lot line or nearer to the front lot line than the minimum setback in the zoning district. No lot may contain more than one accessory building.

F. Amend Section 4.2.k to read as follows:

No accessory building shall be constructed except at natural grade, nor may any accessory building exceed fifteen (15) feet in height above mean natural grade.

G. Add a new Section 4.21.0, reading as follows:

o. An ornamental pool shall be considered an allowed accessory use, subject to the following conditions:

(1) With regard to the ornamental pool itself:
(a) Its height shall not exceed two (2) feet above mean natural grade;
(b) It shall not exceed two (2) feet in depth; and
(c) It shall otherwise comply with the provisions of this section 4.21 with regard to the dimensions of accessory buildings.

(2) With regard to any structure or structures contained in the ornamental pool:
(a) The total area of said structures shall not occupy an area in excess of 15% of the area of the ornamental pool; and
(b) They shall otherwise comply with the provisions of this section 4.21 with regard to the dimensions of accessory buildings.

H. Delete section 5.22.3 as the zoning ordinance is numbered prior to the changes below.

I. Insert a new Section 5.22 reading as follows, and renumber the existing Sections 5.22 and following accordingly.

5.22 Minimum Standards for Yards:

5.22.1 Minimum Standards for Yards in Office, Residence and Open Space Districts.

Yards in Office, Residence and Open Space Districts shall comply with the following standards:

(1) Setbacks.
Buildings shall comply with yard requirements stated in this Zoning Ordinance by being set back above and below ground.
(2) Green area - general.
Three of the yards on a lot shall consist exclusively of green area as defined in section 2.000. At a minimum, green area setback shall consist of permanently maintained densely planted trees and shrubs that may be expected to form within three (3) years after time of planting a continuous unbroken, year round visual screen. Every effort shall be made to retain the best existing trees in said setbacks to meet the requirements of this section in whole or in part. Plans for landscaping and maintenance shall be approved by the Committee on Public Planting as appointed by the City Manager. No Certificate of Occupancy may be granted until landscaping under the terms of this section is completed.
(3) Lots with more than four yards.
If the shape of a lot creates a situation where there are more than four yards, this green area requirement shall apply to three-fourths of the yards, rounded up if the calculation results in a fractional number.
(4) Lots in two or more zoning districts.
Where a zoning district boundary line or lines split a lot, a lot partially in an Office, Residence or Open Space district shall comply with provisions elsewhere in this zoning ordinance with regard to lots in two or more zoning districts, except that the setback and green area requirements of this section 5.22.1 shall apply to all parts of the lot regardless of zoning district.
(5) Lots abutting more restrictively zoned districts.
When any lot abuts a more restrictively zoned district or districts, all yards abutting the more restrictively zoned district(s) shall be designated as yards required to comply with the green area requirements of this section 5.22.1. This provisions shall apply to that quantity of abutting yards numbering up to and including the maximum number of green area yards required. The total number of green area yards required on a lot shall not be changed by the provisions of this subsection (5).
(6) Pedestrian and vehicular access.
(a) When a yard used to satisfy the green area requirement of this section 5.22.1 is a front yard, the green area may be interrupted by not more than one path for pedestrian access to the building. Said pedestrian path shall be constructed perpendicular to the lot line and shall be not more than 8 feet wide. The green area yard may also be interrupted by not more than one driveway constructed perpendicular to the lot line and which is not more than 12 feet wide.
(b) The sum of the widths of the said pedestrian path and driveway may not exceed the setback provided by the smallest of the yards provided on the lot.
(c) The areas allowed to be used for access under this subsection (6) shall be counted as part of the 25% of total required green area which is allowed to be used for hard surfaced walks and terraces for the front yard in which the access areas are constructed.
(7) Townhouse development.
When a lot is used for townhouse development, the provisions of this section 5.22.1 shall apply to the lot before subdivision into townhouse lots. Subdivision into townhouse lots shall be done in such a manner as to not affect the application of this footnote to the entire unsubdivided lot. In particular, the pedestrian path and driveway allowed by subsection (6) above shall apply to the lot before subdivision into townhouse lots and subdivision into townhouse lots shall not increase the number of pedestrian paths and driveways allowed.

5.22.2 Minimum standards for yards in districts other than Office, Residence and Open Space Districts.

Yards in districts other than Office, Residence and Open Space districts shall comply with the following standards:
(1) Yards in districts other than Office, Residences and Open Space districts on lots which include residential uses shall comply with the following standards:
(a) Yards which are required in the district shall comply with Section 5.22.1. In the situation stated in (1)(b) following the number of required yards shall be increased as stated in (1)(b) through (1)(d) following.
(b) If a lot:
(i) abuts a Residence or Open Space district, and
(ii) there are no yard dimensional requirements in the district in which the lot is located applicable to that portion of the lot abutting the Residence or Open Space district, or if the applicable yard dimensional requirements of the district in which the lot is located are less than those which apply to the yard in the district which is abutted by it,
Than that portion of the lot abutting the Residence or Open Space district shall comply with the yard dimensional requirements applicable to the yard in the Residence or Open Space district which is abutted by it.
(c) In the event that a portion of a lot abuts more than one yard in a Residence or Open Space district which yards differ in applicable dimensional requirements, the most stringent of the various dimensional requirements shall apply.
(d) The number of yards on a lot required to comply with Open space requirements shall be the number of yards required in the district plus additional yards in accordance with subsections (b) and (c) above, except that the total number of yards required to comply shall not exceed the number of yards required for a similar lot located in a Residence, Office or Open Space district, as calculated in accordance with section 5.22.1 above.
(2) Yards in district other than Office, Residence, and Open Space districts on lots which do not include residential uses shall comply with the following standards:

(a) Yards shall comply with the provisions of section 5.22.1 with regard to yards abutting Residence or Open Space districts except that:
(i) Yards abutting Residence or Open Space districts shall comply with the requirements of section 5.22.1 up to the maximum number of yards required, in the same manner as stated in section 5.22.1.(5) and
(ii) Yards not abutting Residence or Open Space districts shall not be subject to the requirements of this section.
(b) If:
(i) a lot abuts a Residence or Open Space district, and
(ii) there are no yard requirements in the district in which the lot is located applicable to that portion of the lot abutting the Residence or Open Space district, or the applicable yard dimensional requirements of the district in which the lot is located are less than those which apply to the yard which is abutted by it,
then the portion of the lot abutting the Residence or Open Space district shall comply with the yard dimensional requirements applicable to the yard which is abutted by it.
(c) In the event that a portion of a lot abuts more than one yard or yards in Residence or Open Space districts which yards differ in applicable dimensional requirements, the most stringent of the various dimensional requirements shall apply.
(d) The number of yards on a lot required to comply with green area requirements shall be the number of yards which abut the Residence or Open Space district, except that the total number of yard required to comply shall not exceed the number of yards required for a similar lot located in a Residence, Office or Open Space district, as calculated in accordance with section 5.22.1. above.

J. In Section 5.31.1. Table 5-1, delete footnote (k) with regard to yard requirements for the "Res. C-2B" District, and in Section 5.31.2. Footnotes, delete footnote (k) and insert the following in place thereof: "Reserved".

Passed to a second reading at the City Council Meeting held on May 24, 1999 and on or after June 7, 1999 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury, City Clerk

AD #861524
Cambridge Chronicle, 5/27/99

C. C. 106

City of Cambridge

MASSACHUSETTS

In City Council June 21, 1999

#24 Falb petition

	YEA	NAY	ABSENT	PRESENT
Ms. Kathleen L. Born	✓			
Ms. Henrietta Davis	✓			
V. Mayor Anthony Galluccio	✓			
Mr. Kenneth E. Reeves	✓			
Ms. Sheila T. Russell	✓			
Mr. Michael A. Sullivan	✓			
Mr. Timothy J. Toomey, Jr.	✓			
Ms. Katherine Triantafillou	✓			
Mayor Francis H. Duehay	✓			
MS m susp w/9 KF 6/9	9	0	0	0

C. C. 106

City of Cambridge

MASSACHUSETTS

#3

In City Council June 21, 1999

Councillor Davis to delete Section 3B

	YEA	NAY	ABSENT	PRESENT
Ms. Kathleen L. Born		✓		
Ms. Henrietta Davis	✓			
V. Mayor Anthony Galluccio		✓		
Mr. Kenneth E. Reeves		✓		
Ms. Sheila T. Russell		✓		
Mr. Michael A. Sullivan		✓		
Mr. Timothy J. Toomey, Jr.		✓		
Ms. Katherine Triantafillou		✓		
Mayor Francis H. Duehay	✓			

2-7-0

(1)

TRUCK TRAFFIC ZONING PETITION

We the undersigned being registered voters of the City of Cambridge, petition the Honorable, the City Council of the City of Cambridge, to adopt a night-time curfew on through commercial trucks by adopting into law an amendment to the Cambridge Zoning Ordinance in conformance with the Petition attached hereto.

Signature	Printed Name	Address and Phone No.	Date
Ruth Morrison	RUTH MORRISON	246 BRATTLE 354-4536	1/6/99
Rodney Rose	RODNEY ROSE	246 BRATTLE 864-3238	1.10.99
Jeffrey L. Horrell	JEFFREY L. HORRELL	246 BRATTLE 864.3238	1/10/99
Rosemary Tyl	Rosemary Tyl	246 Brattle 3542678	1/11/99
Barbara S. Moyce	Barbara Sinclair Moyce	246 Brattle 876-7804	1/11/99
L G Jones	L G JONES	" " 876-6325	1/11/99
Elizabeth Gilson	Elizabeth Gilson	246 Brattle, #01 492-0451	1/12/99
Heather Quay	Heather Quay	246 Brattle St. #32 497-3904	1-14-99
	JON SVETKEY	" " "	1-14-99
Dorothy Healy	DOROTHY HEALY	246 brattle St #11 491-6593	1/15/99

(2)

TRUCK TRAFFIC ZONING PETITION

We the undersigned being registered voters of the City of Cambridge, petition the Honorable, the City Council of the City of Cambridge, to adopt a night-time curfew on through commercial trucks by adopting into law an amendment to the Cambridge Zoning Ordinance in conformance with the Petition attached hereto.

Signature	Printed Name	Address and Phone No.	Date
	SHARON GRUMBERG	250 Brattle Street, #41	1/11/99
	Suzanne Testeberg	250 Brattle St. #42	1/11/99
	Daphne Harrington	250 Brattle St #42	1/11/99
	MARGARET GIBSON	250 BRATTLE ST #32	1/12/99
	Patricia A. Thornton	250 Brattle St. #31	1/12/99
	Alexandra Myles	250 Brattle ST #22	1/13/99
	PAUL HAYRE	250 BRATTLE #21, 617.492.5989	13JAN99
	Karen M. Ward-Kaplan	250 Brattle St #12 864-1196	1/13/99
	Paul Frost	250 Brattle St #11 868-3011	1/13/99
	John R. Pelletier	527 Mt. Auburn St. 492-0863	1/13/99
	CHRIS WAYSOR	527 MT AUBURN ST. 492 0863	1.15.99

TRUCK TRAFFIC ZONING PETITION

We the undersigned being registered voters of the City of Cambridge, petition the Honorable, the City Council of the City of Cambridge, to adopt a night-time curfew on through commercial trucks by adopting into law an amendment to the Cambridge Zoning Ordinance in conformance with the Petition attached hereto.

Signature	Printed Name	Address and Phone No.	Date
Hal J. Scott	HAL S. SCOTT	11 Highland St 354-6549	1-16-99
Nancy Curtis	Nancy Curtis	39 Parker 492-1836	"
Elinor L. Harding	Elinor L. Harding	174 Elm St #3 625-0160	"
Nancy J. Cullison	Nancy Cullison	20 Langdon St 491-3711	1-17-99
Diane Warshawsky	DIANE WARSHAWSKY	24 Langdon St 354-4090	1-17-99
Ellen G. Moot	ELLEN G. MOOT	44 Coolidge Hill Rd 02138 491-8120	1/17/99
Deborah L. Bourque	Deborah L. Bourque	32 Park Ave 02138	1-25-99
Richard R Beaty	RICHARD R BEATY	8 TRAILL ST.	1-24-99
Cynthia Malthore	Cynthia Malthore	62 Gorham St. 02138	1/24/99
Bruce Mays	Bruce Mays	62 Gorham St 02138	1/24/99
Christopher Pullman	CHRISTOPHER PULLMAN	10 ASH ST. PL 02138	1.26.99
Ruth Crocker	Ruth Crocker	[illegible] 02140	2-1-99
Robert Crocker	ROBERT CROCKER	46 Avon Hill St 02140	2/1/99
Sarah B Jolliffe	SARAH B JOLIFFE		
[illegible]	[illegible]	4 Gray Gardens W. 02138	
Bruce R Scott	BRUCE R. SCOTT	8 ASH ST PL	02138
Grenelle Scott	GRENELLE SCOTT	" "	"
[illegible]	Cornelia Stutz	15 Ash St	2.1.99

TRUCK TRAFFIC ZONING PETITION

We the undersigned being registered voters of the City of Cambridge, petition the Honorable, the City Council of the City of Cambridge, to adopt a night-time curfew on through commercial trucks by adopting into law an amendment to the Cambridge Zoning Ordinance in conformance with the Petition attached hereto.

Signature	Printed Name	Address and Phone No.	Date
Susan S White	SUSAN S. WHITE	12 Blanchard Rd. 491-7289	2/1/99

BRACKEN AND BARAM
33 MOUNT VERNON STREET
BOSTON, MASSACHUSETTS 02108

THOMAS B. BRACKEN
MICHAEL S. BARAM

(617) 742-4950
FAX (617) 742-4953

1999 FEB -8 A 10:18
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

February 5, 1999

D. Margaret Drury
City Clerk
City of Cambridge
795 Massachusetts Avenue
Cambridge, MA 02139

Re: Truck Petition

Dear Ms. Drury:

Enclosed, pursuant to M.G.L. c. 40A, §5, are four signature pages containing forty (40) signatures of registered voters to be added to the Petition to Amend the Zoning Ordinance to add a new Section 6.96, which initially was submitted to your office on January 21, 1999. This brings to five hundred and ninety-five (595) the number of registered voters signing the Petition.

Very truly yours,

Thomas B. Bracken

Enc.

TBB/kbt

Consent Communication #3

A communication was received from Thomas Bracken, transmitting forty signatures of registered voters to be added to the petition to amend the Zoning Ordinance to add a new Section 6.96 regarding the truck traffic zoning petition.

In City Council February 22, 1999

Referred to Petition

Office of the Board of Selectmen
Town of Belmont
Massachusetts

TOWN HALL
455 CONCORD AVENUE
BELMONT, MASSACHUSETTS 02478-2573

TEL. (617) 489-8213
FAX (617) 484-6502
belmont@town.belmont.ma.us

CHAIR
WILLIAM R. SKELLEY III
VICE CHAIR
WILLIAM P. MONAHAN
WILLIAM N. BROWNSBERGER

TOWN ADMINISTRATOR
MELVIN A. KLECKNER

March 24, 1999

VIA FAX

Ms. Henrietta Davis, Chairman
Cambridge City Council Ordinance Committee
City of Cambridge
795 Massachusetts Avenue
Cambridge, MA 02139

1999 MAR 26 A 11:53
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

RE: Proposed Zoning Amendment (Truck Curfew Proposal)

Dear Ms. Davis:

At their meeting on March 22, 1999, the Board of Selectmen of the Town of Belmont voted unanimously to oppose the proposed Zoning Amendment to restrict trucks in the City of Cambridge between the hours of 11:00 p.m. to 7:00 a.m.

Massachusetts General Law Chapter 85 Section 2 regulates the imposition of truck bans. Section 2 states, "...that such rule, regulation, order, ordinance or by-law shall not take effect until approved in writing by the Massachusetts Highway Department." Furthermore, Section 2 Item (7) states, "any rule, regulation order, ordinance or by-law of a city or town which when made or promulgated would exclude motor vehicle travel on any existing way which connects one city or town with another, unless such rule, regulation order, ordinance or by-law was promulgated in compliance with the following: ... (c) after concurrence in writing by the chief executive officer of the abutting city or town into which the said way extends or his designee."

We consider the proposal to have a number of negative impacts upon the Town of Belmont including, but not limited to, traffic congestion, public health, value of land and buildings, and pollution of the environment. As a result, it is our position that the proposed ban cannot be implemented without consent and approval by the Town of Belmont and that such consent and approval is hereby denied. We respectfully urge you not to approve this proposed Zoning Amendment.

Sincerely,

Melvin A. Kleckner
Town Administrator

cc: Robert Healy, City Manager

Comm & Rpts Other Officers #1

A communication was received from Councillor Henrietta Davis, transmitting a letter from Melvin A. Kleckner, Town Administrator, Town of Belmont, regarding opposition to the proposed zoning amendment on truck curfew proposal.

In City Council April 5, 1999

Referred to Petition

Rindge star QB Harding is all business

The former CRLS football and baseball star plans to shine on and off the field in college

BY LAURANCE KIMBROUGH
Sports Correspondent

Over the past three seasons, Donald "QB" Harding has been one of the most feared players in the Greater Boston League. His defensive prowess in center field made it so batters didn't want to hit the ball in his direction.

With Harding at the plate, infielders had to play on the grass while outfielders had to take two to three steps back because of Harding's warning track power. On the bases, Harding is a threat to steal a base at anytime, turning bunt singles into doubles and triples when all is said and done.

"As my years went on, I was known to be a threat around the league," Harding said about the respect he gained. "I was a threat on the base paths. Defensively, nobody wanted to hit the ball to me. At the plate, nobody knew whether I was going to bunt or jack a home-run."

Harding, who graduated Thursday from Cambridge Rindge and Latin School, was one of the players who helped bring Cambridge baseball back to respectability. Not since 1991 had the team made the state tournament. Now, for two consecutive seasons the Falcons have been knocking on the door, but have been denied entry to the big dance.

Harding's contributions to Cambridge baseball are one of the reasons why the Falcons have been so successful over the past two seasons. This spring, Harding hit .333, was 16-for-17 in stolen bases, hit 17 RBI in the leadoff position and hit two homeruns. What would be a great career for many high school baseball players Harding saw as a disappointment, knowing that he was capable of performing better.

"I think I expected to much out of myself," he said. "That's why my numbers weren't as high as I would have liked them to be. I knew I could hit the pitches that I saw, but I was over-anxious and began swinging at bad pitches, not looking to get on base. I know that hurt our team."

However, all of Harding's personal statistics have gone for not as his team failed to make the state tournament by one win for the second straight season.

"It hurt the seniors a lot because the same thing happened to us last year," Harding said. "Coming into this year, we thought we were going to have a very good team and we did. We lost a couple of tough games early on in the year by one or two runs. The season could have went both ways. We could have 13-7 or 7-13."

> ***"I want people to know that I am out there meaning business, not just out there messing around."***
>
> **QB Harding**

Harding's last game against Malden Catholic was one of the more memorable games of the season. It was an 11-inning affair in which the Falcons fell 13-6.

"That last game was a heartbreaker," said Harding. "The score doesn't really reflect how close the game was."

Whether its on the football field or the diamond, Harding is never short on emotion. His fiery and competitive attitude is well known throughout the GBL. Harding believes this approach helps his production.

"I like to have my presence recognized on the field. I want people to know that I am out there meaning business, not just out there messing around," he said.

One of Cambridge Athletic's most frighting experiences came last year when Harding was on the indoor track team. Harding, one of the league's best high jumpers, cleared the bar and the safety mat, landing on the ground. He had to be taken off the in a stretcher and was in a soft neck cast for over a month.

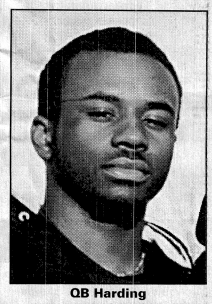
"During football season, there were weeks where I couldn't practice because the coaches were afraid of me re-injuring it," he said. "They wanted me to be healthy enough to perform on Saturdays. I think the injury bothered me more on the baseball field. The injury hurt while I was swinging the bat. I think it took a lot away from my game over the past year and half. I found myself holding my back after a real big cut. I would also hurt a lot when I was sliding into bases."

Harding believes his biggest strength on the baseball field is his speed. From covering ground in center field, to laying down bunt or swiping bases, Harding uses quickness to his advantage.

QB's father, Donald Harding, has been one of the major reasons the Cambridge football program has found success over the past three seasons. Donald Harding founded Pop Warner football in Cambridge in 1992. The elder Harding also is involved in politics and is running for City Council.

"My dad was person who really pushed me into playing sports," said QB. "A lot of people have gotten to know me because of my father. A lot of people throughout the city of Cambridge have respect for me, just as I have a lot of respect for them. He has been a real big part in my playing football, baseball, basketball and running track."

Although Harding is one of the more emotional athletes Cambridge has seen over the past four years, he would rather be remembered as someone who is respected throughout the city.



QB Harding

"I want people remember me as a respectful person, someone who is always going to be out there for somebody else," he said. "Somebody who takes things seriously."

Harding will be attending Central Florida Community College in the fall. He hope to not only find success on the baseball field, but in the classroom as well.

"Hopefully I can do good work down there and stay in school down there after junior college and make a career for myself," said Harding.

QB plans to study business in college.

Rockies rule in West baseball league

The West Division minor league has completed a successful regular season with the Rockies winning the championship with a 14-0 record.

The Rockies, with seven first-year players, continued their winning streak going unbeaten for the third straight season.

The Rockies defeated the Cubs and Mariners the last week of the season to remain unbeaten. In the first game of the week against the Cubs, the Rockies trailed 1-0 going into the last inning to an incredible pitching match-up between Anthony Corso and James Lynch.

In the last inning, the Rockies rallied to win the game on key hits from Jonathan Mullane, Jarod Mullane and Peter Glenmullen.

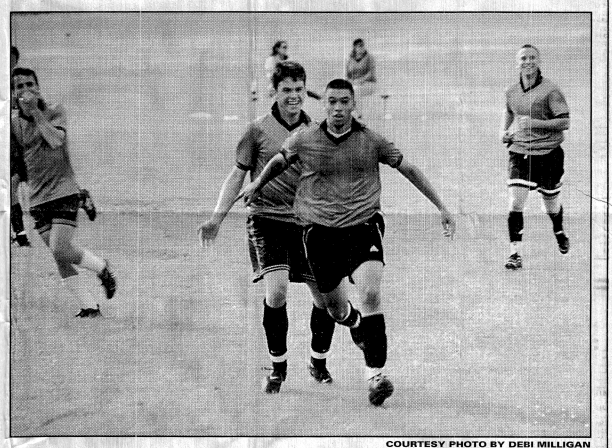
In the season finale against the Mariners, the Rockies received solid pitching from George Turner and timely defense from Eli Joseph, Nick Harney and James Ballard. Other key contributors to the Rockies' success were Michael Glenmullen, Amos Kendall and Martin Kessler. The Rockies' pitchers were James Lynch, 7-0; George Turner, 4-0; and Charlie Posner, 3-0.

Also having a successful season, the A's finished at 9-5. The A's had excellent pitching all season long by Nick Lattanzi and Kairee Wright. The high-powered offense was paced by Piero Pertile, Kevin McCarthy and Rene Castro.

The White Sox and Red Sox finished on a tie for third at 8-6. The White Sox were led by Aidan Hanlon, Matthew Kelsey and Alexander Barber. Jenna Lipcomb provided outstanding pitching all season long for the Red Sox to help their success.

The Cubs secured the final playoff position at 7-7. The Cubs had great pitching from Anthony Corso and solid play from Teddy Ansbacker-Hunt and Liam Walsh.

Final standings: Rockies, 14-0; A's, 9-5; White Sox, 8-6; Red Sox, 8-6; Cubs, 7-7; Padres, 4-10; Mariners, 3-11; O's, 2-12.



COURTESY PHOTO BY DEBI MILLIGAN

Anderson Dos Santos celebrates a goal against Dedham.

Eagles soar into state tourney

BY ABRAHAM SUSSMAN
Special to the Chronicle

The Cambridge Eagles Div. 1 under-19 Bays soccer team completed its regular season last week with an exciting 4-1 win over Dedham.

The victory puts the Eagles in the Massachusetts Tournament of Champions this weekend at UMass-Amherst.

Under the direction of Coach Guiseppi Luciano, the Eagles mastered a brilliant style of quick passes and fiery attack against Dedham, a team the Eagles tied earlier in the season.

The first half was hard fought with effective defense on both sides. The Cambridge defense was led by Joshua Sussman at sweeper, David Villalobos and Jesse Dee at fullbacks, Alvaro Santalices at stopper, with Bobby Sherbourne in goal.

In the second half, Dedham struck first, eight minutes in. Cambridge responded with a tremendous blast off the left foot of Anderson Dos Santos from 30 yards out, tying the game.

Both teams had chances throughout, including a breakaway by Dedham, which was stuffed with a magnificent effort by Sherbourne in goal. Both teams battled even until, with six minutes left, Marques Almeida snaked along the back line past two defenders and passed to Naod Mesfin, who one-timed it into the goal. From there on, Cambridge took over, getting another goal from Mesfin and a fourth goal from Tiago Moriera.

The Cambridge midfield was brilliant throughout, involving Dos Santos, Moriera, Ian Milligan-Pate, Ricardo Gonzalez, and Geraldo Moriera.

This Cambridge team has been another wonderful example of Cambridge's rich cultural diversity, including players originally from Ethiopia, Cape Verdes, Brazil, Columbia, Spain, Haiti, El Salvador, Tanzania, and Guatemala with an Italian-trained coach.

SPORTSWIRE

Breakers win again

The girls under-10 Breakers soccer team finished its winning season with a tie against Canton last Saturday. An awards ceremony was held following the game and the girls received medals for their accomplishments.

Everyone on the team scored goals: Cameron Farkas, 15; Ashia Wilson, 15; Cieu Lan Dong, 11; Katherine Farrar, 8; Ayana Wilson, 8; Annie Crane, 6; Eliza Brauns, 6; Vanessa Ward, 6; Stephanie Shing, 5; Lila Knisley, 4; Allie Robertson, 2; and Hannah Welans, 2.

School hosts girls camp

The All Sports Girls Summer Camp will be held at Matignon High School from June 28 to July 16.

This camp, which involves three one-week sessions, is designed for girls who will be entering grades 3 to 9 in the fall and will include instruction in the skills and techniques of a variety of team sports.

The camp runs from 8:30 a.m. to 12:30 p.m. and costs $100 per child, per session, although family rates are available. For more information or to register your child, call Hoag at 876-1212, ext. 338.

Braves, A's are tops

The fifth annual Mario Vigilante Playoffs took place this past weekend.

The Minor League Champs were the A's led by Nick Cummings, Jerard Warren and MVP Eric Tolliver. The Major League Champs were the Braves led by Aaron Santos, Nathan Leva and Brian Bradley.

The Minor League Phillies and Major League Mariners will represent East in the Mayor's Cup. Check out our web page for in-depth summaries on the playoffs: http://members.tripod.com/~ECLBL.

McKinnon's Choice Meat Market

WEEKLY SPECIALS

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LEAN PURE PORK ITALIAN SAUSAGES $1.29 lb.

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EXTRA LEAN BONELESS PORK SPARE RIBS $1.69 lb.

FRESH GRADE "A" CHICKEN BREASTS 99¢ lb.

FRESH GRADE "A" BONELESS SKINLESS CHICKEN BREASTS $1.99 lb.

LEAN BONELESS SIRLOIN PORK CHOPS $1.69 lb.

U.S.D.A. CHOICE LEAN BOTTOM ROUND ROAST $1.49 lb.

U.S.D.A. CHOICE LEAN TENDER CUBE STEAK $1.99 lb.

U.S.D.A. CHOICE NEW YORK SIRLOIN STEAK $1.99 lb.

FRESH GRADE "A" CHICKEN WINGS 69¢ lb.

FRESH GRADE "A" CHICKEN DRUMSTICKS 69¢ lb.

IMPORTED PECORINO ROMANO CHEESE $1.99 lb.

LIMIT 5lb PER • NOT GRATED

FRESH GRADE "A" CHICKEN TENDERLOINS $1.99 lb.

LEAN COLONIAL BACON 99¢ lb.

FRESH GROUND EXTRA LEAN SIRLOIN PATTIES $1.69 lb.

FRESH BROWN JUMBO EGGS 99¢ dz.

THIN SLICED WHITE AMERICAN CHEESE $1.99 lb.

THIN SLICED MARVEL TURKEY BREAST $2.99 lb.

THIN SLICED EXTRA LEAN BOILED HAM $1.99 lb.

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Eclipse wins BAYS championship

The Cambridge Eclipse capped off an undefeated spring season with a sequence of three playoff victories last week which gave the team the Div. 2 under-12 boys Boston Area Youth Soccer championship.

The Eclipse showed balance and poise at all positions, exemplified by Rance Graham-Bailey's steady goalkeeping, defender Alexander Bois' dominating physical challenges, Brion Bob's generalship and precision passing, and Mike Toomey's inspired runs up front.

On June 14, the Eclipse built a 3-0 lead en route to a 4-2 triumph over Sadbury. Oliver Fadly took advantage of a well-placed cross from Mark Crane to earn the early lead.

Cambridge got a second goal when speedy Ben MacArthur passed to Eric Lawson who found the back of the net. In the second half, Toomey notched the third Cambridge tally. Although Sudbury fought back with two goals, the Eclipse defense came up big with inspired play from Nick Tosh and Alex Pendery. Peter Glenmullen scored a fourth Cambridge goal to seal the win.

This victory earned Cambridge a date with top-ranked Medfield on June 16. Lawson drew first blood with a quick, powerful strike. The Eclipse survived some pressure with Sam Wisner and Tosh repelling the Medfield attack before Cambridge countered effectively with MacArthur dishing the ball to the left-footed Fadly, who hammered it home for a 2-0 lead.

Lawson struck again to put the stunned Medfield side down 3-0. Medfield responded in the second half with more defensive resolve and took advantage of a penalty kick to get on the scoreboard. As they pressed forward, Medfield scored again to reduce their deficit to one goal. But the doughty Cambridge squad held firm for a 3-2 upset win.

The next evening, Cambridge faced Attleboro in the title match and exhibited excellent team play, including unselfish passing from Mark Wagner, well-timed challenges from Cyrus Safizadeh, and long throughballs from Conor O'Sullivan-Pierce.

Dylan Mess scored the first goal after Noah Gardner drew the defense out. Glenmullen shocked everyone with a 35-yard cannon blast on a restart to gain a 2-0 lead, and Lee Goldstein capitalized at the top of the crease for the final 3-0 score.

The Eclipse continue their postseason this weekend in the state tournament in Amherst.

LEGAL NOTICES

ALFRED ESTATE
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
MIDDLESEX, SS DIVISION
DOCKET NO. 99P2840EP
ESTATE OF William Alfred AKA William E. Alfred AKA William Edward Alfred
LATE OF Cambridge
IN THE COUNTY OF MIDDLESEX
NOTICE

A petition has been presented in the above captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Robert O. Berger of Boston in the County of Suffolk be appointed executor without giving surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 a.m. in the forenoon on July 19, 1999.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the eleventh day of June in the year of our Lord one thousand nine hundred ninety nine.

Marie A. Gardin
Acting Register of Probate Court

AD #883901
Cambridge Chronicle, 6/24/99

COLUMBIA STREET
LEGAL NOTICE
SHERIFF'S SALE
COMMONWEALTH OF MASSACHUSETTS
9907998
MIDDLESEX, SS.,
APRIL 30, A.D. 1999

Taken on execution and will be sold by public auction, on Wednesday, the fourth day of August A.D. 1999, at ten o'clock A.M., at my office, 160 Cambridge Street in Cambridge, in said County of Middlesex, all the right, title and interest that Balbenah Williams of Cambridge in said County of Middlesex had (not exempt by law from attachment or levy on execution) on the thirtieth day of April A.D. 1999, at nine o'clock and no minutes, a.m., being the time when the same was taken on execution in and to the following described real estate, to wit:

Columbia Street, Cambridge,

the land with the buildings thereon situated on Columbia Street in the City of Cambridge, as shown on a plan dated October 16, 1977, Joseph Selwyn, Civil Engineer, and recorded herewith bounded and described as follows:

NORTHWESTERLY by said Columbia Street ninety-seven (97) feet;
SOUTHWESTERLY by land now or late of heirs of Billings and land now or late of Peter S. Rourke one hundred ten and 92/100 (110.92) feet;
SOUTHEASTERLY by land formerly of the City of Cambridge and now or late of Perley G. Gerrish, ninety-seven (97) feet;
NORTHEASTERLY by land formerly of Dudley one hundred nine and 42/100 (109.42) feet to point of beginning and containing in all 10,709.66 square feet.

Gerald E. Breen
Deputy Sheriff

Terms: CASH
AD #882724
Cambridge Chronicle, 6/24, 7/1, 7/8/99

COUNTRYMAN ESTATE
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
MIDDLESEX, SS DIVISION
DOCKET NO. 99P2788EP
ESTATE OF Vern Countryman also known as Vern Alexander Countryman
LATE OF Cambridge
IN THE COUNTY OF MIDDLESEX
NOTICE

A petition has been presented in the above captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Ronald L. Briggs of Lafayette in the State of California be appointed executor without giving surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 a.m. in the forenoon on July 16, 1999.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the ninth day of June in the year of our Lord one thousand nine hundred ninety nine.

Marie A. Gardin
Acting Register of Probate Court

AD #879480
Cambridge Chronicle, 6/24/99

DRAIN BIDS
LEGAL NOTICE
INVITATION TO BID

The City of Cambridge, Massachusetts, the Awarding Authority, invites sealed bids for the project:

Remedial Reconstruction of Sanitary Sewers, Combined Sewers & Storm Drains FY2000 Contract #1

Nature and scope of work: **Remedial Reconstruction of Sanitary Sewers, Combined Sewers & Storm Drains**

Bidding procedures shall be in accordance with M.G.L. c. 30, 39M, as most recently amended, and all other applicable laws.

The estimated project value is: **$400,000.00**

Plans and specifications will be available from 8:30 a.m. to 5:00 p.m., Monday through Friday, at the Purchasing Department, City Hall, 795 Massachusetts Avenue, Room 303, Cambridge, MA 02139 beginning **Wednesday, June 23, 1999** upon payment of a nonrefundable fee of **$50.00** for each set in the form of a check made payable to the City of Cambridge. For the mailing of the plans and specifications, the bidder must prepay a mailing and handling fee of #10.00 per set. **NO PARTIAL SETS WILL BE DISTRIBUTED.**

The contract documents may be examined at the Office of the Purchasing Agent, Room 303, City Hall, 795 Massachusetts Avenue, Cambridge, MA 02139, or at the plan room of Dodge Reports, 24 Hartwell Avenue, Lexington, MA 02173. Sealed general bids will be received at the Purchasing Department, City Hall, 795 Massachusetts Avenue, Room 303, Cambridge, MA 02139 until **Thursday, July 15, 1999 at 2:00 PM** at which time all general bids will be publicly opened and read aloud.

All general bids shall be accompanied by a bid deposit in the form of a certified, cashier's or treasurer's check **(NO CASH)** issued by a responsible bank or trust company made payable to the City of Cambridge or a bid bond, in an amount not less than five percent (5%) of the value of the bid.

The successful general bidder will be required to furnish a Performance Bond and a Labor and Material (Payment) bond each in the amount of one hundred percent (100%) of the contract sum. Bonds shall be obtained from a surety licensed to do business in the Commonwealth of Massachusetts and the form shall be satisfactory to the City of Cambridge.

The City of Cambridge reserves the right to reject any or all general bids if it is in the public interest to do so.
No less than the minimum wage rates as set forth in the schedule contained in the Contract Documents must be paid on this project.

Attention is called to the following programs and ordinances of the City of Cambridge:

1. Supplemental Equal Employment Opportunity Anti-Discrimination and Affirmative Action Program;
2. Minority Business Enterprise Program;
3. Cambridge Employment Plan; minority/women/resident hiring ordinance.
4. Living Wage

Copies of the above are bound in the bid documents and are fully integral portion of the conditions of the contract with which each contractor and subcontractor **must** comply.

A pre-bid conference for all bidders will be held as follows:

Date: **Thursday, July 8, 1999**
Time: **2:00 PM**
Place: **Public Works Department Conference Room 147 Hampshire Street Cambridge, MA 02139**

Andrea Spears
Acting Purchasing Agent

AD #883903
Cambridge Chronicle, 6/24/99

ENG ESTATE
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL AND CODICIL WITHOUT SURETIES
MIDDLESEX, SS DIVISION
DOCKET NO. 99P2732EP
ESTATE OF Lillian Eng
LATE OF Cambridge
IN THE COUNTY OF MIDDLESEX
NOTICE

A petition has been presented in the above captioned matter praying that a certain instrument purporting to be the last will and codicil of said deceased may be proved and allowed and that Kathleen Y. Eng of Cambridge in the County of Middlesex be appointed executrix without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 a.m. in the forenoon on July 19, 1999.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the eleventh day of June in the year of our Lord one thousand nine hundred ninety nine.

Marie A. Gardin
Acting Register of Probate Court

AD #880311
Cambridge Chronicle, 6/24/99

ESTRADA SUMMONS
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT
MIDDLESEX DIVISION
DOCKET NO. 99D1757DV1
SUMMONS BY PUBLICATION

Hector Estrada, Plaintiff(s) v.
Marta Estrada, Defendant(s)
To the above named Defendant(s):

A Complaint has been presented to this Court by the Plaintiff(s), Hector Estrada, seeking Divorce

You are required to serve upon Ligia M. Dias, Esq. - plaintiff(s) - attorney for plaintiff(s) - whose address is 705 Cambridge Street Cambridge, MA 02141 your answer on or before August 23, 1999. If you fail to do so, the court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, this 26th day of May, 1999.

Marie A. Gardin
Acting Register of Probate Court

AD #867466
Cambridge Chronicle, 6/17, 6/24, 7/1/99

GOODFELLOW CITATION
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT
MIDDLESEX DIVISION
DOCKET NO. 99A0215-C1
CITATION
M.G.L.C.210, 6

In the Matter of Tiffany Anne Goodfellow, minor

To David A. Goodfellow of parts unknown, last known of Cambridge, MA persons interested in a petition for the adoption of said child and to the Department of Social Services of said child and to the Department of Social Services of said Commonwealth.

A petition has been presented in said court by David P. Doubleday and Claire E. Murphy-Doubleday praying for leave to adopt said child and that the name of the child be changed to Tiffany Ann Doubleday

IF YOU DESIRE TO OBJECT THERETO YOU OR YOUR ATTORNEY MUST FILE A WRITTEN APPEARANCE IN SAID COURT AT Middlesex Probate Court, 208 Cambridge St. Cambridge, MA before TEN O'CLOCK in the forenoon (10:00 A.M.) on July 19, 1999.

Witness, Sheila E. McGovern Esquire, First Justice of said Court

Date MAY 6 1999

Marie A. Gardin
Acting Register of Probate

AD #875771
Cambridge Chronicle, 6/24, 7/1, 7/8/99

HAMMOND ESTATE
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
MIDDLESEX, SS DIVISION
DOCKET NO. 99P2686EP
ESTATE OF Florence P. Hammond AKA Florence Pierson Hammond
LATE OF Cambridge
IN THE COUNTY OF MIDDLESEX
NOTICE

A petition has been presented in the above captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed that Kenneth S. Safe Jr of Duxbury in the County of Plymouth and Thomas N. Dabney of Dover in the County of Norfolk be appointed executors without giving surety on their bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 a.m. in the forenoon on July 9, 1999.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the second day of June in the year of our Lord one thousand nine hundred ninety nine.

Marie A. Gardin
Acting Register of Probate Court

AD #878692
Cambridge Chronicle, 6/24/99

OLDHAM ESTATE
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT
MIDDLESEX DIVISION
DOCKET NO. 96P3638
NOTICE OF FIDUCIARY'S ACCOUNT

To all persons interested in the estate of Ellen M. Oldham also known as Ellen McQuilkan Oldham late of Cambridge Middlesex.

You are hereby notified pursuant to Mass. R. Civ. P. Rule 72 that the 1st and final account(s) of Fleet National Bank as Executor (the fiduciary) of said estate under the will of said deceased have been presented to said Court for allowance.

If you desire to preserve your right to file an objection to said account, you or your attorney must file a written appearance in said Court at Cambridge on or before the 15th day of July, 1999 the return day of this citation. You may upon written request by registered or certified mail to the fiduciary, or to the attorney for the fiduciary, obtain without cost a copy of said account. If you desire to object to any item of said account, you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciary pursuant to Mass. R.Civ.P. Rule 5.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said court at Cambridge this 11th day of June, 1999.

Marie A. Gardin
Acting Register of Probate

AD #879483
Cambridge Chronicle, 6/24/99

ORDINANCE #1224
LEGAL NOTICE
CITY OF CAMBRIDGE
ORDINANCE NO. 1224
FINAL PUBLICATION NUMBER 2847.
FIRST PUBLICATION IN THE CHRONICLE ON JUNE 24, 1999
IN THE YEAR ONE THOUSAND, NINE HUNDRED NINETY NINE
AN ORDINANCE

In Amendment to the "Zoning Ordinances of the City of Cambridge"

Be it ordained by the City Council of the City of Cambridge as follows:

1. Amend the heading of this article to read as follows:

"Off Street Parking and Loading Requirements and Nighttime Curfew on Large Commercial Through Trucks."

2. Amend the first sentence of Section 6.11 to read as follows

It is the intent of this Article 6.000 to reduce traffic congestion, noises, vibrations, fumes and safety hazards caused by large commercial trucks, thereby promoting the safety, health and welfare of the public by establishing requirements for off street parking and loading and restrictions on the use of City streets during the night-time by large commercial trucks with points of origin and destinations outside the City of Cambridge in order to implement the purposes of The Zoning Act, Section 2A of Chapter 808, and Article 1.000, Section 1.30 of the Cambridge Zoning Ordinance, including:

- to lessen congestion in the streets
- to conserve health
- to conserve the value of land and buildings
- to prevent pollution of the environment
- to protect residential neighborhoods from incompatible activities, and
- to preserve and increase the amenities of the City."

3. Add a new Section 6.96 as follows:

6.96. Night-time curfew of use of City Streets by Through Trucks. All trucks 2.5 tons or more in gross weight traveling through Cambridge from origins and to destinations outside the City are prohibited from using any City streets from the hours of 11:00 p.m. to 7:00 a.m. This curfew shall not apply to trucks with points of origin or delivery in the City of Cambridge. Nothing herein shall affect in any way restrictions on trucks currently in effect."

In City Council June 21, 1999.
Passed to be ordained by a yea and nay vote:-
Yeas 9; Nays 0; Absent 0.
ATTEST:-
D. Margaret Drury
City Clerk

AD #883539
Cambridge Chronicle, 6/24/99

ORDINANCE #1225
LEGAL NOTICE
CITY OF CAMBRIDGE
ORDINANCE NO. 1225
FINAL PUBLICATION NUMBER 2848.
FIRST PUBLICATION IN THE CHRONICLE ON MAY 20, 1999.
IN THE YEAR ONE THOUSAND, NINE HUNDRED NINETY-NINE
AN ORDINANCE

In Amendment to an Ordinance entitled the "Cambridge Municipal Code"

Be it ordained by the City Council of the City of Cambridge as follows:

Amend Chapter 8.28 by deleting the present Chapter 8.28 and substituting a new Section 8.28 entitled "Restrictions on Youth Access to Tobacco Products and on Smoking in Workplaces and Public Places," as amended.

In City Council June 21, 1999.
Passed to be Ordained as amended by a yea and nay vote:-
Yeas 8; Nays 1; Absent 0
ATTEST:-
D. Margaret Drury
City Clerk

NOTE: Pursuant to the provisions of General Laws, chapter 40, Section 32A, Tercentenary Edition, the ordinance as aforesaid which exceeds in length eight octavo pages of ordinary book print may be summarized for publication in a newspaper of general circulation in the city with the further provision that said Zoning ordinance may be examined and obtained at the City Clerk's Office during office hours and that any objection to its validity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting or the second publication.

AD #883900
Cambridge Chronicle, 6/24/99

REG. 99-19
LEGAL NOTICE
CITY OF CAMBRIDGE
TRAFFIC, PARKING AND TRANSPORTATION
REGULATION NO. 99-19

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following:

Regulation No. 66-1 Schedule 6D, "PARKING PROHIBITED AT ALL TIMES ON CERTAIN SIDES OF CERTAIN STREET, TOW AWAY (HANDICAPPED PERSONS & DISABLED VETERANS) is hereby amended by adding the following:

River Street, West Side 86' S of Margaret Hamilton Place to 106' S of Margaret Hamilton Place

This regulation shall take effect 30 June 1999.

PROMULGATED DATE 2 June 1999

Susan E. Clippinger
Director

AD #873112
Cambridge Chronicle, 6/10, 6/17, 6/24/99

REG 99-21
LEGAL NOTICE
CITY OF CAMBRIDGE
TRAFFIC, PARKING AND TRANSPORTATION
REGULATION NO. 99-21

By force of the power invested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following.

Regulation No 66-1 Schedule 6 D, "PARKING PROHIBITED AT ALL TIMES ON CERTAIN SIDES OF CERTAIN STREET, TOW AWAY (HANDICAPPED PERSONS & DISABLED VETERANS) is hereby amended by striking out the following:

Irving St., East Side 240' N of Cambridge St. to 260' N of Cambridge St.

This regulation shall take effect 12 July 1999.

PROMULGATED DATE 14 June 1999

Susan E. Clippinger
Director

AD #878612
Cambridge Chronicle, 6/17, 6/24, 7/1/99

URBONAVICH GUARDIANSHIP
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
MIDDLESEX, SS DIVISION
DOCKET NO. 99P2914GI
GUARDIANSHIP - MENTALLY ILL WITH SURETIES
NOTICE

To Nellie Urbonavich of Cambridge in said county and wife/husband and heirs apparent or presumptive:

A petition has been presented in the above-captioned matter alleging that said Nellie Urbonavich is a mentally ill person and praying that John McEachern of Burlington in the County of Middlesex -or some other suitable person - be appointed her guardian.

IF you desire to object to the allowance of petition, you or your attorney must file a written appearance in said court at Cambridge, on or before July 23, 1999.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the seventeenth day of June in the year of our Lord one thousand nine hundred and ninety nine.

Marie A. Gardin
Acting Register of Probate Court

AD #882333
Cambridge Chronicle, 6/24/99

6/28 CDC HEARING
LEGAL NOTICE
MID CAMBRIDGE NEIGHBORHOOD CONSERVATION DISTRICT COMMISSION

Notice is hereby given that the Commission will hold a Public Hearing on Monday, June 28, 1999 at 4:30 PM in the third floor conference room at the City Hall Annex, 57 Inman Street, to consider the following applications for Certificate of Appropriateness under Article III and the Ordinance establishing the Commission:
MC-1691: 420 Broadway (continuation): For review of binding Certificate of Appropriateness to reconstruct facade and half of west elevation of existing building, rebuild roofline to 19'6", construct four small windows on south elevation, and install lighting on south elevation. By Charles Sage and Edward Morandi, Trustees, S&M Realty Trust on behalf of the Government of Switzerland.
MC-1709: 119-121 Inman Street: For review of non-binding Certificate of Appropriateness to alter entrance treatment. By Diana Van Houtum.

John Moos, Chairman

AD #880055
Cambridge Chronicle, 6/24/99

7/7 CDC HEARING
LEGAL NOTICE
AVON HILL NEIGHBORHOOD CONSERVATION DISTRICT COMMISSION

Notice is hereby given that the Avon Hill Neighborhood Conservation District Commission will hold a Public Meeting on Wednesday, July 7, 1999 at 5:30 PM in the Large Conference Room, Carriage House, Lesley College School of Management, 49 Washington Avenue, Cambridge to consider the following application for Certificate of Appropriateness under Article III of the Cambridge City Code and the order establishing the Commission:

AH-15: 37 Mount Vernon Street (continuation): For review of binding Certificate of Appropriateness to remove aluminum siding and restore trim elements in consultation with Historical Commission staff; to replace windows with two over two sash with applied muntin; to restore slate mansard roof and reroof rear ell and upper slope of mansard; and to enlarge existing structure and create one additional dwelling unit on site. By Estate of Queenie Boyajian on behalf of Gwen and Marshall Simpkins.

Allen Razdow, Chairman

AD #880053
Cambridge Chronicle, 6/24, 7/1/99

7/7 CDD HEARING
LEGAL NOTICE
AVON HILL NEIGHBORHOOD CONSERVATION DISTRICT COMMISSION

Notice is hereby given that the Avon Hill Neighborhood Conservation District Commission will hold a Public Meeting on Wednesday, July 7, 1999 at 5:30 PM in the Large Conference Room, Carriage House, Lesley College School of Management, 49 Washington Avenue, Cambridge to consider the following application for Certificate of Appropriateness under Article III of the Cambridge City Code and the order establishing the Commission:
AH-15: 37 Mount Vernon Street (continuation): For review of binding Certificate of Appropriateness to remove aluminum siding and restore trim elements in consultation with Historical Commission staff; to replace windows with two over two sash with applied muntin; to restore slate mansard roof and reroof rear ell and upper slope of mansard; and to enlarge existing structure and create one additional dwelling unit on site. By Estate of Queenie Boyajian on behalf of Gwen and Marshall Simpkins.
AH-17: 60 Raymond Street: For Review of non-binding Certificate of Appropriateness to construct 218 square foot single story addition with garage bay below, to enlarge driveway and rebuild retaining walls, to remove concrete terrace at first floor level, and to replace stockade fencing with open iron fence in same location and height. By Nelson Gore.

Allen Razdow, Chairman

AD #883074
Cambridge Chronicle, 6/24, 7/1/99

LEGAL NOTICES

ALFRED ESTATE
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
MIDDLESEX, SS DIVISION
DOCKET NO. 99P2840EP
ESTATE OF William Alfred AKA William E. Alfred AKA William Edward Alfred
LATE OF Cambridge
IN THE COUNTY OF MIDDLESEX
NOTICE

A petition has been presented in the above captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Robert O. Berger of Boston in the County of Suffolk be appointed executor without giving surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 a.m. in the forenoon on July 19, 1999.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the eleventh day of June in the year of our Lord one thousand nine hundred ninety nine.

Marie A. Gardin
Acting Register of Probate Court

AD #883901
Cambridge Chronicle, 6/24/99

COLUMBIA STREET
LEGAL NOTICE
SHERIFF'S SALE
COMMONWEALTH OF MASSACHUSETTS
9907998
MIDDLESEX, SS.,
APRIL 30, A.D. 1999

Taken on execution and will be sold by public auction, on Wednesday, the fourth day of August A.D. 1999, at ten o'clock A.M., at my office, 160 Cambridge Street in Cambridge, in said County of Middlesex, all the right, title and interest that Balbenah Williams of Cambridge in said County of Middlesex had (not exempt by law from attachment or levy on execution) or the thirtieth day of April A.D. 1999, at nine o'clock and no minutes, a.m., being the time when the same was taken on execution in and to the following described real estate, to wit:

Columbia Street, Cambridge,

the land with the buildings thereon situated on Columbia Street in the City of Cambridge, as shown on a plan dated October 16, 1977, Joseph Selwyn, Civil Engineer, and recorded herewith bounded and described as follows:

NORTHWESTERLY by said Columbia Street ninety-seven (97) feet;
SOUTHWESTERLY by land now or late of heirs of Billings and land now or late of Peter S. Rourke one hundred ten and 92/100 (110.92) feet;
SOUTHEASTERLY by land formerly of the City of Cambridge and now or late of Perley G. Gerrish, ninety-seven (97) feet;
NORTHEASTERLY by land formerly of Dudley one hundred nine and 42/100 (109.42) feet to point of beginning and containing in all 10,709.66 square feet.

Gerald E. Breen
Deputy Sheriff

Terms: CASH
AD #882724
Cambridge Chronicle, 6/24, 7/1, 7/8/99

COUNTRYMAN ESTATE
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
MIDDLESEX, SS DIVISION
DOCKET NO. 99P2788EP
ESTATE OF Vern Countryman also known as Vern Alexander Countryman
LATE OF Cambridge
IN THE COUNTY OF MIDDLESEX
NOTICE

A petition has been presented in the above captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Ronald L. Briggs of Lafayette in the State of California be appointed executor without giving surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 a.m. in the forenoon on July 16, 1999.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the ninth day of June in the year of our Lord one thousand nine hundred ninety nine.

Marie A. Gardin
Acting Register of Probate Court

AD #879480
Cambridge Chronicle, 6/24/99

DRAIN BIDS
LEGAL NOTICE
INVITATION TO BID

The City of Cambridge, Massachusetts, the Awarding Authority, invites sealed bids for the project:

Remedial Reconstruction of Sanitary Sewers, Combined Sewers & Storm Drains FY2000 Contract #1

Nature and scope of work: **Remedial Reconstruction of Sanitary Sewers, Combined Sewers & Storm Drains**

Bidding procedures shall be in accordance with M.G.L. c. 30, 39M, as most recently amended, and all other applicable laws.

The estimated project value is: **$400,000.00**

Plans and specifications will be available from 8:30 a.m. to 5:00 p.m., Monday through Friday, at the Purchasing Department, City Hall, 795 Massachusetts Avenue, Room 303, Cambridge, MA 02139 beginning **Wednesday, June 23, 1999** upon payment of a nonrefundable fee of **$50.00** for each set in the form of a check made payable to the City of Cambridge. For the mailing of the plans and specifications, the bidder must prepay a mailing and handling fee of #10.00 per set. **NO PARTIAL SETS WILL BE DISTRIBUTED.**

The contract documents may be examined at the Office of the Purchasing Agent, Room 303, City Hall, 795 Massachusetts Avenue, Cambridge, MA 02139, or at the plan room of Dodge Reports, 24 Hartwell Avenue, Lexington, MA 02173. Sealed general bids will be received at the Purchasing Department, City Hall, 795 Massachusetts Avenue, Room 303, Cambridge, MA 02139 until **Thursday, July 15, 1999 at 2:00 PM** at which time all general bids will be publicly opened and read aloud.

All general bids shall be accompanied by a bid deposit in the form of a certified, cashier's or treasurer's check **(NO CASH)** issued by a responsible bank or trust company made payable to the City of Cambridge or a bid bond, in an amount not less than five percent (5%) of the value of the bid.

The successful general bidder will be required to furnish a Performance Bond and a Labor and Material (Payment) bond each in the amount of one hundred percent (100%) of the contract sum. Bonds shall be obtained from a surety licensed to do business in the Commonwealth of Massachusetts and the form shall be satisfactory to the City of Cambridge.

The City of Cambridge reserves the right to reject any or all general bids if it is in the public interest to do so.
No less than the minimum wage rates as set forth in the schedule contained in the Contract Documents must be paid on this project.

Attention is called to the following programs and ordinances of the City of Cambridge:

1. Supplemental Equal Employment Opportunity Anti-Discrimination and Affirmative Action Program;
2. Minority Business Enterprise Program;
3. Cambridge Employment Plan; minority/women/resident hiring ordinance.
4. Living Wage

Copies of the above are bound in the bid documents and are fully integral portion of the conditions of the contract with which each contractor and subcontractor **must** comply.

A pre-bid conference for all bidders will be held as follows:

Date: **Thursday, July 8, 1999**
Time: **2:00 PM**
Place: **Public Works Department Conference Room**
147 Hampshire Street
Cambridge, MA 02139

Andrea Spears
Acting Purchasing Agent

AD #883903
Cambridge Chronicle, 6/24/99

ENG ESTATE
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
MIDDLESEX, SS DIVISION
DOCKET NO. 99P2732EP
ESTATE OF Lillian Eng
LATE OF Cambridge
IN THE COUNTY OF MIDDLESEX
NOTICE

A petition has been presented in the above captioned matter praying that a certain instrument purporting to be the last will and codicil of said deceased may be proved and allowed and that Kathleen Y. Eng of Cambridge in the County of Middlesex be appointed executrix without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 a.m. in the forenoon on July 19, 1999.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the eleventh day of June in the year of our Lord one thousand nine hundred ninety nine.

Marie A. Gardin
Acting Register of Probate Court

AD #880311
Cambridge Chronicle, 6/24/99

ESTRADA SUMMONS
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT
MIDDLESEX DIVISION
DOCKET NO. 99D1757DV1
SUMMONS BY PUBLICATION

Hector Estrada, Plaintiff(s) v.
Marta Estrada, Defendant(s)
To the above named Defendant(s):

A Complaint has been presented to this Court by the Plaintiff(s), Hector Estrada, seeking Divorce

You are required to serve upon Ligia M. Dias, Esq. - plaintiff(s) - attorney for plaintiff(s) - whose address is 705 Cambridge Street Cambridge, MA 02141 your answer on or before August 23, 1999. If you fail to do so, the court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, this 26th day of May, 1999.

Marie A. Gardin
Acting Register of Probate Court

AD #867466
Cambridge Chronicle, 6/17, 6/24, 7/1/99

GOODFELLOW CITATION
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT
MIDDLESEX DIVISION
DOCKET NO. 99A0215-C1
CITATION
M.G.L.c.210, 6

In the Matter of Tiffany Anne Goodfellow, minor
To David A. Goodfellow of parts unknown, last known of Cambridge, MA persons interested in a petition for the adoption of said child and to the Department of Social Services of said child and to the Department of Social Services of said Commonwealth.

A petition has been presented in said court by David P. Doubleday and Claire E. Murphy-Doubleday praying for leave to adopt said child and that the name of the child be changed to Tiffany Ann Doubleday

IF YOU DESIRE TO OBJECT THERETO YOU OR YOUR ATTORNEY MUST FILE A WRITTEN APPEARANCE IN SAID COURT AT Middlesex Probate Court, 208 Cambridge St. Cambridge, MA before TEN O'CLOCK in the forenoon (10:00 A.M.) on July 19, 1999.

Witness, Sheila E. McGovern Esquire, First Justice of said Court

Date MAY 6 1999

Marie A. Gardin
Acting Register of Probate

AD #875771
Cambridge Chronicle, 6/24, 7/1, 7/8/99

HAMMOND ESTATE
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
MIDDLESEX, SS DIVISION
DOCKET NO. 99P2686EP
ESTATE OF Florence P. Hammond AKA Florence Pierson Hammond
LATE OF Cambridge
IN THE COUNTY OF MIDDLESEX
NOTICE

A petition has been presented in the above captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Kenneth S. Safe Jr of Duxbury in the County of Plymouth and Thomas N. Dabney of Dover in the County of Norfolk be appointed executors without giving surety on their bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 a.m. in the forenoon on July 9, 1999.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the second day of June in the year of our Lord one thousand nine hundred ninety nine.

Marie A. Gardin
Acting Register of Probate Court

AD #878692
Cambridge Chronicle, 6/24/99

OLDHAM ESTATE
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT
MIDDLESEX DIVISION
DOCKET NO. 96P3638
NOTICE OF FIDUCIARY'S ACCOUNT

To all persons interested in the estate of Ellen M. Oldham also known as Ellen McQuillkan Oldham late of Cambridge Middlesex.

You are hereby notified pursuant to Mass. R. Civ. P. Rule 72 that the 1st and final account(s) of Fleet National Bank as Executor (the fiduciary) of said estate under the will of said deceased have been presented to said Court for allowance.

If you desire to preserve your right to file an objection to said account, you or your attorney must file a written appearance in said Court at Cambridge on or before the 15th day of July, 1999 the return day of this citation. You may upon written request by registered or certified mail to the fiduciary, or to the attorney for the fiduciary, obtain without cost a copy of said account. If you desire to object to any item of said account, you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciary pursuant to Mass. R.Civ.P. Rule 5.

WITNESS, Sheila E. McGovern. Esquire, First Justice of said court at Cambridge this 11th day of June, 1999.

Marie A. Gardin
Acting Register of Probate

AD #879483
Cambridge Chronicle, 6/24/99

ORDINANCE #1224
LEGAL NOTICE
CITY OF CAMBRIDGE
ORDINANCE NO. 1224
FINAL PUBLICATION NUMBER 2847.
FIRST PUBLICATION IN THE CHRONICLE ON JUNE 24, 1999
IN THE YEAR ONE THOUSAND, NINE HUNDRED NINETY NINE
AN ORDINANCE

In Amendment to the "Zoning Ordinances of the City of Cambridge"

Be it ordained by the City Council of the City of Cambridge as follows:

1. Amend the heading of this article to read as follows:

"Off Street Parking and Loading Requirements and Nighttime Curfew on Large Commercial Through Trucks."

2. Amend the first sentence of Section 6.11 to read as follows

It is the intent of this Article 6.000 to reduce traffic congestion, noises, vibrations, fumes and safety hazards caused by large commercial trucks, thereby promoting the safety, health and welfare of the public by establishing requirements for off street parking and loading and restrictions on the use of City streets during the night-time by large commercial trucks with points of origin and destinations outside the City of Cambridge in order to implement the purposes of The Zoning Act, Section 2A of Chapter 808, and Article 1.000, Section 1.30 of the Cambridge Zoning Ordinance, including:

- to lessen congestion in the streets
- to conserve health
- to conserve the value of land and buildings
- to prevent pollution of the environment
- to protect residential neighborhoods from incompatible activities, and
- to preserve and increase the amenities of the City."

3. Add a new Section 6.96 as follows:

6.96. Night-time curfew of use of City Streets by Through Trucks. All trucks 2.5 tons or more in gross weight traveling through Cambridge from origins and to destinations outside the City are prohibited from using any City streets from the hours of 11:00 p.m. to 7:00 a.m. This curfew shall not apply to trucks with points of origin or delivery in the City of Cambridge. Nothing herein shall affect in any way restrictions on trucks currently in effect."

In City Council June 21, 1999.
Passed to be ordained by a yea and nay vote:-
Yeas 9; Nays 0; Absent 0.
ATTEST:-
D. Margaret Drury
City Clerk

AD #883539
Cambridge Chronicle, 6/24/99

ORDINANCE #1225
LEGAL NOTICE
CITY OF CAMBRIDGE
ORDINANCE NO. 1225
FINAL PUBLICATION NUMBER 2848.
FIRST PUBLICATION IN THE CHRONICLE ON MAY 20, 1999.
IN THE YEAR ONE THOUSAND, NINE HUNDRED NINETY-NINE
AN ORDINANCE

In Amendment to an Ordinance entitled the "Cambridge Municipal Code"

Be it ordained by the City Council of the City of Cambridge as follows:

Amend Chapter 8.28 by deleting the present Chapter 8.28 and substituting a new Section 8.28 entitled "Restrictions on Youth Access to Tobacco Products and on Smoking in Workplaces and Public Places," as amended.

In City Council June 21, 1999.
Passed to be Ordained as amended by a yea and nay vote:-
Yeas 8; Nays 1; Absent 0
ATTEST:-
D. Margaret Drury
City Clerk

NOTE: Pursuant to the provisions of General Laws, chapter 40, Section 32A, Tercentenary Edition, the ordinance as afofesaid which exceeds in length eight octavo pages of ordinary book print may be summarized for publication in a newspaper of general circulation in the city with the further provision that said Zoning ordinance may be examined and obtained at the City Clerk's Office during office hours and that any objection to its invalidity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting or the second publication.

AD #883900
Cambridge Chronicle, 6/24/99

REG. 99-19
LEGAL NOTICE
CITY OF CAMBRIDGE
TRAFFIC, PARKING AND TRANSPORTATION
REGULATION NO. 99-19

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following:

Regulation No. 66-1 Schedule 6D, "PARKING PROHIBITED AT ALL TIMES ON CERTAIN SIDES OF CERTAIN STREET, TOW AWAY (HANDICAPPED PERSONS & DISABLED VETERANS) is hereby amended by adding the following:

River Street, West Side 86' S of Margaret Hamilton Place to 106' S of Margaret Hamilton Place

This regulation shall take effect 30 June 1999.

PROMULGATED DATE 2 June 1999

Susan E. Clippinger
Director

AD #873112
Cambridge Chronicle, 6/10, 6/17, 6/24/99

REG 99-21
LEGAL NOTICE
CITY OF CAMBRIDGE
TRAFFIC, PARKING AND TRANSPORTATION
REGULATION NO. 99-21

By force of the power invested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following.

Regulation No 66-1 Schedule 6 D, "PARKING PROHIBITED AT ALL TIMES ON CERTAIN SIDES OF CERTAIN STREET, TOW AWAY (HANDICAPPED PERSONS & DISABLED VETERANS) is hereby amended by striking out the following:

Irving St., East Side 240' N of Cambridge St. to 260' N of Cambridge St.

This regulation shall take effect 12 July 1999.

PROMULGATED DATE 14 June 1999

Susan E. Clippinger
Director

AD #878612
Cambridge Chronicle, 6/17, 6/24, 7/1/99

URBONAVICH GUARDIANSHIP
LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
MIDDLESEX, SS DIVISION
DOCKET NO. 99P2914GI
GUARDIANSHIP - MENTALLY ILL WITH SURETIES
NOTICE

To Nellie Urbonavich of Cambridge in said county and wife/husband and heirs apparent or presumptive:

A petition has been presented in the above-captioned matter alleging that said Nellie Urbonavich is a mentally ill person and praying that John McEachern of Burlington in the County of Middlesex -or some other suitable person - be appointed her guardian.

IF you desire to object to the allowance of petition you or your attorney must file a written appearance in said court at Cambridge, on or before July 23, 1999.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the seventeenth day of June in the year of our Lord one thousand nine hundred and ninety nine.

Marie A. Gardin
Acting Register of Probate Court

AD #862333
Cambridge Chronicle, 6/24/99

6/28 CDC HEARING
LEGAL NOTICE
MID CAMBRIDGE NEIGHBORHOOD CONSERVATION DISTRICT COMMISSION

Notice is hereby given that the Commission will hold a Public Hearing on Monday, June 28, 1999 at 4:30 PM in the third floor conference room at the City Hall Annex, 57 Inman Street, to consider the following applications for Certificate of Appropriateness under Article III and the Ordinance establishing the Commission:
MC-1691; 420 Broadway (continuation): For review of binding Certificate of Appropriateness to reconstruct facade and half of west elevation of existing building, rebuild roofline to 19'6", construct four small windows on south elevation, and install lighting on south elevation. By Charles Sage and Edward Morandi, Trustees, S&M Realty Trust on behalf of the Government of Switzerland.
MC-1709: 119-121 Inman Street: For review of non-binding Certificate of Appropriateness to alter entrance treatment. By Diana Van Houtum.

John Moos, Chairman

AD #880055
Cambridge Chronicle, 6/24/99

7/7 CDC HEARING
LEGAL NOTICE
AVON HILL NEIGHBORHOOD CONSERVATION DISTRICT COMMISSION

Notice is hereby given that the Avon Hill Neighborhood Conservation District Commission will hold a Public Meeting on Wednesday, July 7, 1999 at 5:30 PM in the Large Conference Room, Carriage House, Lesley College School of Management, 49 Washington Avenue, Cambridge to consider the following application for Certificate of Appropriateness under Article III of the Cambridge City Code and the order establishing the Commission:

AH-15: 37 Mount Vernon Street (continuation): For review of binding Certificate of Appropriateness to remove aluminum siding and restore trim elements in consultation with Historical Commission staff; to replace windows with two over two sash with applied muntin; to restore slate mansard roof and reroof rear ell and upper slope of mansard; and to enlarge existing structure and create one additional dwelling unit on site. By Estate of Queenie Boyajian on behalf of Gwen and Marshall Simpkins.

Allen Razdow, Chairman

AD #880053
Cambridge Chronicle, 6/24, 7/1/99

7/7 CDD HEARING
LEGAL NOTICE
AVON HILL NEIGHBORHOOD CONSERVATION DISTRICT COMMISSION

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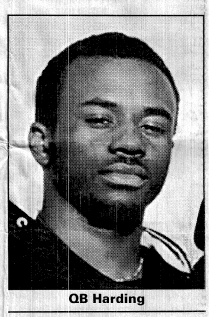
AH-17: 60 Raymond Street: For Review of non-binding Certificate of Appropriateness to construct 218 square foot single story addition with garage bay below, to enlarge driveway and rebuild retaining walls, to remove concrete terrace at first floor level, and to replace stockade fencing with open iron fence in same location and height. By Nelson Gore.

Allen Razdow, Chairman

AD #883074
Cambridge Chronicle, 6/24, 7/1/99

Rindge star QB Harding is all business

The former CRLS football and baseball star plans to shine on and off the field in college



QB Harding

BY LAURANCE KIMBROUGH
Sports Correspondent

Over the past three seasons, Donald "QB" Harding has been one of the most feared players in the Greater Boston League. His defensive prowess in center field made it so batters didn't want to hit the ball in his direction.

With Harding at the plate, infielders had to play on the grass while outfielders had to take two to three steps back because of Harding's warning track power. On the bases, Harding is a threat to steal a base at anytime, turning bunt singles into doubles and triples when all is said and done.

"As my years went on, I was known to be a threat around the league," Harding said about the respect he gained. "I was a threat on the base paths. Defensively, nobody wanted to hit the ball to me. At the plate, nobody knew whether I was going to bunt or jack a home-run."

Harding, who graduated Thursday from Cambridge Rindge and Latin School, was one of the players who helped bring Cambridge baseball back to respectability. Not since 1991 had the team made the state tournament. Now, for two consecutive seasons the Falcons have been knocking on the door, but have been denied entry to the big dance.

Harding's contributions to Cambridge baseball are one of the reasons why the Falcons have been so successful over the past two seasons. This spring, Harding hit .333, was 16-for-17 in stolen bases, hit 17 RBI in the leadoff position and hit two homeruns. What would be a great career for many high school baseball players Harding saw as a disappointment, knowing that he was capable of performing better.

"I think I expected to much out of myself," he said. "That's why my numbers weren't as high as I would have liked them to be. I knew I could hit the pitches that I saw, but I was over-anxious and began swinging at bad pitches, not looking to get on base. I know that hurt our team."

However, all of Harding's personal statistics have gone for not as his team failed to make the state tournament by one win for the second straight season.

"It hurt the seniors a lot because the same thing happened to us last year," Harding said. "Coming into this year, we thought we were going to have a very good team and we did. We lost a couple of tough games early on in the year by one or two runs. The season could have went both ways. We could have 13-7 or 7-13."

> ***"I want people to know that I am out there meaning business, not just out there messing around."***
>
> **QB Harding**

Harding's last game against Malden Catholic was one of the more memorable games of the season. It was an 11-inning affair in which the Falcons fell 13-6.

"That last game was a heartbreaker," said Harding. "The score doesn't really reflect how close the game was."

Whether its on the football field or the diamond, Harding is never short on emotion. His fiery and competitive attitude is well known throughout the GBL. Harding believes this approach helps his production.

"I like to have my presence recognized on the field. I want people to know that I am out there meaning business, not just out there messing around," he said.

One of Cambridge Athletic's most frighting experiences came last year when Harding was on the indoor track team. Harding, one of the league's best high jumpers, cleared the bar and the safety mat, landing on the ground. He had to be taken off the in a stretcher and was in a soft neck cast for over a month.

"During football season, there were weeks where I couldn't practice because the coaches were afraid of me re-injuring it," he said. "They wanted me to be healthy enough to perform on Saturdays. I think the injury bothered me more on the baseball field. The injury hurt while I was swinging the bat. I think it took a lot away from my game over the past year and half. I found myself holding my back after a real big cut. I would also hurt a lot when I was sliding into bases."

Harding believes his biggest strength on the baseball field is his speed. From covering ground in center field, to laying down bunt or swiping bases, Harding uses quickness to his advantage.

QB's father, Donald Harding, has been one of the major reasons the Cambridge football program has found success over the past three seasons. Donald Harding founded Pop Warner football in Cambridge in 1992. The elder Harding also is involved in politics and is running for City Council.

"My dad was person who really pushed me into playing sports," said QB. "A lot of people have gotten to know me because of my father. A lot of people throughout the city of Cambridge have respect for me, just as I have a lot of respect for them. He has been a real big part in my playing football, baseball, basketball and running track."

Although Harding is one of the more emotional athletes Cambridge has seen over the past four years, he would rather be remembered as someone who is respected throughout the city.

"I want people remember me as a respectful person, someone who is always going to be out there for somebody else," he said. "Somebody who takes things seriously."

Harding will be attending Central Florida Community College in the fall. He hope to not only find success on the baseball field, but in the classroom as well.

"Hopefully I can do good work down there and stay in school down there after junior college and make a career for myself," said Harding.

QB plans to study business in college.

Rockies rule in West baseball league

The West Division minor league has completed a successful regular season with the Rockies winning the championship with a 14-0 record.

The Rockies, with seven first-year players, continued their winning streak going unbeaten for the third straight season.

The Rockies defeated the Cubs and Mariners the last week of the season to remain unbeaten. In the first game of the week against the Cubs, the Rockies trailed 1-0 going into the last inning to an incredible pitching match-up between Anthony Corso and James Lynch.

In the last inning, the Rockies rallied to win the game on key hits from Jonathan Mullane, Jarod Mullane and Peter Glenmullen.

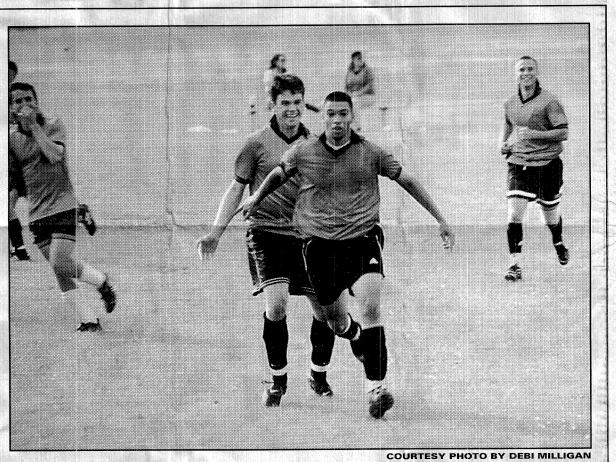
In the season finale against the Mariners, the Rockies received solid pitching from George Turner and timely defense from Eli Joseph, Nick Harney and James Ballard. Other key contributors to the Rockies' success were Michael Glenmullen, Amos Kendall and Martin Kessler. The Rockies' pitchers were James Lynch, 7-0; George Turner, 4-0; and Charlie Posner, 3-0.

Also having a successful season, the A's finished at 9-5. The A's had excellent pitching all season long by Nick Lattanzi and Kairee Wright. The high-powered offense was paced by Piero Pertile, Kevin McCarthy and Rene Castro.

The White Sox and Red Sox finished on a tie for third at 8-6. The White Sox were led by Aidan Hanlon, Matthew Kelsey and Alexander Barber. Jenna Lipcomb provided outstanding pitching all season long for the Red Sox to help their success.

The Cubs secured the final playoff position at 7-7. The Cubs had great pitching from Anthony Corso and solid play from Teddy Ansbacker-Hunt and Liam Walsh.

Final standings: Rockies, 14-0; A's, 9-5; White Sox, 8-6; Red Sox, 8-6; Cubs, 7-7; Padres, 4-10; Mariners, 3-11; O's, 2-12.



COURTESY PHOTO BY DEBI MILLIGAN

Anderson Dos Santos celebrates a goal against Dedham.

Eagles soar into state tourney

BY ABRAHAM SUSSMAN
Special to the Chronicle

The Cambridge Eagles Div. 1 under-19 Bays soccer team completed its regular season last week with an exciting 4-1 win over Dedham.

The victory puts the Eagles in the Massachusetts Tournament of Champions this weekend at UMass-Amherst.

Under the direction of Coach Guiseppi Luciano, the Eagles mastered a brilliant style of quick passes and fiery attack against Dedham, a team the Eagles tied earlier in the season.

The first half was hard fought with effective defense on both sides. The Cambridge defense was led by Joshua Sussman at sweeper, David Villalobos and Jesse Dee at fullbacks, Alvaro Santalices at stopper, with Bobby Sherbourne in goal.

In the second half, Dedham struck first, eight minutes in. Cambridge responded with a tremendous blast off the left foot of Anderson Dos Santos from 30 yards out, tying the game.

Both teams had chances throughout, including a breakaway by Dedham, which was stuffed with a magnificent effort by Sherbourne in goal. Both teams battled even until, with six minutes left, Marques Almeida snaked along the back line past two defenders and passed to Naod Mesfin, who one-timed it into the goal. From there on, Cambridge took over, getting another goal from Mesfin and a fourth goal from Tiago Moriera.

The Cambridge midfield was brilliant throughout, involving Dos Santos, Moriera, Ian Milligan-Pate, Ricardo Gonzalez, and Geraldo Moriera.

This Cambridge team has been another wonderful example of Cambridge's rich cultural diversity, including players originally from Ethiopia, Cape Verdes, Brazil, Columbia, Spain, Haiti, El Salvador, Tanzania, and Guatemala with an Italian-trained coach.

SPORTSWIRE

Breakers win again

The girls under-10 Breakers soccer team finished its winning season with a tie against Canton last Saturday. An awards ceremony was held following the game and the girls received medals for their accomplishments.

Everyone on the team scored goals: Cameron Farkas, 15; Ashia Wilson, 15; Cieu Lan Dong, 11; Katherine Farrar, 8; Ayana Wilson, 8; Annie Crane, 6; Eliza Brauns, 6; Vanessa Ward, 6; Stephanie Shing, 5; Lila Knisley, 4; Allie Robertson, 2; and Hannah Welans, 2.

School hosts girls camp

The All Sports Girls Summer Camp will be held at Matignon High School from June 28 to July 16.

This camp, which involves three one-week sessions, is designed for girls who will be entering grades 3 to 9 in the fall and will include instruction in the skills and techniques of a variety of team sports.

The camp runs from 8:30 a.m. to 12:30 p.m. and costs $100 per child, per session, although family rates are available. For more information or to register your child, call Hoag at 876-1212, ext. 338.

Braves, A's are tops

The fifth annual Mario Vigilante Playoffs took place this past weekend.

The Minor League Champs were the A's led by Nick Cummings, Jerard Warren and MVP Eric Tolliver. The Major League Champs were the Braves led by Aaron Santos, Nathan Leva and Brian Bradley.

The Minor League Phillies and Major League Mariners will represent East in the Mayor's Cup. Check out our web page for in-depth summaries on the playoffs: http://members.tripod.com/~ECLBL.

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LEAN COLONIAL BACON 99¢ lb.

FRESH GROUND EXTRA LEAN SIRLOIN PATTIES $1.69 lb.

FRESH BROWN JUMBO EGGS 99¢ dz.

THIN SLICED WHITE AMERICAN CHEESE $1.99 lb.

THIN SLICED MARVEL TURKEY BREAST $2.99 lb.

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Eclipse wins BAYS championship

The Cambridge Eclipse capped off an undefeated spring season with a sequence of three playoff victories last week which gave the team the Div. 2 under-12 boys Boston Area Youth Soccer championship.

The Eclipse showed balance and poise at all positions, exemplified by Rance Graham-Bailey's steady goalkeeping, defender Alexander Bois' dominating physical challenges, Brion Bob's generalship and precision passing, and Mike Toomey's inspired runs up front.

On June 14, the Eclipse built a 3-0 lead en route to a 4-2 triumph over Sudbury. Oliver Fadly took advantage of a well-placed cross from Mark Crane to earn the early lead.

Cambridge got a second goal when speedy Ben MacArthur passed to Eric Lawson who found the back of the net. In the second half, Toomey notched the third Cambridge tally. Although Sudbury fought back with two goals, the Eclipse defense came up big with inspired play from Nick Tosh and Alex Pendery. Peter Glenmullen scored a fourth Cambridge goal to seal the win.

This victory earned Cambridge a date with top-ranked Medfield on June 16. Lawson drew first blood with a quick, powerful strike. The Eclipse survived some pressure with Sam Wisner and Tosh repelling the Medfield attack before Cambridge countered effectively with MacArthur dishing the ball to the left-footed Fadly, who hammered it home for a 2-0 lead.

Lawson struck again to put the stunned Medfield side down 3-0. Medfield responded in the second half with more defensive resolve and took advantage of a penalty kick to get on the scoreboard. As they pressed forward, Medfield scored again to reduce their deficit to one goal. But the doughty Cambridge squad held firm for a 3-2 upset win.

The next evening, Cambridge faced Attleboro in the title match and exhibited excellent team play, including unselfish passing from Mark Wagner, well-timed challenges from Cyrus Safizadeh, and long throughballs from Conor O'Sullivan-Pierce.

Dylan Mess scored the first goal after Noah Gardner drew the defense out. Glenmullen shocked everyone with a 35-yard cannon blast on restart to gain a 2-0 lead, and Le Goldstein capitalized at the top of the crease for the final 3-0 score.

The Eclipse continue their postseason this weekend in the state tournament in Amherst.

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

June 9,1999

To the Honorable, the City Council:

Subject: Falb, et al Zoning Petition regulating commercial truck traffic in the city.

Recommendation The Planning Board strongly supports the objectives of the petition to limit the impact of commercial trucks on residential streets in Cambridge. The citywide approach suggested in the petition is certainly a desirable one, if achievable, as attempts to designate particular truck routes through the city have the effect of burdening some neighborhoods disproportionately.

Nevertheless, regulation of commercial traffic by local communities is a complicated matter involving issues of federal and state authority and jurisdiction. The Planning Board is not qualified to make judgments on such matters or on the legal strength of the current proposal; therefore the Board suggests that the City Council work closely with the Office of the City Solicitor tc fashion a measure or series of measures that can withstand legal challenge and meet the objectives of the Petition.

Respectfully submitted for the Planning Board,

Paul Dietrich

Paul Dietrich, Chairman

41.

CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

June 14, 1999

To The Honorable, The City Council:

Please find attached for your consideration, a Planning Board recommendation on the Falb, et al Zoning Petition regulating commercial truck traffic in the City.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
Attachment

Consent Agenda #41

Relative to the Planning
Board recommendation on
the Falb, et al Zoning Petition
regulating commercial truck
traffic in the City.

In City Council June 14, 1999

Passed to be Ordained
9-0-0.

Referred to
Calendar Item #21

Kent

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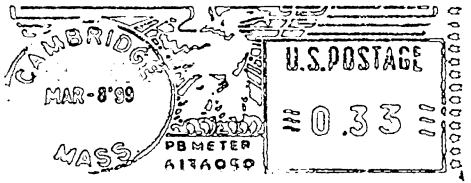
City Hall • Cambridge, Mass. 02139



M. Holmes
676 Avenue
Cambridge, MA 02139

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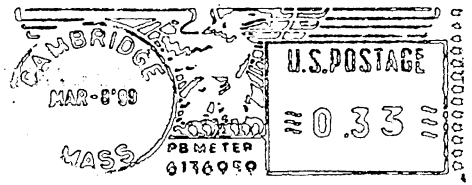

~~Michael Hanlon~~, Jr.
28 Blake Street
Cambridge, MA 02138

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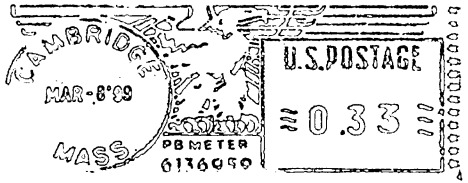

Sarah Fitzgerald
20 Street
Cambridge, MA 02138

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Margaret & Richard Thomas
333 Huron Avenue
Cambridge, MA 02138

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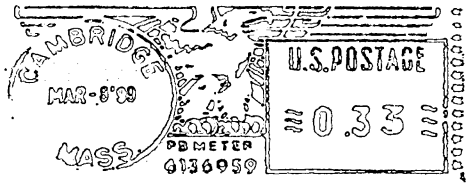

Gabriel Haa
2 Ellsworth Street
Cambridge, MA 02139

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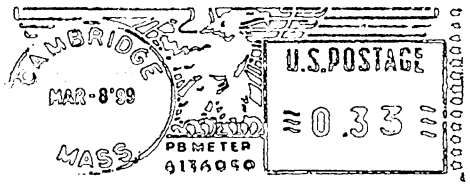

William Jian
269 Huron Avenue
Cambridge, MA 02138

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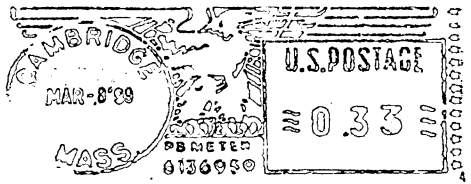

John Tackney
49 South Street
Cambridge, MA 02139

NSA
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3808

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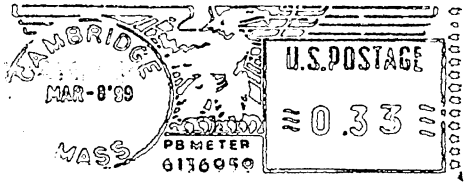

Fran Arnold
31 Healey Street
Cambridge, MA 02139

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CITY OF CAMBRIDGE

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

TO: **ALL INTERESTED PERSONS**

FROM: **D. MARGARET DRURY, CITY CLERK**

DATE: **MARCH 8, 1999**

RE: **ORDINANCE COMMITTEE MEETING**

****

Please be advised that Councillor Henrietta Davis, Chair of the Ordinance Committee, has scheduled two public hearings for Wednesday, March 24, 1999 in the Sullivan Chamber as follows:

5:00 P.M.	To consider a proposed amendment to the Municipal Code to ban the sale of laser pens to minors.
5:30 P.M.	To consider a petition to amend the Zoning Ordinance filed by Karen Falb, et al. to regulate through trucks in Cambridge.

Your kind attention in this matter will be greatly appreciated.

cc: Councillor Davis

Karen Falb, 245 Brattle Street, stated that even though there are not many people at this hearing, the community is very concerned about the problem of truck traffic.

Tenbroeck Patterson, 581 Mt. Auburn Street, stated that since the last meeting, there are even more trucks than before. No community should have to suffer like this one is suffering.

Vici Casana, Western Avenue, stated that it has been three and one-half years since the first public hearing on trucks. She stated that this proposal is well reasoned and could survive a court challenge. She hopes the City Council will support it.

Mark Nahabedian, 66 Prospect Street, stated that he lives on a street that has a truck ban that has not been enforced in five years. Several years ago the Police Department was actively stopping trucks to check whether they were through trucks or not. He urged the City Council to take action.

Councillor Born moved that the petition be referred to the full City Council, and the motion passed without objection.

Councillor Davis thanked all those present for their attendance.

The meeting was adjourned at 8:23 p.m.

For the Committee,

Councillor Henrietta Davis
Chair

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A

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Nancy E. Glowa
First Assistant
City Solicitor

Arthur J. Goldberg
Supervising
Legal Counsel

Legal Counsel
Birge Albright
Gail S. Gabriel
Linda A. Stamper
Vali Buland
Cheryl Anne Watson

CITY OF CAMBRIDGE
Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

April 26, 1999

Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

Re: ***Falb Amendment–Planning Board Request for Legal Opinion***

Dear Mr. Healy:

In response to the Planning Board's request for legal advice regarding the proposed zoning amendment to ban through trucks during night-time hours, I am providing a copy of a legal opinion prepared for the City Council last year. The opinion was done by Professor Richard Fallon of the Harvard Law School.

In essence, Professor Fallon concludes that a nighttime truck restriction on all Cambridge streets would face serious legal challenges under federal statutory and constitutional law. In addition, the restriction could be challenged as incompatible with applicable state law.

Proponents of the Falb Amendment rely heavily on the case of *New Hampshire Motor Transport Association v. Plaistow* , 67 F. 3d 326, rehearing denied, 67 F. 3d 333 (1st Cir., 1995), cert. denied, 116 S. Ct. 1352 (1996). Professor Fallon acknowledges that the *Plaistow* decision clearly establishes that federal law does not absolutely forbid the enforcement of municipal zoning regulations that reasonably restrict truck traffic in order to protect interests in residential peace and tranquility. As Professor Fallon points out, however, there are significant differences between the circumstances in *Plaistow* and the proposed city-wide truck ban.

The *Plaistow* case deals with a truck terminal, situated between five and six miles from Interstate 495 in New Hampshire. The terminal is the destination for large trucks from around the country dropping off freight to be delivered in New England. Trucks exit the interstate, travel on two New Hampshire state highways, and finally drive along

roughly 2000 feet of private way. The first portion of the private way lies in a Plaistow, New Hampshire residential zone.

After receiving complaints about noise from nighttime truck traffic, Plaistow officials sued the terminal's owner in state court alleging that the nighttime operations violated a town zoning ordinance prohibiting land uses that "may be obnoxious or injurious by reason of the production or emission of odors, dust, smoke, refuse matter, fumes, noise, vibration, or other similar conditions, or that are dangerous to the comfort, peace, enjoyment, health, or safety of the community." 67 F. 3d at 328. Pursuant to this general provision of the existing zoning ordinance, the town sued the owner of the truck terminal in state court and eventually obtained an injunction under which no trucks may arrive at or depart from the terminal between 11:00 p.m. and 5:00 a.m. The injunction permits two trucks to arrive or depart between 9:00 and 11:00 p.m., and three trucks to arrive or depart between 5:00 and 6:00 a.m.. There are no restrictions between 6:00 a.m. and 9:00 p.m.

The New Hampshire Motor Transportation Association brought a separate suit in federal court challenging the state court's injunction. The federal lawsuit challenged the injunction pursuant to several federal statutes and the commerce clause of the constitution. The federal district court upheld the state court action and the First Circuit Court of Appeals affirmed. Professor Fallon details the analysis of the court of appeals.

Some differences between the *Plaistow* case and the proposal contained in the Falb Amendment are:

First, in *Plaistow* there was no zoning amendment specifically targeting trucks.

Second, *Plaistow* involved a narrowly targeted application of a city zoning ordinance to a single, private road in a single residential neighborhood, following a trial in a state court with specific factual findings showing a disruption of tranquility within that neighborhood. The Falb amendment proposes a city-wide ban on all streets, necessarily lacking the detailed level of fact-specific findings present in *Plaistow*. The federal statutory and constitutional analysis done by the court in *Plaistow* turns essentially on the question whether the local regulation is unreasonable or unnecessary or excessive. Each of these standards requires an assessment of the factual basis for the regulation. As Professor Fallon notes, this difference in posture between the cases makes reliance on the *Plaistow* decision as a support for a city-wide ban at best risky.

Third, the court noted that the challengers in *Plaistow* had made a cursory argument that actually waived the factual issues on which a challenge to the ordinance ultimately had to depend. As Professor Fallon notes, a city-wide ban is likely to provoke a more industrious and savvy challenge than occurred in *Plaistow*.

Fourth, the limited scope of the restriction in *Plaistow*, and the limited record from the state court action, supported the conclusion of reasonableness of the regulation under the federal regulatory scheme. In general, however, that scheme discourages 'balkanization" of commerce regulations, and Professor Fallon notes that a city-wide ban,

with the potential for several adjoining communities to join in, would likely trigger a higher level of scrutiny than the single stretch of road in the *Plaistow* case.

Fifth, in *Plaistow* there is no mention of any New Hampshire state statutes or regulations relating to the case. The Falb Amendment may well implicate the provisions of M.G.L. c. 85, §2. Under that statute any local regulation or ordinance which excludes motor vehicles from state highways is invalid. There are several such highways that run partially through the city, and such an ordinance provision would appear to be invalid as applied to those highways.

In addition, M.G.L. c. 85, §2 provides that any rule, regulation, order, or ordinance of a city "...made or promulgated relative to or in connection with the erection or maintenance of signs, traffic control devices, school zones, parking meters, or markings on any way within its control shall take effect...' without MHD approval, except that such a regulation or ordinance shall not take effect until approved in writing by the MHD if made in relation to:

(1) any way at its intersection or junction with a state highway;
(2) any project which is or was federally funded;
...
(4) any sign excluding heavy commercial vehicles;
...
(7) any rule, regulation, order, ordinance or by-law of a city or town which when made or promulgated would exclude motor vehicle travel on any existing way which connects one city or town with another, unless such rule, regulation, order, ordinance, or by-law was promulgated in compliance with the following: (a) the rule-making body of the city or town initiating such rule, regulation, order, ordinance or by-law gives written notice of such action to the chief executive officer of the abutting city, town or county into which the said way extends, and (b) a public hearing is held by the city, town or county initiating such alteration, relocation, or discontinuance, public notice of which must be published for each of the two weeks preceding such hearing in a newspaper of general circulation in the abutting city, town or county into which the said way extends, and (c) after concurrence in writing by the chief executive officer of the abutting city or town into which the said way extends or his designee.

The statute provides that maintenance of any of the "traffic control devices" without requesting and obtaining the required approval will authorize the MHD to "...withhold or withdraw the unexpended balance of funds assigned to the said city..." under statutes which distribute federal and state highway improvement funds to the City.

Chapter 85, §2 is not a model of clarity, and there have been no cases interpreting its provisions in any manner helpful to this analysis. It may be possible to read the statute as only prohibiting the erection of signs. The proponents of the Falb Amendment favor this view, and argue that a zoning amendment need not be posted by signage, hence there would technically be no violation of the statute in adopting the amendment. Attempting a city-wide nighttime truck ban without signage would at least complicate the ability to

enforce the ban, since vehicles are generally permitted on public streets unless those streets are properly posted to exclude them, raising a potential due process problem. Setting aside for the moment the due process issues, however, I think there is a significant risk that a court could interpret the statute as prohibiting the ordinance itself, without regard to the posting of signs. Chapter 85 seems to reflect a legislative intent to require centralized, MHD approval of regulations designed to exclude, among other things, heavy commercial vehicles. Our experience with the MHD on these issues demonstrates that they tend to guard against the proliferation of local exclusions, perhaps on the assumption that all communities would like to exclude trucks if possible. Use of the zoning power to accomplish something that c. 85 would not permit will likely draw a heightened scrutiny by the courts, with an uncertain outcome.

As Professor Fallon points out, City regulations that restrict nighttime traffic only on exclusively residential streets would at least have better prospects of surviving legal challenge. Such a restriction would come within the specific holding of the *Plaistow* decision as to federal law requirements. There would remain the question whether state statutory requirements such as those contained in M.G.L. c. 85, §2 might still lead to a different result, and it would be best if any such regulation were approved by the MHD.

Please let me know if I can be of further assistance in this matter.

Very truly yours,

Russell B. Higley

cc. Rich Rossi
Beth Rubenstein
Les Barber
Nancy Glowa

B

89 Irving Street
Cambridge, MA 02138

May 4, 1999

Paul Dietrich
Chairman
Cambridge Planning Board
57 Inman Street, 3rd Floor
Cambridge, MA 02139

Re: Falb Amendment Petition
Nighttime Curfew on Through Trucks

Dear Mr. Dietrich:

This is in response to Mr. Higley's April 26, 1999 letter to Mr. Healy, in response to the Planning Board's request for legal advice regarding the Falb Amendment to the Zoning Ordinance which would place a nighttime curfew on through trucks using City streets. Mr. Higley provided the Board with a copy of the legal opinion prepared last year by Professor Fallon of the Harvard Law School at the request of the Law Department. A copy of my 5/22/98 memoranda responding to Professor Fallon's analysis is enclosed.

As pointed out in my response, it is clear that Professor Fallon has little understanding of the truck problem in Cambridge, including the mixed uses of land in the many diverse neighborhoods of the City and the serious adverse impacts of nighttime truck traffic on residents living in all parts of Cambridge. Professor Fallon's conclusions, which apparently are based on his knowledge of federal cases and statutes, but not municipal law, have little relevance to the issue at hand. While I agree with Mr. Higley that Professor Fallon recognized that "the Plaistow decision clearly establishes that federal law does not absolutely forbid the enforcement of municipal zoning regulations that reasonably restrict truck traffic in order to protect interests in residential peace and tranquillity," in my opinion Plaistow goes much further by expressly holding that zoning authority provides a basis for enforcing a nighttime curfew on truck traffic. The Court stated:

> "The curfew is akin to zoning and traffic restrictions traditionally applied on a local level, (citations omitted), and there is no regulation by federal authorities that provides substitute protection."

Mr. Higley goes on to point out five differences between the circumstances in Plaistow and those underlying the proposed Falb Amendment. While clearly there are factual differences between the two situations, I believe they are insignificant and in no way undermine the clear implications of Plaistow, which provide solid support for the legality of the Falb Amendment. My responses to Mr. Higley's five differences are as follows:

1. Mr. Higley sates that in Plaistow there was no zoning amendment specifically targeting trucks. I agree. The Town of Plaistow had no zoning amendment which specifically targeted trucks, as Cambridge would have if the Falb Amendment is adopted. Instead, Plaistow relied on a general zoning ordinance which prohibited land uses that "may be obnoxious or injurious by reason of the production or emission of odors, dust, smoke, refuse matter, fumes, noise, vibration or other similar conditions, or that are dangerous to the comfort, peace, enjoyment, health, or safety of the community." The First Circuit Court Appeals held that the Town of Plaistow has the authority under this general zoning ordinance to place a curfew on trucks during nighttime hours from using town streets to access a truck terminal in a neighboring town. The Falb Amendment would make the prohibition against such uses specific to though trucks at nighttime because of their adverse impacts to public peace, enjoyment, health and safety, all of which interests the Court held are within the zoning authority of a municipality to protect.

2. Mr. Higley says "Plaistow involved a narrowly targeted application of a city zoning ordinance to involve a single private road in a single residential neighborhood." There is no indication in the reported decision that this was the underlying fact. The Court found that trucks enter the terminal from interstate highways and over a street in Plaistow, "the first portion of which", the Court said "passes through Plaistow's residential zone." However, a finding that trucks pass through a "residential zone" is not a finding, as Mr. Higley seems to believe, that the street is an all "residential street." Indeed, most neighborhoods zoned residential contain mixed uses, resulting from non-residential uses with grandfather protection, exemptions for educational, religious and governmental uses, uses allowed by special permits and variances. More importantly, Plaistow's Cease and Desist Order, which the Court upheld, imposed a blanket night-time curfew on trucks using Plaistow's streets to access the terminal, without regard to what streets trucks used to reach the terminal.

Further, Mr. Higley attempts to distance the Plaistow decision by stating that the factual support justifying the ban was based on testimony at trial "showing a disruption of tranquillity within that neighborhood." The underlying impetus for the Falb Amendment is that hundreds of residents throughout the City of Cambridge have testified at public hearings and meetings before the City Council, the Ordinance Committee, the City Manager's Truck Advisory Committee and elsewhere of the significant disruption to their lives caused by the noises, vibrations, air pollution and safety of trucks on neighborhood streets. Indeed, the more than 600 registered voters who signed the Falb Amendment Petition can attest in any administrative or judicial forum to the specific disruptions trucks have on their lives.

3. Mr. Higley says that the challengers to the Plaistow truck curfew made only a "cursory argument." I find no support for this assertion. All indications from the long reported history of the truckers' challenges to Plaistow's ordinance through the State and Federal Courts are that the New Hampshire Motor Transport Association, representing groups of truckers using the terminal, mounted a vigorous attack on the Town's Cease and Desist Order by invoking every conceivable federal law giving rights to interstate truckers.

4. Mr. Higley states his fear that adoption of the Falb Amendment would cause "balkanization" which would "trigger a higher level of scrutiny by the courts." If other communities adjoining Cambridge enact a similar nighttime curfew, which the supporters of the Petition encourage them to do (See my letter to you dated April 16, 1999), I believe the Falb Amendment and the similar provisions in other communities would withstand the "higher level of scrutiny" which Mr. Higley fears would be applied.

5. Mr. Higley's fifth point is that the Falb Amendment "may well implicate the provisions of M.G.L. c. 85, §2" since the statute provides that local regulations which exclude motor vehicles from state highways is invalid. Mr. Higley apparently has not read the Petition since it expressly applies only to "city streets" and does not purport to exclude motor vehicles from "state highways." Mr. Higley also points out that M.G.L. c. 85, §2 requires MHD approval of any restrictions which are enforced through signage. Zoning restrictions typically are not enforced through signage and it is not expected that the nighttime curfew would be enforced through signage either. Persons using land within a municipality are deemed to be on notice of local zoning ordinances regulating the use of land. In this case truckers clearly would have actual notice of the nighttime curfew if adopted by the City Council and approved by the Attorney General because of the wide publicity which the measure already has received through the news media and the public hearings and meetings held by your Board and the Ordinance Committee. Indeed, the truckers were represented at the Ordinance Committee hearing by a spokesman for the American Trucking Associations, who offered to work with the City Traffic Department to develop restrictions acceptable to the Association's members.

We urge the Board to recommend to the City Council adoption of the Citizens' Petition.

Very truly yours,

Thomas B. Bracken

cc: Councillor Henrietta Davis
Chair, City Council Ordinance Committee

TBB/kbt

City of Cambridge

In City Council May 24, 1999

The Ordinance Committee held a public meeting on May 19, 1999, beginning at 7:20 p.m. in the Sullivan Chamber for the purpose of discussing a proposed amendment to the Zoning Ordinance to regulate truck traffic by providing a night time curfew on the use of city streets by trucks having 2.5 tons or more in gross weight.

Present at the hearing were Henrietta Davis, Chair of the Committee, Councillor Kathleen L. Born, Councillor Katherine Triantafillou and City Clerk D. Margaret Drury. Also present was Donald Drisdell, Deputy City Solicitor.

Councillor Davis convened the hearing and explained the purpose. She stated that the petition expires by operation of state law if no action is taken by June 26, 1999. Councillor Davis asked, in light of the fact that only two members of the Council were present, what was the pleasure of the Committee.

Councillor Born stated that the petition should be referred to the full Council. Because there are only two present, it should be referred without recommendation.

Councillor Born asked what the petitioners believed would happen if the Ordinance were adopted and the City were sued. Attorney Bracken stated that he would support the City and would be willing to work with the City in defending the case. He cited a new federal case in the telecommunications area that provides additional support. The courts are moving in the direction of protection of local interest in the face of the competing claims of regulatory schemes.

Councillor Born asked Tom Bracken whether the proposed ordinance is drafted in the best possible way to withstand a legal chalienge. He stated that he believes that it is.

Councillor Davis submitted for the record a copy of a letter from the City Solicitor submitted to Planning Board in response to their request for a legal opinion (ATTACHMENT A).

Mr. Bracken submitted a copy of his letter to the Planning Board in response to the City Solicitor's letter (ATTACHMENT B).

Councillor Davis then invited public testimony.

Committee Report #5

A report from Councillor Davis,
Chair of the Ordinance Committee,
for a hearing held on May 19, 1999,
for the purpose of discussing a
proposed amendment to the Ordinance
to regulate truck traffic by providing
a night time curfew on the use of
city streets by trucks having 2.5 tons
or more in gross weight.

In City Council May 24, 1999

Report Accepted.
Passed to a 2nd Reading

PETITION OF Karen F. Falb et al - New Section 6.96
Truck Traffic

Petition filed with the City Clerk January 21, 1999

(all hearings to be completed 65 days from In City Council date)

6 days = January
28 days = February
31 days = March
65 days March 31

In City Council January 25, 1999

Referred to the Planning Board for report _____

Planning Board Hearing March 16, 1999

(CITY COUNCIL must act within 90 days of the ORDINANCE COMMITTEE hearing which would be June 22 Remained in Committee.)

7 days = March
30 days = April
31 days = May
22 days = June
90 days =

June 22

30 April
31 May
29 July
90 = June 29

City Council hearing published Chronicle on March 4, 1999
and March 11, 1999

Hearing before the Ordinance Committee Remained in committee March 24, 1999 at 5:30

Reported to the City Council May 24, 1999

Passed to a second reading on May 24, 1999

published in Chronicle on May 27, 1999

Planning Board report received on _____

Ready for ordination on June 7, 1999

Passed to be ordained on _____

published in _____ on _____

COMPLETION DATE June 22, 1999

89 Irving Street
Cambridge, MA 02138

April 23, 1999

Donna P. Lopez
Deputy City Clerk
City of Cambridge
795 Massachusetts Avenue
Cambridge, MA 02139

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS
1999 APR 26 P 1:08

Re: Trucks

Dear Ms. Lopez:

I received your message on my home answering machine advising that the Ordinance Committee has not scheduled a meeting for May 5 or at any other time to address the Citizens' Truck Petition and that the noticed public meeting of the Traffic and Transportation Committee for that day from 7:30 - 9:00 P.M. will address only the daytime truck route proposed in Report B.

I would appreciate your letting me know as soon as the Ordinance Committee schedules another public hearing/meeting on the Petition. If possible, I request that you not schedule the hearing between May 26 and June 8, during which time I will be out of the Country.

Very truly yours,

Thomas B. Bracken

TBB/kbt

1+D

COMMITTEE MINUTES
COVER SHEET

The Ordinance Committee

held a public meeting/~~hearing~~ on May 19, 1999, beginning at 7:20 ~~am~~ pm in the Sullivan Chamber/~~Ackermann~~ Room for the purpose of discussing a proposed amendment to the Zoning Truck Ordinance to regulate truck traffic by providing a nighttime curfew on the use of city streets by trucks 2.5 tons or more in gross weight. Present at the hearing were Councillor Henrietta Davis, Chair of the Committee, ~~Mayor Francis H. Duchay, Vice Mayor Anthony D. Gallucc~~io, Councillor Kathleen Leahy Born, ~~Councillor Henrietta Davis, Councillor Kenneth E. Reeves, Councillor Sheila T. Russell, Councillor Michael A. Sullivan,~~ Councillor ~~Timothy J. Toomey, Jr., Councillor Katherine Triantafillou~~, and City Clerk D. Margaret Drury. Also present ~~were~~ ~~[illegible]~~ was Donald Drudell, Deputy City Solicitor.

Councillor Davis convened the hearing and explained the purpose. She ~~stated~~ stated that the ~~[illegible]~~ petition expires by operation of state law if no action

present, ~~the~~ it should be referred without recommendation

is taken by June 26, 1999. ~~[illegible]~~

C. Davis asked, in light of the fact that only two members of the Council ~~are~~ were present, what ~~is~~ was the pleasure of the Committee.

C. Bonn stated that the petition should be referred to the full Council. Because there are only two Councillors

C. Bonn then asked what the petitioners believed would happen if the ordinance were adopted and the City were sued.

~~Tom~~

Attorney Tom Bracken stated that he would support the City and would be willing to work w/ the City in defending the case. He cited a new federal case in the Telecommunication area that provides addit'l support. The courts are moving in the direction of protection of local ~~affairs~~ interest in the face of ~~regulatory schemes~~ the competing claims of regulatory schemes

C. Bonn asked Tom Bracken whether

the proposed ordinance is drafted in the best possible way to withstand a legal challenge. He stated that he believes that it is.

C. Davis submitted a copy of a letter from the City Solicitor submitted to the Planning Board in response to their request for a legal opinion. Attachment A.

Mr. Braden submitted a copy of a letter to the PB, in response to the City Solicitor's letter Attachment B.

Mr. Robb invited public testimony

Karen Falb, 245 Brattle Street,

stated that even though there are not many people at this hearing, the community is very concerned about the problem of truck traffic.

Tenbrook Patterson, 581 Mt. Auburn St,

stated that since the last meeting, there are even more trucks than before. No community should have to suffer like this one is suffering.

Vici Cassana, Western Avenue, stated that it has been 3 1/2 years since the first public hearing on trucks. She stated that this proposal is well-reasoned and could survive a court challenge. She hopes the C-C will support it.

Martin Hakedim, 66 Prospect Street, stated that he lives on a street that has a truck ban that has not been enforced in 5 years. Several years ago the Police Department was actively stopping trucks to check whether they were through trucks or not. He urged the City Council to take action.

[signature]

C. Bow ~~[illegible]~~ moved that the petition be referred to the full City Council, and the motion passed without objection.

C. Davis ~~Bow~~ thanked all those present for their attendance. The meeting was adjourned at 8:23 p.m.

For the Committee

C H D, Chair

ORIGINAL

for file only

BRACKEN AND BARAM
33 MOUNT VERNON STREET
BOSTON, MASSACHUSETTS 02108

(617) 742-4950
FAX (617) 742-4953

THOMAS B. BRACKEN
MICHAEL S. BARAM

1999 JAN 21 A 9:00
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

January 21, 1999

Ms. D. Margaret Drury
City Clerk
City of Cambridge
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Ms. Drury:

Enclosed, pursuant to M.G.L. c. 40A, §5, are:

(1) Petition to Amend the Cambridge Zoning Ordinance to add a new Section 6.96 to place a curfew on through trucks (those with origins and destinations outside Cambridge) from all City streets between the hours of 11:00 P.M. and 7:00 A.M.;

(2) forty-two (42) signature pages containing the names and addresses of five hundred and fifty-five (555) registered voters of the City of Cambridge; and

(3) my check in the amount of $75.00 in payment of the filing fee.

Very truly yours,

Thomas B. Bracken

Enc.

TBB/kbt

Consent Communication #13

A petition was received from Thomas B. Bracken, transmitting a petition from Karen F. Falb, et al, to amend the Cambridge Zoning Ordinance to add a new Section 6.96 to place a curfew on through trucks from all City streets between the hours of 11:00 p.m. and 7:00 a.m.

In City Council January 25, 1999

Referred to
Planning Board and
Ordinance Committee
for Report and Hearing.

TRUCK TRAFFIC ZONING PETITION

1999 JAN 21 A 9:00
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

WHEREAS, the health, welfare, safety and property of citizens living in residential neighborhoods throughout the City of Cambridge are adversely impacted by the noises, vibrations, pollution and hazards caused by large commercial trucks passing through the City, which concerns were expressed by many citizens at a City Council hearing on October 23, 1995 and in written statements and letters submitted to the Council and individual Councillors;

WHEREAS, in November, 1995 the City Manager, pursuant to an Order of the Council, established the City Manager's Truck Traffic Advisory Committee, consisting of eleven Cambridge residents, to work jointly with City staff to address the truck traffic problem and make recommendations to the City Council on measures to mitigate the adverse impacts of trucks throughout Cambridge;

WHEREAS, the Committee members recognize that the following conditions characterize and cause the truck traffic problem in Cambridge and surrounding communities:

- Truck traffic has an adverse impact on the residential quality of life due to noise, vibration, dirt, exhaust fumes, wear and tear on the City's streets and sidewalks and high speeds, causing loss of sleep at night and peace and quiet during the day, structural damage to buildings and personal property in homes, and safety for everyone, including particularly school children.
- The negative impacts of truck traffic reduce property values - especially residential property - which reduces the City's tax base.

- Truck deliveries and pick-ups within the City are a necessary part of the provision of goods and services to the citizens of the City and are important for the economic health and vitality of the City.
- Through truck traffic (i.e. trucks traveling to and from destinations and origins outside the City) has a detrimental effect on Cambridge residents and therefore measures should be taken to ensure that through trucks use State and Interstate highway systems around Cambridge and neighboring communities instead of using local streets.
- The policy of the City of Boston which prohibits trucks carrying hazardous cargo from traveling on the Massachusetts Turnpike under the Prudential Center causes many of these trucks with distant destinations to cross into Cambridge. Many more through trucks with hazardous materials can be expected to use Cambridge streets when the Central Artery Project is completed because the City of Boston has announced that it will prohibit such trucks from the new tunnel, apparently for safety reasons, even though the tunnel is equipped with state-of-the-art fire fighting equipment.

WHEREAS; in order to address the truck traffic problem, three primary objectives need to be satisfied by truck restrictions in the City of Cambridge:

(1) Accept through truck traffic during certain hours of the day to the extent that Cambridge is the most suitable route for the region as a whole;

(2) Protect residential neighborhoods, commercial areas, and institutions from the destructive effects of truck traffic; and

(3) Facilitate access of trucks from origins and to destinations within Cambridge.

WHEREAS; during the deliberations of the Committee two fundamentally different philosophies as to how to respond to the Committee's mission became apparent, resulting in two reports of the Committee being submitted to the City Manager. The authors of Report B (a majority of the citizen appointees to the Committee who support this Petition) believe that the purpose of truck restrictions is to reduce the negative impacts of through truck traffic which will improve the quality of life for all residents without making any neighborhood suffer a disproportionate share of the burden of truck traffic. This philosophy is based on recent Federal court cases which support the authority of municipalities to enact reasonable measures under their zoning authority and police powers to achieve the goal of mitigating the adverse impacts of truck traffic. We believe that such an initiative will provide leadership which other communities in the region can follow;

WHEREAS; an alternative philosophy is reflected in Report A (submitted by a minority of the citizen members) which is based on the belief that the total volume of truck traffic cannot be reduced except by means of a regional strategy, and that any restrictions in one part of the City will simply move vehicles to another part of the City or to other cities. This philosophy regards truck traffic as an inevitable part of urban living, sees little possibility of implementing effective regulations, and anticipates negative responses from neighboring communities to any Cambridge initiatives;

WHEREAS; the City Manager submitted Reports A and B to the City Council, which, in turn, submitted them to the Subcommittee on Traffic and Transportation which has held three hearings on the Reports, with no consensus of the Committee as to what recommendations to make to the Council and no establishment of a time frame in which to report to the Council;

NOW THEREFORE; we the undersigned being more than ten (10) registered voters of the City of Cambridge respectfully petition the Honorable, the City Council of the City of Cambridge to amend the Zoning Ordinance of the City of Cambridge as follows:

To Amend Article 6.000 of the Cambridge Zoning Ordinance as follows:

1. Amend the heading of this Article to read as follows:

"Off-Street Parking and Loading Requirements and Night-time Curfew on Large Commercial Through Trucks."

2. Amend the first sentence of Section 6.11 of Article 6.000 to read as follows:

"It is the intent of this Article 6.000 to reduce traffic congestion, noises, vibrations, fumes and safety hazards caused by large commercial trucks, thereby promoting the safety, health and welfare of the public, by establishing requirements for off street parking and loading and restrictions on the use of City streets during the night-time by large commercial trucks with points of origin and destinations outside the City of Cambridge in order to implement the purposes of The Zoning Act, Section 2A of Chapter 808, and Article 1.000, §1.30 of the Cambridge Zoning Ordinance, including:

- to lessen congestion in the streets
- to conserve health
- to conserve the value of land and buildings
- to prevent pollution of the environment

- to protect residential neighborhoods from incompatible activities, and
- to preserve and increase the amenities of the City."

3. Add a new Section 6.96 as follows:

"6.96. Nighttime Curfew on use of City Streets by Through Trucks.
All trucks 2.5 tons or more in gross weight traveling through Cambridge from origins and to destinations outside the City are prohibited from using any City streets from the hours of 11:00 P.M. to 7:00 A.M. This curfew shall not apply to trucks with points of origin or delivery in the City of Cambridge. Nothing herein shall affect in any way restrictions on trucks currently in effect."

BRACKEN AND BARAM
33 MOUNT VERNON STREET
BOSTON, MASSACHUSETTS 02108

THOMAS B. BRACKEN
MICHAEL S. BARAM

(617) 742-4950
FAX (617) 742-4953

1999 JAN 21 A 9:00
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

January 21, 1999

Ms. D. Margaret Drury
City Clerk
City of Cambridge
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Ms. Drury:

Enclosed, pursuant to M.G.L. c. 40A, §5, are:

(1) Petition to Amend the Cambridge Zoning Ordinance to add a new Section 6.96 to place a curfew on through trucks (those with origins and destinations outside Cambridge) from all City streets between the hours of 11:00 P.M. and 7:00 A.M.;

(2) forty-two (42) signature pages containing the names and addresses of five hundred and fifty-five (555) registered voters of the City of Cambridge; and

(3) my check in the amount of $75.00 in payment of the filing fee.

Very truly yours,

Thomas B. Bracken

Enc.

TBB/kbt

TRUCK TRAFFIC ZONING PETITION

1999 JAN 21 A 9:00
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

WHEREAS, the health, welfare, safety and property of citizens living in residential neighborhoods throughout the City of Cambridge are adversely impacted by the noises, vibrations, pollution and hazards caused by large commercial trucks passing through the City, which concerns were expressed by many citizens at a City Council hearing on October 23, 1995 and in written statements and letters submitted to the Council and individual Councillors;

WHEREAS, in November, 1995 the City Manager, pursuant to an Order of the Council, established the City Manager's Truck Traffic Advisory Committee, consisting of eleven Cambridge residents, to work jointly with City staff to address the truck traffic problem and make recommendations to the City Council on measures to mitigate the adverse impacts of trucks throughout Cambridge;

WHEREAS, the Committee members recognize that the following conditions characterize and cause the truck traffic problem in Cambridge and surrounding communities:

- Truck traffic has an adverse impact on the residential quality of life due to noise, vibration, dirt, exhaust fumes, wear and tear on the City's streets and sidewalks and high speeds, causing loss of sleep at night and peace and quiet during the day, structural damage to buildings and personal property in homes, and safety for everyone, including particularly school children.
- The negative impacts of truck traffic reduce property values - especially residential property - which reduces the City's tax base.

- Truck deliveries and pick-ups within the City are a necessary part of the provision of goods and services to the citizens of the City and are important for the economic health and vitality of the City.
- Through truck traffic (i.e. trucks traveling to and from destinations and origins outside the City) has a detrimental effect on Cambridge residents and therefore measures should be taken to ensure that through trucks use State and Interstate highway systems around Cambridge and neighboring communities instead of using local streets.
- The policy of the City of Boston which prohibits trucks carrying hazardous cargo from traveling on the Massachusetts Turnpike under the Prudential Center causes many of these trucks with distant destinations to cross into Cambridge. Many more through trucks with hazardous materials can be expected to use Cambridge streets when the Central Artery Project is completed because the City of Boston has announced that it will prohibit such trucks from the new tunnel, apparently for safety reasons, even though the tunnel is equipped with state-of-the-art fire fighting equipment.

WHEREAS; in order to address the truck traffic problem, three primary objectives need to be satisfied by truck restrictions in the City of Cambridge:

(1) Accept through truck traffic during certain hours of the day to the extent that Cambridge is the most suitable route for the region as a whole;

(2) Protect residential neighborhoods, commercial areas, and institutions from the destructive effects of truck traffic; and

(3) Facilitate access of trucks from origins and to destinations within Cambridge.

WHEREAS; during the deliberations of the Committee two fundamentally different philosophies as to how to respond to the Committee's mission became apparent, resulting in two reports of the Committee being submitted to the City Manager. The authors of Report B (a majority of the citizen appointees to the Committee who support this Petition) believe that the purpose of truck restrictions is to reduce the negative impacts of through truck traffic which will improve the quality of life for all residents without making any neighborhood suffer a disproportionate share of the burden of truck traffic. This philosophy is based on recent Federal court cases which support the authority of municipalities to enact reasonable measures under their zoning authority and police powers to achieve the goal of mitigating the adverse impacts of truck traffic. We believe that such an initiative will provide leadership which other communities in the region can follow;

WHEREAS; an alternative philosophy is reflected in Report A (submitted by a minority of the citizen members) which is based on the belief that the total volume of truck traffic cannot be reduced except by means of a regional strategy, and that any restrictions in one part of the City will simply move vehicles to another part of the City or to other cities. This philosophy regards truck traffic as an inevitable part of urban living, sees little possibility of implementing effective regulations, and anticipates negative responses from neighboring communities to any Cambridge initiatives;

WHEREAS; the City Manager submitted Reports A and B to the City Council, which, in turn, submitted them to the Subcommittee on Traffic and Transportation which has held three hearings on the Reports, with no consensus of the Committee as to what recommendations to make to the Council and no establishment of a time frame in which to report to the Council;

NOW THEREFORE; we the undersigned being more than ten (10) registered voters of the City of Cambridge respectfully petition the Honorable, the City Council of the City of Cambridge to amend the Zoning Ordinance of the City of Cambridge as follows:

To Amend Article 6.000 of the Cambridge Zoning Ordinance as follows:

1. Amend the heading of this Article to read as follows:

"Off-Street Parking and Loading Requirements and Night-time Curfew on Large Commercial Through Trucks."

2. Amend the first sentence of Section 6.11 of Article 6.000 to read as follows:

"It is the intent of this Article 6.000 to reduce traffic congestion, noises, vibrations, fumes and safety hazards caused by large commercial trucks, thereby promoting the safety, health and welfare of the public, by establishing requirements for off street parking and loading and restrictions on the use of City streets during the night-time by large commercial trucks with points of origin and destinations outside the City of Cambridge in order to implement the purposes of The Zoning Act, Section 2A of Chapter 808, and Article 1.000, §1.30 of the Cambridge Zoning Ordinance, including:

- to lessen congestion in the streets
- to conserve health
- to conserve the value of land and buildings
- to prevent pollution of the environment

- to protect residential neighborhoods from incompatible activities, and
- to preserve and increase the amenities of the City."

3. Add a new Section 6.96 as follows:

"6.96. Nighttime Curfew on use of City Streets by Through Trucks.
All trucks 2.5 tons or more in gross weight traveling through Cambridge from origins and to destinations outside the City are prohibited from using any City streets from the hours of 11:00 P.M. to 7:00 A.M. This curfew shall not apply to trucks with points of origin or delivery in the City of Cambridge. Nothing herein shall affect in any way restrictions on trucks currently in effect."

BRACKEN AND BARAM
33 MOUNT VERNON STREET
BOSTON, MASSACHUSETTS 02108

THOMAS B. BRACKEN
MICHAEL S. BARAM

(617) 742-4950
FAX (617) 742-4953

1999 JAN 21 A 9:00
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

January 21, 1999

Ms. D. Margaret Drury
City Clerk
City of Cambridge
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Ms. Drury:

Enclosed, pursuant to M.G.L. c. 40A, §5, are:

(1) Petition to Amend the Cambridge Zoning Ordinance to add a new Section 6.96 to place a curfew on through trucks (those with origins and destinations outside Cambridge) from all City streets between the hours of 11:00 P.M. and 7:00 A.M.;

(2) forty-two (42) signature pages containing the names and addresses of five hundred and fifty-five (555) registered voters of the City of Cambridge; and

(3) my check in the amount of $75.00 in payment of the filing fee.

Very truly yours,

Thomas B. Bracken

Enc.

TBB/kbt

TRUCK TRAFFIC ZONING PETITION

1999 JAN 21 A 9:00
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

WHEREAS, the health, welfare, safety and property of citizens living in residential neighborhoods throughout the City of Cambridge are adversely impacted by the noises, vibrations, pollution and hazards caused by large commercial trucks passing through the City, which concerns were expressed by many citizens at a City Council hearing on October 23, 1995 and in written statements and letters submitted to the Council and individual Councillors;

WHEREAS, in November, 1995 the City Manager, pursuant to an Order of the Council, established the City Manager's Truck Traffic Advisory Committee, consisting of eleven Cambridge residents, to work jointly with City staff to address the truck traffic problem and make recommendations to the City Council on measures to mitigate the adverse impacts of trucks throughout Cambridge;

WHEREAS, the Committee members recognize that the following conditions characterize and cause the truck traffic problem in Cambridge and surrounding communities:

- Truck traffic has an adverse impact on the residential quality of life due to noise, vibration, dirt, exhaust fumes, wear and tear on the City's streets and sidewalks and high speeds, causing loss of sleep at night and peace and quiet during the day, structural damage to buildings and personal property in homes, and safety for everyone, including particularly school children.
- The negative impacts of truck traffic reduce property values - especially residential property - which reduces the City's tax base.

- Truck deliveries and pick-ups within the City are a necessary part of the provision of goods and services to the citizens of the City and are important for the economic health and vitality of the City.
- Through truck traffic (i.e. trucks traveling to and from destinations and origins outside the City) has a detrimental effect on Cambridge residents and therefore measures should be taken to ensure that through trucks use State and Interstate highway systems around Cambridge and neighboring communities instead of using local streets.
- The policy of the City of Boston which prohibits trucks carrying hazardous cargo from traveling on the Massachusetts Turnpike under the Prudential Center causes many of these trucks with distant destinations to cross into Cambridge. Many more through trucks with hazardous materials can be expected to use Cambridge streets when the Central Artery Project is completed because the City of Boston has announced that it will prohibit such trucks from the new tunnel, apparently for safety reasons, even though the tunnel is equipped with state-of-the-art fire fighting equipment.

WHEREAS; in order to address the truck traffic problem, three primary objectives need to be satisfied by truck restrictions in the City of Cambridge:

(1) Accept through truck traffic during certain hours of the day to the extent that Cambridge is the most suitable route for the region as a whole;

(2) Protect residential neighborhoods, commercial areas, and institutions from the destructive effects of truck traffic; and

(3) Facilitate access of trucks from origins and to destinations within Cambridge.

WHEREAS; during the deliberations of the Committee two fundamentally different philosophies as to how to respond to the Committee's mission became apparent, resulting in two reports of the Committee being submitted to the City Manager. The authors of Report B (a majority of the citizen appointees to the Committee who support this Petition) believe that the purpose of truck restrictions is to reduce the negative impacts of through truck traffic which will improve the quality of life for all residents without making any neighborhood suffer a disproportionate share of the burden of truck traffic. This philosophy is based on recent Federal court cases which support the authority of municipalities to enact reasonable measures under their zoning authority and police powers to achieve the goal of mitigating the adverse impacts of truck traffic. We believe that such an initiative will provide leadership which other communities in the region can follow;

WHEREAS; an alternative philosophy is reflected in Report A (submitted by a minority of the citizen members) which is based on the belief that the total volume of truck traffic cannot be reduced except by means of a regional strategy, and that any restrictions in one part of the City will simply move vehicles to another part of the City or to other cities. This philosophy regards truck traffic as an inevitable part of urban living, sees little possibility of implementing effective regulations, and anticipates negative responses from neighboring communities to any Cambridge initiatives;

WHEREAS; the City Manager submitted Reports A and B to the City Council, which, in turn, submitted them to the Subcommittee on Traffic and Transportation which has held three hearings on the Reports, with no consensus of the Committee as to what recommendations to make to the Council and no establishment of a time frame in which to report to the Council;

NOW THEREFORE; we the undersigned being more than ten (10) registered voters of the City of Cambridge respectfully petition the Honorable, the City Council of the City of Cambridge to amend the Zoning Ordinance of the City of Cambridge as follows:

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1. Amend the heading of this Article to read as follows:

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3. Add a new Section 6.96 as follows:

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TRUCK TRAFFIC ZONING PETITION

1999 JAN 21 A 9:00
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

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WHEREAS, in November, 1995 the City Manager, pursuant to an Order of the Council, established the City Manager's Truck Traffic Advisory Committee, consisting of eleven Cambridge residents, to work jointly with City staff to address the truck traffic problem and make recommendations to the City Council on measures to mitigate the adverse impacts of trucks throughout Cambridge;

WHEREAS, the Committee members recognize that the following conditions characterize and cause the truck traffic problem in Cambridge and surrounding communities:

- Truck traffic has an adverse impact on the residential quality of life due to noise, vibration, dirt, exhaust fumes, wear and tear on the City's streets and sidewalks and high speeds, causing loss of sleep at night and peace and quiet during the day, structural damage to buildings and personal property in homes, and safety for everyone, including particularly school children.
- The negative impacts of truck traffic reduce property values - especially residential property - which reduces the City's tax base.

- Truck deliveries and pick-ups within the City are a necessary part of the provision of goods and services to the citizens of the City and are important for the economic health and vitality of the City.
- Through truck traffic (i.e. trucks traveling to and from destinations and origins outside the City) has a detrimental effect on Cambridge residents and therefore measures should be taken to ensure that through trucks use State and Interstate highway systems around Cambridge and neighboring communities instead of using local streets.
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WHEREAS; in order to address the truck traffic problem, three primary objectives need to be satisfied by truck restrictions in the City of Cambridge:

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WHEREAS; during the deliberations of the Committee two fundamentally different philosophies as to how to respond to the Committee's mission became apparent, resulting in two reports of the Committee being submitted to the City Manager. The authors of Report B (a majority of the citizen appointees to the Committee who support this Petition) believe that the purpose of truck restrictions is to reduce the negative impacts of through truck traffic which will improve the quality of life for all residents without making any neighborhood suffer a disproportionate share of the burden of truck traffic. This philosophy is based on recent Federal court cases which support the authority of municipalities to enact reasonable measures under their zoning authority and police powers to achieve the goal of mitigating the adverse impacts of truck traffic. We believe that such an initiative will provide leadership which other communities in the region can follow;

WHEREAS; an alternative philosophy is reflected in Report A (submitted by a minority of the citizen members) which is based on the belief that the total volume of truck traffic cannot be reduced except by means of a regional strategy, and that any restrictions in one part of the City will simply move vehicles to another part of the City or to other cities. This philosophy regards truck traffic as an inevitable part of urban living, sees little possibility of implementing effective regulations, and anticipates negative responses from neighboring communities to any Cambridge initiatives;

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- to conserve the value of land and buildings
- to prevent pollution of the environment

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OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260
FAX (617) 349-4307
tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

March 23, 1999

BY FAX

The Honorable Michael J. Driscoll
Town Manager
Office of the Town Manager
Administration Building
Watertown, MA 02172-4410

Dear Mr. Driscoll:

The Ordinance Committee of the Cambridge City Council has scheduled a hearing on **March 24, 1999, beginning at 5:30 p.m. in the Sullivan Chamber, 2nd Floor, Cambridge City Hall, 795 Massachusetts Avenue.**

The purpose of the hearing is to receive public testimony on a petition filed by Karen Falb et al. to amend the Zoning Ordinance of Cambridge to regulate through trucks in Cambridge. A copy of the proposal is enclosed.

You are cordially invited to be present at the hearing and to present any desired testimony on behalf of the Town of Watertown. Your attention to this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury
City Clerk

DMD/dm
Enclosure

F:TruckTrafficFALBOrdCommLtr032499

*** SUCCESSFUL TX REPORT ***

03-23-99 12:27 ID:6173494269
CAMBRIDGE CITY CLERKS OFFICE

JOB No.	----------	
START TIME	----------	12:24
ID No.	----------	89726404
RESOLUTION	----------	STANDARD
TOTAL PAGE	----------	07
MACHINE ENGAGED	----------	02'17
INFORMATION	----------	OK
ERROR PAGE	----------	

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260
FAX (617) 349-4269
tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

FAX TRANSMITTAL SHEET

DATE: 3-23-99

TO: The Honorable Michael J. Driscoll
Town Manager

FAX #: 617 972 6404

PHONE #:

 # OF PAGES: 7

FROM: D. Margaret Drury
City Clerk

ADDITIONAL COMMENT:

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260
FAX (617) 349-4307
tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

March 19, 1999

The Honorable William R. Skelley, III, Chair
Belmont Board of Selectmen
455 Concord Avenue
Belmont, MA 02478

Dear Chairman Skelley:

The Ordinance Committee of the Cambridge City Council has scheduled a hearing on **March 24, 1999, beginning at 5:30 p.m. in the Sullivan Chamber, 2nd Floor, Cambridge City Hall, 795 Massachusetts Avenue.**

The purpose of the hearing is to receive public testimony on a petition filed by Karen Falb et al. to amend the Zoning Ordinance of Cambridge to regulate through trucks in Cambridge. A copy of the proposal is enclosed.

You are cordially invited to be present at the hearing and to present any desired testimony on behalf of the Town of Belmont. Your attention to this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD/dm
Enclosure

F:LivngWgOrdCommLettr032499

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260
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tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

March 19, 1999

The Honorable William N. Brownsberger
Belmont Board of Selectmen
455 Concord Avenue
Belmont, MA 02478

Dear Selectman Brownsberger:

The Ordinance Committee of the Cambridge City Council has scheduled a hearing on **March 24, 1999, beginning at 5:30 p.m. in the Sullivan Chamber, 2nd Floor, Cambridge City Hall, 795 Massachusetts Avenue.**

The purpose of the hearing is to receive public testimony on a petition filed by Karen Falb et al. to amend the Zoning Ordinance of Cambridge to regulate through trucks in Cambridge. A copy of the proposal is enclosed.

You are cordially invited to be present at the hearing and to present any desired testimony on behalf of the Town of Belmont. Your attention to this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD/dm
Enclosure

F:LivngWgOrdCommLettr032499

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260
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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

March 19, 1999

The Honorable William P. Monahan
Belmont Board of Selectmen
455 Concord Avenue
Belmont, MA 02478

Dear Selectman Monahan:

The Ordinance Committee of the Cambridge City Council has scheduled a hearing on **March 24, 1999, beginning at 5:30 p.m. in the Sullivan Chamber, 2nd Floor, Cambridge City Hall, 795 Massachusetts Avenue**.

The purpose of the hearing is to receive public testimony on a petition filed by Karen Falb et al. to amend the Zoning Ordinance of Cambridge to regulate through trucks in Cambridge. A copy of the proposal is enclosed.

You are cordially invited to be present at the hearing and to present any desired testimony on behalf of the Town of Belmont. Your attention to this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD/dm
Enclosure

F:LivngWgOrdCommLettr032499

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

March 19, 1999

The Honorable Stephen J. Gilligan, Chair
Arlington Board of Selectmen
730 Massachusetts Avenue
Arlington, MA 02474

Dear Chairman Gilligan:

The Ordinance Committee of the Cambridge City Council has scheduled a hearing on **March 24, 1999, beginning at 5:30 p.m. in the Sullivan Chamber, 2nd Floor, Cambridge City Hall, 795 Massachusetts Avenue**.

The purpose of the hearing is to receive public testimony on a petition filed by Karen Falb et al. to amend the Zoning Ordinance of Cambridge to regulate through trucks in Cambridge. A copy of the proposal is enclosed.

You are cordially invited to be present at the hearing and to present any desired testimony on behalf of the Town of Arlington. Your attention to this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury
City Clerk

DMD/dm
Enclosure

F:LivngWgOrdCommLettr032499

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

March 19, 1999

The Honorable Kevin F. Greeley, Selectman
Arlington Board of Selectmen
730 Massachusetts Avenue
Arlington, MA 02474

Dear Selectman Greeley:

The Ordinance Committee of the Cambridge City Council has scheduled a hearing on **March 24, 1999, beginning at 5:30 p.m. in the Sullivan Chamber, 2nd Floor, Cambridge City Hall, 795 Massachusetts Avenue.**

The purpose of the hearing is to receive public testimony on a petition filed by Karen Falb et al. to amend the Zoning Ordinance of Cambridge to regulate through trucks in Cambridge. A copy of the proposal is enclosed.

You are cordially invited to be present at the hearing and to present any desired testimony on behalf of the Town of Arlington. Your attention to this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD/dm
Enclosure

F:LivngWgOrdCommLettr032499

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

March 19, 1999

The Honorable John W. Hurd
Arlington Board of Selectmen
730 Massachusetts Avenue
Arlington, MA 02474

Dear Selectman Hurd:

The Ordinance Committee of the Cambridge City Council has scheduled a hearing on **March 24, 1999, beginning at 5:30 p.m. in the Sullivan Chamber, 2nd Floor, Cambridge City Hall, 795 Massachusetts Avenue.**

The purpose of the hearing is to receive public testimony on a petition filed by Karen Falb et al. to amend the Zoning Ordinance of Cambridge to regulate through trucks in Cambridge. A copy of the proposal is enclosed.

You are cordially invited to be present at the hearing and to present any desired testimony on behalf of the Town of Arlington. Your attention to this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD/dm
Enclosure

F:LivngWgOrdCommLettr032499

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

March 19, 1999

The Honorable Kathleen Kiely Dias
Arlington Board of Selectmen
730 Massachusetts Avenue
Arlington, MA 02474

Dear Selectwoman Dias:

The Ordinance Committee of the Cambridge City Council has scheduled a hearing on **March 24, 1999, beginning at 5:30 p.m. in the Sullivan Chamber, 2nd Floor, Cambridge City Hall, 795 Massachusetts Avenue**.

The purpose of the hearing is to receive public testimony on a petition filed by Karen Falb et al. to amend the Zoning Ordinance of Cambridge to regulate through trucks in Cambridge. A copy of the proposal is enclosed.

You are cordially invited to be present at the hearing and to present any desired testimony on behalf of the Town of Arlington. Your attention to this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD/dm
Enclosure

F:LivngWgOrdCommLettr032499

OFFICE OF THE CITY CLERK

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

March 19, 1999

The Honorable Charles Lyons
Arlington Board of Selectmen
730 Massachusetts Avenue
Arlington, MA 02474

Dear Selectman Lyons:

The Ordinance Committee of the Cambridge City Council has scheduled a hearing on **March 24, 1999, beginning at 5:30 p.m. in the Sullivan Chamber, 2nd Floor, Cambridge City Hall, 795 Massachusetts Avenue**.

The purpose of the hearing is to receive public testimony on a petition filed by Karen Falb et al. to amend the Zoning Ordinance of Cambridge to regulate through trucks in Cambridge. A copy of the proposal is enclosed.

You are cordially invited to be present at the hearing and to present any desired testimony on behalf of the Town of Arlington. Your attention to this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD/dm
Enclosure

F:LivngWgOrdCommLettr032499

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

March 19, 1999

The Honorable Thomas M. Menino
One City Hall Square
Boston, MA 02201

Dear Mayor Menino:

The Ordinance Committee of the Cambridge City Council has scheduled a hearing on **March 24, 1999, beginning at 5:30 p.m. in the Sullivan Chamber, 2nd Floor, Cambridge City Hall, 795 Massachusetts Avenue**.

The purpose of the hearing is to receive public testimony on a petition filed by Karen Falb et al. to amend the Zoning Ordinance of Cambridge to regulate through trucks in Cambridge. A copy of the proposal is enclosed.

You are cordially invited to be present at the hearing and to present any desired testimony on behalf of the City of Boston. Your attention to this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury
City Clerk

DMD/dm
Enclosure

F:LivngWgOrdCommLettr032499

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CITY OF CAMBRIDGE

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

March 19, 1999

The Honorable William Roche
Acting Mayor
Somerville City Hall
Somerville, MA 02143

Dear Acting Mayor Roche:

The Ordinance Committee of the Cambridge City Council has scheduled a hearing on **March 24, 1999, beginning at 5:30 p.m. in the Sullivan Chamber, 2nd Floor, Cambridge City Hall, 795 Massachusetts Avenue**.

The purpose of the hearing is to receive public testimony on a petition filed by Karen Falb et al. to amend the Zoning Ordinance of Cambridge to regulate through trucks in Cambridge. A copy of the proposal is enclosed.

You are cordially invited to be present at the hearing and to present any desired testimony on behalf of the City of Somerville. Your attention to this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD/dm
Enclosure

F:LivngWgOrdCommLettr032499

TRUCK TRAFFIC ZONING PETITION

We the undersigned being registered voters of the City of Cambridge, petition the Honorable, the City Council of the City of Cambridge, to adopt a night-time curfew on through commercial trucks by adopting into law an amendment to the Cambridge Zoning Ordinance in conformance with the Petition attached hereto.

Signature	Printed Name	Address and Phone No.	Date
Karen F. Falb	KAREN F. FALB	245 BRATTLE ST. 864-4291	12/7/98
Peter Falb	Peter Falb	245 Brattle St	12/7/98
Sylvia de Valpine	Sylvia de Valpine	50 Fresh Pond Pkway	12/7/98
Joanne Kini	Joanne Kini	8 Fresh Pond Lane	12/7/98
Susan Roverman	65 Larchwood Drive		12-7-98
M. Leibenstein	M LEIBENSTEIN Larchwood	Dr - 47 Larchwood Dr 617 864-5095	12/7/98
Jean Berko Gleason	Jean Berko Gleason	110 Larchwood Dr	12/7/98
Melville T. Hodder	Melville T Hodder	15 Fresh Pond La	12/7/98
Barbara Brockunier	Barbara Brockunier	78 Larchwood Dr.	12/7/98
M. Wyllis Bibbins	M. WYLLIS BIBBINS	314 HARVARD ST	12/8/98
Mohandas M. Kini	MOHANDAS M. KINI	8 FRESH POND LANE	Jan 9, 99
M. Stephen	M. STEPHEN	16 Fresh Pond Lane	Can't get
1/9/99 Elizabeth D. Hodder	Elizabeth Hodder	15 Fresh Pond Lane 868-5480	1/9/99
	RICHARD PASTERNAK	11 FRESH POND LANE 576 0771	1/9/99
Robert Rotner	Robert Rotner	5 Fresh Pond Lane 547-6660	1-9-99
	Marlene Rotner	"	
Deborah Klein Waller	Deborah Klein Waller	237 Brattle St.	1/9/99
Paul F. Wacker	PAUL F. WACKER	237 Brattle St	1/9/99

12 - Voters registration checks

TRUCK TRAFFIC ZONING PETITION

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Signature	Printed Name	Address and Phone No.	Date
Yolanda K. Kodrzycki	Yolanda K. Kodrzycki	233 Brattle Street Cambridge, MA 617-497-5942	1/9/99
[illegible]	George Gardner Bro[illegible]	225 Bo[illegible]	1/9/99
[illegible]	Daniel Toomey	617 864 7595 565 Mt. Auburn St. 617-876-4184	1/10/99
[illegible]	Jill Toomey	565 Mt. Auburn St. (617) 876-4184	1/10/99
[illegible]	TenBroeck Patterson	(617)868-9496	1/10/99
[illegible]	David Patterson	581 Mt. Auburn St. #03 617-441-5048	1/10/99
[illegible]	Susanna Prescho[illegible]	581 Mt Auburn #5	1/10/99
[illegible]	J LAIRD	581 MT AUBURN #6	1/10/99
[illegible]	IDA GIUNTA	7 aberdeen Court	1/10/99
[illegible]	Aaron Falbel	69 Aberdeen Ave.	1/10/99
[illegible]	CAROL FLYNN	87 ABERDEEN AVE	1/10/99
[illegible]	Brenda Braydon	22 Fresh Pd. La.	1/10/99
[illegible]	Aileen Erickson	244 Brattle St	1/10/99
[illegible]	JOSEPH BARBIERI	244 BRATTLE ST	1.10.99
[illegible]	ANDREW [illegible]	244 BRATTLE ST	1-10-99
[illegible]	Mary Clare Attenhofen	244 Brattle #42	1/10/99
[illegible]	Joseph Westlund	244 Brattle #41	1/10/99
[illegible]	BENJAMIN WOZNICK	240 BRATTLE #32	1/10/99

TRUCK TRAFFIC ZONING PETITION

We the undersigned being registered voters of the City of Cambridge, petition the Honorable, the City Council of the City of Cambridge, to adopt a night-time curfew on through commercial trucks by adopting into law an amendment to the Cambridge Zoning Ordinance in conformance with the Petition attached hereto.

Signature	Printed Name	Address and Phone No.	Date
Carolyn D. Woznick	CAROLYN D. WOZNICK	240 BRATTLE ST. #32	1/10/99
Stephanie Gouse	Stephanie Gouse	240 Brattlest #41	1/10/99
Christopher D. Uyce	CHRISTOPHER D. UYCE	240 BRATTLE ST. #41	1.10.99
Ivers Bever	Ivers Bever	37 Larch Rd	1/10/99
Reed Witherby	REED WITHERBY	37 Larch Road	1/10/99
M.L. Winslow	M.L. WINSLOW	4 MASON ST	1/10/99

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Signature	Printed Name	Address and Phone No.	Date
	ROB HAYES	31A SACRAMENTO 868 5853	12/11/98
	Gretchen Adams	31A Sacramento St 868-5853	12/11/98
	Virginia M. Adams	224 Brattle St 661-0029	12-11-98
	Nancy Adams	97 Inman #2 661-8975	12-11-98
	James R. Adams	224 Brattle 661-0029	12-11-98
	Eleanor R. Appel	222 Brattle 864-6514	12-28-98
	Ann M Gruber	457 Mt Auburn 868-1775	12-28-98
	Luisa C Caesal	457-7 Mt Auburn 864-7887	12-28-98
	Mark Carlson	457 Mt. Auburn st #7 (864-7887)	12/28/98
	BONNIE S. BALDWIN	457 MT AUBURN ST #10	12/28/98
	GARY M. SELIGSON	220 BRATTLE ST	12/28/98
	ANN SELIGSON	220 BRATTLE ST.	12/28/98

TRUCK TRAFFIC ZONING PETITION

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Signature	Printed Name	Address and Phone No.	Date
	William M. Strauss	29 Hubbard Ave 547-9327	12.04.1998
	Catherine Kelleher	29 Hubbard Ave " "	"
	Hope L. Hayden Kelley	6 Saint Gerard Terr 354-8353	12-6-98
	Pam Winters	41 Orchard St. 864-8199	12/6/98
	R Philip Dowds	48 Banks St 354-6094	6 Dec 98
	John Chamberlain	53 Brookline St.	6 Dec 98
	RICHARD CLAREY	15 BROOKFORD ST	16DEC98
	JOSEPH JOSEPH	20 KASSUL PARK	12/16/98
	Seymour Kellerman	21 Cogswell Ave	16-Dec-98
	Penn Collette	50 Creighton St. 876-1734	12/16/98
	PETER V. CIGNETTI III	5 THERIAULT CT. 491-6314	12/16/98
	Mary A Quinn	54 Haskell St 876-6702	12/16/98
	Michael J. Brandon	27 Seven Pines Ave 864-3520	12/16/98
	PHILIP HICONNET	83 THORNDIKE	12.17.98
	JAMES GOLDBERG	6 BEECH ST 354-3547	12/21/98
	Hallie Krechavsky	80 Park Rd 492-3012	12/21/98
	Trudy Bauer	6 Beech St 354-3547	12/21/98
	Alex Jablokow	105 Montgomery St. #2	12/21/98

TRUCK TRAFFIC ZONING PETITION

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Signature	Printed Name	Address and Phone No.	Date
[illegible]	MICHAEL NAKAGAWA	51 MADISON AVE	12/27
[illegible]	Lew Weitzman	124 Montgomery	12/27
[illegible]	Tom Gould	119 Dudley St	12/27
[illegible]	Thalia Tringo	19 Fairfield #2	12/27/98
[illegible]	CRAIG HALEY	6 ST. GERARD TERR	1/9/99

TRUCK TRAFFIC ZONING PETITION

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Signature	Printed Name	Address and Phone No.	Date
	CAROLYN VONGROSSMAN	118 JACKSON	12/10/98
Susan Maguire	SUSAN MAGUIRE	125 Jackson	12/07/98

2881 BP 12/5/98

TRUCK TRAFFIC ZONING PETITION

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Signature	Printed Name	Address and Phone No.	Date
Brian Pfeiffer	Brian Pfeiffer	147 Brattle St. 876-8488	12/5/98
Dorothy Gonsor	Dorothy Gonsor	32 Hubbard Pk 547-3833	12/5/98
Lisa Slater	Lisa Slater	25 Standish 576-7842	12/5/98
Martha Lawrence	MARTHA LAWRENCE	17 Willard St	864-3847
Geoffrey Harris	Geoffrey Harris	20 Lowell St. 547-3347 20 Lowell Cam	12-5-98
Margaret Thomas	Margaret Thomas	338 Huron Ave 864-1914	12/5/98
Richard M. Thomas	Richard M. Thomas	388 Huron Ave 864-1914	12/5/98
Katherine AP Case	KATHERINE CASE	9 MALCOLM RD 661-8173	12/5/98
ROBERT SMITH	Robert Smith	86 Buckingham 876-4163	12/5/98
	Gregory Rochlin, MD	200 Brattle St. 876-7177	12/5/98
Mason Fernald	MASON FERNALD	18 RESERVOIR ST 617 354-0254	12/5/98
Peter W. Castle	Peter W. Castle	95 Lexington Ave 547-7842	12/5/98
Margaret Holmes	M HOLMES	67 Lexington Ave 876 5577	12/5/98
Kiernan Quinn	Kiernan Quinn	203 LaKeview Ave 492-9560	12/5/98
Alicia Sinclair	Alicia Sinclair	80 Alpine St. 868-7975	12/5/98
Rowan Murphy	ROWAN Murphy	22 Gurney St. 876-2768	12/5/98
Larry Hartmann	Larry Hartmann	147 Brattle St.	12/5/98
Tina Mangano	Tina Mangano	149 Lakeview Ave 547-4974	12/5/98

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Signature	Printed Name	Address and Phone No.	Date
RAD	RICHARD D'AMORE	156 Brattle St	11/27/98
Jennifer Eckert	Jennifer Eckert	156 Brattle St	11/27/98
Susan Miller-Havens	Susan Miller-Havens	151 Brattle 576-2502	11/27/98
David Boghossian	DAVID BOGHOSSIAN	25 ELLSWORTH AVE 547-0923	12/2/98
Elizabeth Battle	Elizabeth Battle	25 Ellsworth 02139	12/2
John Taylor Williams	JOHN TAYLOR WILLIAMS	9 ORCHARD ST	02140
Leslie A Bliss	Leslie A Bliss	127 Raymond St	02140
Sally Fay Cottingham	Sally Fay Cottingham	110 Coolidge Hill	02138
Walter Wick	WALTER WICK	9 FOLLEN ST	02138
Anne Klein	ANNE KLEIN	88 HANCOCK ST. #9	02139
Philip S. Ballboni	Philip S. Ballboni	132 Brattle St	02138
S. Lyons	S. Lyons	35 Vassal Ln	02138
K. Dana	K. Dana	35 Vassal Ln #3	02138
C. Ferhorst	C. Ferhorst	72 Fayerweather	02138
K. Conlin	K. Conlin	48 Buckingham	02138
Liz Conlin	Liz Conlin	48 Buckingham	02138
Robin Lafoley	Robin Lafoley	One Berkeley St	02138
Mitchell Dong	Mitchell Dong	"	"

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Signature	Printed Name	Address and Phone No.	Date
Paula Rhodes	Paula Rhodes	6 Ivy St.	12/4/98
Marian C. Schlesinger	MARIAN C. SCHLESINGER	109 Irving St	12/6/98
Bonnie Sherstow	BONNIE SHERSTOW	94 FOSTER ST	12/7/98
Michael Yagman	Michael Yagman	14 Wyman Rd	12/7/98
Janet Amphlett	Janet Amphlett	8½ Ash St. Place	12/7/98
Daphne Abeel	Daphne Abeel	148 Pleasant St	12/7/98
Katherine S. Kinderman	KATHERINE KINDERMAN	2 IVY ST	12/7/98
Marsha Vannicelli	Marsha Vannicelli	71 Huron Ave	12/7/98
Elise Landau	Elise Landau	24 Sparks St. 547 7575	12/7/98
Ann Parson	Ann Parson	24-A Highland St	12/7/98
Barbara H. Lloyd	BARBARA LLoyd	2 Mercer Circle	12/7/98
Susan Griffith	452 Huron	Ave Camb. MA 02138	12/7/98
Andrew Griffith	"	" "	"
Cindy Hess	11 Hawthorn St.	Camb. MA.	12/7/98
Kristen Wainwright	162 Coolidge Hill	Cambridge	12/7/98
Judy Blotnick	164 Brattle St	Cambridge	12/7/98
Victoria Oliva	40 Blakeslee ST	Cambridge 02138	12/7/98
Phyllis Simpkins	249 Huron	Camb 02138	12/7/98

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Signature	Printed Name	Address and Phone No.	Date
Jean Kelleyer	JEAN KELLYSZ	Mellen St	12/5/98
Flora Hollinger	Flora B. Hollinger	60 Brattle St. #205	12-6-98
T. + S. Wales	24 Bradbury St.		
Elizabeth Gombosi	Elizabeth Gombosi	42 Irving St.	12.6.98
Judy Bracken	Judith Bracken	89 Irving St. 354-8137	12.6.98
[illegible]	THOMAS A. BRACKEN	89 IRVING ST. 354-8137	12/4/98
[illegible]	151 [illegible]	Cambridge 02138	12-6-98
[illegible]	John Altobello	78 Reservoir St 492-1278 02138	12-6-98
Norm Harris	NORM HARRIS	20 HILLIARD ST 492-8566	12-6-98
Howard D. Medwed	HOWARD D. MEDWED	58 Washington Ave	12-6-98
[illegible]	MICE KWOLF	48 [illegible]	12/6/98
[illegible]	975 [illegible]	Cambridge 02138	12/6/98
Mary Ries	Mary Ries	15 Willard St	661-4266
Mary A. Tonougar	Mary A. Tonougar	60 Brattle St. #706 Cambridge 02138	12/6/98
Frances Ackerly	FRANCES ACKERLY	20 Parker St 02138	"
Jean N. Fales	11 Hilliard St. 02138	354-0475	
[illegible]	" " " "	" "	
Rich Clancy	RICHARD CLARCY	15 BROOKFORD ST 864 6751	

Kingston Street School

Tucker School 7-9 10R

ER

TRUCK TRAFFIC ZONING PETITION

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Signature	Printed Name	Address and Phone No.	Date
Suzanne Lucey	Suzanne Lucey	25 Standish St 497-7338	12-5-98
Faith Stimson	Faith Stimson	31 Granville Rd	12/5/98
Ridgely Duvall	Ridgely Duvall	77 Standish	5 xii 98
R Bailey	Ron Bailey	66 Fayerweather	"
Donna Wilker	DONNA WILKER	20 Chilton Ave	12/5/98
Susan C Ishikawa	SUSAN D. ISHIKAWA	241 UPLAND Rd.	12/5/98
Joellen Gavin	Joellen Gavin	148 Larch	12-5-98
Mary C Lane	MARY LANE	36 GRANVILLE Rd	
Anna Ferraro	Anna Ferraro	14 Fayerweather	12/5/98
Judy Pirani	Judith Pirani	385 Huron Ave	12/5/98
Patricia Alward	PATRICIA ALWARD	286 Concord Ave	12/5/98
John C. Crawford	John C. Crawford	203 Lexington Ave	12/5/98
M. Morgan Baker	M. Morgan Baker	89 Fayerweather	12-5-98
Miriam Reeder	MIRIAM REEDER	4 Dunstable Rd	12/5/98
Carol L. Hedman	CAROL L. HEDMAN	130 Lakeview Ave.	12/5/98
Karen Fritsche	Karen Fritsche	235 Walden St	12-5-98
Nadene D. Long	Nadene D. Long	141a Fayerweather	12.5.98
Susan Lepides	Susan Lepides	451 Huron	12.5.98

BK

TRUCK TRAFFIC ZONING PETITION

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Signature	Printed Name	Address and Phone No.	Date
Eliz. R. Houghteling	ELIZABETH HOUGHTELING	132 Brattle 492-1109	Nov. 17 '98
[illegible]	Page Bingham	99 Garden St 492-4521	Nov. 17 '98
Joanne J. Turnbull	Joanne J. Turnbull	167 Brattle St.	Nov. 28, 98
Ann Kania	Ann Kania	175 Brattle St.	Nov. 28, 98
[illegible]	Ed Kania	175 Brattle St	Dec 4 '98
Arthur D. Bond Jr.	ARTHUR BOND, JR.	12 LAKEVIEW AVE.	DEC 5 98
Priscilla Donham	Priscilla Donham	269 Upland Rd	Dec. 5, 98
Helen M. Hiam	HELEN HIAM	46 Fayerweather St	"
Will Ackerly	William Ackerly	26 Parker St	"
John G. Damian	JOHN DAMIAN	11 ALPINE ST	Dec 5, 1998
Charles Dresner	[illegible]	196 Larch Rd	12/5/98
Lois M. Jenness	L. M. Jenness	182 Larch Rd.	12/5/98
Helen Stevenson	Helen STEVERSON	304 Concord Ave	12/5/98
Michael Melford	Michael Melford	12 Brattle Circle	12/5/98
Moira Galvin	50 Langdon St.	Cambridge MA 02138	12/5/98
Jacquie Olds	30 Hillside Ave	Camb MA 02140	"
Jeffrey Thomas	~~103~~ Jeffrey Thomas	103 Chilton St., Cambridge 02138	12/5/98
Marilyn Mellaves	~~190~~ Lex Marilyn Mellaves	190 Lexington Ave.	12/5/98

EK

TRUCK TRAFFIC ZONING PETITION

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Signature	Printed Name	Address and Phone No.	Date
[illegible]	William Beizer	92 Banks St	12/5
Christine Baer	Christine Baer	10 Poplar #3	12/5
Donna Lee Kennedy	DONNA LEE KENNEDY	6 HAWTHORNE PK. 617-576-9470	12/5
Peter Weiler	Peter Weiler	31 DONNELL ST.	12/5
Joan Kleinman	Joan Kleinman	44 Larchwood DR	12/5
[illegible]	Linda J Green	67A Hammond St	12/5
[illegible]	Ira Silly	81 Fayerweather St	12/5
Susan Knight	Susan Knight	31 gray gardens E.	12/5
Laura F. Banfield	LAURA F. BANFIELD	86 Buckingham St	12-5-98
Elizabeth J Anderson	Elizabeth Anderson	233 Lakeview	12/5
Renée A Caso	Renée A. Caso	38 Thingvalla Ave	12/5
Dorian Bowman	DORIAN BOWMAN	62 Buckingham St	12/5
Jana Dublin	JANA DUBLIN	24 CHILTON	12/5
James M. Fingold	JAMES M. FINGOLD	37 WINSLOW ST.	12/5
[illegible]	Anthony Galluccio 30 Normandy Ave	02138	12/5
Robert Megerdichian	ROBERT MEGERDICHIAN	50 CHILTON ST.	12/5
[illegible]	Eric Arnold	70 Chilton St	12/5
Candace Dunlap	Candace DUNLAP	272 Huron Ave	12/5

(3F) 12/5/98

TRUCK TRAFFIC ZONING PETITION

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Signature	Printed Name	Address and Phone No.	Date
[signature]	DEBORAH MORAN	7 Maynard Place 354-8911	12/5/98
[signature]	Tom Putnam TOM PUTNAM	397 HURON 492-4620	12-5-98
[signature]	P. KOLBER	28 SHERMAN ST 492-2518 02138	12-5/98
Candace Boyden	C. Boyden	180 Lexington Ave 354-0821	12-5-98
Susanna Kamon	Susanna Kamon	502 Huron Ave 864-8993 02138	12-5-98
N.K. Clements	N.K. Clements	386 Huron Ave 547-5271 02138	12-5-98
[signature]	SUSAN STRANG	60 FRESH POND PKWY 547-4158	12-5-98
[signature]	Susan Pearce Susan Pearce	90 Fayerweather St 547-0441	12/5/98
Edward O. Provost Jr.	Edward O. Provost, Jr.	7 Willard St 864-4125	12/5/98
[signature]	SUSAN W. PAINE	90 Brattle St	12/5/98
[signature]	WILLIAM BOYLIAN	269 HURON AVE 354-2723	12/5/98
[signature]			
[signature]	FRED RAAB	457 MT AUBURN ST 620-6655	12/5/98
[signature]	Robin Fleming	45 Grozier Rd 4111-0809	12/5/98
[signature]	SUZANNE W. DWORSKY	8 MERCER CIR 547-3608	12/5/98
Alan Dworsky	ALAN DWORSKY	8 MERCER CIRCLE 547-3608	12/5/98
Diana Paolitto	Diana Paolitto	147 Lexington Ave. 661-0036	12/5/98

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Signature	Printed Name	Address and Phone No.	Date
Lisa Schmid	LISA F. SCHMID	49 Hubbard Pl, Cambridge	Dec 7, 1998
Elizabeth Cone	ELIZABETH CONE	17 Royal Ave Camb. 02138	
Paula Macomber	PAULA MACOMBER	25 Buckingham St	12-8-98
Mary Beals Millman	Mary Beals Millman	1 Berkeley Place	12.8.98
Lynn Cetrulo	LYNN CETRULO	46 GROZIER RD	12.8.98
Sam Reece	SAM REECE	45 GARDEN ST.	12.8.98
Ann Johnston	Ann Johnston	70 Sparks St	12-8-98
Agnes Burke	Agnes Burke	984 Memorial Drive	12-8-98
Nancy L Salzman	Nancy L Salzman	68 Francis Ave	12/8/98
John W. Travis	John W. Travis	134 Brattle St	12/10/98
Hilary C. Wodlinger	HILARY C. WODLINGER	10 Craigie St.	12/10/98
Christine Ballo Slyadotzky	CHRISTINE BALLO SLYADOTZKY	57 MT VERNON	4
Elaine Dunn	Elaine Dunn	25 Longfellow Road	12/10/98
Rhoda S. Fantasia	RHODA S. FANTASIA	93 Bird St	12/10/98

TRUCK TRAFFIC ZONING PETITION

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Signature	Printed Name	Address and Phone No.	Date
[signature]	B.F. Bacon	140 Pearl St., 8680129	6 XII 98
[signature]	M. Holmes	6 & 6 Kingston Ave	876-5577
[signature]	70 Lexington Ave		
[signature]	DAVID STRAUS	8 LINCOLN LANE 576-2161	12/6/98
Patricia Straus	PATRICIA Straus	8 Lincoln Lane, 02138	12/6/98
Carolyn Mieth	Carolyn Mieth	15 Brookford St C 02140	12/6/98
William B. King	William B. King	25 Hurlbut St., Camb 02138	12/6/98
[signature]	Henry K Vandermark	33 Cambridge Terrace Camb. 02140	12/6/98
Ellen G. Moot	ELLEN G. MOOT	44 Coolidge Hill Rd Camb 02138	12/6/98
Anne R. Toop	Anne R. Toop	694 Green St., #4	12/6/98
Dorothy S. Dahl	DOROTHY S. DAHL	6 Holland Place	12/6
[signature]	JOHN R MOOT	44 Coolidge Hill Rd	12/6

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Signature	Printed Name	Address and Phone No.	Date
Jane G. Wainwright	JANE G. WAINWRIGHT	17 GRAY GARDENS EAST	12/7/98
Frances H. Pavlo	FRANCES PAVLO	50 SHEPARD ST	
Suzanne Rosenberg	Suzanne Rosenberg	9 Newton St	12/7/98

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Signature	Printed Name	Address and Phone No.	Date
John P. Tackney	JOHN P. TACKNEY	44 SIXTH ST. 5470394	12/8/98
Robert V. Travers	ROBERT V. TRAVERS	54 FULKERSON ST 5470367	12/8/98
Mary Travers	MARY TRAVERS	54 Fulkerson	12-8/1945
Helen B Travers	HELEN B TRAVERS	51 FULKERSON ST.	492-2141
Norma Ameral	NORMA AMERAL	211 Hurley St	12/8/98
William Ameral	WILLIAM AMERAL	211 HURLEY ST	12/8-98
W F Durette	WILLIAM DURETTE	141 OTIS ST	12-8-98
Patricia Renna	PATRICIA RENNA	103 7th ST. Camb.	12-8-98
Carroll Graham	CARROLL GRAHAM	83 Sixth St Camb	12-8-98 02141
Lorraine Pritchard	LORRAINE PRITCHARD	29 Jefferson Street	12-8-98
Janice Litwinsky	JANICE LITWINSKY	111 HORNDIKE ST	12-8-98 02141
Joseph Travers	Joseph TRAVERS	54 Fulkerson ST	02141
[illegible]	Robert Travers Jr	54 Fulkerson St	02141
James Dunn	JAMES DUNN	53 FULKERSON ST	02141
Angela Dunn	ANGELA DUNN	53 FULKERSON ST	02141
Lois DiMaio	LOIS DiMAIO	56 FULKERSON	ST "
Sandra DiMaio	SANDRA DiMAIO	58 "	" " "

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Signature	Printed Name	Address and Phone No.	Date
Frances Camelio	FRANCES CAMELIO	492-8964	1/14/99
Dominic Camelio	DOMINIC CAMELIO	492-8964	1/14/99
Noel Camelio	NOEL CAMELIO	492-8964	1/14/99
Norman Bradway	NORMAN BRADWAY	54 Fulkerson St 492-1634	1/14/99
Dan Sullivan		364-7097 54 Fulkerson St	1/14/99
Mary Bradway	Mary Bradway	54 Fulkerson St 492-1634	1/14/99

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Signature	Printed Name	Address and Phone No.	Date
Robert O. Edbrooke	Robert Edbrooke	20 Prescott St #5	11/27/98
William Crusco	William CRUSCO	20 Langdon St.	11/28/98
Thomas McClintock	THOMAS MCCLINTOCK	15 FOLLEN St. CAMB	11/28/98
Anne Hafrey	Anne Hafrey	3 Sumner Rd	11/28/98
Katharine A. Glover	KATHARINE A. GLOVER	12 GIBSON ST	11/29/98
Lawrence Kotin	LAWRENCE KOTIN	12 Gibson St.	11/29/98
Wm P. Hull	Wm P. Hull	40 Reservoir St.	11/29/98
Oliver Hamill	OLIVER HAMILL	25 RESERVOIR ST	11/29/98
Mary Osterreicher Hamill	Mary Osterreicher Hamill	25 Reservoir ST	11/29/98
Robert C. Stowe	Robert C. Stowe	46 Brewster St.	11/29/98
Rosalind B. Stowe	Rosalind B. Stowe	46 Brewster St.	11/29/98
Gary Kitroff	Gary Kitroff	68 Holworthy St	11/29/98
Lynn Kargman	LYNN KARGMAN	221 Mt Auburn St	11/29/98
Walter B. Sorger	1 McLean Pl. CAMB		12-2-98
Bart Brownell	BART BROWNELL	17 BREWSTER ST.	12-3-98
Naomi Tang	NAOMI TANG	61 SPARKS ST	12/3/98
Sarah B. Jolliffe	SARAH B JOLIFFE	13 BUCKINGHAM	12/3/98
James E. DeAngelis	JAMES DEANGELIS	150 Holworthy St	12/3/98

TRUCK TRAFFIC ZONING PETITION

We the undersigned being registered voters of the City of Cambridge, petition the Honorable, the City Council of the City of Cambridge to adopt a night-time curfew on through commercial trucks by adopting into law an amendment to the Cambridge Zoning Ordinance in conformance with the Petition attached hereto.

Signature	Printed Name	Address and Phone No.	Date
	JOANNE WATSON	6 OLD DEE RD	12-5-98
Richard Borofsky	Richard Borofsky	86 Washington Ave.	12-6-98
Antra Borofsky	ANTRA BOROFSKY	86 Wash. Ave	12/6/98
Pat Wright	PAT WRIGHT	106 LARCH RD	12/6/98
Diane Nicholls	DIANE NICHOLLS	312 Mt Auburn St. 491-5711	12/6/98
Linda C Black	LINDA C. BLACK	5 Hilliard Place	12/6/98
Eileen Rudden	Eileen Rudden	32 Arlington St	12/6/98
Joshua Power	JOSHUA POWER	" "	12/6/98
Marcia Zucker	MARCIA ZUCKER	81 Fayerweather	12/6/98
Ann H. Beaty	Ann H. Beaty	8 Trail St.	12/6/98
Alexandra Leake	ALEXANDRA LEAKE	79 LARCH	12/6/98
Renate von Tscharner	Renate von Tscharner	2 Hubbard Pl	12/6/98
	Lorine L. Steven	14 Channing St 491-9999	12/10/98
Marylee Aldrich	Marylee T. Aldrich	15 Coolidge Hill Camb 491-5436	12/10/98
Sally Ames	Sally Ames	221 Mt Auburn St.	12/10/98
Sarah Farrington	Sarah Farrington	18 Frost Street 864-2163	12/12/98
~~ARCH~~	~~ARCH HORST~~	50 BRATTLE ST	12/12/98
Kate P. Kirby	Kate P. Kirby	55 Brewster St 492-0939	12/12/98

TRUCK TRAFFIC ZONING PETITION

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Signature	Printed Name	Address and Phone No.	Date
Karin Weller		12 Humboldt St 491-8067	12/27/98
Rita Guastella	Rita Guastella	127 Reed St. 661-2548	
Elizabeth Gilmore	Elizabeth Gilmore	47 Reservoir St 354-3528	

TRUCK TRAFFIC ZONING PETITION

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Signature	Printed Name	Address and Phone No.	Date
Dexter Eames	DEXTER EAMES	6 AVON PL	11/14/98
Sylvia Fine	Sylvia Fine	6 Avon Pl	11/14/98
William Fowler	William FOWLER	8 Avon Pl.	11/14/98
Neva Fowler	Neva Fowler	8 Avon Pl	11/14/98
~~Ingrid Sawyer~~	~~Ingrid Sawyer~~	~~14 Avon Pl.~~	~~11/14/98~~
Maria A. Sawyer	Maria A. Sawyer	14 Avon Pl.	11/16/98
Albion T. Sawyer	Albion T. Sawyer	14 Avon Pl.	11/16/98
C. Pozzi-Escot	C. Pozzi-Escot	24 Avon Hill	11/18/98
Robert Cogan	Robert Cogan	24 Avon Hill	11/18/98
William Press	William Press	1 Avon Place	11/20/98
Scott Surrey	Scott Surrey	54 Buckingham St	12/2/98
Emily Sander	Emily Sander	74 Buckingham St	12/4/98
Joseph Tierney	JOSEPH TIERNEY	60 BUCKINGHAM ST.	12/5/98
Hilary Driscoll	Hilary Driscoll	60 Buckingham St	12/5/98
Jean Arnold	~~Ed Healey~~ Jean Arnold	31 Healey St	12/5/98
Barbara Oldman	BARBARA OLDMAN	15 Buckingham st.	12/8/98
Oliver Oldman	Oliver OLDMAN	15 Buckingham St.	12/8/98
Laura Nash	LAURA NASH	11 Buckingham St	12/8/98

TRUCK TRAFFIC ZONING PETITION

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Signature	Printed Name	Address and Phone No.	Date
Thomas W. Beale	THOMAS W. BEALE	11 BUCKINGHAM ST.	12/10/98
Robert Canning	ROBERT CANNING	34 BUCKINGHAM ST	12/11/98
Blanca Kolb Canning	BLANCA KOLB	34 BUCKINGHAM ST	12/11/98
John Moynihan	JoAnn Moynihan	91 Fayerweather	12/15/98
Nannette Kredlow	Nannette Kredlow	12 Gerrys Landing	12/15/98
Helene L Corry	HELENE L. CORRY	71 COGSWELL AVE	12/15/98
Anne S. Morison	ANNE S. MORISON	9 Buckingham	12/15/98

TRUCK TRAFFIC ZONING PETITION

We the undersigned being registered voters of the City of Cambridge, petition the Honorable, the City Council of the City of Cambridge, to adopt a night-time curfew on through commercial trucks by adopting into law an amendment to the Cambridge Zoning Ordinance in conformance with the Petition attached hereto.

Signature	Printed Name	Address and Phone No.	Date
[illegible]	Joseph S. Berman	127 Trowbridge St 864-6854	12/12/98
[illegible]	Shaw P. Cantor	"	"
Rebecca Brannon	Rebecca Brannon	202 Charles St 617 661 0409	12-30-98
Joseph Wood	JOSEPH WOOD	202 CHARLES ST 617 661 0409	2.30.98
Kelley Devaney	Kelley Devaney	106 Ellery St 617 492 3709	12-30-98
Ruth Maclay	Ruth MACLAY	361 HARVARD St.	12-30-98
Patricia Bull	PATRICIA Bull	399 Broadway	12-30-98
Ben Zion Golp	BEN ZION GOLP	61 DANA ST	12.30.98
Norman Cluley	Norman Cluley	93 Marathon St, Arling	12/30/98
Jennifer Lawrence	Jennifer Lawrence	One Waterhouse St	12/30/98
[illegible]	Peter Sorgn	336 Harvard St	12/30/98
[illegible]	Gabriel Hall	2 Ellsworth	12/30/98
[illegible]	Darin Evans	90 PLEASANT ST	12/30/98
Ann W Bolger	Ann Bolger	1643 Cambridge St	12/30/98
Robyn McCann	Robyn McCann	14 Ellsworth PK #1	12/30/98
Paul F Rivers	Paul F. Rivers	820 Mass Ave	12/30/98
Ellen Zucker	Ellen Zucker	104 Broadway	12/30/98
Christine Toulouse	CHRISTINE TOULOUSE	55 PRESCOTT ST	12/30/98

TRUCK TRAFFIC ZONING PETITION

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Signature	Printed Name	Address and Phone No.	Date
	RIVA M. POOR	73 KIRKLAND 868-4449	11/9/98
Thelma Magaril	Thelma Magaril	73 Kirkland St	11/9/98
Richard M. Costello	Richard G. Costello	77 Kirkland St. Unit	11/9/98
Jane Costello	Jane Costello	77 Kirkland Unit	11/9/98
	Dr. Sigurd Beneen	77 Kirkland #2	11/9/98
Giorgio B. Trapani	GIORGIO B. TRAPANI	80 Kirkland St 868-1817	11/9/98
Harriet Trapani	HARRIET H. TRAPANI	80 KIRKLAND ST 868-1817	11/9/98
Carl Trapani	Carl Trapani	80 Kirkland St. 661-6778	11/9/98
Patricia Marti	Patricia Marti	84 Kirkland St. 864-4847	11/9/98
James J. Gray	James Gray	84 Kirkland St 8644847	11/9/98.
Amy H. Welch	Amy Welch	54 Roberts Rd	11/9/98
Barry F. Jacobson	Barry Jacobson	54 Roberts Road 547-3191	11/9/98
Alan Sumner	Alan Sumner	52 Roberts Rd "	11/9/98
Peter Green	Peter Green	79 Kirkland St #1 547-1116	11/9/98
Harold I. Keeler	HAROLD I. KEELER	73 KIRKLAND ST 441-3665	11/9/98
Gabriel Carrier	GABRIEL CARRIER	35 MYRTLE AVE 491-5576 491 8346	11/10/98
Renee M. Arb	RENEE M ARB	59 Kirkland St	10/10/98
Reuben Landau	REUBEN LANDAU	55 Kirkland St. (617) 876-2131	10/10/98
Wendy Mariner	WENDY MARINER	10 FRANCIS AVE 617 868-9818	12/5/98

TRUCK TRAFFIC ZONING PETITION

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Signature	Printed Name	Address and Phone No.	Date
	Treather Gassmann	55 Kirkland st (617)876-7056	11/10/98
Charles Burlingham	CHARLES BURLINGHAM JR	62 Kirkland St	11.10.98
Adair Burlingham	Adair Burlingham	62 Kirkland st 547-6034	11.10.9
	Molly Benfeld	70 Kirkland St #8 (617)497-8082	11-10-98
	David LMcCoy II	70 Kirkland #2 617 441-0003	11/10/98
Marcia Smits	MARCIA SMITS	131 Trowbridge St 617 868-1726	11/10/98
	Bill Smits	131 Trowbridge 617-868-1726	11/10/98
Ida C. Pays Correa	Ida C. Correa	118 Trowbridge St #1 6176619788	11/10/98
	DONALD FORTE, JR	121 " 617-547-8310	11/10/98
Marjorie Forte	MARJORIE FORTE	121 " 617-547-8310	11/10/98
	MONA BERLAND	122 TROWBRIDGE ST, #2B 617-661-5854	11/10/98
	JAY BURKE	89 TROWBRIDGE ST, #26 617/492-4381	11/10/98
Susan Halpert	Susan HALPERT	6 Holden St 617 491 4885	11/10/98
	Linda Sinoyan	93 Kirkland 617-864-6966	11/10/98
	Carol Lynn Alpert	93 Kirkland St.	11/10/98
	L M ALPERT	93 KIRKLAND ST	11/10/98
Sarah Trapani	Sarah Trapani	80 kirkland St.	11/11/98
	Elizabeth Kline	15 Kirkland ed 617-661-6778	11/11/98
	John T Nagurney	70 Francis Ave 617-864-6539	12-9-98

TRUCK TRAFFIC ZONING PETITION

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Signature	Printed Name	Address and Phone No.	Date
Dr. [signature]	Dr F RAMONDI	864-4153 74 Kirkland St. Apt 2	11/11/98
Fabiola Framondi	Fabiola Framondi	74 Kirkland St. Apt 1 617 864-4153	11/11/1998
Stephanie A. King	Stephanie King	74 Kirkland St. #5 876-7392	11/11/98
Barbara Leberman	Barbara Leberman	547-7609 74 Kirkland St.	Nov. 11, 1998
Wendy L. Weber	Wendy L. Weber	491-2028 74 Kirkland St.	11/11/98
Jean TePaske	Jean TePaske	70-10 Kirkland [illegible]	11/11/98
[signature]	Dorothy White	70 Kirkland #9 491-1751	11.11.98
Fuad Safwat	[signature]	661-2416 47 Roberts Rd	11/11/98
[signature]	Melissa Giaccone	35 Magnolia Ave #3 8641137	11/11/98
Dianne Blasi	Dianne Blasi	5 Line St. #1B 3548742	11/11/98
Louise Phelan	LOUISE PHELAN	876-2545 5 LINE ST. #2A	11/11/98
Maribeth Dunn	Maribeth Dunn	661 3393 1 Sedgwick Rd	11/11/98
Nancy E Rial	Nancy E Rial	492-2433 4 Francis Ave	11/13/98
[signature]	DAVID CULLEN ~~16 Kirkland Rd~~	491-0534 16 Kirkland Rd	11/14/98
Kathy S Porter	Kathy S. Porter	491-0534 16 Kirkland Rd.	11/14/98
Yvonne S. McQuilkin	Yvonne S. McQuilkin	81 Kirkland St 661-1850	11/15/98
Janet Zimmern	Janet Zimmern	78 Kirkland St 661-3157	11/15/98
Sylvia Feshbach	Sylvia Feshbach	5 Sedgwick Rd	
Gretchen Ostheimer	Gretchen Ostheimer	354-2721	11-17-98
	617.547.6245	110 Oxford St. #3A Cambridge MA 02135	12/9/98

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Signature	Printed Name	Address and Phone No.	Date
	Kristin Macomber	50 Kirkland St	11/11/98
	JAYANT SHAH	44 Kirkland St.	11/11/98
	Emma Duchane	44 Kirkland St.	11/11/98
	Elizabeth SPEUKE	11 Kirkland Rd	11/12/98
	Elliott Blass	11 Kirkland Rd	11/12/98
	Carolyn Unruh	15 Kirkland RD	11/12/98
	SILVIA UNRUH	"	"
L. Kovach	Lynne Kovach	14 Kirkland Rd. 876-7809	11/12/98
	MICHAEL BERNE	81 KIRKLAND ST.	11/22/98
	CLINTON TAO	82 Kirkland St. 354-0883	12/2/98
	DAISY TAO	"	"
	ISABELLE TORROELLA	30 MAGNOLIA AVE 491-8227	DEC/6/98
	MARCELO TORRES	78 KIRKLAND ST 354-8246	DEC/9/98
	MARGARET KUDARAUSKAS	11 HOLDEN ST 492.4586	12.9.98
	Greg Kudarauskas	11 Holden St. 492-4586	12/9/98
	Paul F Jannke	24 Carver St #3 864-3319	12/9/98
	Julie Switzer	24 Carver St. #3 864-3319	12/9/98
	Steven Gordon	10-B Francis Ave 576 4490	12/9/98

TRUCK TRAFFIC ZONING PETITION

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Signature	Printed Name	Address and Phone No.	Date
José PO Rosado	José PO Rosado	93 Kirkland St Cambridge	11/13/98
Karen E Massey	KAREN E MASSEY	93 Kirkland St.	11/14/98
Stanley Silverman	Stanley Silverman	33 Mt Hesse	12/9/98
Edward N Kudarauskas	EN KUDARAUSKAS	617 876-0821 22 FARRAR ST	12/5/98
NITA REGNIER	Nita Regnier	75 Tremont St 02138 497-5259	12/9/95
Mary N. Kudarauskas	Mary N. Kudarauskas	22 Farrar St.	12/9/98
Janya Earls	Janya Earls	16 Farrar St. 864-4799	12/9/98
Sidney Peck	Sidney PECK	15 Farrar St.	12/9/98
Louise Peck	Louise Peck	617-547-3859 15 Farrar ST	12/9/98
Yale Rabin	YALE RABIN	9 FARRAR ST 661-0037	12/9/98
Barbara Rabin	BARBARA RABIN	9 Farrar St. 661-0037	12/9/98
Patricia Coatsworth	PATRICIA COATSWORTH	2 SCOTT ST 497-4872	12/9/98
Kathryn L. Knight	Kathryn L. Knight	7 SCOTT ST 491-1982	12/9/98
Mary E Ward	MARY E WARD	7 Scott St 491-1982	12/9/98
Jane Kamine	Jane Kamine	5 Scott St. 876-4445	12/9/98
[illegible]	Elizabeth Halprin	104 Irving St 876-1851	12/9/98
[illegible]	Vladimir Shpunt	84 Irving 3542782	12/9/98
[illegible]	Livingston Parsons III	80 Irving St 492-4930	12/9/98
[illegible]	T. Mikelson	6 Francis	12/9/98

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Signature	Printed Name	Address and Phone No.	Date
Mary G. Baker	Mary G Baker	221 Mt Auburn St	12/10/89
Jean H. Little	Jean H Little	35 Brewster St	12/10/98
Phebe C Leighton	PHEBE C. LEIGHTON	128 LAKE VIEW AVE	12/10/98
Andrew Leighton	ANDREW LEIGHTON	128 LAKE VIEW AVE	12/10/98
Karen Davis	Karen Davis	15 Walker St.	12/10/98
Blake P. Allison	BLAKE P. ALLISON	159 MT AUBURN	12/10/98
Elizabeth H Simmons	E H Simmons	1 Richdale Ave #5	12/12/98
Richard S. Schwartz	Richard S. Schwartz	30 Hillside Ave	12/12/98
Catherine G Massey	Catherine G Massey	6 mason Massey St.	12/12/98
George Eastman	GEORGE EASTMAN	83 INMAN ST.	12-13-98
Deborah Eastman	DEBORAH EASTMAN	"	"
M Holt Massey	M HOLT MASSEY	6 MASON ST	12/13/98
Jill Hornor	Jill A. Hornor	54 Highland St.	12/14/98
Morris A Horowitz	MORRIS A. HOROWITZ	5 Riedesel Ave	12/20/98
Jean Horowitz	Jean HOROWITZ	5 Riedesel Av	12/20/98
Nancy B. Cyr	Nancy B. Cyr	106 Dudley St	12/20/98
Sally Lesser	Sally Lesser	115 Lexington Ave	12/21/98
Owen Walker	Owen Walker	19 Larch Rd	12/27/98

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Signature	Printed Name	Address and Phone No.	Date
Pamela Schiappa	PAMELA SCHIAPPA	87 RICE ST. #3	12/19/98
Jeffrey M. Schiappa	JEFFREY M. SCHIAPPA	87 RICE ST. #3	12/19/98
MA Leonard.	MARK A. LEONARD	110 Pleasant St. 02139.	12/27/98.

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Signature	Printed Name	Address and Phone No.	Date
Annette LaMond	Annette LaMond	7 Riedesel Ave 02138 492-8348	11/13/98
Margaret Wilmot		3 Saville St Cambridge	02138
Sylvia Winn	Sylvia Winn	29 Brewster St Camb	02138
Joseph Moore	Joseph Moore	7 Riedesel Ave 02138 492-8348	11/13/98
Mary Carter	MARY CARTER	4 Riedesel Ave 02138	11/16/98
Harriet Baxter	HARRIET BAXTER	25 Brewster St.	11/16/98
Esther Pullman	ESTHER PULLMAN	10 ASH ST PLACE CAMBRIDGE 492-6268	11/16/98
Leonard Rush	LEONARD Rush	70 SPARKS ST.	11/18/98
Laura Pillsbury-Hanson		15 Hollis St	11/18/98
Karen Trainor		28 Edwin St Karen Trainor 864-3155	11/19/98
U.S. Edgerly	U.S. Edgerly	32 Highland ST	11/18/98
Carly Berk	CARLY BERK	10 CHANNING PLACE	11-18-98
Elizabeth Mundell	ELIZABETH MUNDELL	13 Humboldt St.	11/18/98
Allyson Sheckler	Allyson SHECKLER	74 Fresh Pond Pkwy	11/19/98
Carol Uhl-Nordlinger	CAROL UHL-NORDLINGER	21 Craigie St.	11/19/98
Michael Hanlon	Michael Hanlon Jr	28 Blakeslee St	11/20/98
Emily McClintock	Emily McClintock	15 Follen St. Camb. 868-0110	11/23/98
Peter Rose	PETER ROSE	54 FRESH POND LANE 547-0821	

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Signature	Printed Name	Address and Phone No.	Date
Herman J. Fisbach	FESHBACH	6 Sedgwick Rd Cambridge 354-2721	12/13/98
Robert C. Mitchell	Robert Mitchell	617-661-9697 26 Foster St Camb.	12/13/98
Katherine E. Estes	KATHERINE ESTES	617-492-0658 95 Irving St Camb	12/13/98
W K Estes	W K Estes	492-0658 95 Irving St	12/13/98
John Coatsworth	JOHN COATSWORTH	497-4872 2 SCOTT ST	12/13/98
Benjamin H. Brown	BENJAMIN H. BROWN	99 [illegible] 864-1533	12/13/98
MARIAN C. SCHLESINGER	MARIAN C. SCHLESINGER	491-3639 109 IRVING ST	12/12/98
Jane Rabe	Jane Rabe	3 Shady Hill Sq. Camb. 12/12/98 452-1320	Dec. 13 1998
Jerry W. Soltan	SOLTAN (6 Shady Hill Sq)	876-2924	12-12-98
Monica Hexner	MONICA HEXNER 36 Holden St.	547-7194	12/12/98
Natalie F. Tarbet	NATALIE F. TARBET 10 Shady Hill Sq	547-4728	12/12/98
Carl Kaysen	CARL KAYSEN 41 Holden St.	661-0004	12/12/98
Ruth Butler	Ruth Butler 41 Holden St	661-0004	12/12/98
Roxanne Hall	Roxanne Hall 13 Leonard Ave	661-0105	12/12/98
Wei-Ming Tu	(Tu Wei-Ming) Balance 13 Leonard Ave.	661-0105	12/12/98
Sarah M. Fitzgerald	(SARAH M. FITZGERALD) 20 Bryant St.	864-0264	12/12/98
Mary Louise Lord	MARY LOUISE LORD 23 FRANCIS AVE.	876-6345	12/98
Carl E. Krumpe, Jr.	CARL E. KRUMPE, JR. 18 FRANCIS AVE.	868 8076	12/12/98
Anne B. Kaplan	Anne B. Kaplan 16 Frances Ave. 354-2577		12/12/98

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Signature	Printed Name	Address and Phone No.	Date
	JOHN W. GORMAN	7 FRANCIS 354-0674	12/
	P A GRAHAM	7 FRANCIS 491-1616	12/2
	HANNA & HOLZMAN	7 Francis 354-6072	12/2
	Thomas Wolf	8 Francis 492-5716	12/12/88
	PATRICIA SHEPPARD	6 FRANCIS 661-9816	12/12/88
	MARY SILVERIA	72 KIRKLAND 497-1761	12/12/88
	ARTHUR E POWELL	18 SCOTT ST 864-1560	12/12/88
	Christopher Ely	103A Irving St./ 576-5389	12/12
	LESLEY DAVISON	103A IRVING ST./ 576-5389	12/12

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Signature	Printed Name	Address and Phone No.	Date
1 Constance W. Holden		16 Lowell St Cambridge - 547-8574	12-7-98
2 Elizabeth D Meeyer	Elizabeth D. Meeyer		
3 Mopsy Kennedy	Mopsy Kennedy	115 Brattle Street 864-1318 74 Fayette 02139	

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Signature	Printed Name	Address and Phone No.	Date
[illegible]	John R. Moot	44 Coolidge Hill Rd	11/11/98
[illegible]	[illegible]	491-8120 20 Hilliard St 492-8566	11/11/98
Samuel Berk	Samuel Berk	10 Channing Pl 617-576-3828	11/11/98
Belinda Bacon	Belinda F. Bacon	140 Pearl St. 868 0129	"
[illegible]	Mary Shepherd	30 Hawthorn 547-2336	"
Gladys P Gifford	GLADYS P GIFFORD	15 Hilliard St	11/11/98
[illegible]	A. R. SHAIN	5 FOLLEN ST.	11/11/98

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Signature	Printed Name	Address and Phone No.	Date
Anne R. Toop	Anne R. Toop	694 Green St., Cambridge 617-547-3834	Nov 11, 1998
Sarah Landis	SARAH LANDIS	9 STORY ST., CAMBRIDGE 661-8291	NOV. 11, 1998
Ian N. Fales	Ian N. FALES	11 Hillcrest St. 617-354-0475	11.11.98
Priscilla J. McMillan	Priscilla J. McMillan	12 Hillcrest Street Cambridge 02138	
Martha S Lawrence	MARTHA S. LAWRENCE	17 Willard St.	11-11-98
Judith I Nathans	JUDITH I. NATHANS	1134 Mass. Ave.	11-11-98

TRUCK TRAFFIC ZONING PETITION

We the undersigned being registered voters of the City of Cambridge, petition the Honorable, the City Council of the City of Cambridge, to adopt a night-time curfew on through commercial trucks by adopting into law an amendment to the Cambridge Zoning Ordinance in conformance with the Petition attached hereto.

Signature	Printed Name	Address and Phone No.	Date
Carol Albright	Carol Albright	52 Kirkland St 864-6827	11/9/98

742 - 4953

TRUCK TRAFFIC ZONING PETITION

We the undersigned being registered voters of the City of Cambridge, petition the Honorable, ~~the~~ City Council of the City of Cambridge, to adopt a night-time curfew on through commercial trucks by adopting into law an amendment to the Cambridge Zoning Ordinance in conformance with the Petition attached hereto.

Signature	Printed Name	Address and Phone No.	Date
Vici Casawa	VICI CASAWA	87 River St. #5 Cambridge, MA 02139-3527	11/23/98
Susan Angier	Susan Angier	65 Pleasant St. Cam. 02139	11/24/98
Lynn Fallo	LYNN FALLO	87 RIVER ST 16	11-24-98
Angel Zarate	Angel Zarate	25 Fairmont Ave. # Cambridge, MA. 02139	11-27-98
Stephen Pool	Stephen Pool	12 Pleasant St. Camb. 02139	11/28/98
Julie O'Neil	Julie O'Neil	32 River St Camb.	11/28/98
Joshua Jacks	Joshua Jacks	45 River St	12/1/98
Scott Van Deusen	Scott Van Deusen	87 River St.	12-13-98
Anne Peramaki	Anne Peramaki	87 River St	12-13-98
Chris Ewen	CHRIS EWEN	92 River St #3	12-99
Marlene Clauss	Marlene Clauss	124 Chestnut St	1/2/99

HD

COMMITTEE MINUTES
COVER SHEET

The Ordinance Committee held a public ~~meeting~~/hearing on March 24, 1999, beginning at 5:35 ~~am~~ pm in the Sullivan Chamber/~~Ackermann Room~~ for the purpose of considering a proposed amendment to the zoning ordinances to regulate truck traffic by providing a nighttime curfew on use of city streets by through trucks 2.5 tons ~~or~~ more in gross weight

Present at the hearing were Councillor Henrietta Davis, Chair of the Committee, Councillor Kathleen L. Born, ~~Councillor~~ Mayor Francis H. Duehay, ~~Councillor Anthony D. Galluccio~~, ~~Councillor Jonathan S. Myers~~, ~~Mayor~~ Kenneth E. Reeves, ~~Vice Mayor~~ Councillor Sheila T. Russell, Councillor Michael A. Sullivan, ~~Councillor~~ ~~Timothy L. Toomey, Jr., Councillor Katherine Triantafillou~~, and City Clerk D. Margaret Drury.

Also present were Donald Drisdell, Deputy City Solicitor and Lester Barber, Director of Land Use and Planning for Community Development and Loren Preston, Department of Traffic, Parking and Transportation.

Councillor Davis convened the hearing and explained the purpose.

James Adams, 226 Brattle Street read a statement from Karen Falk, petitioner. Attachment B - He noted that.

Truck traffic has increased in Cambridge, and it has become very disturbing. The petition calls for a citywide ban on through trucks during normal nighttime sleeping hours. Designated truck routes are not the answer.

C. Davis then invited public testimony in support of the petition:

William Fowler, ~~8 Buena~~ 8 Avon Place, spoke in support of the petition:

Robert Smith, 86 Buckingham Street spoke in ~~open~~ support of the ordinance. He said that he lives at the corner of Concord Avenue. Truck traffic starts early in the morning and goes to late at night.

Mayor Dueley stated that he has to leave to attend the School Committee meeting. He will study the issue very carefully. He lives three (3) houses from Mt. Auburn Street and is very aware of the pernicious effects of truck traffic. It is unfortunate that Cambridge has not been able to deal with this issue. The problem Cambridge has had is that of federal law, which has pre-empted local authority. If Mayor Dueley stated that he would like to find a way to allow Cambridge to regulate truck traffic, but he wants to be sure that it would not be a useless exercise because of the legal issues. He said that

he would welcome any legal opinions about this issue.

Forest Selving, 244 Brattle Street, spoke in support of the proposed law. There is an ordinance to limit ~~[illegible]~~ trucks on Brattle Street but it is not enforced.

Vici Cassano, 87 River Street, stated that she has lived ~~[illegible]~~ that address for 22 years. She outlined some of the history of this issue ~~[illegible]~~ that has ~~[illegible]~~ brought the city to this point. She started working on the issue of 1993, when the Central Square Committee. They came to realize that a designated truck route was not a solution. ~~[illegible]~~ Ms Cassano said that the issue of regulating nighttime truck traffic by zoning has never had a full

and gain hearing. She said that there are problems with seeking a state exclusion of nighttime trucks because the Massachusetts Highway Department requires proof (before allowing the signage that implements the exclusion) of an alternate route. The exciting thing about the use of zoning is that no signs are required. Zoning is an appropriate tool to protect the quality of life.

C. Russell asked how the truckdrivers will know. Ms. Cossoma said that they will know when they are stopped. Also there can be a good publicity effort, including informing trucking companies.

C. Sullivan emphasized the need to take action. He (stated that he intends to make a motion) that the Con C request

CITY OF CAMBRIDGE

MASSACHUSETTS

FROM THE DESK OF D. MARGARET DRURY, CITY CLERK

FROM THE OFFICE OF
CITY CLERK

_____ 19

INSERT

Voted

Thereupon, Councillor Sullivan moved that the City Council request the City Manager to direct the City Solicitor to provide the City Council with a legal opinion as to the following issues:

(1) The potential danger to existing truck restrictions in Cambridge as a result of a lawsuit against Cambridge for this Zoning amendment; and

(2) What steps Cambridge may lawfully take to prevent the dangers posed by ~~[illegible]~~ fuel trucks on residential streets, keeping in light of Boston regulations banning diesel trucks from the highway to Cambridge streets.

a legal opinion Councillor Sullivan

He stated that the City are being told on the counsel that Cambridge will be sued no matter what it does. There. He is concerned that if Cambridge is sued, all existing trucks routes would be in danger. He would like a legal analysis of the potential dangers to the existing protections + routes. He is very concerned about the dangers of fuel trucks driving down residential streets, and would like analysis of whether there is something that can be done to protect against this. INSERT

John Moot, 44 College Hill Rd, stated that he is speaking on behalf of the Harvard

Square Defense Fund, in support of the proposal. Zoning is to protect the quality of life and this is an issue of the quality of life. The petitions urged welcome other communities instituting similar bans so as to present a united front. It is important to keep cities liveable

Elie Yarden, 143 Pleasant Street, spoke in support of the proposal. He is concerned about Cambridge's failure to use existing resources to address the problem of trucks. He is especially concerned that city administrations have failed to contact other cities and towns. Other cities in other civilized parts of the world have

~~exist~~ found solutions to these problems. One is the ~~need~~ establishment of ~~depots~~ regional depots. A zoning petition is only a first step. It should be attempted. He pointed out the executive power of the City Council. He noted the goals of the President's Council on Sustainable ~~Communities~~ Communities.

C. Davis then worked testimony for the City of Somerville.

Tod Fontinella, employee of the City of Somerville transmitted a letter to the Ordinance Committee from Acting Mayor Roche. Traffic enforcement should not be done through land use laws. Traffic management must be done at the regional level.

HD asked whether Somerville would like to enact a nighttime bar

Mr F stated that there is already a regional response through the MAPC Metropolitan Area Regional Study

HD asked abt the schedule for completion of the study. Mr F said that he believes it will be abt 10 mos for response to a guest for C. Russell, he stated that the study started abt 12 mos ago. A lot of data has been collected

SK asked whether he thought the solution might happen more quickly if all the surrounding communities ~~to~~ ~~can~~ worked together in such a bar

Loren Preston

stated that the Traffic Department has cooperated fully with the regional work.

HD stated that citizens are understandably frustrated by how long it takes to ~~[illegible]~~ change.

SR m that we request that the Mayors / City Managers meet w/ Cambridge to discuss joint efforts on the problem of trucks to try to move faster on a regional solution

KB stated that the efforts to put together a truck committee started 5 years

ago, and it was noted that there were regional efforts ongoing at that time. They are very slow, and the perspective of the people working on the issues is mostly that of facilitating regional transportation. It fails to lend approach to try to solve the quality of life problems that the trucks bring. ~~Cambridge~~ Somerville is full of the same 19th century problems that ~~Cambridge~~ exist in Cambridge

Riva Poor, 73 Kirkland Street, stated that she has lived in Cambridge for 40 years. She expressed the frustration ~~has~~ and powerlessness that individuals feel in trying to solve this problem. Fear of being sued is akin to fear of bullies experienced as children. She submitted a letter in support of her position

Once Cambridge shows it has the courage to fight, ~~as~~ well other communities will join in.

Brian Pfeiffer, 147 Brattle Street has lived here for 25 years. Part of the increased truck problem is caused by the de-regulation of trucking in recent years. Noise, vibration, pollution and the danger of explosions are all ~~one~~ major concerns. The City government has failed its citizens. Other communities have not been contacted on this issue.

Thelma Magaril, 75 Kirkland Street, spoke in support of the petition. She is awakened by trucks in the very early morning.

Louise
~~Denise~~ Phelan, Linnaean Street, stated that she lived in Cambridge for 9 years in various locations

and has experienced trucks in all locations. She lives Ambridge but she would like to get a good night's sleep.

Joseph Westling 244 Brattle Street spoke in support of the petition. He is woken by trucks at 4 a.m. every day. Enforcement did be improved.

Caroline Wozniak, 240 Brattle Street, spoke in support of the petition.

Tom Bracken, 89 Ivory Street, stated that he hears the noise of trucks on Kirkland Street starting as early in the morning.

There is nothing new and easy going to restrict trucks. He read from the statement

of purposes in MGL Ch 40A, the state zoning act. The Cambridge Zoning Ordinance clearly provides the authority to use zoning in this way. Furthermore, the Plaistow case, decided by the First Circuit, the highest court in this ~~jur~~ federal jurisdiction, upheld the use of a nighttime zoning restriction ~~bar~~ on trucks at night. The District Court in Massachusetts upheld a limited bar in Cambridge in the Portland Stoneware case. There is ample authority to uphold zoning relief.

W/ regard to the issue of enforcement, the zoning law is deemed to constitute notice. Cambridge can utilize a "cease and desist" order. We know who the offenders are

Stash Horowitz, 12 Florence Street, spoke in support of the proposed amendments in Cambridge. There are many examples of the intersection of zoning and traffic control, e.g., the IPOP, the PTDM and the parking freeze. Laws such as the environmental protections often come from a history of suits/lawsuits against them. He hopes the Law Department is prepared to mount a vigorous defense. Individual truck drivers have a long learning curve as to when they drive their trucks, so this would not hinder the delivery of goods. Perhaps something can be worked out w/ the trucking industry.

Hal Becker, 73 Kirkland Street, spoke in support of the petition. Somerville does have a nighttime truck ban but that is not enforced. Cambridge police have done better on enforcement. Most of the people here have come forth because they want protection. Sound encroachment is approaching the threshold of pain. The only arguments put forth not to go forward are fear of lawsuits and "good neighbor" arguments by neighboring towns who enacted poor similar laws.

Robert Travers, 54 Fulkerson Street. He stated he has lived there for over 60 years and truck traffic has been a problem since

the day he was born. Property owners should get together to see because of truck damage to their properties.

James Murphy, ~~AEA~~ American Trucking Associations (ATA), ~~expense~~ stated that he thought it would be better for the City of Carbondale to make an effort to reach out to the trucking industry. He believes the proposal violates several (3-4) state and federal regulations. The proposal gives truckers 2 options. One is to drive on other roads to go around Carbondale, the other is to wait until 7 a.m. and become part of area congestion. The ATA is looking at all of

time and money that will be spent to impact a relatively few trucks. Working together w/ the industry could actually have a more positive outcome on the truck problem.

SK asked what kind of outreach issue can be done. Mr. Murphy stated that this is a regional issue, w/ regional trucks. Trucks do not have a lot of leeway. The trucking industry can contact 5 pt carriers (more than our freight) and for hire carriers. Several issues mentioned relate to speed, size, not going down roads. In a coordinated effort of state and natl trucking associations and the City we could ask them to use smaller trucks. This has been done in other cities or towns.

MMTA
Mass
Motor
Transportation
Assoc

HD asked Mr. Murphy is there was a way to dissuade night time truck traffic on residential streets. HD requested that he provide the Committee w/ a list of cities and towns where this cooperation has occurred + any reports abt what efforts have been successful. Mr Murphy stated that he would do so.

He stated that most cities want fewer trucks which is the reason larger trucks are used. If Cambridge wants smaller trucks used, this can be discussed. Such cooperative efforts could lead to daytime improvements too.

C Russell m that the Traffic Dept

set up a meeting w/ the A

and the Massachusetts M

meet with these organizations while the

ordinance is being considered + also meet w/ the officials in the surrounding cities and towns.

HD asked Loren Prest

He met w/ various assn not on this

issue but on others but have had some

results

+ also talk abt use of alternate highway route

Riva Poor, 73 Kirkland Street, then

related her unsuccessful efforts in ~~dealing~~

contacting trucking companies. She chose Mobil Oil, a responsible company. She was told it

would cost more $.

SR said this is a difficult issue, but

something must be done to protect the quality of

life which is clearly affected by increased truck traffic.

HD stated that she believes that ~~the~~ Cambridge should work w/ Rep Capuano on this issue. ~~The~~ Obviously he has concerns abt Camb not solving ~~explosion on the~~

There shed be no speeding trucks at night and there is more to do in that regard.

SK moved that the matter remain in committee

SK Adj 7:40 pm

020

1 of 2

Petition from Karen F. Falb et al, to amend the Zoning Ordinance to add a new Sec. 6.96 - truck traffic

6/24/99

Passed to be Ordered 9-0-0.

6/18/99 - Copy sent to The Mayor + All Councillors

BRACKEN AND BARAM
33 Mt. Vernon Street
Boston, Massachusetts 02108

(617) 742-4950
FAX 742-4953

FACSIMILE TRANSMISSION
COVER SHEET

****

TO: Sandra Albano
Assistant/Secretary
Cambridge City Council

FAX: 349-4287

FROM: Thomas B. Bracken

DATE: 6/17/99

NUMBER OF PAGES (INCLUDING THIS SHEET): 5

****

Attached is a Memorandum *re* the Truck Petition which is on the City Manager's agenda for the City Council meeting Monday, June 21. Please include the Memorandum in the materials for each Councillor.

I appreciate your helpfulness.

JUN-17-99 14:50 FROM: ID: PAGE 1

Memorandum

To: Cambridge City Council

From: Thomas B. Bracken

Re: Truck Petition, filed by Karen Falb and over 600 other registered voters

Date: June 21, 1999

The supporters of the Petition believe that use of the City's zoning powers is the appropriate way to provide relief to the many people living in all parts of Cambridge suffering from truck noises and vibrations. The federal courts for Massachusetts have held that municipalities have authority under their zoning powers to impose time-of-day restrictions on trucks. The municipalities involved in these cases were Plaistow, NH and the City of Cambridge.

The case of New Hampshire Motor Transport Association, et. al. v. Town of Plaistow, 67 F. 3d 326 (1995), involved a town's use of its zoning powers to prohibit trucks from using its streets at night to access a regional truck terminal in a neighboring town. The town did not have any specific ordinance regulating trucks. Instead, the town relied on an ordinance which provided generally that:

> "Any uses that may be obnoxious or injurious by reason of the production or emission of odors, dust, smoke, refuse matter, fumes, noise, vibration or other similar conditions, or that are dangerous to the comfort, peace, enjoyment, health or safety of the community, whether it contributes to its disturbance or annoyances are prohibited in all districts."

In reliance on this ordinance, the town issued a cease and desist order to the terminal, stating that: "heavy commercial trucking arriving at and leaving the site is emitting odors, smoke, fumes, noise and vibrations around the clock." When the terminal and the trucks using it ignored the town's ban, the town went to court. The terminal and the truckers then brought suit in the federal court. They claimed that since the terminal served as a regional hub for many trucking companies serving the New England region the nighttime ban was a significant interference with interstate commerce and violated several federal statutes protecting trucking operations.

The U.S. Court of Appeals for the First Circuit held that the town had properly exercised its zoning powers and that the ban, which it called a "curfew", was not pre-empted by any federal laws, including the Surface Transportation Assistance Act (STAA), the Hazardous Materials Act, the Noise Control Act, and the Commerce Clause of the U.S. Constitution. The Court held that while STAA prohibits regulations denying trucks "reasonable access" between the national interstate highway network and "terminals" and other specified facilities, Plaistow's 9 hour "curfew" on trucks

JUN-17-99 14:50 FROM:

accessing the terminal did not deny "reasonable access", since trucks still could access the terminal for 15 hours each day. Although the Court recognized that the town's restriction imposed an absolute ban on the terminal operation for 9 hours each day, it said:

> "On the other side of the scale, the impact on local residents is not some remote or conjectural specter. The curfew order was obtained only because of local experience with the terminal; and residents testified at trial about the effect on their lives of unrestricted deliveries. The curfew is akin to zoning and traffic restrictions traditionally applied on a local level....and there is no regulation by federal authorities that provides substitute protection."

While fewer trucks likely are affected by the Plaistow curfew than the number of trucks which would be affected by the curfew under the Cambridge Petition, many more people would be benefited by the Cambridge nighttime curfew than are benefited by the Plaistow curfew. Moreover, the same principle of law enunciated by the federal court in the Plaistow case applies without regard to the number of trucks affected or the number of people benefited by the restriction.

The Federal District Court for Massachusetts relied on the Plaistow decision in holding that Cambridge lawfully can ban trucks from entering the Portland Stoneware facility during certain times of day. (See Portland Stone Ware Co. v. City of Cambridge.) In that case the Court upheld restrictions on trucks using city streets to access the facility during 4 hours per day, 7 days a week. In so holding the Judge said:

> "Following the First Circuit's lead in Plaistow, I find that the 'Do Not Enter' regulation imposed by the City of Cambridge was based on expressed concerns about health and safety in the surrounding residential neighborhood."

The nighttime curfew in the Cambridge Petition is not as restrictive as the bans which the federal courts upheld in Plaistow and Portland Stoneware. The Petition curfew does not prevent operation of any terminal or any other facility at any time of the night or day. The Petition allows pick-ups from and deliveries to facilities in the City of Cambridge at any time of the day or night. As to through trucks, the Petition simply prevents them from using Cambridge streets as a short cut through the City for a 9 hour period at night. During the nighttime hours through trucks can go around the City on Routes 128, 95, 93 and the Mass. Pike - highways which were designed for large commercial trucks. Although some truckers have argued that the curfew would add 10 to 15 minutes to their travel time, which could increase the cost of delivering goods, this seems to be a reasonable trade-off for obtaining nighttime relief to many Cambridge residents now suffering from truck noises and vibrations. The Petition does not prevent trucks from accessing municipalities bordering Cambridge, all of

JUN-17-99 14:51 FROM:

which can be directly accessed from the interstate highway system or other major highways.

The proposed Cambridge curfew on through trucks fits comfortably into the zoning powers of the City. The Zoning Act, M.G.L. c. 40A, states that the purposes of zoning include promoting the health, safety and convenience of the inhabitants. The Cambridge Zoning Ordinance expands upon this general authority and provides that the purposes of the Ordinance include:

- lessening congestion in the streets,
- conserving health,
- conserving the value of land and buildings,
- preventing pollution of the environment,
- protecting residential neighborhoods from incompatible activities, and
- furthering the amenities of the City. (Article 1.000, §1.30)

The Cambridge Zoning Ordinance currently regulates trucks through the "Off Street Parking and Loading Requirements" as set forth in Article 6.000, which states:

> "It is the intent of this Article 6.000 to reduce traffic congestion and thereby promote the safety and welfare of the public, by establishing requirements for off street parking and loading in conjunction with the use of land."

In order to encompass time-of-day restrictions on through trucks using City streets, this intent section could be broadened to read as follows:

> "It is the intent of this Article 6.000 to reduce traffic congestion, noises, vibrations and fumes caused by trucks, thereby promoting the safety and welfare of the public, by establishing requirements for off street parking and loading and for the use of City streets in conjunction with the use and enjoyment of land."

The proposed new Section 6.96 would be added at the end of this Article.

A letter dated March 16, 1999 from Watertown's Town Manager Michael Driscoll to Councillor Henrietta Davis, as Chair of the Ordinance Committee, was submitted at the hearing. In his letter, Mr. Driscoll expresses concern regarding the proposed Cambridge curfew based on his speculation that it could have negative impacts on Watertown and his belief that "due process" requires that it be enforced by the posting of signs, which necessitates approval by the Massachusetts Highway Department. Mr. Driscoll's concerns are not well founded.

First, there is absolutely no showing that a nighttime curfew on through trucks in Cambridge would have any negative impacts on any neighboring communities, including Watertown. The purpose of the curfew is to require large trucks to use the

JUN-17-99 14:51 FROM:

interstate highway system designed for long-haul transport instead of using residential streets as short cuts to their destinations. However, if Watertown perceives that any negative impacts will result from a Cambridge curfew, it has the same powers as Cambridge to impose its own curfew.

Second, with respect to the issue of MHD approval, as Mr. Driscoll recognizes, G.L. c. 85, §2 requires such approval only if truck restrictions are enforced by signage. However, zoning regulations typically are not enforced through signage. People conducting activities in a municipality are deemed to be aware of the applicable zoning requirements. If the Petition is adopted, truckers will have actual notice of the nighttime curfew through trucking associations, which are aware of the proposed curfew and have been represented at the Council's hearing on the Petition. As was done by the Town of Plaistow, the curfew would be enforced against non-complying truckers by the Inspectional Services Department, through the issuance of cease and desist orders to offenders, with follow-up court action as necessary for failure to comply.

JUN-17-99 14:51 FROM:

C. C. 106

Public Notice
Relative to Zoning

City of Cambridge

Massachusetts

Office of the City Clerk

Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on **Wednesday, March 24, 1999 at 5:30 p.m.** in the **Sullivan Chamber, 795 Massachusetts Avenue, 2nd floor**, Cambridge, Massachusetts, on a petition to amend Article 6.00 of the Zoning Ordinance of the City of Cambridge as follows:

1. Amend the heading of this article to read as follows:

"Off Street Parking and Loading Requirements and Nighttime Curfew on Large Commercial Through Trucks."

2. Amend the first sentence of Section 6.11 to read as follows

It is the intent of this Article 6.000 to reduce traffic congestion, noises, vibrations, fumes and safety hazards caused by large commercial trucks, thereby promoting the safety, health and welfare of the public, by establishing requirements for off street parking and loading and restrictions on the use of City streets during the night-time by large commercial trucks with points of origin and destinations outside the City of Cambridge in order to implement the purposes of The Zoning Act, Section 2A of Chapter 808, and Article 1.000, Section 1.30 of the Cambridge Zoning Ordinance, including:

- to lessen congestion in the streets
- to conserve health
- to conserve the value of land and buildings
- to prevent pollution of the environment
- to protect residential neighborhoods from incompatible activities, and
- to preserve and increase the amenities of the City."

3. Add a new Section 6.96 as follows:

6.96. Night-time Curfew on use of City Streets by Through Trucks. All trucks 2.5 tons or more in gross weight traveling through Cambridge from origins and to destinations outside the City are prohibited from using any City streets from the hours of 11:00 p.m. to 7:00 a.m. This curfew shall not apply to trucks with points of origin or delivery in the City of Cambridge. Nothing herein shall affect in any way restrictions on trucks currently in effect."

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor Henrietta Davis, Chair

***** SUCCESSFUL TX REPORT *****

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CITY OF CAMBRIDGE
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FAX (617) 349-4269
tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

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Please advertize for two weeks and
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TRUCK TRAFFIC ZONING PETITION

1999 JAN 21 A 9:00
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

WHEREAS, the health, welfare, safety and property of citizens living in residential neighborhoods throughout the City of Cambridge are adversely impacted by the noises, vibrations, pollution and hazards caused by large commercial trucks passing through the City, which concerns were expressed by many citizens at a City Council hearing on October 23, 1995 and in written statements and letters submitted to the Council and individual Councillors;

WHEREAS, in November, 1995 the City Manager, pursuant to an Order of the Council, established the City Manager's Truck Traffic Advisory Committee, consisting of eleven Cambridge residents, to work jointly with City staff to address the truck traffic problem and make recommendations to the City Council on measures to mitigate the adverse impacts of trucks throughout Cambridge;

WHEREAS, the Committee members recognize that the following conditions characterize and cause the truck traffic problem in Cambridge and surrounding communities:

- Truck traffic has an adverse impact on the residential quality of life due to noise, vibration, dirt, exhaust fumes, wear and tear on the City's streets and sidewalks and high speeds, causing loss of sleep at night and peace and quiet during the day, structural damage to buildings and personal property in homes, and safety for everyone, including particularly school children.
- The negative impacts of truck traffic reduce property values - especially residential property - which reduces the City's tax base.

- Truck deliveries and pick-ups within the City are a necessary part of the provision of goods and services to the citizens of the City and are important for the economic health and vitality of the City.
- Through truck traffic (i.e. trucks traveling to and from destinations and origins outside the City) has a detrimental effect on Cambridge residents and therefore measures should be taken to ensure that through trucks use State and Interstate highway systems around Cambridge and neighboring communities instead of using local streets.
- The policy of the City of Boston which prohibits trucks carrying hazardous cargo from traveling on the Massachusetts Turnpike under the Prudential Center causes many of these trucks with distant destinations to cross into Cambridge. Many more through trucks with hazardous materials can be expected to use Cambridge streets when the Central Artery Project is completed because the City of Boston has announced that it will prohibit such trucks from the new tunnel, apparently for safety reasons, even though the tunnel is equipped with state-of-the-art fire fighting equipment.

WHEREAS; in order to address the truck traffic problem, three primary objectives need to be satisfied by truck restrictions in the City of Cambridge:

(1) Accept through truck traffic during certain hours of the day to the extent that Cambridge is the most suitable route for the region as a whole;

(2) Protect residential neighborhoods, commercial areas, and institutions from the destructive effects of truck traffic; and

(3) Facilitate access of trucks from origins and to destinations within Cambridge.

WHEREAS; during the deliberations of the Committee two fundamentally different philosophies as to how to respond to the Committee's mission became apparent, resulting in two reports of the Committee being submitted to the City Manager. The authors of Report B (a majority of the citizen appointees to the Committee who support this Petition) believe that the purpose of truck restrictions is to reduce the negative impacts of through truck traffic which will improve the quality of life for all residents without making any neighborhood suffer a disproportionate share of the burden of truck traffic. This philosophy is based on recent Federal court cases which support the authority of municipalities to enact reasonable measures under their zoning authority and police powers to achieve the goal of mitigating the adverse impacts of truck traffic. We believe that such an initiative will provide leadership which other communities in the region can follow;

WHEREAS; an alternative philosophy is reflected in Report A (submitted by a minority of the citizen members) which is based on the belief that the total volume of truck traffic cannot be reduced except by means of a regional strategy, and that any restrictions in one part of the City will simply move vehicles to another part of the City or to other cities. This philosophy regards truck traffic as an inevitable part of urban living, sees little possibility of implementing effective regulations, and anticipates negative responses from neighboring communities to any Cambridge initiatives;

WHEREAS; the City Manager submitted Reports A and B to the City Council, which, in turn, submitted them to the Subcommittee on Traffic and Transportation which has held three hearings on the Reports, with no consensus of the Committee as to what recommendations to make to the Council and no establishment of a time frame in which to report to the Council;

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1. Amend the heading of this Article to read as follows:

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"It is the intent of this Article 6.000 to reduce traffic congestion, noises, vibrations, fumes and safety hazards caused by large commercial trucks, thereby promoting the safety, health and welfare of the public, by establishing requirements for off street parking and loading and restrictions on the use of City streets during the night-time by large commercial trucks with points of origin and destinations outside the City of Cambridge in order to implement the purposes of The Zoning Act, Section 2A of Chapter 808, and Article 1.000, §1.30 of the Cambridge Zoning Ordinance, including:

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- to conserve the value of land and buildings
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3. Add a new Section 6.96 as follows:

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TRUCK TRAFFIC ZONING PETITION

1999 JAN 21 A 9:00
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The Boston Globe

MONDAY, MAY 3, 1999

Restaurant group tied to Big Tobacco

By Frank Phillips and Scot Lehigh
GLOBE STAFF

On Politics

Is the Massachusetts Restaurant Association a stalking horse for Big Tobacco? The group says absolutely not, but newly released documents cast serious doubt on those denials.

The issue arises as the association vows to use its clout to defeat a proposal for a statewide smoking ban in eateries, portraying the battle as a fight between small businesses and zealous regulators whose schemes would hurt commerce.

But the real question is this: Will Big Tobacco provide the stealth support to the MRA that it appears to have supplied in the past, when similar smoking bans, proposed as legislation, were killed year after year on Beacon Hill?

The association insists that has not been the case. It acknowledges that Philip Morris and RJ Reynolds Tobacco, the nation's top two cigarette makers, are dues-paying members, but says their role is entirely passive.

"There's no other affiliation," said Bruce Potter, the restaurant association's director of membership services. Asked if the cigarette makers provide any logistical support or advice, Potter said, "Absolutely not."

But documents recently made public in a Minnesota lawsuit paint a

POLITICS, Page A10

Tobacco, eatery group linked

■ POLITICS

Continued from Page A1

different picture. They show that, in the recent past, Philip Morris not only helped the trade association, it seemed to call some of the shots.

The tobacco giant appears to have commissioned a report that the MRA released; it edited statements used by the association to answer press inquiries; and it helped coordinate the association's efforts to gather intelligence on the state's tobacco-control program.

The evidence is buried among millions of documents made public in the state of Minnesota's antitobacco suit last year. Those papers have been culled by antismoking activists, who say the records prove their long-held suspicions: Big Tobacco was operating in the shadows when lawmakers routinely buried antismoking bills on Beacon Hill or when local "grassroot" pro-smokers movements suddenly popped up, well-financed and with sophisticated political skills, to battle tobacco-control initiatives in communities across the state.

Edward L. Sweda Jr., a senior attorney at the Tobacco Products Liability Project at the Northeastern University School of Law, said the records confirm what he has seen over the years.

"I am not surprised, but it is very gratifying to find the specific documents that prove the link between the restaurant association and Big Tobacco," said Sweda, who discovered the records when he spent several days in Minnesota combing through the volumes of documents.

Now the battle over a statewide smoking ban has flared again. The Department of Public Health is considering a consultant's recommendation that the agency use its powers under the sanitary code to impose a restaurant smoking ban.

It would be a first-in-the-nation strategy by tobacco-control advocates and will face stiff opposition. Potter said the MRA would work vigorously to block the proposal, saying it is designed to bypass the Legislature, where the issue should be decided.

Still, the MRA will face credibility issues now that the Philip Morris papers show the association has worked closely with the tobacco industry to defeat tobacco-control initiatives.

For example, in internal office memorandums and other interoffice communications, Philip Morris executives talked in early 1996 of commissioning a study of meals tax revenues in Massachusetts to prove that local smoking bans were hurting restaurants. The Minnesota documents show that William Lilly, co-owner of InContext, the Washington-based firm that did the report, met with officials from the MRA and Philip Morris in March 1996 to discuss developing the study. InContext has performed a number of similar studies for Philip Morris.

"Conf. call scheduled for next Thursday with Matt Paluzek [Philip Morris's New England government affairs director], Mass. Restaurant Assn. and Bill Lilly," one memo states. It was written by Philip Morris's press/issue team to a company executive, Howard Liebengood, describing the work performed by "J. Dunham," a member of the team.

A week later, Dunham reported he "continued to work with Bill Lilly on study showing economic impact of restaurant bans in NYC and Massachusetts."

In November 1996, the restaurant association released a study it said it had commissioned InContext to undertake. That study contended there had been job losses in the restaurants where smoking bans had been imposed.

In a recent interview, Lilly said he did not recall what role Philip Morris played in the Massachusetts studies. "We do work with Philip Morris," he said. But he said the MRA paid him for the study, helped him develop it, and that the tobacco company did not review the report before it was released.

Other records show that the MRA and Philip Morris worked closely together to gather information on the Massachusetts public health department's $30 million-a-year tobacco-control program.

Among the records is an unsigned freedom of information letter from Potter addressed to the DPH dated May 28, 1996. It had been sent by facsimile from the MRA headquarters in Westborough to Philip Morris. The responses from the DPH's tobacco-control program to Potter's original letter were also among the collection of records, all of them sent from the MRA's facsimile machine to the company.

Other documents found in the Philip Morris papers are copies of questions and answers that MRA officials would use to handle media queries about allegations the trade association serves as a tobacco industry front group.

"We need a standby response addressing any relationship we have with the association," a company official wrote on one draft of a statement.

They seem to have found one.

"They might sponsor an event, but that's all," Potter said, when asked to describe the relationship.

Still, Philip Morris isn't shy about saying it has shared information and worked with the MRA on "issues of common concern." It even says it has provided "general support grants" to the trade association.

But the MRA stands its ground. The question: Now that the new documents have surfaced, can anyone take that seriously?

FIRST PUBLICATION NUMBER 2844

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Nine

AN ORDINANCE

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Passed to a second reading at the City Council Meeting held on May 24, 1999 and on or after June 7, 1999 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury, City Clerk

ORDINANCE NO. 1224

Final Publication Number 2847. First Publication in the Chronicle on June 24, 1999.

City of Cambridge

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In Amendment to the "Zoning Ordinance of the City of Cambridge"

AN ORDINANCE

In Amendment to the "Zoning Ordinances of the City of Cambridge"

Be it ordained by the City Council of the City of Cambridge as follows:

1. Amend the heading of this article to read as follows:

"Off Street Parking and Loading Requirements and Nighttime Curfew on Large Commercial Through Trucks."

2. Amend the first sentence of Section 6.11 to read as follows

It is the intent of this Article 6.000 to reduce traffic congestion, noises, vibrations, fumes and safety hazards caused by large commercial trucks, thereby promoting the safety, health and welfare of the public, by establishing requirements for off street parking and loading and restrictions on the use of City streets during the night-time by large commercial trucks with points of origin and destinations outside the City of Cambridge in order to implement the purposes of The Zoning Act, Section 2A of Chapter 808, and Article 1.000, Section 1.30 of the Cambridge Zoning Ordinance, including:

- to lessen congestion in the streets
- to conserve health
- to conserve the value of land and buildings
- to prevent pollution of the environment
- to protect residential neighborhoods from incompatible activities; and
- to preserve and increase the amenities of the City."

3. Add a new Section 6.96 as follows:

6.96. Night-time Curfew on use of City Streets by Through Trucks. All trucks 2.5 tons or more in gross weight traveling through Cambridge from origins and to destinations outside the City are prohibited from using any City streets from the hours of 11:00 p.m. to 7:00 a.m. This curfew shall not apply to trucks with points of origin or delivery in the City of Cambridge. Nothing herein shall affect in any way restrictions on trucks currently in effect."

In City Council June 21, 1999.
Passed to be ordained by a yea and nay vote:-
Yeas 9; Nays 0; Absent 0.

ATTEST:-

D. Margaret Drury
City Clerk

ORDINANCE NO. 1224

Final Publication Number 2847. First Publication in the Chronicle on June 24, 1999.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Nine

In Amendment to the "Zoning Ordinance of the City of Cambridge"

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In City Council June 21, 1999.
Passed to be ordained by a yea and nay vote:-
Yeas 9; Nays 0; Absent 0.

ATTEST:-

D. Margaret Drury
City Clerk

××× SUCCESSFUL TX REPORT ×××

06-22-99 11:05 ID:6173494269
CAMBRIDGE CITY CLERKS OFFICE

JOB No.	----------	291
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ID No.	----------	817814536650
RESOLUTION	----------	STANDARD
TOTAL PAGE	----------	03
MACHINE ENGAGED	----------	01'07
INFORMATION	----------	OK
ERROR PAGE	----------	

OFFICE OF THE CITY CLERK
CITY OF CAMBRIDGE
(617) 349-4260
FAX (617) 349-4269
tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LA
DEPUTY CITY

FAX TRANSMITTAL SHEET

DATE: 6/21/99

TO: Wendy Buckley
The Chronicle - Legal Ads

FAX #: (781) 453-6650

PHONE #:

OF PAGES: 3

FROM: Gail Jones
349-4257

Advertise on
6/24/99

ADDITIONAL COMMENT: Dates: 6/24 & 1
Please advertise for 1 week and confirm receipt
Thanks!

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ORDINANCE NO. 1224

Final Publication Number 2847. First Publication in the Chronicle on June 24, 1999.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Nine

In Amendment to the "Zoning Ordinance of the City of Cambridge"

AN ORDINANCE

In Amendment to the "Zoning Ordinances of the City of Cambridge"

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In City Council June 21, 1999.
Passed to be ordained by a yea and nay vote:-
Yeas 9; Nays 0; Absent 0.

ATTEST:-

D. Margaret Drury
City Clerk

ORDINANCE NO. 1225

Final Publication Number 2848. First Publication in the Chronicle on May 20, 1999.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Nine

AN ORDINANCE

In Amendment to an Ordinance entitled the "Cambridge Municipal Code"

Be it ordained by the City Council of the City of Cambridge as follows:

Amend Chapter 8.28 by deleting the present Chapter 8.28 and substituting a new Section 8.28 entitled "Restrictions on Youth Access to Tobacco Products and on Smoking in Workplaces and Public Places," as amended.

In City Council June 21, 1999.
Passed to be Ordained as amended by a yea and nay vote:-
Yeas 8; Nays 1; Absent 0.
ATTEST:-

D. Margaret Drury
City Clerk

NOTE: Pursuant to the provisions of General Laws, chapter 40, Section 32A, Tercentenary Edition, the ordinance as aforesaid which exceeds in length eight octavo pages of ordinary book print may be summarized for publication in a newspaper of general circulation in the city with the further provision that said Zoning ordinance may be examined and obtained at the City Clerk's Office during office hours and that any objection to its invalidity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting or the second publication.

✳✳✳ SUCCESSFUL TX REPORT ✳✳✳

03-02-99 10:39 ID:6173494269
CAMBRIDGE CITY CLERKS OFFICE

JOB No.	----------	063
START TIME	----------	10:38
ID No.	----------	87814536650
RESOLUTION	----------	STANDARD
TOTAL PAGE	----------	02
MACHINE ENGAGED	----------	00'50
INFORMATION	----------	OK
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OFFICE OF THE CITY CLERK
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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

FAX TRANSMITTAL SHEET

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TO: Wendy Buckley
The Chronicle - Legal Ads

FAX #: (781) 453-6650

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FROM: Doris Murphy
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Advertise 3/4 + 3/11

ADDITIONAL COMMENT: Dates: 3/4 and 3/11/99
Please advertize for two weeks and
Confirm receipt
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CITY OF CAMBRIDGE

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tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

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Please advertize for two weeks and
Confirm Receipt
Thanks

C. C. 106

Public Notice
Relative to Zoning

City of Cambridge

Massachusetts

Office of the City Clerk

Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on **Wednesday, March 24, 1999 at 5:30 p.m.** in the **Sullivan Chamber, 795 Massachusetts Avenue, 2nd floor**, Cambridge, Massachusetts, on a petition to amend Article 6.00 of the Zoning Ordinance of the City of Cambridge as follows:

1. Amend the heading of this article to read as follows:

"Off Street Parking and Loading Requirements and Nighttime Curfew on Large Commercial Through Trucks."

2. Amend the first sentence of Section 6.11 to read as follows

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Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor Henrietta Davis, Chair

C. C. 106

City of Cambridge

In City Council April 5, 1999

The Ordinance Committee held a public hearing on March 24, 1999 beginning at 5:35 p.m. in the Sullivan Chamber for the purpose of considering a proposed amendment to the zoning ordinances to regulate truck traffic by providing a nighttime curfew on use of city streets by through trucks 2.5 tons or more in gross weight **(Attachment A)**.

Present at the hearing were Councillor Henrietta Davis, Chair of the Committee, Councillor Kathleen L. Born, Mayor Francis H. Duehay, Councillor Sheila T. Russell, Councillor Michael A. Sullivan, and City Clerk D. Margaret Drury. Also present were Donald Drisdell, Deputy City Solicitor, Lester Barber, Director of Land Use and Planning for the Community Development Department and Loren Preston, Traffic, Parking and Transportation Department.

Councillor Davis convened the hearing and explained the purpose.

James Adams, 226 Brattle Street, read a statement from Karen Falb, petitioner. **(Attachment B)**. He noted that truck traffic has increased in Cambridge and it has become very disturbing. The petition calls for a citywide ban on through trucks during normal nighttime sleeping hours. Designated truck routes are not the answer.

Councillor Davis then invited public testimony in support of the petition.

Robert Smith, 86 Buckingham Street, spoke in support of the ordinance. He said that he lives at the corner of Concord Avenue. Truck traffic starts early in the morning and goes to late at night.

Mayor Duehay stated that he has to leave to attend the School Committee meeting. He will study the issue very carefully. He lives three houses from Mt. Auburn Street and is very aware of the pernicious effects of truck traffic. It is unfortunate that Cambridge has not been able to deal with this issue. The problem Cambridge has had is that of federal law, which has pre-empted local authority.

Mayor Duehay stated that he would like to find a way to allow Cambridge to regulate truck traffic but he wants to be sure that it would not be a useless exercise because of the legal issues. He said that he would welcome any legal opinions about this issue.

Forrest Selving, 244 Brattle Street, spoke in support of the proposed law. There is an ordinance to limit trucks on Brattle Street but it is not enforced.

Vici Cassana, 87 River Street, stated that she has lived at that address for 22 years. She outlined some of the history of this issue that has brought the city to this point. She started working on the issue in 1993, with the Central Square Committee. They came to realize that a designated truck route was not a solution. Ms. Cassana said that the issue of regulating nighttime truck traffic by zoning has never had a full and fair hearing. She said that there are problems with seeking a state exclusion of nighttime trucks because the Massachusetts Highway Department requires proof of an alternate route before allowing the signage that implements the exclusion. The exciting thing about the use of zoning is that no signs are required. Zoning is an appropriate tool to protect the quality of life.

Councillor Russell asked how the truck drivers would know about the restriction if there were no signs. Ms. Cassana said that they would know when they were stopped. Also, there can be a good publicity effort, including informing trucking companies.

Councillor Sullivan emphasized the need to take action. He stated that he intends to make a motion that the City Council request a legal opinion. Councillor Sullivan stated that the City is being told at the outset that Cambridge will be sued no matter what it does. He is concerned that if Cambridge were sued, all existing truck restrictions would be in danger. He would like a legal analysis of the potential danger to the existing protections and restrictions. He is very concerned about the dangers of fuel trucks driving down residential streets in light of the recent explosion of a fuel truck on the expressway and would like analysis of whether there is something that can be done to protect against this.

Thereupon, Councillor Sullivan moved that the City Council request the City Manager to direct the City Solicitor to provide the City Council with a legal opinion as to the following issues:

> **1. The potential danger to existing truck restrictions in Cambridge as a result of a lawsuit against Cambridge for this zoning amendment; and**
>
> **2. What steps Cambridge may lawfully take to prevent the dangers posed by fuel trucks on residential streets, especially in light of Boston regulations which are directing these trucks from the highway to Cambridge streets.**

John Moot, 44 Coolidge Hill Road, stated that he is speaking on behalf of the Harvard Square Defense Fund, in support of the proposal. Zoning is to protect the quality of life and this is an issue of the quality of life. The petitioners would welcome other communities instituting similar bans so as to present a united front. It is important to keep cities livable.

Elie Yarden, 143 Pleasant Street, spoke in support of the proposal. He is concerned about Cambridge's failure to use existing resources to address the problem of trucks. He is especially concerned that city administrators have failed to contact other cities and towns. Other cities in other civilized parts of the world have found solutions to these problems. One is the establishment of regional depots. A zoning petition is only a first step. It should be attempted. He pointed out the executive power of the City Council. He noted the goals of the President's Council on Sustainable Communities.

Councillor Davis then invited testimony from the City of Somerville. Tod Fontinella, employee of the City of Somerville, transmitted a letter to the Ordinance Committee from Acting Mayor Roach **(Attachment C).** Traffic enforcement should not be done through land use law. Traffic management must be done at the regional level.

Councillor Davis asked whether Somerville would like to enact a nighttime ban. Mr. Fontinella stated that there is already a regional response through the Metropolitan Area Regional Study.

Councillor Davis asked about the schedule for completion of the study. Mr. Fontinella said that he believes it will be about ten months. In response to a question from Councillor Russell, he stated that the study started about twelve months ago. A lot of data has been collected.

Councillor Russell asked whether he thought the solution might happen more quickly if all the surrounding communities worked together on such a ban.

Loren Preston, Cambridge Traffic, Parking and Transportation Department, stated that the Traffic Department has cooperated fully with the regional work.

Councillor Davis stated that citizens are understandably frustrated by how long it takes to change. She noted that the Committee has also received a letter from the Town Manager of Watertown **(Attachment D)**.

Councillor Russell moved that we request that the Mayors and City Managers meet with Cambridge to discuss joint efforts on the problem of trucks to try to move faster on a regional solution. The motion passed on a voice vote without objection.

Councillor Born stated that the efforts to put together a truck committee started five years ago, and it was noted that there were regional efforts ongoing at that time. They are very slow, and the perspective of the people working on the issues is mostly that of facilitating regional transportation. It falls to local officials to try to solve the quality of life problems that the trucks bring. Somerville is full of the same 19th century problems that exist in Cambridge.

Riva Poor, 73 Kirkland Street, stated that she has lived in Cambridge for 40 years. She expressed the frustration and powerlessness that individuals feel in trying to solve this problem. Fear of being sued is akin to the fear of bullies experienced as children. She submitted a letter in support of her position (**Attachment E**). Once Cambridge shows it has the courage to fight, other communities will join in.

Brian Pfeiffer, 147 Brattle Street, stated that he has lived there for 25 years. Part of the increased trucking problem is caused by the de-regulation of trucking in recent years. Noise, vibration, pollution and the danger of explosion are all major concerns. The city government has failed its citizens. Other communities have not been contacted on this issue.

Thelma Magaril, 75 Kirkland Street, spoke in support of the petition. She is awakened by trucks in the very early morning.

Louise Phelan, Line Street, stated that she has lived in Cambridge for nine years in various locations and has experienced trucks in all locations. She loves Cambridge but she would like to get a good night's sleep.

Joseph Westlund, 244 Brattle Street, spoke in support of the petition. He is wakened by trucks at 4:00 a.m. everyday. He stated that enforcement could be improved.

Caroline Wornick, 240 Brattle Street, spoke in support of the petition.

Tom Bracken, 89 Irving Street, stated that he hears the noise of trucks on Kirkland Street starting early in the morning. There is nothing new about using zoning to restrict trucks. He read from the statement of purposes in Massachusetts General Laws, Chapter 40A, the state zoning act. The Cambridge Zoning Ordinance clearly provides the authority to use zoning in this way. Furthermore, the Plaistow case decided by the First Circuit, the highest court in this federal jurisdiction, upheld the use of a nighttime zoning restriction on trucks at night. The District Court in Massachusetts upheld a limited ban in Cambridge in the Portland Stoneware case. There is ample authority to uphold zoning relief. With regard to the issue of enforcement, the zoning law is deemed to constitute notice. Cambridge can utilize a "cease and desist" order. We know who the offenders are.

Stash Horowitz, 12 Florence Street, spoke in support of the proposed amendment. In Cambridge there are many examples of the intersection of zoning and traffic control, for example, the IPOP, the PTDM and the parking freeze. Laws such as the environmental protections often come from a history that involves lawsuits against them. He hopes the Law Department is prepared to mount a vigorous defense. Individual truck drivers have a lot of leeway as to when they drive their trucks, so this would not hinder the delivery of goods. Perhaps something can be worked out with the trucking industry.

Hal Becker, 73 Kirkland Street, spoke in support of the petition. Somerville does have a nighttime truck ban that is not enforced. Cambridge police have done better on enforcement. Most of the people here have come for the because they want protections. Sound encroachment is approaching the threshold of pain. The only arguments put forth not to go forward are fear of lawsuits and "good neighbor" arguments by neighboring towns who could pass similar laws.

Robert Travers, 54 Fulkerson Street, stated that he has lived at that address for over sixty years and truck traffic has been a problem since the day he was born. Property owners should get together to sue because of truck damage to their properties.

James Murphy, American Trucking Association (ATA), 600 Roosevelt Avenue, Pawtucket, stated that he thought it would be better for the City of Cambridge to make an effort to reach out to the trucking industry. He believes the proposal violates several (3-4) state and federal regulations. The proposal gives trucks two option. One is to drive on other roads to go around Cambridge and therefore use more fuel and increase the total vehicle trip miles. The other is to wait until 7:00 a.m. and become part of area congestion. The ATA is looking at all of the time and money that will be spent to impact a relatively few trucks. Working together with the industry could actually have a more positive outcome on the truck problem.

Councillor Russell asked what kind of outreach issue can be done. Mr. Murphy stated that this is a regional issue, with regional trucks. Trucks do not have a lot of leeway. The trucking industry can contact five point-carriers (moving their own freight) and for hire-carriers. Several issues mentioned relate to speed and size, not going down routes. In a coordinated effort of state and national trucking associations and the city, we could ask them to use smaller trucks. This has been done in other cities and towns.

Councillor Davis asked Mr. Murphy is there was a way to dissuade nighttime truck traffic on residential street. Councillor Davis requested that Mr. Murphy provide the committee with a list of cities and towns where this cooperation has occurred and any reports about what efforts have been successful. Mr. Murphy stated that he would do so.

Mr. Murphy stated that most cities want fewer trucks which is one reason larger trucks are used. If Cambridge wants smaller trucks used, this can be discussed. Such cooperative efforts could lead to daytime improvements too.

Councillor Russell moved that the City Manager be requested to direct the Traffic Department to set up a meeting with the American Trucking Association and the Massachusetts Motor Transportation Association while the ordinance is being considered and also meet with the officials in the surrounding cities and towns and that the discussions include the issue of an alternative highway route for trucks. The motion passed on a voice vote without objection.

Councillor Davis asked Mr. Preston whether there have been past attempts to work with the trucking industry. He stated that he has met with various associations on other issues and there have been some results.

Riva Poor, 73 Kirkland Street, then related her unsuccessful efforts in contacting trucking companies. She chose Mobil Oil, a responsible company. She was told an alternative route would cost more money, and thus was not possible.

Councillor Russell said that this is a difficult issue, but something must be done to protect the quality of life which is clearly affected by increased truck traffic.

Councillor Davis stated that she believes that Cambridge should work with Representative Capuano on this issue. Obviously, he has concerns about Cambridge not solving the problem in a way that hurts Somerville. She added that there should be no speeding trucks at night and there is more to do in that regard.

Councillor Russell moved that the proposed amendment remain in committee. The motion passed on a voice vote without objection.

The hearing was adjourned at 7:40 p.m.

For the Committee,

Councillor Henrietta Davis
Chair

ATTACHMENT A

TRUCK TRAFFIC ZONING PETITION

1999 JAN 21 A 9:00
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

WHEREAS, the health, welfare, safety and property of citizens living in residential neighborhoods throughout the City of Cambridge are adversely impacted by the noises, vibrations, pollution and hazards caused by large commercial trucks passing through the City, which concerns were expressed by many citizens at a City Council hearing on October 23, 1995 and in written statements and letters submitted to the Council and individual Councillors;

WHEREAS, in November, 1995 the City Manager, pursuant to an Order of the Council, established the City Manager's Truck Traffic Advisory Committee, consisting of eleven Cambridge residents, to work jointly with City staff to address the truck traffic problem and make recommendations to the City Council on measures to mitigate the adverse impacts of trucks throughout Cambridge;

WHEREAS, the Committee members recognize that the following conditions characterize and cause the truck traffic problem in Cambridge and surrounding communities:

- Truck traffic has an adverse impact on the residential quality of life due to noise, vibration, dirt, exhaust fumes, wear and tear on the City's streets and sidewalks and high speeds, causing loss of sleep at night and peace and quiet during the day, structural damage to buildings and personal property in homes, and safety for everyone, including particularly school children.
- The negative impacts of truck traffic reduce property values - especially residential property - which reduces the City's tax base.

- Truck deliveries and pick-ups within the City are a necessary part of the provision of goods and services to the citizens of the City and are important for the economic health and vitality of the City.
- Through truck traffic (i.e. trucks traveling to and from destinations and origins outside the City) has a detrimental effect on Cambridge residents and therefore measures should be taken to ensure that through trucks use State and Interstate highway systems around Cambridge and neighboring communities instead of using local streets.
- The policy of the City of Boston which prohibits trucks carrying hazardous cargo from traveling on the Massachusetts Turnpike under the Prudential Center causes many of these trucks with distant destinations to cross into Cambridge. Many more through trucks with hazardous materials can be expected to use Cambridge streets when the Central Artery Project is completed because the City of Boston has announced that it will prohibit such trucks from the new tunnel, apparently for safety reasons, even though the tunnel is equipped with state-of-the-art fire fighting equipment.

WHEREAS; in order to address the truck traffic problem, three primary objectives need to be satisfied by truck restrictions in the City of Cambridge:

(1) Accept through truck traffic during certain hours of the day to the extent that Cambridge is the most suitable route for the region as a whole;

(2) Protect residential neighborhoods, commercial areas, and institutions from the destructive effects of truck traffic; and

(3) Facilitate access of trucks from origins and to destinations within Cambridge.

WHEREAS; during the deliberations of the Committee two fundamentally different philosophies as to how to respond to the Committee's mission became apparent, resulting in two reports of the Committee being submitted to the City Manager. The authors of Report B (a majority of the citizen appointees to the Committee who support this Petition) believe that the purpose of truck restrictions is to reduce the negative impacts of through truck traffic which will improve the quality of life for all residents without making any neighborhood suffer a disproportionate share of the burden of truck traffic. This philosophy is based on recent Federal court cases which support the authority of municipalities to enact reasonable measures under their zoning authority and police powers to achieve the goal of mitigating the adverse impacts of truck traffic. We believe that such an initiative will provide leadership which other communities in the region can follow;

WHEREAS; an alternative philosophy is reflected in Report A (submitted by a minority of the citizen members) which is based on the belief that the total volume of truck traffic cannot be reduced except by means of a regional strategy, and that any restrictions in one part of the City will simply move vehicles to another part of the City or to other cities. This philosophy regards truck traffic as an inevitable part of urban living, sees little possibility of implementing effective regulations, and anticipates negative responses from neighboring communities to any Cambridge initiatives;

WHEREAS; the City Manager submitted Reports A and B to the City Council, which, in turn, submitted them to the Subcommittee on Traffic and Transportation which has held three hearings on the Reports, with no consensus of the Committee as to what recommendations to make to the Council and no establishment of a time frame in which to report to the Council;

NOW THEREFORE; we the undersigned being more than ten (10) registered voters of the City of Cambridge respectfully petition the Honorable, the City Council of the City of Cambridge to amend the Zoning Ordinance of the City of Cambridge as follows:

To Amend Article 6.000 of the Cambridge Zoning Ordinance as follows:

1. Amend the heading of this Article to read as follows:

"Off-Street Parking and Loading Requirements and Night-time Curfew on Large Commercial Through Trucks."

2. Amend the first sentence of Section 6.11 of Article 6.000 to read as follows:

"It is the intent of this Article 6.000 to reduce traffic congestion, noises, vibrations, fumes and safety hazards caused by large commercial trucks, thereby promoting the safety, health and welfare of the public, by establishing requirements for off street parking and loading and restrictions on the use of City streets during the night-time by large commercial trucks with points of origin and destinations outside the City of Cambridge in order to implement the purposes of The Zoning Act, Section 2A of Chapter 808, and Article 1.000, §1.30 of the Cambridge Zoning Ordinance, including:

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3. Add a new Section 6.96 as follows:

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ATTACHMENT B

FROM :

1999.03-23 16:21 #644 P.01/03

245 Battle Street
~~804-4291~~
Tuesday March 23, 1999

Fax 354-0079

Dear Henrietta,

Jim Adams, who lives at 224 Battle, has volunteered to read my "speech" suggesting the Nighttime Curfew Petition. In case there's a problem, here is a copy: We cannot make this hearing.

Needless to say the gasoline truck explosion on the Southeast Expressway Sunday is a real reminder of the danger we all face on the front line of Main Streets. The triangle here at the junction of W. Cabrini and Battle has potential for real problems.

Sincerely,

Karen Faes
KAREN FAES

Nighttime Truck Curfew Petition

My name is Karen Falb. I live at 245 Brattle Street have lived in Cambridge since 1967 at four different locations. Certainly trucking has increased during those years. I did sign this Nighttime Truck Curfew Petition and also collected other signatures, which was not difficult in our neighborhood. But as you go from the front line of residences on a major street to those on neighboring streets or streets with less truck traffic, it is more difficult to get people to relate to the petition, which makes me wonder how many city councillors and officials actually live on the front line and so really know the reality of the trucking situation throughout the city. The only truck survey to help show some objective reality about early morning trucking, that I know about, was one conducted by citizens several years ago. My own observation is that certain companies in abutting towns have scheduled runs through the night and that construction companies start their frequent runs on weekdays, even before five in the morning. Anyone in bedrooms on the street side of a residence is woken up periodically through the night by large noisey trucks and is exposed to what I will call the buzz and rumble of trucks from 5 o'clock on. Before we repositioned our bedroom, I was oxygen-deprived from pillows piled on my head to deaden the noise. We have one bedroom which is still fully exposed.

The city needs to be reminded that a resident cannot on his or her own do anything about truck traffic. We cannot stop speeding trucks. We cannot stop trucks carrying dangerous cargoes. We cannot stop trucks which emit exhaust exceeding safe health standards. We cannot stop trucks which create a noise level exceeding allowable legal limits. We cannot prevent vibrations in our houses caused by trucks, especially speeding empty construction trucks on rough street road surfaces. This to me is actually the most invasive of the truck problems. And, of course, we cannot on our own

resurface poor road surfaces to prevent these truck vibrations. There is nothing between a resident and trucks but responsive, responsible city government, which we have not really had on this issue. One way the city could regulate the impact of heavy through trucks is to ban their presence during the normal sleeping hours of the night.

The major reason why I have been comfortable persuading others to sign the petition is that it is for a "city-wide" ban. We ALL have value. There has been too much of a tradition of "listening to the squeaky wheel" where the neighborhood with the most vocal and creative complaints has more value. Most of us directly effected by trucks live on stretches of residential areas zoned ONLY as residential areas, free of commercial and industrial use. Our residential stretch is exactly 2.0 miles long, just short of the width of the city. As the volume of trucking continues to increase, do we have to lose the integrity of our streets, our neighborhoods and city because problems associated with trucks reach a threshold residents finally can't tolerate? Designated truck routes is NOT the answer, just as we have all found that designated smoking areas are NOT the answer. Concentrating the trucking problem is NOT the answer. One would think a city like Cambridge - blessed with so many creative minds and a history of solving difficult urban problems -can come up with solutions to better solve the problems of living with trucks. Here is one solution.

TRANSACTION REPORT

FOR: BOCK DAVIS 617 547 0877

RECEIVE

SENDER	PAGES	NOTE
	0	COM.E-1

ATTACHMENT C

CITY OF SOMERVILLE, MASSACHUSETTS

WILLIAM ROCHE
ACTING MAYOR

March 22, 1999

Henrietta Davis, Chair
Ordinance Committee
City of Cambridge
City Hall, 795 Massachusetts Avenue
Cambridge, Massachusetts 02139

RE: REGULATION OF THROUGH TRUCKS, CITY OF CAMBRIDGE

Dear Ms. Davis:

Last month I sent a communication to the Chair of the Cambridge Planning Board on the issue of through truck management in Cambridge, specifically to amend Section 6 of the Cambridge Zoning Ordinance (enclosed).

As was stated in that letter, I and my Administration oppose the proposed amendment to the Cambridge Zoning Ordinance. Below are key reasons for our position on this issue.

First of all, we believe that the proposed amendment, if it is incorporated with the Zoning ordinance, is inappropriate. Zoning is designed for the regulation of land use, not of traffic circulation on public ways. As such, in a zoning ordinance it is appropriate to require parking spaces commensurate with a particular land use, or even to promulgate standards for traffic circulation on a specific site. A truck regulation would be appropriately placed in the code of general ordinances. It is given that the enforcement of truck traffic regulations is not within the purview of building inspectors, but of other municipal agencies such as the police.

Second, Somerville is opposed to any transportation measures which do not address a problem but merely shift them from one municipality to another. It is widely understood that freight movement and truck circulation between municipalities are regional issues, and thus must be

regulated at the regional level. Federal laws have long given metropolitan planning organizations, rather than state or local governments, responsibility for transportation planning in this country. The current federal transportation act has expanded further the role of freight planning in the regional transportation planning process. Although there is clearly a role for local government in transportation planning, both as part of the regional process and as a provider for services that are clearly local, a nighttime truck curfew goes beyond that scope. The proposed ban is clearly discriminatory against regional truck traffic. The Commonwealth is conducting an ongoing truck study which Cambridge and Somerville are both participating in. At least four other communities - Arlington, Boston, Watertown and Belmont would also be negatively affected by this proposed amendment. In the spirit of regionalism, it would seem to us that an enlightened community such as Cambridge would want to work collectively to solve what are clearly regional problems.

Third, in July 1998 Somerville commented on the two reports issued by Cambridge's traffic advisory committee (see enclosed). Then-Mayor Capuano requested that City Manager Healey or his Administration discuss the outcomes of both reports with the City of Somerville **before** either report was adopted or implemented. No response or discussions have been initiated.

Finally, the proposed amendment to the Zoning Ordinances does not promote a "good neighbor" relationship with any of Cambridge's neighboring communities. The proposed amendment is an example of poor public relations.

As previously stated to the Cambridge Planning Board, the City of Somerville will take whatever measures are necessary to prevent implementation of such a truck policy.

Sincerely,

William Roche

William Roche
Mayor

cc: Anne Johnson, Traffic & Parking Director
James Bretta, OHCD
Todd Fontanella, OHCD
Brandon Wilson, Planning Department
Jeff Levine, Planning Department
Capt. Daniel Matthews, SPD
Joan Langsam, City Solicitor

trukban.sta

CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF THE MAYOR

MICHAEL E. CAPUANO
MAYOR

July 15, 1998

Mr. Robert Healey, City Manager
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Mr. Healey:

I have received copies of the "Reports of the City Manager's Truck Traffic Advisory', #A & #B. It seems that if either report is adopted, it will have a negative effect on Somerville. To that end, I strongly recommend that neither report be adopted nor implemented before representatives from the City of Cambridge have discussions with this Administration.

I look forward to hearing from you on this sensitive matter.

Sincerely,

Michael E. Capuano
Mayor

cc: Anne Johnson, Director, Traffic & Parking

MAY-22-99 MON 10:21 AM SOMERVILLE TRAFFIC PARK FAX NO. 617 628 6675

CITY OF SOMERVILLE, MASSACHUSETTS
WILLIAM ROCHE
ACTING MAYOR

February 26, 1999

Mr. Paul Dietrich, Chair
Cambridge Planning Board
57 Inman Street
Cambridge, Massachusetts 02139

RE: PROPOSED TRUCK CURFEW, CITY OF CAMBRIDGE

Dear Mr. Dietrich:

This letter is in response to the proposed changes to Section 6 of the Cambridge Zoning Ordinance, specifically to the implementation of a nighttime truck curfew.

In light of the fact that there is an ongoing truck study being conducted by the Commonwealth of Massachusetts through its Central Transportation Planning Staff (which Cambridge has participated in), the City believes that truck curfew regulations such as the one proposed here will work against resolution of traffic issues. If this curfew is adopted and enforced, regional truck traffic will have to seek other routes. This approach doesn't really address the problem - it shifts the problem to Cambridge's neighbors, in particular Somerville, Boston, Watertown and Belmont.

I cannot stress enough that regional truck traffic policies must be developed regionally, not in isolation. I, and the City administration, strongly oppose adoption of these changes to Cambridge's zoning ordinance and will do what ever is necessary to prevent implementation of such a truck policy.

Sincerely,

William M. Roche

William Roche
Mayor

cc: Anne Johnson, Traffic & Parking Director
Todd Fontanella, OHCD

SOMERVILLE CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600, EXT 2100 • FAX: (617) 625-3434

ATTACHMENT D

T O W N O F W A T E R T O W N

Office of the Town Manager
Michael J. Driscoll

March 16, 1999

Councilor Henrietta Davis, Chair
Committee on Ordinances
Cambridge City Council
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

RE: Truck Curfew Proposal

Dear Councilor Davis,

I am writing to express the Town of Watertown's strong concern regarding the proposed Truck Curfew ordinance.

As an abutting community, Watertown could be negatively impacted by the ordinance. If adopted, the curfew could relocate late evening and early morning truck traffic onto Watertown roadways, particularly Mt. Auburn and Belmont Streets. This would be an unfair and irresponsible move. As urban and metropolitan communities, we all must accept our share of the commerce and transportation burdens associated with the region and its encomony.

Although the proposed truck curfew ordinance was apparently submitted as an amendment to the Cambridge Zoning Ordinance, and the Cambridge Planning Board and City Council appear to be proceeding with the usual process for the adoption of such the amendment under the Zoning Act, G.L.c. 40A, it is our belief that any ordinance which affects traffic in the manner proposed is also subject to the procedures set out in G.L. c. 85, section 2. This provision of the General Laws authorizes the Massachusetts Department of Highways to regulate traffic on "state highways and ways leading thereto and therefrom, and on all main highways between cities and Towns." However, it also provides as follows:

> Except as hereinafter provided, any rule, regulation, order, ordinance or by-law of a city or town hereafter made or promulgated relative to or in connection with the erection or maintenance of signs,. . .on any way within its control . . . shall not take effect until approved in writing by the department [Massachusetts Highway

Department], or be effective after such approval is revoked, if made or promulgated relative to or in connection with the following:
. . .(4) any sign excluding heavy commercial vehicles; . . . (7) any rule, regulation, order, ordinance or by-law of a city or town which when made or promulgated would exclude motor vehicle travel on any existing way which connects one city or town with another, unless such rule, regulation, order, ordinance, or by-law was promulgated in compliance with the following: (a) the rule-making body of the city or town initiating such rule, regulation, order, ordinance or by-law gives written notice of such action to the chief executive officer of the abutting city, town or county into which said way extends, and (b) a public hearing is held by the city, town or county initiating such alteration, relocation or discontinuance, public notice of which must be published for each of the two weeks preceding such hearing in a newspaper of general circulation in the abutting city, town or county into which the said way extends, and (c) after concurrence in writing by the chief executive officer of the abutting city or town into which the said way extends or his designee. (Emphasis added.)

Under basic concepts of due process, the administration and enforcement of the proposed curfew will require the posting of signs indicating the conditions of the curfew in order to provide the traveling public with notice of the ordinance. It is, therefore, our belief that the City's consideration and action on this ordinance is also subject to the procedures, and approvals cited above.

The proposed ordinance is illogical and too drastic a measure for the purported problem. I hope and assume that your Honorable Committee will have the proposed ordinance studied for its potential impacts prior to adoption.

Thank you and please do not hesitate to contact me if you have any questions regarding this matter.

Sincerely,

Michael J. Driscoll
Town Manager

cc: Watertown Planning Board

ATTACHMENT E

TO THE CAMBRIDGE CITY COUNCIL

RE: A ZONING SOLUTION TO THE THROUGH-TRUCK TRAFFIC PROBLEM

3/24/99

Dear City Council,

I'm sure you're aware of the many serious problems that through-trucks cause. Noise, fumes, vibrations, speeding, all ruin our quality of life and depreciate our properties. Noise interferes with our sleep as well as with waking concentration. Fumes foul our air. Vibrations damage our homes. They also damage our roads and the infra-structure beneath. Speeding creates danger for pedestrians, cyclists, and parked cars. And as the recent conflagration on the southeast expressway illustrates, the passage of huge oil tankers - of which we have so very many on our streets - endangers our very lives.

All these problems have become more severe over the past 25 years. More vehicles. Larger vehicles. Our streets, built for the gentler local traffic of the long ago past, now need constant repair. Today's 18 and 22 wheelers chew them right up.

Today many of our streets have become virtual highways and busy highways at that.

We have been asking for redress for more than 25 years now. No redress. Only excess.

I would like some relief within my lifetime. So would most other Cambridge folks.

The night-time zoning we propose has the beauty of virtual immediacy. Within a few months, we can get night-time through-trucks off our streets and onto the highways where they belong. Onto highways that our taxes built for them to use! AND with no deleterious effect to other streets in our town nor in other towns; because, as Tom Bracken points out, if through-trucks can't get onto our streets, they can't pass from our streets onto those of our neighbors.

True, if we stop these trucks from short-cutting through our streets they may have to spend more time and gas money going by the highways. But right now, WE pay for them to short-cut through here (noise, vibrations, etc.). Why should WE pay these costs!? Why shouldn't THEY pay their OWN costs!?

We urge you to allow us the nearly immediate relief that our no-night-time-through-trucks zoning will provide, relief that will benefit our neighboring towns as well as ourselves.

Thank you.

Riva Poor
73 Kirkland St., Cambridge, MA 02138 617-868-4447

245 Battle Street
804-729[illegible]
Tuesday March 23, 1999

Fax 354-0079

Dear Henrietta,

Jim Adams, who lives at 224 Battle, has volunteered to read my "speech" suggesting the Nightime Curfew Option. In case there's a problem here is a copy. We cannot make this Learning.

Needless to say the gasoline truck explosion on the Southeast Expressway Sunday is a real reminder of the danger we all face on the front line of Main Street. The triangle lot at the junction of W. Cabell and Battle has potential for real problem.

Sincerely,

Karen Faes
KAREN FAES

Nighttime Truck Curfew Petition

My name is Karen Falb. I live at 245 Brattle Street have lived in Cambridge since 1967 at four different locations. Certainly trucking has increased during those years. I did sign this Nighttime Truck Curfew Petition and also collected other signatures, which was not difficult in our neighborhood. But as you go from the front line of residences on a major street to those on neighboring streets or streets with less truck traffic, it is more difficult to get people to relate to the petition, which makes me wonder how many city councillors and officials actually live on the front line and so really know the reality of the trucking situation throughout the city. The only truck survey to help show some objective reality about early morning trucking, that I know about, was one conducted by citizens several years ago. My own observation is that certain companies in abutting towns have scheduled runs through the night and that construction companies start their frequent runs on weekdays, even before five in the morning. Anyone in bedrooms on the street side of a residence is woken up periodically through the night by large noisey trucks and is exposed to what I will call the buzz and rumble of trucks from 5 o'clock on. Before we repositioned our bedroom, I was oxygen-deprived from pillows piled on my head to deaden the noise. We have one bedroom which is still fully exposed.

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resurface poor road surfaces to prevent these truck vibrations. There is nothing between a resident and trucks but responsive, responsible city government, which we have not really had on this issue. One way the city could regulate the impact of heavy through trucks is to ban their presence during the normal sleeping hours of the night.

The major reason why I have been comfortable persuading others to sign the petition is that it is for a "city-wide" ban. We ALL have value. There has been too much of a tradition of "listening to the squeaky wheel" where the neighborhood with the most vocal and creative complaints has more value. Most of us directly effected by trucks live on stretches of residential areas zoned ONLY as residential areas, free of commercial and industrial use. Our residential stretch is exactly 2.0 miles long, just short of the width of the city. As the volume of trucking continues to increase, do we have to lose the integrity of our streets, our neighborhoods and city because problems associated with trucks reach a threshold residents finally can't tolerate? Designated truck routes is NOT the answer, just as we have all found that designated smoking areas are NOT the answer. Concentrating the trucking problem is NOT the answer. One would think a city like Cambridge - blessed with so many creative minds and a history of solving difficult urban problems -can come up with solutions to better solve the problems of living with trucks. Here is one solution.

Я

TRANSACTION REPORT

FOR: ROCK DAVIS 617 547 0877

RECEIVE

SENDER PAGES NOTE

0 COM.E-1

CITY OF SOMERVILLE, MASSACHUSETTS
WILLIAM ROCHE
ACTING MAYOR

March 22, 1999

Henrietta Davis, Chair
Ordinance Committee
City of Cambridge
City Hall, 795 Massachusetts Avenue
Cambridge, Massachusetts 02139

RE: REGULATION OF THROUGH TRUCKS, CITY OF CAMBRIDGE

Dear Ms. Davis:

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As previously stated to the Cambridge Planning Board, the City of Somerville will take whatever measures are necessary to prevent implementation of such a truck policy.

Sincerely,

William Roche

William Roche
Mayor

cc: Anne Johnson, Traffic & Parking Director
James Bretta, OHCD
Todd Fontanella, OHCD
Brandon Wilson, Planning Department
Jeff Levine, Planning Department
Capt. Daniel Matthews, SPD
Joan Langsam, City Solicitor

trukban.sta

CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF THE MAYOR

MICHAEL E. CAPUANO
MAYOR

July 15, 1998

Mr. Robert Healey, City Manager
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

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Sincerely,

Michael E. Capuano
Mayor

cc: Anne Johnson, Director, Traffic & Parking

SOMERVILLE CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600, Ext. 2100 TDD Fax: 625-3434

MAR-22-99 MON 10:21 AM SOMERVILLE TRAFFIC PARK FAX NO. 617 628 6675

CITY OF SOMERVILLE, MASSACHUSETTS

WILLIAM ROCHE
ACTING MAYOR

February 26, 1999

Mr. Paul Dietrich, Chair
Cambridge Planning Board
57 Inman Street
Cambridge, Massachusetts 02139

RE: PROPOSED TRUCK CURFEW, CITY OF CAMBRIDGE

Dear Mr. Dietrich:

This letter is in response to the proposed changes to Section 6 of the Cambridge Zoning Ordinance, specifically to the implementation of a nighttime truck curfew.

In light of the fact that there is an ongoing truck study being conducted by the Commonwealth of Massachusetts through its Central Transportation Planning Staff (which Cambridge has participated in), the City believes that truck curfew regulations such as the one proposed here will work against resolution of traffic issues. If this curfew is adopted and enforced, regional truck traffic will have to seek other routes. This approach doesn't really address the problem - it shifts the problem to Cambridge's neighbors, in particular Somerville, Boston, Watertown and Belmont.

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Mayor

cc: Anne Johnson, Traffic & Parking Director
Todd Fontanella, OHCD

SOMERVILLE CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600, EXT 2100 • FAX: (617) 625-3434

T O W N O F W A T E R T O W N

Office of the Town Manager
Michael J. Driscoll

March 16, 1999

Councilor Henrietta Davis, Chair
Committee on Ordinances
Cambridge City Council
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

RE: Truck Curfew Proposal

Dear Councilor Davis,

I am writing to express the Town of Watertown's strong concern regarding the proposed Truck Curfew ordinance.

As an abutting community, Watertown could be negatively impacted by the ordinance. If adopted, the curfew could relocate late evening and early morning truck traffic onto Watertown roadways, particularly Mt. Auburn and Belmont Streets. This would be an unfair and irresponsible move. As urban and metropolitan communities, we all must accept our share of the commerce and transportation burdens associated with the region and its encomony.

Although the proposed truck curfew ordinance was apparently submitted as an amendment to the Cambridge Zoning Ordinance, and the Cambridge Planning Board and City Council appear to be proceeding with the usual process for the adoption of such the amendment under the Zoning Act, G.L.c. 40A, it is our belief that any ordinance which affects traffic in the manner proposed is also subject to the procedures set out in G.L. c. 85, section 2. This provision of the General Laws authorizes the Massachusetts Department of Highways to regulate traffic on "state highways and ways leading thereto and therefrom, and on all main highways between cities and Towns." However, it also provides as follows:

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Under basic concepts of due process, the administration and enforcement of the proposed curfew will require the posting of signs indicating the conditions of the curfew in order to provide the traveling public with notice of the ordinance. It is, therefore, our belief that the City's consideration and action on this ordinance is also subject to the procedures, and approvals cited above.

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Thank you and please do not hesitate to contact me if you have any questions regarding this matter.

Sincerely,

Michael J. Driscoll
Town Manager

cc: Watertown Planning Board

TO THE CAMBRIDGE CITY COUNCIL

RE: A ZONING SOLUTION TO THE THROUGH-TRUCK TRAFFIC PROBLEM

3/24/99

Dear City Council,

I'm sure you're aware of the many serious problems that through-trucks cause. Noise, fumes, vibrations, speeding, all ruin our quality of life and depreciate our properties. Noise interferes with our sleep as well as with waking concentration. Fumes foul our air. Vibrations damage our homes. They also damage our roads and the infra-structure beneath. Speeding creates danger for pedestrians, cyclists, and parked cars. And as the recent conflagration on the southeast expressway illustrates, the passage of huge oil tankers - of which we have so very many on our streets - endangers our very lives.

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We urge you to allow us the nearly immediate relief that our no-night-time-through-trucks zoning will provide, relief that will benefit our neighboring towns as well as ourselves.

Thank you.

Riva Poor
73 Kirkland St., Cambridge, MA 02138 617-868-4447

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260
FAX (617) 349-4307
tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

TO: **ALL INTERESTED PERSONS**

FROM: **D. MARGARET DRURY, CITY CLERK**

DATE: **MARCH 8, 1999**

RE: **ORDINANCE COMMITTEE MEETING**

****

Please be advised that Councillor Henrietta Davis, Chair of the Ordinance Committee, has scheduled two public hearings for Wednesday, March 24, 1999 in the Sullivan Chamber as follows:

5:00 P.M.	To consider a proposed amendment to the Municipal Code to ban the sale of laser pens to minors.
5:30 P.M.	To consider a petition to amend the Zoning Ordinance filed by Karen Falb, et al. to regulate through trucks in Cambridge.

Your kind attention in this matter will be greatly appreciated.

cc: Councillor Davis

Robert & Marlene Rutner
5 Fresh Pond Lane
Cambridge, MA 02138

Debra & Paul Walker
273 Brattle Street
Cambridge, MA 02138

Yolanda Kodrzycki
233 Brattle Street
Cambridge, MA 02138

George Gardner
225 Brattle Street
Cambridge, MA 02138

Daniel & Jill Toomey
565 Mt. Auburn Street
Cambridge, MA 02138

Ten Broeck & David Patterson
581 Mt. Auburn Street #3
Cambridge, MA 02138

Susanna Pueschel
581 Mt. Auburn Street #5
Cambridge, MA 02138

J. Laird
581 Mt. Auburn Street #6
Cambridge, MA 02138

Karen & Peter Falb
245 Brattle Street
Cambridge, MA 02138

Sylvia de Valpine
50 Fresh Pond Parkway
Cambridge, MA 02138

Joanne & Mohandas Kini
8 Fresh Pond Parkway
Cambridge, MA 02138

Susan Paverman
65 Larchwood Drive
Cambridge, MA 02138

M. Leibenstein
47 Larchwood Drive
Cambridge, MA 02138

Sean Berko Gleason
110 Larchwood Drive.
Cambridge, MA 02138

Melville & Elizabeth Hodder
15 Fresh Pond Lane
Cambridge, MA 02139

Barbara Brockunier
78 Lardchwood Drive
Cambridge, MA 02139

M. Wyllis Bibbins
314 Harvard Street
Cambridge, MA 02139

M. Stephen
16 Fresh Pond Lane
Cambridge, MA 02138

Ida Giunta
7 Aberdeen Court
Cambridge, MA 02138

Aaron Falbel
69 Aberdeen Avenue
Cambridge, MA 02138

Laura Flynn
87 Aberdeen Avenue
Cambridge, MA 02138

Brenda Bragdan
22 Fresh Pond Lane
Cambridge, MA 02138

Aileen Erickson
244 Brattle Street
Cambridge, MA 02138

Joseph Barbieri
244 Brattle Street
Cambridge, MA 02138

Andrew Hubbie
244 Brattle Street
Cambridge, MA 02138

Mary Clare Attenhofen
244 Brattle Street #42
Cambridge, MA 02138

Joseph Westland
244 Brattle Street #41
Cambridge, MA 02138

Benjamin & Carolyn Woznick
240 Brattle Street #32
Cambridge, MA 02138

Stephanie Gouse & Chris Vy
240 Brattle Street #41
Cambridge, MA 02138

Ivers Bever & Reed Witherby
37 Larch Road
Cambridge, MA 02138

M.L. Winslow
4 Mason Street
Cambridge, MA 02138

Rob Hayes & Gretchen Adams
31A Sacramento Street
Cambridge, MA 02138

Virginia & James Adams
224 Brattle Street
Cambridge, MA 02138

Nancy Adams
97 Inman Street #2
Cambridge, MA 02139

Eleanor Appel
222 Brattle Street
Cambridge, MA 02138

Ann Gruber
457 Mt. Auburn Street
Cambridge, MA 02138

Linda & Mark Carlson
457 Mt. Auburn Street #7
Cambridge, MA 02138

Bonnie Baldwin
457 Mt. Auburn Street #10
Cambridge, MA 02138

Gary & Amy Seligson
220 Brattle Street
Cambridge, MA 02138

William Strauss
29 Hubbard Avenue
Cambridge, MA 02140

Catherine Kelleher
29 Hubbard Avenue
Cambridge, MA 02140

Hope Hayden Kelley
6 Saint Gerard Terrace
Cambridge, MA 02140

Paul Winters
41 Orchard Street
Cambridge, MA 02140

R. Philip Dowds
48 Banks Street
Cambridge, MA 02138

John Chamberlain
53 Brookline Street
Cambridge, MA 02139

Richard Clarey
15 Brookford Street
Cambridge, MA 02140

Joseph Joseph
20 Kassul Park
Cambridge, MA 02140

Seymour Kellerman
21 Cogswell Avenue
Cambridge, MA 02140

Ann Collette
50 Creighton Street
Cambridge, MA 02140

Peter Cignetti III
5 Theriault Court
Cambridge, MA 02140

Mary Quinn
54 Haskell Street
Cambridge, MA 02140

Michael Brandon
27 Seven Pines Avenue
Cambridge, MA 02140

Philip Hiconnet
83 Thorndike Street
Cambridge, MA 02141

James Goldberg
6 Beech Street
Cambridge, MA 02140

Hallie Krechansky
80 Porter Road
Cambridge, MA 02140

Trudy Bauer
6 Beech Street
Cambridge, MA 02140

Alex Jablokow
105 Montgomery Street #42
Cambridge, MA 02140

Michael Nakagawa
51 Madison Avenue
Cambridge, MA 02140

Lew Weitzman
124 Montgomery Street
Cambridge, MA 02140

Tom Gould
119 Dudley Street
Cambridge, MA 02140

Thelia Tringo
19 Fairfield Street #2
Cambridge, MA 02140

Craig Kelley
7 St. Gerard Terrace
Cambridge, MA 02140

Gretchen Vongressmann
11B Jackson Street
Cambridge, MA 02140

Susan Maguire
125 Jackson Street
Cambridge, MA 02140

Brian Pfeiffer
147 Brattle Street
Cambridge, MA 02138

Dorothy Gonson
32 Hubbard Park
Cambridge, MA 02138

Lisa Slater
25 Standish Street
Cambridge, MA 02138

Martha Lawrence
17 Willard Street
Cambridge, MA 02138

Geoffrey Harris
20 Lowell Street
Cambridge, MA 02138

Margaret & Richard Thomas
333 Huron Avenue
Cambridge, MA 02138

Katherine Carr
9 Malcolm Road
Cambridge, MA 02138

Robert Smith
86 Buckingham Street
Cambridge, MA 02138

Gregory Rochlin M.D.
200 Brattle Street
Cambridge, MA 02138

Mason Fernald
18 Reservoir Street
Cambridge, MA 02138

Peter Castle
95 Lexington Avenue
Cambridge, MA 02138

Margaret Holmes
67 Lexington Avenue
Cambridge, MA 02138

Kiernan Quinn
205 Lakeview Ave.
Cambridge, MA 02138

Alicia Sinclair
80 Alpine Street
Cambridge, MA 02138

Rowan Murphy
22 Gurney Street
Cambridge, MA 02138

Larry Hartman
147 Brattle Street
Cambridge, MA 02138

Tina Mangane
149 Lakeview Ave.
Cambridge, MA 02138

Richard D'Amore
156 Brattle Street
Cambridge, MA 02138

Jennifer Eckert
156 Brattle Street
Cambridge, MA 02138

Susan Miller-Havens
151 Brattle Street
Cambridge, MA 02138

David Bogyossian
25 Ellsworth Ave.
Cambridge, MA 02139

Elizabeth Bartle
25 Ellsworth Ave.
Cambridge, MA 02139

John Taylor Williams
9 Orchard Street
Cambridge, MA 02140

Leslie A. Bliss
127 Raymond Street
Cambridge, MA 02140

Sally Fay Cottingham
110 Coolidge Hill
Cambridge, MA 02138

Walter Wich
9 Follen Street
Cambridge, MA 02138

Anne Klein
88 Hancock St. #9
Cambridge, MA 02139

Philip S. Balboni
132 Brattle St.
Cambridge, MA 02138

Susan Lyons
35 Vassar Lane
Cambridge, MA 02138

K. Daver
35 Vassal Lane #3
Cambridge, MA 02138

C. Terhorsh
72 Fayerweather Street
Cambridge, MA 02138

K. & Liz Conlin
48 Buckingham Street
Cambridge, MA 02138

Robin Lafoley & Mitchell Dong
One Berkeley Street
Cambridge, MA 02138

Paula Rhodes
6 Ivy Street
Cambridge, MA 02138

Marian Schlesinger
109 Irving Street
Cambridge, MA 02138

Bonnie Shershow
94 Foster Street
Cambridge, MA 02138

Michael Yogman
14 Wyman Road
Cambridge, MA 02138

Janet Amphlett
8 ½ Ash Street Place
Cambridge, MA 02138

Daphne Abeel
148 Pleasant Street
Cambridge, MA 02139

K. Kinderman
2 Ivy Street
Cambridge, MA 02138

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71 Huron Avenue
Cambridge, MA 02138

Elise Lauder
24 Sparks Street
Cambridge, MA 02138

Ann Parson
24A Highland Street
Cambridge, MA 02138

Barbara Lloyd
2 Mercer Circle
Cambridge, MA 02138

Andrew & Susan Griffith
452 Huron Avenue
Cambridge, MA 02138

Linda Hess
11 Hawthorne Street
Cambridge, MA 02138

Kristen Wainwright
162 Coolidge Hill
Cambridge, MA 02138

Judy Blotnich
164 Brattle Street
Cambridge, MA 02138

Victoria Oliva
40 Blakeslee Street
Cambridge, MA 02138

Phyllis Simpkins
249 Huron Avenue
Cambridge, MA 02138

Jean Kehoysz
14 Allen Street
Cambridge, MA 02140

Flora Hellinger
60 Brattle Street #205
Cambridge, MA 02138

T & S Wales
24 Bradberry Street
Cambridge, MA 02138

Elizabeth Gombosi
42 Irving Street
Cambridge, MA 02138

Judith & Thomas Bracken
89 Irving Street
Cambridge, MA 02138

John Altobello
78 Reservoir Street
Cambridge, MA 02138

N. Harris
20 Hillard Street
Cambridge, MA 02139

Howard Medwed
58 Washington Avenue
Cambridge, MA 02139

Mary Ries
15 Willard Street
Cambridge, MA 02138

Mary Tanouger
60 Brattle Street #706
Cambridge, MA 02138

Frances Ackerly
26 Parker Street
Cambridge, MA 02138

Iten Fales
11 Hilliard Street
Cambridge, MA 02139

Richmond Clarey
15 Brookford Street
Cambridge, MA 02140

Suzanne Lucey
25 Standish Street
Cambridge, MA 02138

Faith Stimson
31 Granville Road
Cambridge, MA 02139

Ridgely Duval
77 Standish Street
Cambridge, MA 02138

Ron Bailey
66 Fayerweather Street
Cambridge, MA 02138

Donna Walker
20 Chilton Avenue
Cambridge, MA 02139

Susan Ish
241 Upland Road
Cambridge, MA 02138

Joellen Gavin
148 Larch Street
Cambridge, MA 02138

Mary Lane
36 Granville Road
Cambridge, MA 02139

Ann Ferrero
14 Fayerweather Street
Cambridge, MA 02138

Judith Pirani
385 Huron Avenue
Cambridge, MA 02138

Patricia Alward
286 Concord Avenue
Cambridge, MA 02138

John Crawford
203 Lexington Avenue
Cambridge, MA 02138

M. Morgan Baker
89 Fayerweather Street
Cambridge, MA 02138

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Cambridge, MA 02139

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Cambridge, MA 02138

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Cambridge, MA 02139

Nadene Long
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Cambridge, MA 02138

Susan Lapides
451 Huron Avenue
Cambridge, MA 02138

Elizabeth Houghteling
132 Brattle Street
Cambridge, MA 02138

Page Bingham
99 Garden Street
Cambridge, MA 02139

Joanne Turnbull
167 Brattle Street
Cambridge, MA 02138

Ann & Ed Kania
175 Brattle Street
Cambridge, MA 02138

Arthur Bond, Jr.
12 Lakeview Avenue
Cambridge, MA 02138

Priscilla Donham
269 Upland Road
Cambridge, MA 02138

Helen Hiam
46 Fayerweather Street
Cambridge, MA 02138

William Ackerly
26 Parker Street
Cambridge, MA 02139

John Damian
11 Alpine Street
Cambridge, MA 02138

Charles Dresner
196 Larch Road
Cambridge, MA 02138

Lois Jenneas
182 Larch Road
Cambridge, MA 02138

Helen Stevenson
304 Concord Avenue
Cambridge, MA 02138

Michael Melford
304 Concord Avenue
Cambridge, MA 02138

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Cambridge, MA 02138

Jacquie Olds
130 Hillside Avenue
Cambridge, MA 02139

Jeffrey
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Cambridge, MA 02138

Marilyn Mellows
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Cambridge, MA 02138

William Beizer
92 Banks Street
Cambridge, MA 02138

Christine Baer
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Cambridge, MA 02139

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Cambridge, MA 02138

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Cambridge, MA 02138

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Cambridge, MA 02138

Renee Caso
38 Thingvilla Avenue
Cambridge, MA 02139

Dorian Bowman
62 Buckingham Street
Cambridge, MA 02138

Jana Dublin
24 Chilton Street
Cambridge, MA 02139

James Fingold
37 Winslow Street
Cambridge, MA 02139

Anthony Galluccio
30 Normandy Avenue
Cambridge, MA 02139

Robert Megerdichian
50 Chilton Street
Cambridge, MA 02139

Eric Arnold
70 Chilton Street
Cambridge, MA 02139

Candace Dunlap
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Cambridge, MA 02138

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Cambridge, MA 02138

P. Kolber
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C. Boyden
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Cambridge, MA 02138

Susanna Kaman
502 Huron Avenue
Cambridge, MA 02138

N.K. Clements
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Cambridge, MA 02138

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Cambridge, MA 02138

Susan Pearce
90 Fayerweather Street
Cambridge, MA 02138

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Cambridge, MA 02138

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Cambridge, MA 02138

William Jian
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Suzanne & Alan Dworsky
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Cambridge, MA 02138

Lisa Schmid
19 Hubbard Park
Cambridge, MA 02138

Elizabeth Cone
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Cambridge, MA 02139

Paula Macomber
25 Buckingham Street
Cambridge, MA 02138

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Lynn Cetrulo
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Cambridge, MA 02138

Sam Reece
45 Garden Street
Cambridge, MA 02139

Ann Johnston
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Cambridge, MA 02138

Agnes Burke
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Nancy Salzman
68 Francis Avenue
Cambridge, MA 02139

John Travis
134 Brattle Street
Cambridge, MA 02138

Hilary Wodlinger
10 Craigie Street
Cambridge, MA 02139

Christine Ballio Slywotzky
57 Mt. Vernon Street
Cambridge, MA 02139

Elaine Dunn
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Rhoda Fantasia
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Cambridge, MA 02141

B.F. Bacon
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Cambridge, MA 02139

M. Holmes
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Cambridge, MA 02138

David & Patricia Straus
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Carolyn Mieth
15 Brookford Avenue
Cambridge, MA 02140

William King
25 Hurlbut Street
Cambridge, MA 02138

Henry Vandermark
33 Cambridge Terrace
Cambridge, MA 02140

Ellen & John Moot
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Cambridge, MA 02138

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Frances Pavlo
50 Shepard Street
Cambridge, MA 02139

Suzanne Reasenberg
9 Newton Street
Cambridge, MA 02139

John Tackney
49 South Street
Cambridge, MA 02139

Robert & Mary Travers
54 Fulkerson Street
Cambridge, MA 02141

Helen & Joseph Travers
51 Fulkerson Street
Cambridge, MA 02141

Norma & William Ameral
211 Hurley Street
Cambridge, MA 02139

William Durette
Otis Street
Cambridge, MA 02141

Patricia Renna
103 Seventh Street
Cambridge, MA 02141

Carroll Graham
83 Sixth Street
Cambridge, MA 02141

Lorraine Pritehard
29 Jefferson Street
Cambridge, MA 02139

Janice Litwinsky
111 Thorndike Street
Cambridge, MA 02141

James Dunn
53 Fulkerson Street
Cambridge, MA 02141

Lois D
56 Fulkerson Street
Cambridge, MA 02141

Angela Dunn
55 Fulkerson Street
Cambridge, MA 02141

Sandra D
58 Fulkerson Street
Cambridge, MA 02141

Norman & Mary Bradway
54 Fulkerson Street
Cambridge, MA 02141

Dan Sullivan
54 Fulkerson Street
Cambridge, MA 02141

Robert Edbrooke
20 Prescott Street #5
Cambridge, MA 02138

William Crusco
20 Langdon Street
Cambridge, MA 02138

Thomas McClin
15 Follon Street
Cambridge, MA 02139

Anne Hafray
3 Sumner Road
Cambridge, MA 02139

Katherine Glover
12 Gibson Street
Cambridge, MA 02139

Lawrence Kotin
12 Gibson Street
Cambridge, MA 02139

William Hull
40 Reservoir Street
Cambridge, MA 02138

Oliver & Mary Hamill
25 Reservoir Street
Cambridge, MA 02138

Robert Stowe
46 Brewster Street
Cambridge, MA 02139

Rosalind Stowe
46 Brewster Street
Cambridge, MA 02139

Gary Kitaeff
68 Haworthy Street
Cambridge, MA 02139

Lynn Kargman
221 Mt. Auburn Street
Cambridge, MA 02138

Walter Souza
1 McLean Place
Cambridge, MA 02139

Bart Brownell
17 Brewster Street
Cambridge, MA 02139

Naomi Yang
61 Sparks Street
Cambridge, MA 02138

Resident
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Cambridge, MA 02138

James Deangelo, Jr.
150 Holworthy Street
Cambridge, MA 02139

Joanne Watson
6 Old Dee Road
Cambridge, MA 02139

Richard & Antra Borofsky
86 Washington Avenue
Cambridge, MA 02139

Pat Wright
106 Larch Road
Cambridge, MA 02138

Diane Nichols
312 Mt. Auburn Street
Cambridge, MA 02138

Linda Black
5 Hilliard Place
Cambridge, MA 02139

Eileen Rudden & Joshua Posner
32 Arlington Street
Cambridge, MA 02139

Marcia Zucker
81 Fayerweather Road
Cambridge, MA 02138

Ann Beaty
8 Trail Street
Cambridge, MA 02139

Alexandra Leakes
19 Larch Road
Cambridge, MA 02138

Renata von Tscharner
2 Hubbard Place
Cambridge, MA 02138

Loring Steven
14 Channing Street
Cambridge, MA 02139

Mary Lee Aldrich
151 Coolidge Hill Road
Cambridge, MA 02138

Sally Ames
221 Mt. Auburn Street
Cambridge, MA 02138

Sarah Farrington
18 Frost Street
Cambridge, MA 02139

Arch Horst & Kate Kirby
55 Brewster Street
Cambridge, MA 02139

Karen Weller
12 Humbolt Street
Cambridge, MA 02139

Rita Guastella
127 Reed Street
Cambridge, MA 02139

Elizabeth Gilmore
47 Reservoir Street
Cambridge, MA 02138

Dexter Eames & Sylvia Fine
6 Avon Place
Cambridge, MA 02139

William & Neva Flower
8 Avon Place
Cambridge, MA 02139

Maria & Albion A. Sawyer
14 Avon Place
Cambridge, MA 02139

O. Pozzi-Escot
24 Avon Hill
Cambridge, MA 02139

Robert Cogan
24 Avon Hill
Cambridge, MA 02139

William Press
1 Avon Place
Cambridge, MA 02139

Scott Surrey
54 Buckingham Street
Cambridge, MA 02138

Emily Sander
74 Buckingham Street
Cambridge, MA 02138

Joseph Tierney & Hillary Driscoll
60 Buckingham Street
Cambridge, MA 02138

Fran Arnold
31 Healey Street
Cambridge, MA 02139

Barbara & Oliver Oldman
15 Buckingham Street
Cambridge, MA 02138

Laura Nash
11 Buckingham Street
Cambridge, MA 02138

Thomas Beave
11 Buckingham Street
Cambridge, MA 02138

Robert Colannino & Blanca Ko
34 Buckingham Street
Cambridge, MA 02138

Joann Moyniham
91 Fayerweather Street
Cambridge, MA 02138

nannette Kredlow
12 Gerry's Landing
Cambridge, MA 02139

Helene Corry
11 Cogswell Avenue
Cambridge, MA 02140

Anne Morison
9 Buckingham Street
Cambridge, MA 02138

Joseph Berman
127 Trowbridge Street
Cambridge, MA 02139

Rebecca Brannon & Joseph Wo
202 Charles Street
Cambridge, MA 02139

Kelley Devaney
106 Ellery Street
Cambridge, MA 02139

Ruth Maclay
361 Harvard Street
Cambridge, MA 02139

Patricia Bull
399 Broadway
Cambridge, MA 02139

Bev Golp
61 Dana Street
Cambridge, MA 02139

Jennifer Lawrence
Waterhouse Street
Cambridge, MA 02139

Peter Sorgr
336 Harvard Street
Cambridge, MA 02139

Gabriel Haa
2 Ellsworth Street
Cambridge, MA 02139

Darin Evans
90 Pleasant Street
Cambridge, MA 02139

Ann Bilger
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Robyn MccCain
14 Ellsworth Street
Cambridge, MA 02139

Paul Rivers
820 Mass. Avenue
Cambridge, MA 02139

Ellen Zuck
404 Broadway
Cambridge, MA 02139

Christine Toolouse
55 Prescott Street
Cambridge, MA 02139

Riva Poor & Thelma Magaril
73 Kirkland Street
Cambridge, MA 02139

Richard Costello
77 Kirkland Street Unit 7
Cambridge, MA 02139

Jane Costello
77 Kirkland Street Unit 1
Cambridge, MA 02139

Dr. Sigard Berven
77 Kirkland Street #2
Cambridge, MA 02139

Carl & Sarah Trapani
80 Kirkland Street
Cambridge, MA 02139

Patricia Marti
84 Kirkland Street
Cambridge, MA 02139

James Gray
84 Kirkland Street
Cambridge, MA 02139

Amy Welch
54 Roberts Road
Cambridge, MA 02139

Barry Jacobson
54 Roberts Road
Cambridge, MA 02139

Alan Savenar
52 Roberts Road
Cambridge, MA 02139

Peter Green
79 Kirkland Street #1
Cambridge, MA 02139

Harold Becker
73 Kirkland Street
Cambridge, MA 02139

Gabriel Cabrieri
35 Myrtle Avenue
Cambridge, MA 02139

Renee Arb
59 Kirkland Street
Cambridge, MA 02139

Rueben Landau
55 Kirkland Street
Cambridge, MA 02139

Wendy Mariner
10 Francis Avenue
Cambridge, MA 02139

Treather Gassmann
55 Kirkland Street
Cambridge, MA 02139

Charles & Adar Burlingham
62 Kirkland Street
Cambridge, MA 02139

Molly Beinfeld
70 Kirkland Street #8
Cambridge, MA 02139

David McCay
70 Kirkland Street #2
Cambridge, MA 02139

Marcia & Bill Smits
131 Trowbridge Street
Cambridge, MA 02139

Ida Correa
118 Trowbridge Street
Cambridge, MA 02139

Donald & Marjorie Forte
121 Trowbridge Street
Cambridge, MA 02139

Mona Berland
122 Trowbridge Street
Cambridge, MA 02139

Jay Burke
89 Trowbridge Street
Cambridge, MA 02139

Susan Halpert
6 Holden Street
Cambridge, MA 02139

Linda Sinoyan
93 Kirkland Street
Cambridge, MA 02139

L M & Carol Lynn Alpert
93 Kirkland Street
Cambridge, MA 02139

Giorgio, & Harriet Trapani
80 Kirkland Street
Cambridge, MA 02139

Elizabeth Kline
15 Kirkland Street
Cambridge, MA 02139

John Nagurney
10 Francis Avenue
Cambridge, MA 02139

Dr. & Fabisla Framondi
74 Kirkland Street #1
Cambridge, MA 02139

Stephanie King
74 Kirkland Street #5
Cambridge, MA 02139

Barbara Lieberman
74 Kirkland Street
Cambridge, MA 02139

Wendy Weber
74 Kirkland Street
Cambridge, MA 02139

Dorothy White
70 Kirkland Street #9
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Cambridge, MA 02139

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Louise Phelan
5 Line Street #2A
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Nancy Rial
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Cambridge, MA 02139

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16 Kirkland Road
Cambridge, MA 02139

Kathy Porter
16 Kirkland Road
Cambridge, MA 02139

Yvonne McQuilkin
81 Kirkland Street
Cambridge, MA 02139

Janet Zimmera
78 Kirkland Street
Cambridge, MA 02139

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Kristin Macomber
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Cambridge, MA 02139

Jayant Shah & Emma Ducha
44 Kirkland Street
Cambridge, MA 02139

Elizabeth Speike & Elliot Blass
11 Kirkland Road
Cambridge, MA 02139

Greg & Sylvia Unruh
15 Kirkland Road
Cambridge, MA 02139

Lynne Kovach
14 Kirkland Road
Cambridge, MA 02139

Michael Berne
81 Kirkland Street
Cambridge, MA 02139

Clinton & Daisy Tao
82 Kirkland Street
Cambridge, MA 02139

Isabelle Torroella
30 Magnolia Avenue
Cambridge, MA 02139

Marcel Torres
78 Kirkland Street
Cambridge, MA 02139

Margaret & Greg Kudarauskas
11 Holden Street
Cambridge, MA 02139

Paul Jannke & Julie Sweitzer
24 Carver Street #3
Cambridge, MA 02139

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Cambridge, MA 02139

Josie Po Rosado & Karen Massey
93 Kirkland Street
Cambridge, MA 02139

Stanley Silverman
33 Myrtle Avenue
Cambridge, MA 02139

Mary & Edward Kudarauskas
22 Farrar Street
Cambridge, MA 02139

Nita Regnier
75 Tremont Street
Cambridge, MA 02139

Tanya Earls
16 Farrar Street
Cambridge, MA 02139

Sidney & Louise Peck
15 Farrar Street
Cambridge, MA 02139

Yale & Barbara Rabin
9 Farrar Street
Cambridge, MA 02139

Patricia Coatsworth
2 Scott Street
Cambridge, MA 02139

Kathryne Knight & Mary Ward
7 Scott Street
Cambridge, MA 02139

Jane Kamine
5 Scott Street
Cambridge, MA 02139

Elizabeth Halprin
104 Irving Street
Cambridge, MA 02138

Veadimir Shpunt
84 Irving Street
Cambridge, MA 02138

Livingston Parsons III
80 Irving Street
Cambridge, MA 02138

T. Mikelson
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Cambridge, MA 02138

Jean Little
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Cambridge, MA 02139

Phebe & Andrew Leighton
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Cambridge, MA 02138

Karen Davis
15 Walker Street
Cambridge, MA 02139

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Cambridge, MA 02138

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Cambridge, MA 02139

Catherine & M. Holt Msssey
6 Masson Street
Cambridge, MA 02139

George & Deborah Eastman
Inman Street
Cambridge, MA 02139

Jill Hornor
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Cambridge, MA 02138

Morris & Jean Horowitz
5 Riedesel Avenue
Cambridge, MA 02139

Nancy Cyr
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Cambridge, MA 02140

Salley Lesser
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Cambridge, MA 02138

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Kate Thompson & Daniel Calano
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Cambridge, MA 02139

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Cambridge, MA 02138

Penney Adams
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Cambridge, MA 02138

Thomas Bourque
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Cambridge, MA 02138

William Barry
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Cambridge, MA 02138

Elliot Scott Slater
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Cambridge, MA 02139

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Cambridge, MA 02139

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Cambridge, MA 02138

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Cambridge, MA 02138

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3 Saville Street
Cambridge, MA 02138

Sylvia Winn
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Cambridge, MA 02138

Joseph Moore & Mary Carter
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Cambridge, MA 02138

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Cambridge, MA 02138

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Cambridge, MA 02138

Laura Palumbo Hanson
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Cambridge, MA 02138

Karen Trainor
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Cambridge, MA 02138

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Cambridge, MA 02138

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Cambridge, MA 02138

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Cambridge, MA 02138

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Cambridge, MA 02138

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Cambridge, MA 02138

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Benjamin Brown
99 Irving Street
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Mraian Schlesinger
109 Irving Street
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Cambridge, MA 02138

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Natalie Tarbet
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Cambridge, MA 02138

Carl Kaysen & Ruth Butler
41 Holden Street
Cambridge, MA 02138

Rosanne Hall
13 Leonard Avenue
Cambridge, MA 02138

Tu Wenming
13 Leoanrd Avenue
Cambridge, MA 02138

Sarah Fitzgerald
20 Street
Cambridge, MA 02138

Mary Louise Lord
23 Francis Avenue
Cambridge, MA 02138

Carl Krumpe, Jr.
18 Francis Avenue
Cambridge, MA 02138

Anne Kaplan
16 Francis Avenue
Cambridge, MA 02138

John Gorman
7 Francis Street
Cambridge, MA 02138

P.A. Graham
7 Francis Street
Cambridge, MA 02138

Hanna Holzman
7 Francis Street
Cambridge, MA 02138

Thomas Wolf
8 Francis Street
Cambridge, MA 02138

Patricia Sheppard
6 Francis Street
Cambridge, MA 02138

Mary Silveria
72 Kirkland Street
Cambridge, MA 02138

Arthur Powell
18 Scott Street
Cambridge, MA 02138

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Lester Davison
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Belinda Bacon
140 Pearl Street
Cambridge, MA 02139

A.R. Shain
5 Follen Street
Cambridge, MA 02138

Iten N. Fales
11 Hilliard Street
Cambridge, MA 02139

Judith Nathans
1134 Mass. Avenue
Cambridge, MA 02138

Susan Angier
65 Pleasant Street
Cambridge, MA 02139

Stephen Pool
12 Pleasant Street
Cambridge, MA 02139

Scott Van Deuren
87 River Street
Cambridge, MA 02139

Marlene Clauss
124 Chestnut Street
Cambridge, MA 02138

Constance Holden
16 Lowell Street
Cambridge, MA 02138

Linda Harris
29 Hilliard Street
Cambridge, MA 02139

Mary Shepard
30 Hawthorne Street
Cambridge, MA 02138

Anne Toop
694 Green Street
Cambridge, MA 02138

Priscilla McMillian
12 Hilliard Street
Cambridge, MA 02139

Carol Albright
52 Kirland Street
Cambridge, MA 02138

Lynn Fallo
87 River Street
Cambridge, MA 02139

Julie O'Neil
32 River Street
Cambridge, MA 02139

Anne Peramaki
87 River Street
Cambridge, MA 02139

Richard Pasternan
11 Fresh Pond Lane
Cambridge, MA 02138

Elizabeth Meyer & Mopsy K
115 Brattle Street
Cambridge, MA 02138

Samuel Berk
10 Channing Place
Cambridge, MA 02138

Gladys Gifford
15 Hilliard Street
Cambridge, MA 02139

Sarah Landis
9 Story Street
Cambridge, MA 02138

Martha Lawrence
17 Willard Street
Cambridge, MA 02138

Vici Casna
87 River Street #5
Cambridge, MA 02139

Angel Zarate
25 Faimont Avenue #1
Cambridge, MA 02139

Joshua Jacks
45 River Street
Cambridge, MA 02139

Chris Ewen
92 River Street #3
Cambridge, MA 02139

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260
FAX (617) 349-4307
tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

TO: **ALL INTERESTED PERSONS**

FROM: **D. MARGARET DRURY, CITY CLERK**

DATE: **MARCH 8, 1999**

RE: **ORDINANCE COMMITTEE MEETING**

****

Please be advised that Councillor Henrietta Davis, Chair of the Ordinance Committee, has scheduled two public hearings for Wednesday, March 24, 1999 in the Sullivan Chamber as follows:

5:00 P.M.	To consider a proposed amendment to the Municipal Code to ban the sale of laser pens to minors.
5:30 P.M.	To consider a petition to amend the Zoning Ordinance filed by Karen Falb, et al. to regulate through trucks in Cambridge.

Your kind attention in this matter will be greatly appreciated.

cc: Councillor Davis

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

TO: **THE HONORABLE, THE CITY COUNCIL**

FROM: **D. MARGARET DRURY, CITY CLERK**

DATE: **MARCH 8, 1999**

RE: **ORDINANCE COMMITTEE MEETING**

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cc: Councillor Davis

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

TO: **ROBERT W. HEALY, CITY MANAGER**

FROM: **D. MARGARET DRURY, CITY CLERK**

DATE: **MARCH 8, 1999**

RE: **ORDINANCE COMMITTEE MEETING**

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5:30 P.M.	To consider a petition to amend the Zoning Ordinance filed by Karen Falb, et al. to regulate through trucks in Cambridge.

You or your designee is requested to be present at this time.

cc: Councillor Davis

OFFICE OF THE CITY CLERK

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

TO: **RUSSELL HIGLEY, CITY SOLICITOR**

FROM: **D. MARGARET DRURY, CITY CLERK**

DATE: **MARCH 8, 1999**

RE: **ORDINANCE COMMITTEE MEETING**

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cc: Councillor Davis

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

TO: **BETH RUBENSTEIN, ACTING ASSISTANT CITY MANAGER COMMUNITY DEVELOPMENT**

FROM: **D. MARGARET DRURY, CITY CLERK**

DATE: **MARCH 8, 1999**

RE: **ORDINANCE COMMITTEE MEETING**

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Please be advised that Councillor Henrietta Davis, Chair of the Ordinance Committee, has scheduled two public hearings for Wednesday, March 24, 1999 in the Sullivan Chamber as follows:

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Your kind attention in this matter will be greatly appreciated.

cc: Councillor Davis

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

TO: **WATERTOWN PLANNING BOARD**

FROM: **D. MARGARET DRURY, CITY CLERK**

DATE: **MARCH 8, 1999**

RE: **ORDINANCE COMMITTEE MEETING**

****

Please be advised that Councillor Henrietta Davis, Chair of the Ordinance Committee, has scheduled two public hearings for Wednesday, March 24, 1999 in the Sullivan Chamber as follows:

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5:30 P.M.	To consider a petition to amend the Zoning Ordinance filed by Karen Falb, et al. to regulate through trucks in Cambridge.

Your kind attention in this matter will be greatly appreciated.

cc: Councillor Davis

C. C. 106

Public Notice
Relative to Zoning

City of Cambridge

Massachusetts

Office of the City Clerk

Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on **Wednesday, March 24, 1999 at 5:30 p.m.** in the **Sullivan Chamber, 795 Massachusetts Avenue, 2nd floor**, Cambridge, Massachusetts, on a petition to amend Article 6.00 of the Zoning Ordinance of the City of Cambridge as follows:

1. Amend the heading of this article to read as follows:

"Off Street Parking and Loading Requirements and Nighttime Curfew on Large Commercial Through Trucks."

2. Amend the first sentence of Section 6.11 to read as follows

It is the intent of this Article 6.000 to reduce traffic congestion, noises, vibrations, fumes and safety hazards caused by large commercial trucks, thereby promoting the safety, health and welfare of the public, by establishing requirements for off street parking and loading and restrictions on the use of City streets during the night-time by large commercial trucks with points of origin and destinations outside the City of Cambridge in order to implement the purposes of The Zoning Act, Section 2A of Chapter 808, and Article 1.000, Section 1.30 of the Cambridge Zoning Ordinance, including:

- to lessen congestion in the streets
- to conserve health
- to conserve the value of land and buildings
- to prevent pollution of the environment
- to protect residential neighborhoods from incompatible activities, and
- to preserve and increase the amenities of the City."

3. Add a new Section 6.96 as follows:

6.96. Night-time Curfew on use of City Streets by Through Trucks. All trucks 2.5 tons or more in gross weight traveling through Cambridge from origins and to destinations outside the City are prohibited from using any City streets from the hours of 11:00 p.m. to 7:00 a.m. This curfew shall not apply to trucks with points of origin or delivery in the City of Cambridge. Nothing herein shall affect in any way restrictions on trucks currently in effect."

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor Henrietta Davis, Chair

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

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FAX (617) 349-4307
tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

TO: **ZONING/BUILDING INSPECTOR**
INSPECTIONAL SERVICE DEPARTMENT

FROM: **D. MARGARET DRURY, CITY CLERK**

DATE: **MARCH 8, 1999**

RE: **ORDINANCE COMMITTEE MEETING**

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Your kind attention in this matter will be greatly appreciated.

cc: Councillor Davis

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

TO: **SOMERVILLE PLANNING BOARD**

FROM: **D. MARGARET DRURY, CITY CLERK**

DATE: **MARCH 8, 1999**

RE: **ORDINANCE COMMITTEE MEETING**

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cc: Councillor Davis

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

TO: **DEPARTMENT OF COMMUNITY AFFAIRS**

FROM: **D. MARGARET DRURY, CITY CLERK**

DATE: **MARCH 8, 1999**

RE: **ORDINANCE COMMITTEE MEETING**

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cc: Councillor Davis

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

TO: **LES BARBER**
COMMUNITY DEVELOPMENT DEPARTMENT

FROM: **D. MARGARET DRURY, CITY CLERK**

DATE: **MARCH 8, 1999**

RE: **ORDINANCE COMMITTEE MEETING**

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cc: Councillor Davis

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

TO: **BOSTON REDEVELOPMENT AUTHORITY**

FROM: **D. MARGARET DRURY, CITY CLERK**

DATE: **MARCH 8, 1999**

RE: **ORDINANCE COMMITTEE MEETING**

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cc: Councillor Davis

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

TO: **ARLINGTON PLANNING BOARD**

FROM: **D. MARGARET DRURY, CITY CLERK**

DATE: **MARCH 8, 1999**

RE: **ORDINANCE COMMITTEE MEETING**

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cc: Councillor Davis

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

TO: **METROPOLITAN AREA PLANNING COUNCIL**

FROM: **D. MARGARET DRURY, CITY CLERK**

DATE: **MARCH 8, 1999**

RE: **ORDINANCE COMMITTEE MEETING**

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Your kind attention in this matter will be greatly appreciated.

cc: Councillor Davis

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

TO: **BELMONT PLANNING BOARD**

FROM: **D. MARGARET DRURY, CITY CLERK**

DATE: **MARCH 8, 1999**

RE: **ORDINANCE COMMITTEE MEETING**

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cc: Councillor Davis

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

TO: **ROBERT R. BERSANI, MANAGING DIRECTOR INSPECTIONAL SERVICES DEPARTMENT**

FROM: **D. MARGARET DRURY, CITY CLERK**

DATE: **MARCH 8, 1999**

RE: **ORDINANCE COMMITTEE MEETING**

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D. MARGARET DRURY
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DONNA P. LOPEZ
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TO: **ALL INTERESTED PERSONS**

FROM: **D. MARGARET DRURY, CITY CLERK**

DATE: **MARCH 8, 1999**

RE: **ORDINANCE COMMITTEE MEETING**

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Your kind attention in this matter will be greatly appreciated.

cc: Councillor Davis

Attachments to Truck Zoning

A Petition
B Letter from Karen Falb
C. Letter from Somerville
D Letter from Rivas Poor

22.

CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139
TEL. 349-4300
FAX. 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

February 8, 1999

To The Honorable, The City Council:

Please find attached for your consideration a response to Council Order No. 26, dated February 1, 1999, which requested a draft ordinance banning the sale of laser pens to minors in the City of Cambridge.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
Attachment

Consent Agenda #22

Relative to a response to Council Order No. 26, dated 2/1/99, which requested a draft ordinance banning the sale of laser pens to minors in the City.

In City Council February 8, 1999

Referred to Ordinance Committee

In amendment to an ordinance entitled the "Cambridge Municipal Code."

AN ORDINANCE REGARDING THE SALE, POSSESSION AND USE OF LASER POINTERS

Be it ordained by the City Council of Cambridge, in accordance with the provisions of Massachusetts General Laws, Chapter 43B, Section 13, and any other applicable law as follows:

WHEREAS, laser pointers are being used by individuals especially minors in such a manner as to harass, annoy and potentially cause bodily harm to those receiving contact with the laser beam; and

WHEREAS, laser beam pointers are capable of causing temporary flash blindness, headaches and afterimages from contact with the eye.

NOW, THEREFORE, BE IT ORDAINED that the City of Cambridge recognizes the inherent risk of injury of laser pointers when used inappropriately and establishes this regulation to protect the health and safety of its citizens.

Section 1. Definitions:

For purposes of this Ordinance, the following definitions shall apply:

(A) "Laser pointer" means any devise that emits light amplified by the stimulated emission of radiation that is visible to the human eye.

(B) "Person" means any natural person, corporation, partnership, firm, organization or other legal entity.

(C) "Public space" means a place to which the public has a right to access, and includes, but is not limited to, any street, highway, parking lot, plaza, transportation facility, place of

amusement, park, or playground.

(D) "School premises" means the buildings, grounds, or facilities, or any portion thereof, owned, occupied, or under the custody or control of public or private institutions for the primary purpose of providing educational and recreational instruction to students.

Section 2: Sales to Minors Prohibited

It shall be unlawful for any person to give, sell or offer for sale or cause any person to give, sell or offer to sell a laser pointer to any individual eighteen years of age and younger.

Section 3: Sales Restricted

(a) No person shall sell or offer for sale laser pointers by means of a self service display unless such display is located within 10 feet of the checkout counter and in plain view of the cashier or person on duty and in charge of the establishment.

(b) No person shall display laser pointers in any manner or post a sign advertising the availability of laser pointers unless a notice has been posted to it indicating that the sale or giving of laser pointers to persons eighteen years of age or younger is a violation of this ordinance.

Section 4: Possession Restricted

(a) No person twenty years of age and younger shall possess a laser pointer on school premises; and

(b) No person eighteen years of age and younger shall possess a laser pointer while in a public space; provided, however, that nothing in this section shall preclude:

(1) the possession on school premises of a laser pointer by a person twenty years of age or younger for a valid instructional, school-related or employment purpose, where such laser pointer is used under the supervision of a school staff person, other authorized instructor, or parent; or

(2) the possession in a public space of a laser pointer by a person eighteen years of age and younger, during such person's hours of employment, for a valid employment purpose where such laser pointer is used under the supervision of the employer or its agent.

Section 5: Harassment by Laser Beams Prohibited

No person shall focus, point or shine a laser beam directly or indirectly on another person or moving vehicle in such a manner as is intended to harass or annoy said person or any person operating a moving vehicle.

Section 6: Penalty

Any person found to be in violation of this ordinance shall be fined $300.00 per offense. Enforcement of this ordinance shall be by non-criminal disposition as provided by in M.G.L. Chapter 40, Section 21D or by filing a criminal complaint at the appropriate venue.

Section 7: Effective Date

This ordinance shall take effect upon its passage

TRUCK ZONING 5:30

ORDINANCE COMMITTEE HEARING

SPEAKERS IN FAVOR OF PETITON

NAME	ADDRESS	
James R. Adams for Karen Falb	224 Brattle St. 245 Brattle St.	
William Fink	8 Avon Pl.	
Robert Smith	86 Buckingham	Cambridge Mea 02138
Forrest Selvig	244 Brattle	Cambridge 02138
VICI CASANA	87 RIVER ST. #5	CAMBRIDGE 02139
JOHN MOOT	44 COOLIDGE HILL RD	" 02138
Elie Yardin	143 Pleasant St CNI	Cambridge 02139
RIVA POOR	73 KIRKLAND 617-868-4447	CAMB 02138
Brian Pfeiffer	147 Brattle St.	Cambridge
Thelma Magarill	15 Kirkland	
Louise Chelan	5 Fire St.	Cambridge
Elizabeth Hodder	15 Fresh Pond Ave	Cambridge 02138
Joseph Westland	244 Brattle St	Cambridge 02138
Carolyn D. Wozniak	240 Brattle St.	Cambridge 02138

ORDINANCE COMMITTEE HEARING

SPEAKERS OPPOSED TO PETITION

Name	address
James Murphy	American Trucking Assn. 660 Roosevelt Ave. Pawtucket, RI 02860 401-727-8802 401-722-0109 Fax

ORDINANCE COMMITTEE HEARING

SPEAKERS IN FAVOR OF PETITON

NAME	ADDRESS
Tom BRACKEN	
Steve Horowitz	12 Florence Street
"AL BECKEN	73 KIRKLAND ST
Robert Travers	54 Fulkerson st

TRUCK ZONING

5:30

ORDINANCE COMMITTEE HEARING

SPEAKERS OPPOSED TO PETITION

Name	address
Todd M. Fontanella ~~DAVID DELANGER~~ →	City of Somerville 93 Highland Ave Somerville, MA 02143

Wgtn

N.L.C.
Explosion
Experiment

C. C. 106

City of Cambridge

HEARING SCHEDULE
CITY COUNCIL MEETING OF MARCH 22, 1999

Monday, March 22, 1999	5:30 P.M.	Regular City Council Meeting **(Sullivan Chamber)**
Tuesday, March 23, 1999	3:00 P.M.	Task Force on deliberation and policy making. **(Ackermann Room)**
Wednesday, March 24, 1999	12:00 noon	The Government Operations Committee will conduct a public meeting to discuss technological/audio visual improvements to the Sullivan Chamber, the final revision of the Council priorities, a process for considering the Manager's goals and any other business of the committee. **(Ackermann Room)**
	5:00 P.M.	The Ordinance Committee will conduct a public hearing to consider a proposed amendment to the Municipal Code to ban the sale of laser pens to minors. **(Sullivan Chamber)**
	5:30 P.M.	The Ordinance Committee will consider a petition to amend the Zoning Ordinance filed by Karen Falb, et al. to regulate through trucks in Cambridge. **(Sullivan Chamber)**

City of Cambridge does not discriminate on the basis of disability. The City Council will provide auxiliary aids and services, written materials in alternative formats, and reasonable modifications in policies and procedures to person with disabilities upon request. Contact the Office of the City Clerk 349-4260, tty/TDD 349-4242.

City of Cambridge

Thursday, March 25, 1999	5:30 P.M.	The Traffic and Transportation Committee will conduct a public meeting to receive an update on University Park. **(Sullivan Chamber)**
Monday, March 29, 1999	5:30 P.M.	Regular City Council Meeting **(Sullivan Chamber)**
Tuesday, March 30, 1999	5:00 P.M.	The Housing and Community Development Committee will conduct a public meeting to discuss MIT's housing impact report. **(Sullivan Chamber)**
Wednesday, March 31, 1999	12:00 Noon	The Traffic and Transportation Committee will conduct a public meeting to discuss options for shuttle buses in Cambridge. **(Ackermann Room)**
Tuesday, April 6, 1999	3:00 P.M.	Task Force on deliberation and policy making. **(Ackermann Room)**
Tuesday, April 27, 1999	3:00 P.M.	Task Force on deliberation and policy making. **(Ackermann Room)**
	5:30 P.M.	The Ordinance Committee will conduct a public hearing to consider proposed amendments to the Zoning Ordinance submitted by the Planning Board regarding yards and space. **(Sullivan Chamber)**

C. C. 106

City of Cambridge

HEARING SCHEDULE
CITY COUNCIL MEETING OF MARCH 15, 1999

Monday, March 15, 1999	5:30 P.M.	Regular City Council Meeting **(Sullivan Chamber)** **MEETING HELD**
Tuesday, March 16, 1999	5:30 P.M.	The Public Service Committee will hold a public meeting to receive a presentation from the Director of the Historical Commission regarding the architectural history of City Hall and the availability of grant funding for historic renovations. There will also be discussion of whether it is advisable to prepare a financial analysis and strategic plan for the City's office infrastructure. **(Sullivan Chamber)** **MEETING HELD**
Thursday, March 18, 1999	5:30 P.M.	The Traffic and Transportation Committee will conduct a public meeting to discuss traffic calming and the night-time truck ban. **(Sullivan Chamber)**
Monday, March 22, 1999	5:30 P.M.	Regular City Council Meeting **(Sullivan Chamber)**
Tuesday, March 23, 1999	3:00 P.M.	Task Force on deliberation and policy making. **(Ackermann Room)**

City of Cambridge does not discriminate on the basis of disability. The City Council will provide auxiliary aids and services, written materials in alternative formats, and reasonable modifications in policies and procedures to person with disabilities upon request. Contact the Office of the City Clerk 349-4260, tty/TDD 349-4242.

City of Cambridge

Wednesday, March 24, 1999	12:00 noon	The Government Operations Committee will conduct a public meeting to discuss technological/audio visual improvements to the Sullivan Chamber, the final revision of the Council priorities, a process for considering the Manager's goals and any other business of the committee. **(Ackermann Room)**
	5:00 P.M.	The Ordinance Committee will conduct a public hearing to consider a proposed amendment to the Municipal Code to ban the sale of laser pens to minors. **(Sullivan Chamber)**
	5:30 P.M.	The Ordinance Committee will consider a petition to amend the Zoning Ordinance filed by Karen Falb, et al. to regulate through trucks in Cambridge. **(Sullivan Chamber)**
Thursday, March 25, 1999	5:30 P.M.	The Traffic and Transportation Committee will conduct a public meeting to receive an update on University Park. **(Sullivan Chamber)**
Monday, March 29, 1999	5:30 P.M.	Regular City Council Meeting **(Sullivan Chamber)**
Tuesday, March 30, 1999	5:00 P.M.	The Housing and Community Development Committee will conduct a public meeting to discuss MIT's housing impact report. **(Sullivan Chamber)**

City of Cambridge

Wednesday, March 31, 1999	12:00 Noon	The Traffic and Transportation Committee will conduct a public meeting to discuss options for shuttle buses in Cambridge. **(Ackermann Room)**
Tuesday, April 6, 1999	3:00 P.M.	Task Force on deliberation and policy making. **(Ackermann Room)**
Wednesday, April 7, 1999	5:30 P.M.	The Ordinance Committee will conduct a public hearing to consider proposed amendments to the Zoning Ordinance submitted by the Planning Board regarding yards and space. **(Sullivan Chamber)**
Tuesday, April 27, 1999	3:00 P.M.	Task Force on deliberation and policy making. **(Ackermann Room)**

CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139
TEL. 349-4300
FAX. 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

CONSENT AGENDA

MARCH 15, 1999

DATA	NOTES
1. Transmitting communication from Robert W. Healy, City Manager, relative to the appointment of the following Public Works Department employees as Constables for a term of three years, effective the first day of January, 1999: Ralph E. Dunphy, 434 Huron Avenue, Cambridge Steven L. White, 129 Franklin Street, Apt. 402, Cambridge Gerald R. Boyle, 7 Spring Hill Terrace, Somerville William A. Medeiros, 47 Edgewater Avenue, Shrewsbury Michael J. Stone, 12 Michael Way, Cambridge William H. Frazier, 18 Fainwood Circle, Cambridge William Dwyer, 32 Mansfield Drive, Wakefield Larry Acosta, 118 Elm Street, Cambridge Scott M. Kiah, 81 Adamson Street, Allston Vincent M. Falcone, 1027 Main Street, Reading Robert K. Patterson, Sr., 634 Huron Avenue, Cambridge Robert P. Angelo, 54 Paine Road, Cumberland, RI David B. O'Connor, 2 Longfellow Road, Cambridge Gregory J. Garber, 12 Prince Avenue, Winchester Sydney James Cox, 76 Temple Drive, Methun	1. **PLACED ON FILE.**
2. Transmitting communication from Robert W. Healy, City Manager, relative to an order requesting the transfer of $1,000 from the General Fund Reserve Other Ordinary Maintenance Account to the Peace Commission Other Ordinary Maintenance Account to fund a Holocaust poster.	2. ORDER ADOPTED. 9-0-0.
3. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item No. 99-36**, regarding a report on heat and other conditions at 18 Ware Street.	3. **PLACED ON FILE.**
4. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item No. 99-39**, regarding a report on the progress to place community bulletin boards in neighborhood parks.	4. **PLACED ON FILE.**

Kirkland-Washington Corridor Committee

73 Kirkland St., Cambridge, MA 02138
617-868-4449

To The Cambridge City Council

3/24/99

A Professionally Prepared Noise Study

Enclosed is a professionally prepared noise study, which the Kirkland-Washington Corridor Committee forwarded to Ms. Pat Johnson and to Ms. Sue Clippinger of the Somerville and Cambridge Traffic Departments, respectively, circa 9/5/97.

This study was prepared by Cavanaugh Tocci Associates, Inc. It was commissioned by Profs. Solon and Margery Beinfeld of 70-8 Kirkland St., Cambridge, at a cost to them of over $800.00.

The following comments are meant to clarify some technical aspects of this report.

Two Figures in the Cavanaugh Tocci report (Figures 1 and 2) give the noise measurements that this firm took both indoors and outdoors, respectively, in March, 1996. (The outdoor measurements were taken ouitdoors 50 feet from the center of Kirkland St. The indoor measurements were taken indoors with all windows closed.)

All sound measurements are in decibels. Decibels is a logarithmic language, which means that in reading these Figures, please note that an increase of, say, ten decibels is not a simple ten-integer increase; instead, it's a TENFOLD increase — or in percentage terms, a one thousand percent increase.

Thus, the reading of 100 decibels by heavy-weight vehicles compared to the 60 decibel daytime Cambridge noise ordinance limit is not a reading that's forty percent higher than this daytime limit; instead, it's ten thousand times higher — or in percentage terms, one million percent higher!

The Cavanaugh Tocci Figures 1 and 2 are most meaningful when we compare the noise measurements they show to the noise limitations provided by Cambridge City Noise Ordinance (Ordinance No. 8). Therefore, we superimposed on Figures 1 and 2 the Cambridge Noise Standards for residential neighborhoods, from Table 8.16.060E, thereby creating two additional Figures, labeled Figures 1-A and 2-A, respectively.

Figure 1-A shows noises as measured INDOORS created by the passage of light-weight and of heavy-weight vehicles. None of the noises made by light-weight vehicles exceeds either the daytime or the nighttime noise standards for residential neighborhoods per Cambridge Ordinance 8. (Nighttime standards are much lower or more stringent than daytime standards, approximately 1,000% lower for each type of noise.)

But some of the noises made by heavy-weight vehicles as measured INDOORS exceed the daytime standards, and most of them exceed the nighttime standards, as well This is why even with the more than ten thousand dollars that Profs. Beinfeld spent on special windows and house-wide air conditioning, they still have noise problems both day and night — indoors and with all their windows shut.

Now to outdoor noise levels. For some reason as yet unclear, Figure 2 shows only noise created by the passage of light-weight vehicles, omitting that of heavy-weight vehicles. Until we discover the reason for this omission, one of our members, Professional Safety Engineer Harold I. Becker, MIT, '56, extrapolated the levels of noise outdoors made by heavy-weight vehicles, based on the differentials provided by the measurements for light- and heavy-weight vehicles taken indoors. Figure 2-A contains this extrapolation.

Please notice in Figure. 2-A that

- Half of the noises made by light-weight vehicles as measured OUTDOORS exceed daytime noise standards while
- All the noises made by these light-weight vehicles exceed nighttime standards and
- ALL noises made by HEAVY-weight vehicles (as extrapolated) exceed both DAYtime and NIGHTtime standards.

These results explain why much of the time, the traffic flow prevents conversing in our yards, relaxing, or reading outdoors, and why opening our windows during warm weather causes great distress.

At night, the standards being 100% lower, that is, more stringent, all heavy-weight vehicular noises are that much more noxious, explaining why the passage of trucks and buses during sleeping hours makes sleep impossible for many residents.

Conclusion.

This professionally prepared study shows that truck traffic creates extreme noises both day and night. In particular, heavy-weight trucks make the most noxious noises both day and night, both indoors and out. Since almost all heavy truck traffic on Cambridge streets originates outside of Cambridge and also has its destination outside of Cambridge, this study places the blame for the excessive traffic noises that trouble us in Cambridge squarely on non-Cambridge, through-truck traffic using Cambridge streets as a short-cut.

Here follows the noise study itself.

CAVANAUGH
TOCCI
ASSOCIATES, INCORPORATED

327 F BOSTON POST ROAD, SUDBURY, MA 01776 TELEPHONE (508) 443-7871 FAX (508) 443-7873

SENIOR PRINCIPALS
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GREGORY C. TOCCI, *PE. FASA, PRESIDENT*

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TIMOTHY J. FOULKES
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M. DAVID EGAN, *PE, FASA, Hon. AIA*
DAVID H. KAYE, *FASA, FAES*

April 2, 1996

Mr. Solon Beinfeld
70-8 Kirkland Street
Cambridge, MA 02138

SUBJECT: Beinfeld Residence - Exterior Sound Isolation .

Dear Mr. Beinfeld,

The following letter presents our observations and sound measurements from our site visit of March 22, 1996. Based on a brief analysis of this information we have developed conceptual recommendations for reducing traffic noise inside the condominium. We would be glad to provide further detail, but this would require an additional fee.

General

The reported problem in the residence is an excess level of noise caused by vehicular street traffic, especially larger vehicles, on Kirkland Street, which is approximately 40 feet from the exterior wall of the condominium.

The exterior wall of the condominium is comprised of a wood exterior, with a layer of plywood, a stud frame, and a gypsum board interior layer. Based on the construction date, we are assuming that the wall cavity is insulated with glass fiber. The exterior wall of the condominium contains a large amount of window area, including a sliding glass door with sliding glass window above, facing west, and a combination of translucent plastic, fixed glass, and operable double-hung windows facing north.

The construction of the double hung windows, sliding glass door, and sliding window appears to be two layers of 1/8 inch glass with a small air space between the panes. It appears that the fixed window and the translucent plastic are both single layers of material. You mentioned that the windows were drafty, and this indicates that either the connection of the window frame to the rough opening is compromised, or that the window seals themselves are not providing a proper seal.

Measurements

While on site we measured sound levels inside and outside the unit. Figure 1 shows the range of measured sound levels outside the unit. When no vehicles are nearby the continuous ambient sound level is 50 dBA. The upper curve corresponds to 62 dBA, and this was measured with several cars passing by. When heavy trucks and busses pass by, the sound levels briefly reach 10 to 20 dB higher.

Figure 2 shows the measured interior sound levels. These are plotted on the Noise Criterion (NC) curves, a system for evaluating sound quality in buildings. The lowest sound levels (no traffic) correspond to NC 15, which is very quiet. With light vehicular traffic the sound level is NC 30-35, which is in the acceptable range for a private residence. With heavy trucks or buses, the sound level exceeds the NC 45 curve.

It was immediately apparent that there was an excessive amount of noise from heavy street traffic in the interior of the space. Figure 1 shows the background sound level measured in the interior, and also shows the sound level resulting from light street traffic (automobiles) and heavy traffic (trucks.) Figure 2 shows the measured exterior background sound levels along with the sound level produced by light vehicular street traffic.

By comparing the exterior vs. interior sound levels, we estimate that the noise isolation presented by the existing exterior construction, including the solid wall and window areas, corresponds to an STC rating of 23. This rating confirms our expectations of sound isolation of the composite wall structure, considering the amount of area occupied by windows, which have STC ratings in this range. The rating of STC 23 was confirmed by indoor vs. outdoor measurements using both background noise level and light traffic noise level.

Recommendations

The adjacency of the condominium to Kirkland Street presents a difficult acoustical problem. It must be understood that the recommendations contained in this letter will reduce the interior level of sound resulting from street traffic, but the level of sound and vibration produced by the larger vehicular traffic will not be totally eliminated in the condominium. We do feel, however, that the noise produced by the larger vehicles (trucks) can be lessened to a degree that it will be similar in level to the existing sound level of light vehicular traffic noise in the interior of the condominium. This level of noise reduction will require an increase in the existing structure's STC rating to at least STC 34. This will require upgrading all of the windows, skylights and sliding glass doors.

The existing window construction does not provide adequate sound attenuation. Any detection of air drafts through a window indicates that there is also sound leakage, or flanking present. We recommend that all the existing windows be replaced with a construction that includes 1/4 inch laminated exterior glass, a 1/2 inch air space, and a 1/4 inch layer of solid glass. The STC rating of this assembly is STC 39, and we can expect that, with adequate installation procedures, that the installed window STC rating will exceed the target of STC 34. As all of the windows (except one) are operable, you will want to determine whether some can be non-operable, as fixed windows provide a more economical and simpler construction for sound isolation.

You mentioned that you will be installing a central air conditioning system. This will be necessary as any opening of windows to the exterior will negate the improvements made from increasing the STC ratings of the windows themselves.

In order for the new window construction to be effective, we are assuming the construction of the existing exterior wall is as mentioned above, and that the wall has been properly constructed to provide an STC level in the range of STC 40. You had also mentioned that the existing exterior deck may be totally enclosed. This modification would greatly help sound isolation, by creating a buffer space between the noise source and the interior. If you do enclose the deck area, we recommend a study of the new structure's ability to control sound transmission. If the new structure is properly designed, you should be able to keep the existing sliding door as is, although we recommend replacement of the sliding glass window above the door with a non-operable window.

For an additional fee, we will be glad to provide recommendations on specific windows and manufacturers, if necessary.

Thank you, and please contact us if we can provide further assistance.

Sincerely,

CAVANAUGH TOCCI ASSOCIATES, INC.

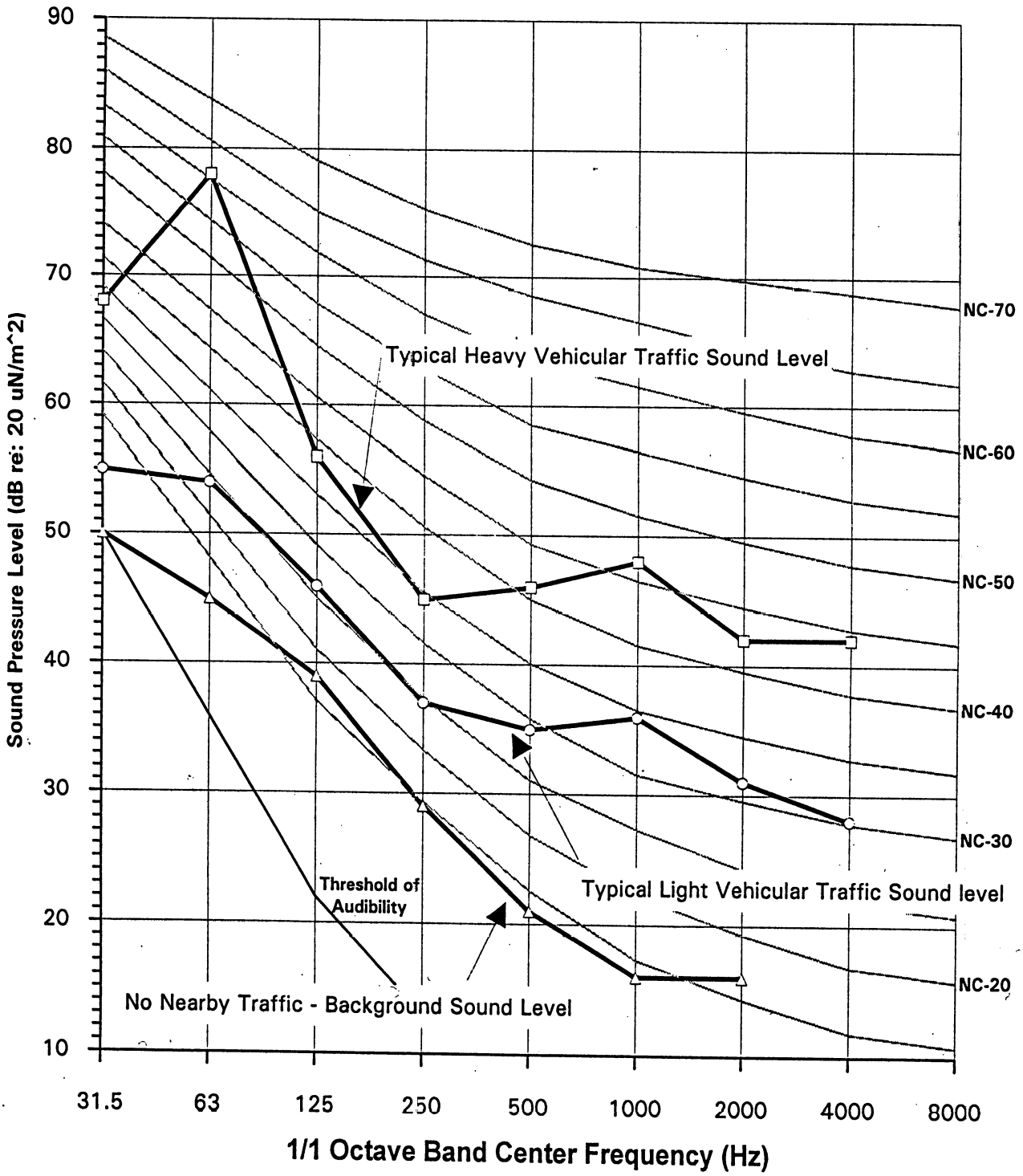
Lincoln B. Berry

encl:

TJF/LBB/alg/96085

Beinfeld Residence, 70-8 Kirkland Street, Cambridge

Measured Interior Sound Levels

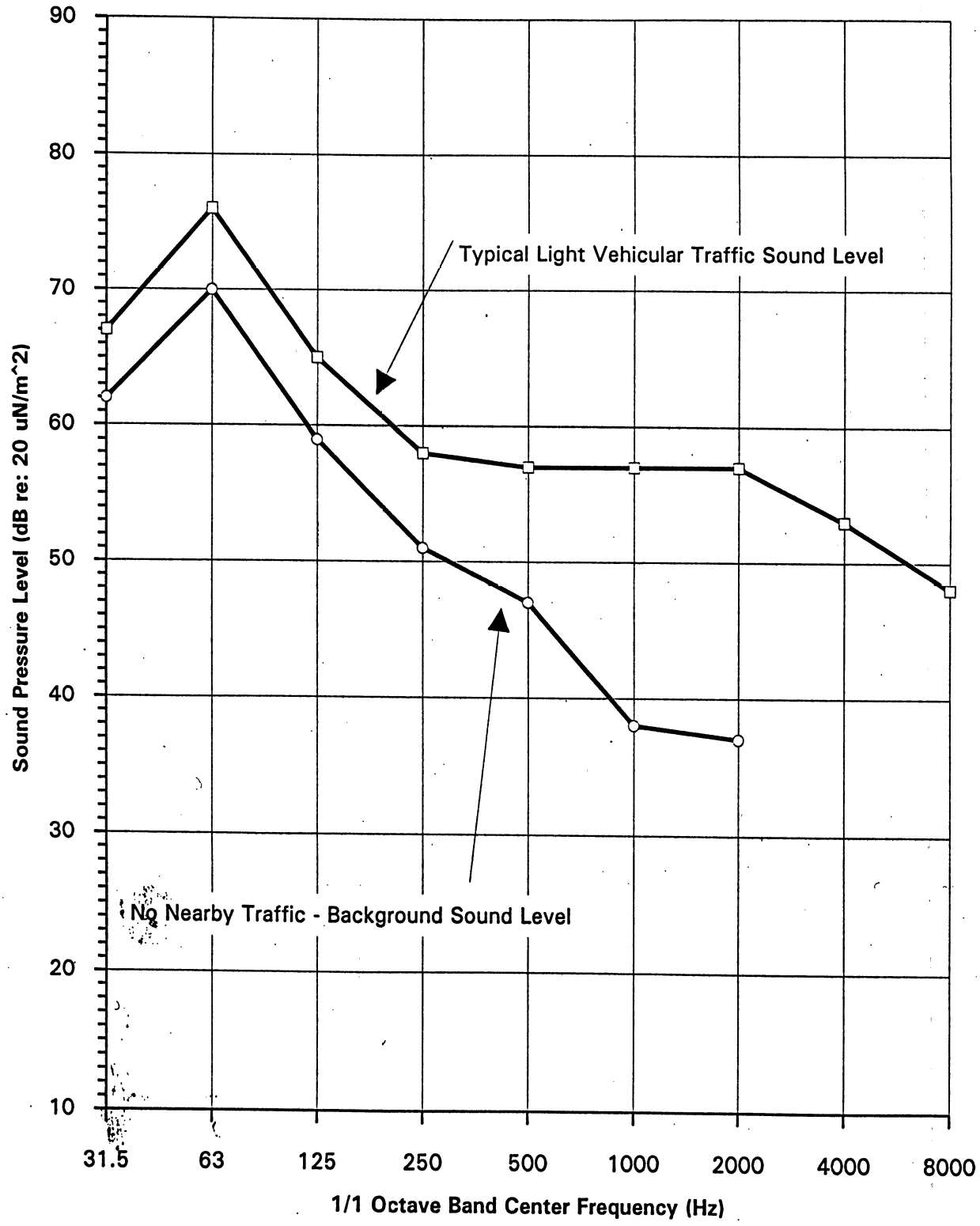


Measured 3/22/96

Fig. 1

Beinfeld Residence, 70-8 Kirkland Street, Cambridge

Measured Exterior Sound Levels



Measured 3/22/96

Fig. 2

TABLE 8.16.060E
TABLE OF ZONING DISTRICT NOISE STANDARDS

Maximum Allowable Octave Band Sound Pressure Levels

Octave Band Center Frequency Measurement (Hz)	Residential Area		Residential in Industrial		Commercial Area	Industry Area
	Daytime	Other Times	Daytime	Other Times	Anytime	Anytime
31.5	76	68	79	72	79	83
63	75	67	78	71	78	82
125	69	61	73	65	73	77
250	62	52	68	57	68	73
500	56	46	62	51	62	67
1,000	50	40	56	45	56	61
2,000	45	33	51	39	51	57
4,000	40	28	47	34	47	53
8,000	38	26	44	32	44	50
Single Number Equivalent (dB(A))	60	50	65	55	65	70

2. The same level shall apply to a public way as applies to an industrial use. Measurements should not be taken closer than fifty feet or approximately fifteen meters from the nearest active construction device on the construction site. The maximum noise level shall be measured on the sound level meter at slow response.

B. The L_{10} level shall be determined in the following manner:

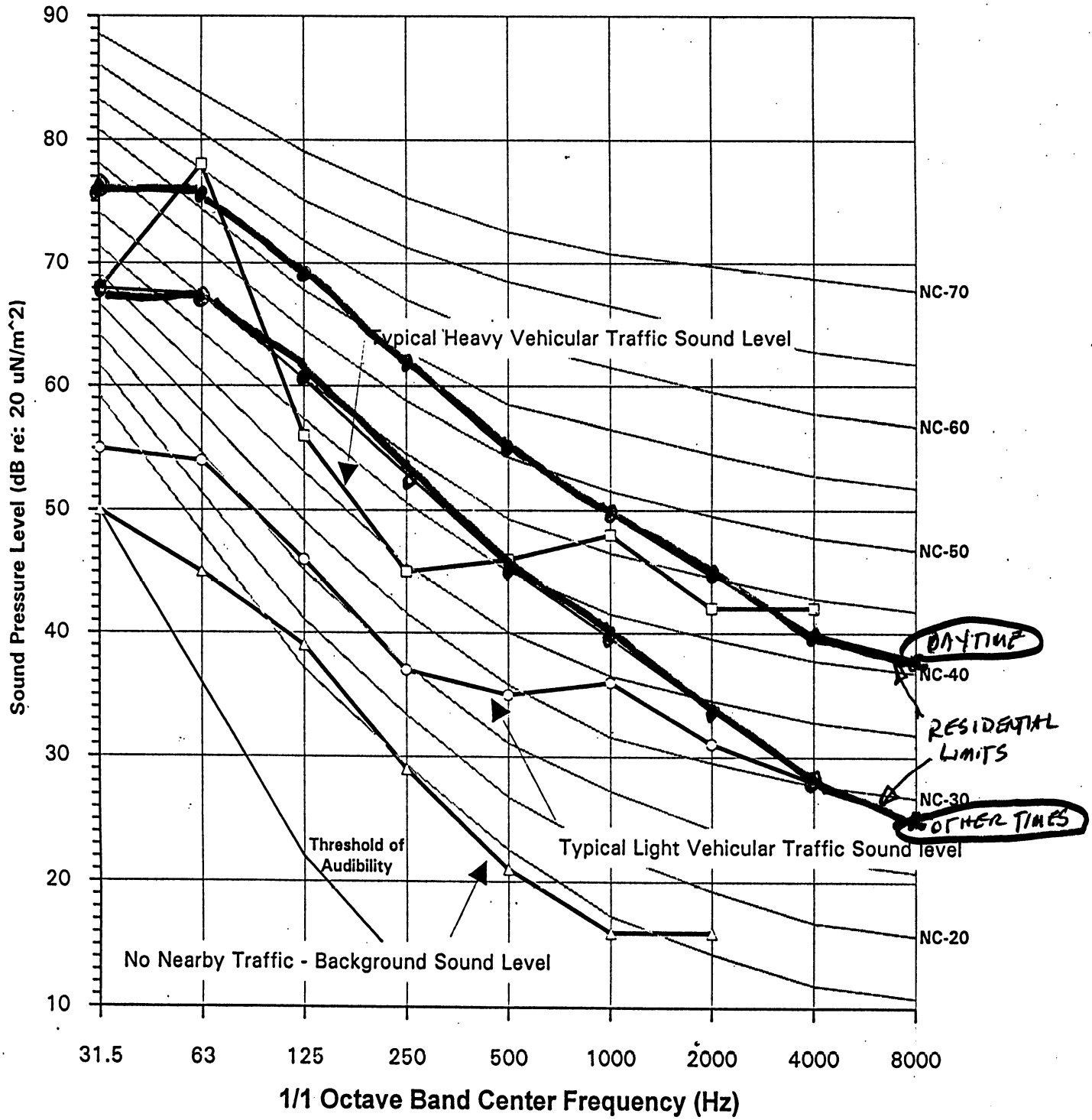
1. Every ten seconds, on the mark, the A-weighted noise level on the sound level meter with slow response is recorded until one hundred observations have been made. If, during any of these observations, a measurement is substantially affected by any source outside the construction site (such as aircraft overflight), measurements made during these periods will not be considered. However, the observation period shall be extended until one hundred valid measurements are obtained. The L_{10} level will be that level that is equal to the tenth highest level recorded.

2. If, in the estimation of the person taking the measurements, outside noise sources contribute significantly to the noise level, the above procedure shall be repeated (with the same outside noise source contributions) when construction is inactive, in order to determine the existing background L_{10} level. The L_{10} level during construction must exceed the background L_{10} level by 5 dB(A) to be considered a violation of subsection A of this section.

C. 1. Except as provided for in subsection D of this section, it shall be unlawful to operate a construction device at any street excavation, grading or repair, utility street work installation or repair,

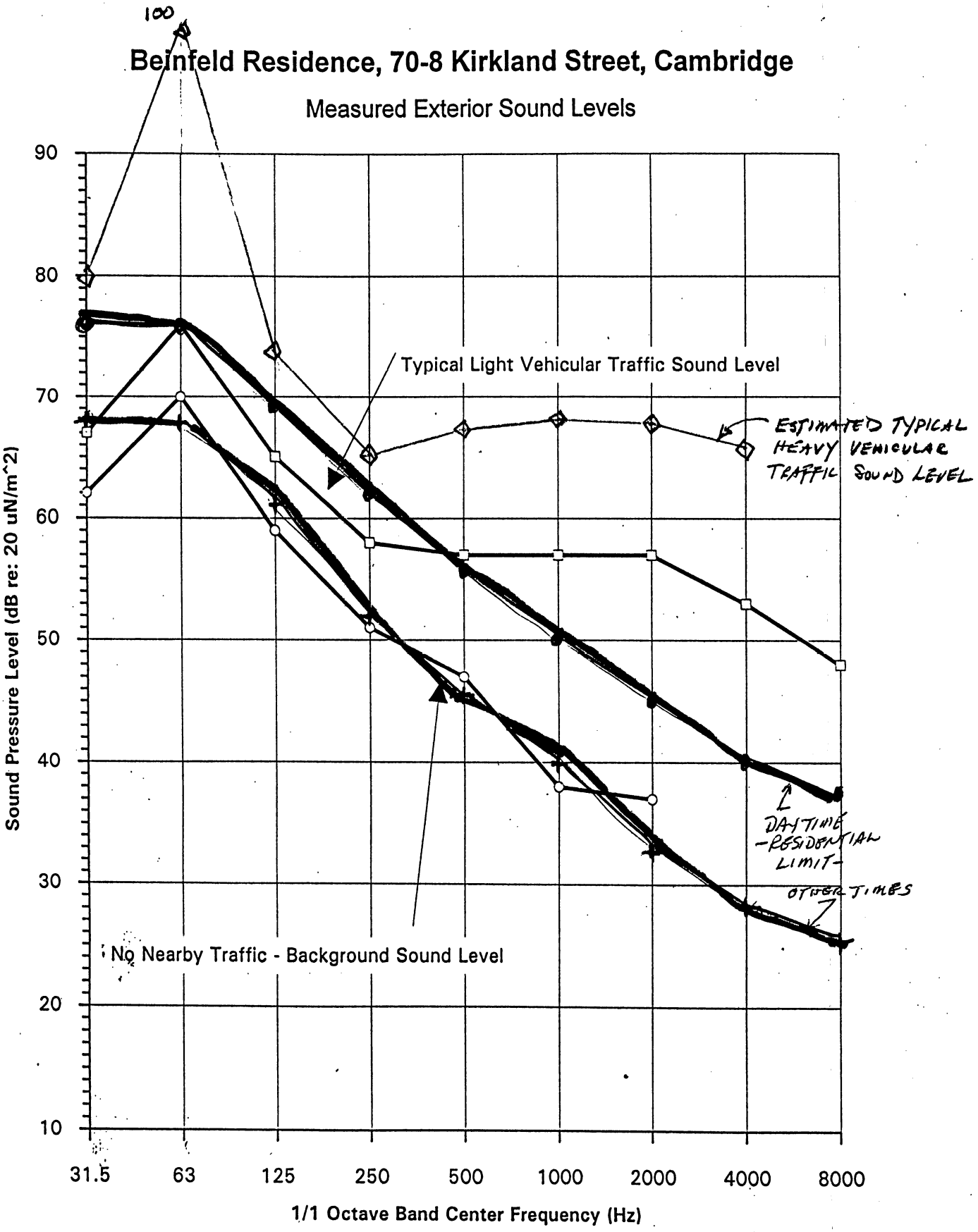
Beinfeld Residence, 70-8 Kirkland Street, Cambridge

Measured Interior Sound Levels



Measured 3/22/96

Fig. 1 - A



Measured 3/22/96

Fig. 2 -A

T O W N O F W A T E R T O W N

Office of the Town Manager
Michael J. Driscoll

March 16, 1999

Councilor Henrietta Davis, Chair
Committee on Ordinances
Cambridge City Council
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

RE: Truck Curfew Proposal

Dear Councilor Davis,

I am writing to express the Town of Watertown's strong concern regarding the proposed Truck Curfew ordinance.

As an abutting community, Watertown could be negatively impacted by the ordinance. If adopted, the curfew could relocate late evening and early morning truck traffic onto Watertown roadways, particularly Mt. Auburn and Belmont Streets. This would be an unfair and irresponsible move. As urban and metropolitan communities, we all must accept our share of the commerce and transportation burdens associated with the region and its encomony.

Although the proposed truck curfew ordinance was apparently submitted as an amendment to the Cambridge Zoning Ordinance, and the Cambridge Planning Board and City Council appear to be proceeding with the usual process for the adoption of such the amendment under the Zoning Act, G.L.c. 40A, it is our belief that any ordinance which affects traffic in the manner proposed is also subject to the procedures set out in G.L. c. 85, section 2. This provision of the General Laws authorizes the Massachusetts Department of Highways to regulate traffic on "state highways and ways leading thereto and therefrom, and on all main highways between cities and Towns." However, it also provides as follows:

> Except as hereinafter provided, any rule, regulation, order, ordinance or by-law of a city or town hereafter made or promulgated relative to or in connection with the erection or maintenance of signs,. . .on any way within its control . . . shall not take effect until approved in writing by the department [Massachusetts Highway

Department], or be effective after such approval is revoked, if made or promulgated relative to or in connection with the following:
. . .(4) any sign excluding heavy commercial vehicles; . . . (7) any rule, regulation, order, ordinance or by-law of a city or town which when made or promulgated would exclude motor vehicle travel on any existing way which connects one city or town with another, unless such rule, regulation, order, ordinance, or by-law was promulgated in compliance with the following: (a) the rule-making body of the city or town initiating such rule, regulation, order, ordinance or by-law gives written notice of such action to the chief executive officer of the abutting city, town or county into which said way extends, and (b) a public hearing is held by the city, town or county initiating such alteration, relocation or discontinuance, public notice of which must be published for each of the two weeks preceding such hearing in a newspaper of general circulation in the abutting city, town or county into which the said way extends, and (c) after concurrence in writing by the chief executive officer of the abutting city or town into which the said way extends or his designee. (Emphasis added.)

Under basic concepts of due process, the administration and enforcement of the proposed curfew will require the posting of signs indicating the conditions of the curfew in order to provide the traveling public with notice of the ordinance. It is, therefore, our belief that the City's consideration and action on this ordinance is also subject to the procedures, and approvals cited above.

The proposed ordinance is illogical and too drastic a measure for the purported problem. I hope and assume that your Honorable Committee will have the proposed ordinance studied for its potential impacts prior to adoption.

Thank you and please do not hesitate to contact me if you have any questions regarding this matter.

Sincerely,

Michael J. Driscoll
Town Manager

cc: Watertown Planning Board

Richard H. Fallon, Jr.
Harvard Law School
Cambridge, Massachusetts 02138

TO: Donald A. Drisdell, Deputy Solicitor

FROM: Richard Fallon

DATE: April 13, 1998

Re: Restrictions on Nighttime Truck Traffic

You asked me to provide a legal opinion "based on an analysis of the *Plaistow* case outlining the ability of the City to restrict trucks within the City" and, in particular, to address "the extent to which the *Plaistow* decision would support a citywide nighttime ... ban on trucks" as outlined in a Truck Traffic Advisory Committee Report and referred to as "the Report B Proposal."[1] You also asked me to consider the extent to which the City's authority to restrict truck traffic might be limited by a provision of Massachusetts law, G.L. ch. 85, § 2, which provides that "any sign excluding heavy commercial vehicles"

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[1] The relevant language of this Report of December 12, 1997, only pages 11 and 12 of which were furnished to me, is as follows:

> [T]his report recommends that the City Council impose a curfew on all through trucks over 2.5 tons to prohibit their using City streets from 10:00 PM to 7:00 AM. The curfew will not apply to trucks with points of origin or delivery in the City. The Committee understands that the implementation of a nighttime truck ban will require further legal analysis.

requires prior written approval by the Massachusetts Highway Department.

In this memorandum, I begin by describing the *Plaistow* decision, *New Hampshire Motor Transport Association v. Town of Plaistow*, 67 F.3d 326, rehearing denied, 67 F.3d 333 (1st Cir. 1995), cert. denied, 116 S.Ct. 1352 (1996). *Plaistow* is of central relevance as the leading case dealing with issues of *federal* law that might be raised by a Cambridge zoning ordinance restricting truck traffic. After summarizing the court's holding, I attempt to distill the implications of *Plaistow* and other federal authorities for challenges to a truck regulation that might be brought under federal statutes and the federal Constitution. I then address state law issues that might arise under G.L. ch. 85, § 2 and other, potentially relevant statutes.

My general conclusion can be stated succinctly. Notwithstanding the *Plaistow* decision, a ban on nighttime truck traffic throughout the entire City of Cambridge, as contemplated by the Report B Proposal, would be subject to serious challenges under both federal and state law. The City's chances of prevailing in litigation would be uncertain at best. Although the state of the law makes prediction hazardous, City regulations that restrict nighttime truck traffic only on exclusively

residential streets would at least have better prospects of surviving legal challenge.

I. The *Plaistow* Decision

In *New Hampshire Motor Transport Association v. Town of Plaistow*, *supra*, the United States Court of Appeals for the First Circuit upheld a state court injunction, granted pursuant to a town zoning ordinance, that limited nighttime truck access to and from a New Hampshire trucking terminal. The terminal involved in the *Plaistow* case, located on a site partly in Plaistow and partly in Newton, New Hampshire, serves as a hub for trucking companies in the New England region. "Line haulers from around the country drop off freight to be delivered in New England and pick up freight whose destination lies outside New England" at the Plaistow/Newton facility. 67 F.3d at 327. Most trucks reach the terminal, which is located between five and six miles from Interstate 495, by exiting the interstate highway, then traveling on two New Hampshire state highways, and finally driving along roughly 2000 feet of private way. The first portion of the private drive lies in a Plaistow residential zone.

After receiving complaints about noise from nighttime truck traffic at the terminal, Plaistow officials sued the terminal's owner in state court. The suit alleged that the terminal's

operations violated a town zoning ordinance prohibiting land uses that "may be obnoxious or injurious by reason of the production or emission of odors, dust, smoke, refuse matter, fumes, noise, vibration, or other similar conditions, or that are dangerous to the comfort, peace, enjoyment, health, or safety of the community." 67 F.3d at 328. Based on the zoning ordinance, the town ultimately obtained a state court injunction under which no trucks may arrive at or depart from the terminal between 11:00 p.m. and 5:00 a.m. *Id.*[2]

Following entry of the injunction by the New Hampshire Superior Court, the New Hampshire Motor Transportation Association brought a separate suit against the town in federal court. The federal complaint alleged that various provisions of federal law, which take precedence over state and local law under the Supremacy Clause of the federal Constitution, forbade enforcement of the Plaistow zoning ordinance to restrict access to the Plaistow/Newton truck terminal.

The district court ruled against the challengers on all counts, and the court of appeals affirmed. In a careful opinion,

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[2] Two trucks may arrive or depart between 9:00 and 11:00 p.m, and three trucks may arrive or depart between 5:00 a.m. and 6:00 a.m. There are no restrictions on access or egress from 6:00 a.m. until 9:00 p.m.

the court of appeals dealt separately with challenges under three federal statutes and under the Commerce Clause of the United States Constitution.

The Surface Transportation Assistance Act. The Surface Transportation Assistance Act ("STAA"), 49 U.S.C. § 31101 *et seq.*, forbids states and municipalities from enforcing rules that would bar trucks and trailers of federally approved length and weight from travelling on the "national network" of interstate highways and other federally funded highways designated by the Secretary of Transportation. The provision of the STAA directly involved in the Plaistow case, 49 U.S.C. § 31114, also prohibits states from denying approved trucks "reasonable access" between the national network and "terminals, facilities for food, fuel, repairs, and rest, and points of loading and unloading."[3]

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[3] Section 31114 reads in full:

> § 31114. Access to the Interstate System
> (a) Prohibition on denying access. A State may not enact or enforce a law denying to a commercial motor vehicle subject to this subchapter or subchapter I of this chapter reasonable access between--
>
> > (1) the Dwight D. Eisenhower System of Interstate and Defense Highways (except a segment exempted under section 31111(f) or 31113(e) of this title) and other qualifying Federal-aid Primary System Highways designated by the Secretary of

Advancing an argument that had been accepted by several federal district courts, the plaintiffs in the *Plaistow* case argued that states and municipalities could restrict access to "terminals ... and points of loading and unloading" only where restrictions were necessary to protect interests in safety. 67 F.3d at 329. Under this argument, a zoning ordinance aimed at promoting residential tranquility could not be enforced. But the First Circuit rejected this argument. Observing that "'[r]easonable' is a comprehensive term," the court found that "nothing in language or common-sense makes reasonableness turn

---

> Transportation; and
>
> (2) terminals, facilities for food, fuel, repairs, and rest, and points of loading and unloading for household good carriers, motor carriers of passengers, or any truck tractor-semitrailer combination in which the semitrailer has a length of not more than 28.5 feet and that generally operates as part of a vehicle combination described in section 31111(c) of this title.
>
> (b) Exception.--This section does not prevent a State or local government from imposing reasonable restrictions, based on safety considerations, on a truck tractor-semitrailer combination in which the semitrailer has a length of not more than 28.5 feet and generally operates as part of a vehicle combination described in section 31111(c) of this title.

solely on safety considerations." 67 F.3d at 329-30.[4] According to the court's reading of the STAA and its implementing regulations, states and municipalities may permissibly regulate access to the federal highway system to protect interests in residential peace and tranquility, as long as the regulations are "reasonable" in a more comprehensive sense.[5]

With the legal standard thus specified, the court of appeals found that it had "no occasion to review the [district] court's ... fact-specific decision that the Plaistow restrictions," which

---

[4] The court rejected an argument that § 31114(b), which begins by saying that "This section does not prevent ... reasonable restrictions, based on safety," implicitly precludes all restrictions that are not based on safety alone. According to the court, this language would permit, "but does not compel, a negative inference that the only restrictions allowed under the main provision are safety restrictions." 67 F.3d at 330. Given the ambiguity of § 31114(b), the court concluded that the statute as a whole was more sensibly read as allowing "reasonableness" to turn on considerations other than safety alone.

[5] The court reiterated this position in an order issued following a petition for rehearing. A Department of Transportation regulation dealing with the access-review processes to be applied by the states, 23 C.F.R. § 658.19(i)(2)(ii)(A), provides that states should authorize "denial of access to terminals ... only on the basis of safety." According to the challengers, this regulation represented a controlling agency interpretation of the "reasonable access" requirement, under which restrictions on access to terminals could be permitted only on grounds of safety. But the court rejected this argument, noting that a "restriction" on times of access was not a "denial" of access. 67 F.3d at 333.

permitted unrestricted access to the truck terminal between the hours of 6 a.m. and 9 p.m., satisfied the "reasonableness" standard. *Id.* at 331. Implicitly rejecting the argument that states and municipalities must necessarily allow access to truck terminals during all 24 hours of the day, the court ruled that the challengers had "waive[d] the factual issue" about whether the application of the Plaistow ordinance was reasonable under the circumstances. *Id.*

The Hazardous Materials Act. The challengers also contended that application of the Plaistow ordinance was barred by the Hazardous Materials Transportation Uniform Safety Act of 1990 ("Hazardous Materials Act"), 49 U.S.C. § 5101 *et seq.*, which "establishes uniform, national rules for the transportation of hazardous materials." 67 F.3d at 331. The Hazardous Materials Act includes an express preemption clause, which displaces any state and local regulation that is "an obstacle to accomplishing and carrying out this chapter or a regulation prescribed under this chapter." 49 U.S.C. § 5125. Because the Plaistow ordinance could require delays in the movement of hazardous materials, the challengers maintained that it was incompatible with "'the federal speedy-transport mandate,' *N.H. Motor Transport Ass'n v. Flynn*, 751 F.2d 43, 51 (1st Cir. 1984)," which

was then codified at 49 C.F.R. § 177.853(a): "All shipments of hazardous materials must be transported without unnecessary delay."[6] The court of appeals disagreed. "By using the word 'unnecessary,'" the court concluded, "the regulations indicate that some delays are necessary and acceptable." 67 F.3d at 331.

Having established that not all delays prompted by state and local regulations are "unnecessary," the court of appeals found that "the burden is upon those who attack the restriction to show the impact." *Id.* at 332. On the facts, the court held, the challengers had made no adequate showing to invalidate the Plaistow ordinance's application. *See id.*

The Noise Control Act. The Noise Control Act of 1972, 42 U.S.C. § 4901 *et seq.*, regulates noise emissions by motor carriers in interstate commerce. According to the challengers, the Noise Control Act displaced all state and local regulations of interstate motor carriers that aimed to protect against harms caused by excessive noise. The court of appeals rejected this argument. According to the court, the Noise Control Act was not intended to preempt "a local curfew order based on a range of concerns" including but not limited to "decibel levels." 67 F.3d

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[6] Following a recodification, the relevant language now appears at 49 C.F.R. § 177.800(d).

at 332.

The Commerce Clause. The court of appeals also rejected an argument that the Plaistow ordinance and injunction violated the Commerce Clause of the federal Constitution by interfering impermissibly with the flow of interstate commerce. To resolve this challenge, the court employed a balancing test, first formulated by the Supreme Court in *Pike v. Bruce Church, Inc.*, 397 U.S. 137, 142 (1970), which applies to statutes that impose "incidental" burdens on the flow of interstate commerce but do not facially or intentionally discriminate against interstate commerce. Under the *Pike* test, courts ask "whether 'the burden [imposed on interstate commerce by the local restriction] is clearly excessive in relation to the putative local benefits.'" *Pike*, 397 U.S. at 142. "Starting with 'burden,'" the court of appeals emphasized that the Plaistow ordinance affected only a single terminal and that even that terminal could operate without limitation for 15 hours a day. *Plaistow*, 67 F.3d at 333. "On the other side of the scale," the court cited testimony by residents reflecting "the effect on their lives of unrestricted deliveries" and noted that the challenged curfew was "akin to zoning and traffic restrictions traditionally applied on a local level." *Id.* Under the circumstances, the court of appeals concluded,

"the burden of the curfew on interstate commerce [had] not been shown to be excessive in relation to the benefits." *Id.*

II. Relevance of the Plaistow Decision to Truck Regulations in Cambridge

At a general level, the *Plaistow* decision clearly establishes that federal law does not absolutely forbid the enforcement of municipal zoning regulations, such as those being considered by the City of Cambridge, that reasonably restrict truck traffic in order to protect interests in residential peace and tranquility. In areas where truck traffic severely, regularly, and demonstrably disrupts the tranquility of purely residential neighborhoods during nighttime hours, reasonable access limitations would not violate the Surface Transportation Assistance Act, the Hazardous Materials Act, the Noise Control Act, or the Commerce Clause. Indeed, in the wake of the *Plaistow* decision, it is hard to imagine a successful challenge under the Noise Control Act to any zoning regulation that merely restricts truck traffic during certain hours of the day.

Nonetheless, the *Plaistow* decision leaves many questions unanswered. Several of the unanswered questions are directly relevant to the so-called "Report B Proposal," which calls for the City of Cambridge to ban truck traffic between 10:00 p.m. and

7:00 a.m., with exceptions for trucks with points of origin or delivery in the City. In assessing the permissibility of this proposal, it is important to consider specific challenges that might be brought under the Surface Transportation Assistance Act, the Hazardous Materials Act, and the Commerce Clause. But two general points bear noting at the outset.

First, the *Plaistow* case involved the very narrowly targeted application of a city zoning ordinance to just a single (private) road in a single residential neighborhood, following a fact-specific showing of disruption of tranquility within that neighborhood. By comparison, the Report B Proposal would encompass the entire City of Cambridge. Similarly fact-specific showings that truck traffic disrupts residential tranquility on all streets throughout the City would likely be difficult if not impossible to make.

Second, the First Circuit decision in the *Plaistow* case laid down a number of important legal principles, under which the court ruled that the party challenging the Plaistow ordinance had not made the "fact-specific" showings that would be necessary for its challenge to prevail. *See, e.g.*, 67 F.3d at 332. With respect to the Surface Transportation Assistance Act, the court found that the "appellants' cursory argument" actually "waive[d]

the factual issue" on which a challenge to the Plaistow ordinance's application ultimately had to depend. *Id.* at 331. If the Report B Proposal were adopted, representatives of the trucking industry might well litigate with more industriousness and savvy than did the challengers in the *Plaistow* case.

A. Issues under the Surface Transportation Assistance Act

Section 31114 of the STAA requires the City of Cambridge to permit "reasonable access" between covered interstate (and other designated) highways and "terminals, facilities for food, fuel, repairs, and rest, and points of loading and unloading for household goods carriers." Under this provision, I would expect challenges to the Report B Proposal on at least three, related grounds.

First, I would anticipate a general argument that the relatively blanket prohibition of the Report B Proposal has not been, and probably could not be, generally justified as "reasonable." Cambridge has many streets and many kinds of neighborhoods. While nighttime restrictions on truck traffic through residential neighborhoods might be defended based on *Plaistow*, nothing in *Plaistow* specifically justifies so broadly

sweeping a restriction.[7]

Second, although the Report B Proposal appears to bend to § 31114's mandate of "reasonable" access to "terminals ... and points of loading and unloading" by allowing unrestricted access to "points of ... delivery" in Cambridge, the Report B Proposal does not provide any similarly specific accommodation of § 31114's demand for reasonable access to "facilities for food, fuel, repairs, and rest." If the City implicitly recognizes that it is reasonable to permit unrestricted access to "points of ... delivery" in Cambridge, it may be hard to deny the reasonableness of allowing similar access to "facilities for food, fuel, repairs, and rest."

Third, the Report B Proposal permits the use of Cambridge streets by trucks with origins and destinations in the City, but would restrict the use of Cambridge streets during nighttime hours by trucks seeking access between interstate highways and "terminals ... and points of loading and unloading" in *other* cities and towns. This discrimination may be troubling insofar as the aspiration of the STAA is to create a *national*

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[7] Indeed, the court of appeals declined to address what it termed the "fact-specific" question whether the district court had found correctly that "the Plaistow restrictions ... did permit reasonable access." 67 F.3d at 331.

transportation network that encompasses not only interstate and other designated highways, but also local roads that connect the specifically national highways. If it is not too disruptive of residential tranquility for a truck to pass through Cambridge streets to a destination in Cambridge, why is it any more disruptive for the same truck to pass along the same streets to a destination in Arlington, for example? The answer might be that Cambridge should be able to accommodate its citizens on a preferential basis, and other towns can similarly accommodate their citizens on a preferential basis. In fact, however, it would not be possible for every city and town to permit unhindered nighttime deliveries from the interstate highway system to its own residents. Under a regime in which municipalities could selectively restrict truck access to all of their streets during the nighttime hours, cities and towns that do not immediately abut any interstate highways could be entirely cut off (by other cities' zoning regulations) from receiving unhampered nighttime deliveries from the interstate highway network, while cities that do abut the interstate system could allow nighttime deliveries to their own residents, but not to others.

It is impossible to say with assurance how a court would

respond to any of these arguments. As I have noted, the *Plaistow* case did not raise such issues, nor have I been able to find other authority that is directly on point. On the authority of *Plaistow*, Cambridge would almost certainly not violate the Surface Transportation Assistance Act if it were to ban truck traffic on at least some, specifically identified, purely residential streets during the nighttime hours, provided that the City made sufficiently street-specific findings about normal uses and the potential for disruption. But much is murky. In particular, to allow exceptions to an otherwise applicable truck curfew (for trucks with points of origin or delivery in Cambridge) is a double-edged sword, with uncertain legal ramifications. On the one hand, such exceptions may appear to enhance the reasonableness of a regulation with respect to those who immediately benefit; surely the exceptions reduce the likelihood of a legal challenge by the exceptions' beneficiaries. On the other hand, exceptions are inherently selective and in some sense discriminatory; an exception allowing nighttime use of Cambridge streets to permit nighttime deliveries in Cambridge but not elsewhere is likely to invite challenge as not only discriminatory, but as "unreasonably" so under the Surface Transportation Assistance Act.

B. Issues under the Hazardous Materials Act

The crucial question under the Hazardous Materials Act is whether a regulation, such as the Report B Proposal, interferes with the Act's implicit "speedy-transport mandate." *Plaistow*, 67 F.3d at 331, quoting *N.H. Motor Transport Ass'n v. Flynn*, 751 F.2d 43, 51 (1st Cir. 1984), which is currently codified in 49 C.F.R. § 177.800(d).[8] Although the application of the Plaistow ordinance entailed a delay in the delivery of some hazardous materials, the court of appeals clearly found that some delays occasioned by zoning ordinances are "necessary and acceptable." 67 F.3d at 331.[9] But the court did not necessarily imply that other, broader curfew orders would be acceptable under the statute. On the contrary, the court pronounced the *Plaistow* case "quite unlike *National Tank Truck Carriers, Inc. v. Burke*, 698 F.2d 559 (1st Cir. 1983), in which [the court] affirmed a

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[8] 49 C.F.R. § 177.800(d) provides: "All shipments of hazardous materials must be transported without unnecessary delay, from and including the time of commencement of the loading of the hazardous material until its final unloading at destination."

[9] *See also National Truck Carriers, Inc. v. City of New York*, 677 F.2d 270 (2d Cir. 1982) (upholding a regulation forbidding the transport of hazardous gases by tank truck within the City, unless with permission and subject to time restrictions, on the ground that any forced delay is "necessary" rather than "unnecessary").

decision striking down Rhode Island's state-wide curfew and permitting procedure for transporting certain liquid gas on any Rhode Island roadway."[10] Indeed, the court of appeals said specifically in its *Plaistow* decision that "[q]uite possibly a local restriction might also unjustifiably interfere with hazardous shipment movements, either standing alone or in combination with restrictions in other communities." 67 F.3d at 331-32.

The concerns of the court of appeals echo those expressed by the Department of Transportation in ruling on the permissibility of local regulations that expressly regulate the movement of hazardous materials. In DOT Inconsistency Ruling IR-14, 49 Fed. Reg. 46656 (1984), the Department said specifically that if one county were permitted to impose restrictions impeding the movement of hazardous materials within its boundaries, others might follow suit, and "[t]his would lead to the type of regulatory balkanization which Congress sought to preclude" by enacting the Hazardous Materials Transportation Act. *Id.*

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[10] The Rhode Island statute invalidated in *Burke* absolutely forbade the transportation of certain liquified gases within the state during certain times of day, as well as requiring a permit for the transportation of those gases within the state. *See National Truck Carriers, Inc. v. Burke*, 535 F.Supp. 509 (D.R.I. 1982), aff'd per curiam, 698 F.2d. 559 (1st Cir. 1983).

Because the Report B Proposal is so different in structure from the order upheld in *Plaistow*, it is difficult to predict with confidence whether a court would find it preempted by the Hazardous Materials Act. The Report B Proposal, which encompasses the entire City of Cambridge, is in one sense broader than the judicial order challenged in *Plaistow*. On the other hand, the Proposal allows exceptions for -- and thus imposes no delay at all upon -- shipments that originate or end in Cambridge. And it is hard to gauge how the total quantity of hazardous materials that would be affected by the Report B Proposal would compare with that in the *Plaistow* case, where the affected area was geographically small, but specifically encompassed an important regional shipping hub.

Perhaps the central question is whether a Cambridge ordinance, "either standing alone or in combination with restrictions in other communities," 67 F.3d at 332, would have a significant effect on the movement of hazardous waste to and from other cities and towns. Although the Department of Transportation has ruled (in another context) that regulations with the potential to "balkan[ize]" the movement of hazardous materials should held preempted, the actual effect of any particular ordinance is obviously a fact-specific question; and

the Plaistow court made clear that "the burden is upon those who attack the restriction to show the impact." 67 F.3d at 332.

Clearly, however, if the Report B Proposal were adopted, it should be anticipated that a serious fact-specific challenge might be brought under the Hazardous Materials Act, based on *National Tank Truck Carriers, Inc. v. Burke, supra*, and dicta in the *Plaistow* case suggesting that city-wide restrictions might be suspect on the same basis as the state-wide curfew in the *Burke* case. The City's position would be stronger if a restriction on nighttime truck traffic were limited to specifically residential streets, and thus left open at least some thoroughfares for trucks carrying hazardous waste to and from other cities.

C. Issues under the Commerce Clause

If adopted, the Report B Proposal would also invite attack under the Commerce Clause. The challenge would likely proceed on two fronts. One line of argument would be that the Report B Proposal intentionally discriminates against interstate commerce flowing to and from locations other than Cambridge. Trucks originating trips in or delivering goods to Cambridge may travel the Cambridge streets at any time of night; trucks engaged in commerce to and from other states and cities may not. The Supreme Court has held that state and local laws that

intentionally discriminate against interstate commerce are virtually per se illegal. *See, e.g., C. & A. Carbone, Inc. v. Town of Clarkstown*, 511 U.S. 383, 392 (1994).[11] And the Court has made it clear that limited, intrastate discrimination -- as, for example, discrimination by Cambridge against commerce moving to and from other cities and towns in Massachusetts -- will not excuse otherwise impermissible discrimination against interstate commerce. *See, e.g., Fort Gratiot Sanitary Landfill, Inc. v. Michigan Dept. of Natural Resources*, 504 U.S. 353 (1992); *Dean Milk Co. v. Madison*, 340 U.S. 349 (1951).

In response to this argument, it might be asserted that the Report B Proposal is not "discriminatory" against interstate commerce in the sense condemned by the Supreme Court. For the most part, the Supreme Court's cases condemning discriminatory legislation under the Commerce Clause have involved instances of economic protectionism, in which a state or municipality attempts to protect in-state economic interests from competition with out-of-state economic interests. *See, e.g., Carbone, supra*, at 392 (emphasis added) ("Discrimination against interstate commerce *in*

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[11] It is clear under Supreme Court authority that local as well as state legislation can violate the Commerce Clause. *See, e.g., Carbone, supra.*

favor of local businesses or investment is per se invalid, save in a narrow class of cases in which the [state] can demonstrate, under rigorous scrutiny, that it has no other means to advance a legitimate local interest.").[12]

By contrast with classic cases of economic protectionism, it might be argued, the Report B Proposal seeks to promote an interest in residential peace and tranquility that is entirely unrelated to economic interests: Cambridge just wants to ensure quiet streets, not to promote anyone's economic interests at anyone else's expense.[13] The difficulty with this argument is that the Report B Proposal does not attempt to promote the

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[12] For example, the Court has held that a state may not impose discriminatory taxes favoring in-state producers of dairy products over out-of-state producers. *See West Lynn Creamery, Inc. v. Healy*, 512 U.S. 186 (1994); *Baldwin v. G.A.F. Seelig, Inc.*, 294 U.S. 511 (1935).

[13] There is some awkwardness in fitting a nighttime restriction on truck traffic into any well-recognized category of Commerce Clause cases. Just as a zoning regulation aimed at protecting residential tranquility is far from a classic case of economic protectionism, neither does such a regulation fall naturally into the category of cases involving the regulation of transportation to protect safety interests. *See, e.g., Kassel v. Consolidated Freightways Corp.*, 450 U.S. 662 (1981); *Raymond Motor Transportation, Inc. v. Rice*, 434 U.S. 429 (1978). In that category of cases, it was once thought that judicial review was appropriately highly deferential, but the Supreme Court's "recent transportation cases suggest that the screws of judicial review are tightening." Laurence H. Tribe, American Constitutional Law 419 (2d ed. 1988).

interest in quiet streets in a consistent, even-handed way: It allows truck traffic originating in Cambridge, as well as deliveries to and from Cambridge addresses, at all times of the night. As a result, the entire *burden* imposed by the Report B Proposal (the burden of being hampered in conducting trucking activities or receiving truck shipments during the night) is borne wholly by people outside of Cambridge, while the entire benefit (the benefit of quieter streets) is realized wholly by people inside Cambridge. When the proposed ordinance is seen in this light, it may appear that Cambridge does not really want to protect its citizens from all noisy truck traffic during the nighttime; it just wants to exclude from Cambridge, and steer into other communities, all nighttime truck traffic from which Cambridge does not benefit. This purpose could easily be classed as discriminatory against interstate commerce. *See Kassel v. Consolidated Freightways Corp.*, 450 U.S. 662, 685 (1981) (Brennan, J., concurring) (finding that a state purpose of reducing interstate traffic on its roads should be classified as protectionist in nature and thus insufficient to justify a regulatory statute); *see also* Laurence H. Tribe, American Constitutional Law 422 (2d ed. 1988) ("*Kassel* ... stands for the rule that under the commerce clause a state may not reduce the

risks posed to its own citizens by the stream of commerce by diverting the stream out of state, thereby increasing the hazards to non-residents.").[14]

In sum, there is a serious possibility that the Report B Proposal would be deemed intentionally discriminatory against interstate and intercity commerce and held invalid under the Commerce Clause on this basis.

If the Report B Proposal were not found to be discriminatory, its permissibility under the Commerce Clause would be subject to a balancing test; a court would weigh "whether the burden [on interstate commerce imposed by the local restriction] is clearly excessive in relation to the putative local benefits.'" *Plaistow*, 67 F.3d at 332, quoting *Pike v. Bruce Church, Inc.*, 397 U.S. 137, 142 (1970). It is impossible to be confident about the outcome that this test would yield. On the one hand, it could be argued that a nighttime truck curfew applicable to all Cambridge streets, rather than residential streets only, would impose burdens that exceed the local

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[14] *But cf. National Tank Truck Carriers, Inc. v. City of New York*, 677 F.2d 270, 275 (2d Cir. 1982) (rejecting arguments that an ordinance restricting the transport of hazardous gases by tank truck in New York City discriminated against interstate commerce); *People of the State of New York v. Dempsey*, 466 N.Y.S.2d 923 (1983) (same).

benefits. In upholding the order involved in the *Plaistow* case, for example, the court of appeals cited the narrow tailoring of the order before it; it also noted that the record included specific testimony concerning the hardship suffered by those living close to the Plaistow/Newton terminal. By contrast, the Report B Proposal encompasses the entire City of Cambridge. The burden on commerce might therefore be greater; similarly specific testimony about important local benefits would probably be hard to marshall. On the other hand, the *Plaistow* court emphasized that "absent discrimination, courts may reasonably insist on a fairly clear showing of undue burden before holding unconstitutional a traditional example of local regulation." 67 F.3d at 333.[15] As a result, if discrimination were not found and judicial review was deferential, the Report B Proposal might well survive Commerce Clause scrutiny pursuant to a balancing test.[16]

With some uncertainty about how the Report B Proposal might

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[15] *See also New Hampshire Motor Transport Ass'n v. Flynn*, 751 F.2d 43, 48 (1st Cir. 1984) (burden of showing that a statute excessively burdens interstate commerce lies on those bringing the challenge).

[16] *Cf. Commonwealth v. Laffond*, 655 N.E.2d 384 (Mass. App. Ct. 1995) (rejecting a Commerce Clause challenge to a regulation forbidding the hauling of garbage in any vehicle in a residential district between 7:00 AM and 7:00 PM).

fare, only one thing seems certain. Narrower prohibitions, which restricted nighttime truck traffic on residential streets only (and possibly on a non-discriminatory basis), would be less likely to be categorized as discriminatory against interstate commerce and would be easier to defend under a balancing test.

III. Possible Restrictions under Massachusetts Law

Chapter 85, § 2 of the General Laws of Massachusetts clearly provides that any local "rule, regulation, order, ordinance or by law which excludes motor vehicles from state highways shall be invalid and of no effect." As a result, any Cambridge ordinance limiting nighttime truck traffic could not be applied to any state highways that run through the City.

Even with respect to City streets, an ordinance such as that contemplated by the Report B Proposal would potentially be subject to challenge under at least two provisions of state law. The first is Chapter 85, § 2, which specifies that "any sign excluding heavy commercial vehicles" must be approved in writing by the Massachusetts Highway Department ("MHD") before taking effect. The second is Chapter 90, § 18, which authorizes cities and towns to impose "special regulations" concerning the use of public ways, but also requires that such special regulations be approved by the MHD as "consistent with the public interests."

Chapter 85, § 2. The statute says explicitly that the MHD must give prior approval to "any sign excluding heavy commercial vehicles." Building upon this language, the MHD apparently takes the position that an exclusion may not be lawfully implemented without a sign and, accordingly, that this provision requires advance written approval by the MHD of any exclusion of heavy commercial vehicles from any Cambridge street.[17] If so, implementing the Report B Proposal would require MHD approval.

Chapter 90, § 18. G.L. ch. 90, § 18 authorizes a City to make "special regulations" concerning the speed of vehicles and "prohibit[ing] the use of such vehicles altogether" on public "ways,"[18] but provides that no "special regulation" may be implemented unless the MHD "shall have certified in writing that such regulation is consistent with the public interests." In *M & M Transportation Co. v. Town of Wellesley*, 333 Mass. 11 (1955), the Supreme Judicial Court held that a restriction on road use by

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[17] Although the courts have apparently not ruled on the validity of this position, the MHD's argument is at least a very plausible one, which the Department could be expected to defend in litigation.

[18] In Cambridge, regulatory authority is specifically assigned to the traffic director under the terms of Chap. 455 of the Acts of 1961, "An act establishing a department of traffic and parking and a board of traffic and parking in the City of Cambridge."

heavy vehicles was a "special regulation" within the meaning of Chapter 90, § 18. Under this interpretation, Chapter 90, § 18 is a source of authority for the assertion of regulatory jurisdiction by the MHD, under which the Department would weigh whether a nighttime truck restriction is "consistent with the public interests."

The current authority of *M & M Transportation Co.* (and thus the applicability of ch. 90, § 18) is not wholly free from doubt, however. In *American Motorcyclist Ass'n v. Park Commission of the City of Brockton*, 592 N.E.2d 1314 (Mass. 1992), the Massachusetts Supreme Court more recently held that ch. 90, § 18 does not authorize the *selective* exclusion of certain classes of motor vehicles; regulation under the authority of that statute must either exclude all "such vehicles altogether," *id.*, or none at all. Moreover, the court held, a municipal regulation of the movement of motor vehicles is preempted by state law unless affirmatively authorized by some provision of state law, such as ch. 90, § 18.

The *American Motorcyclist Ass'n* case did not cite *M & M Transportation Co.*, and the two cases are, at best, difficult to reconcile; *M & M Transportation Co.* held that a selective exclusion (of trucks) was subject to ch. 90, § 18, whereas

American Motorcyclist Ass'n says that selective exclusions lie beyond the regulatory authority conferred on cities and towns by that statute. Arguably *American Motorcyclist Ass'n* could be limited to its somewhat peculiar facts, involving a total and discriminatory prohibition of motorcycles, but not other motor vehicles, from city parks. If the cases can be distinguished and the continuing authority of *M & M Transportation Co.* affirmed, a nighttime truck restriction would be covered by ch. 90, § 18, and would be permissible if, but only if, certified by the MHD as "consistent with the public interests."

If, on the other hand, a nighttime truck restriction is not authorized by Chapter 90, § 18 because it would not exclude all motor vehicles "altogether" from affected streets, then the restriction would be absolutely preempted by state law (under the reasoning of *American Motorcyclist Ass'n*) unless authorized by some other provision of state law. And the only other authorizations that arguably apply[19] are expressly subject to

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[19] G.L. ch. 40:22 authorizes cities to make regulations for "carriages and vehicles used therein," but provides that this grant of regulatory authority is limited by "section two of chapter eighty-five." Chapter 455 of the Acts of 1961, which confers regulatory authority on the traffic director for the City of Cambridge, similarly provides that the power thus conferred is "[s]ubject to the provisions of section two of chapter eighty-five of the General Laws."

Chapter 85, § 2, discussed above, under which the MHD claims authority to review the substantive permissibility of traffic restrictions that require "signs" for their implementation.

Regulatory Stance of the MHD. In exercising its asserted authority under G.L. ch. 85, § 2, the MHD maintains that all heavy truck exclusions must conform to its current "manual on uniform traffic control devices" and to an additional set of MHD amendments.[20] One of the MHD's amendments recognizes the permissibility of "a truck exclusion from a municipal way" as long as "a suitable alternative route is available."[21] In currently pending litigation,[22] the MHD has taken the position -- which it apparently believes to be mandated by the federal Surface Transportation Assistance Act, discussed *supra* -- that a city must allow truck access to every "place of business ... at

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[20] Amendments to the Manual on Uniform Traffic Control Devices and Standard Municipal Traffic Control (not published, but available to be photocopied by the MHD).

[21] Section 10A-9 ("Heavy Commercial Vehicle Exclusion"). Exclusions are permissible under this provision only after the completion of an engineering study and the provision of other, supporting reports and materials to the MHD. *See id.*

[22] *City of Cambridge v. Bedingfield*, Middlesex County Superior Court, Civ. Action No. 94-3397.

all times."[23]

It is not entirely clear whether the Report B Proposal accords with this interpretation, which is currently subject to challenge in Massachusetts state court. Although the Report B Proposal would not apply to "trucks with points of origin or delivery in the City," it might affect truck access to businesses offering "food, fuel, repairs, and rest," 49 U.S.C. § 31114, as well as access to businesses that are sites of mid-trip pick-ups, rather than "deliveries." If so, MHD would maintain that the Report B Proposal could not be implemented.

Even if MHD's position in the current litigation should be rejected, on the ground that the Department has misconstrued the federal Surface Transportation Assistance Act and truck access to every place of business is not required at all times, the MHD could point to other sources of authority for its likely resistance to the Report B Proposal. For example, the language of ch. 85, § 2 clearly evinces a state interest in controlling "signs" -- and, very arguably, the substantive rules that such

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[23] *See* Memorandum in Support of Plaintiff City of Cambridge's Cross Motion for Summary Judgment, and in Opposition to Defendant Bedingfield's Motion to Dismiss or for Summary Judgment 11, in *City of Cambridge v. Bedingfield*, Civil Action No. 94-3397.

signs implement -- "on ways leading [to and from state highways], on all main highways between cities and towns," and on roads that "connect[] one city or town with another."

Finally, as discussed above, it is possible that the Department could claim authority to review a nighttime truck restriction on the ground that it is a "special regulation" within the meaning of ch. 90, § 18. Under this provision, the MHD could easily maintain that a regulation broadly curbing intercity traffic or restricting access to places of business is not "consistent with the public interests." Although I have not found any cases that give useful content to the "public interests" standard in this context, ch. 90, § 18 clearly contemplates the exercise of discretionary judgment by the MHD.

In light of the dearth of reported cases construing the provisions under which the MHD might claim regulatory authority, it is difficult to assess Cambridge's prospects in a judicial challenge to likely MHD resistance to the Report B Proposal. Nonetheless, based on the language of Chapter 85, § 2 and on common sense, the MHD would appear to be on firmest ground in resisting nighttime truck exclusions from those streets that furnish direct access to state highways, that connect Cambridge with other cities and towns, and that are not substantially or

even purely residential.

If the Report B Proposal sweeps too broadly to win approval from the MHD, and if the prospects of success in litigation are too uncertain to be worth the costs, the City might consider seeking MHD approval of a truck curfew that applies only to specifically identified, purely residential streets. Presumably it would be possible to draft provisions that would not significantly affect access to businesses or impede truck traffic on streets connecting Cambridge with other cities and towns.

IV. Conclusion

Even in the wake of the *Plaistow* decision, a nighttime truck restriction that applied to all Cambridge streets would confront serious legal challenges under the federal Surface Transportation Assistance Act and the Hazardous Materials Act, as well as under the Commerce Clause of the United States Constitution. The particular nighttime restriction reflected in the Report B Proposal might also be opposed by the Massachusetts Highway Department as incompatible with applicable state law. Nighttime truck restrictions that applied more narrowly to specifically identified, purely residential streets would offer better prospects for successful defense against challenges based on both federal and state law.

TRUCK TRAFFIC ZONING PETITION

1999 JAN 21 A 9:00
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

WHEREAS, the health, welfare, safety and property of citizens living in residential neighborhoods throughout the City of Cambridge are adversely impacted by the noises, vibrations, pollution and hazards caused by large commercial trucks passing through the City, which concerns were expressed by many citizens at a City Council hearing on October 23, 1995 and in written statements and letters submitted to the Council and individual Councillors;

WHEREAS, in November, 1995 the City Manager, pursuant to an Order of the Council, established the City Manager's Truck Traffic Advisory Committee, consisting of eleven Cambridge residents, to work jointly with City staff to address the truck traffic problem and make recommendations to the City Council on measures to mitigate the adverse impacts of trucks throughout Cambridge;

WHEREAS, the Committee members recognize that the following conditions characterize and cause the truck traffic problem in Cambridge and surrounding communities:

- Truck traffic has an adverse impact on the residential quality of life due to noise, vibration, dirt, exhaust fumes, wear and tear on the City's streets and sidewalks and high speeds, causing loss of sleep at night and peace and quiet during the day, structural damage to buildings and personal property in homes, and safety for everyone, including particularly school children.
- The negative impacts of truck traffic reduce property values - especially residential property - which reduces the City's tax base.

- Truck deliveries and pick-ups within the City are a necessary part of the provision of goods and services to the citizens of the City and are important for the economic health and vitality of the City.
- Through truck traffic (i.e. trucks traveling to and from destinations and origins outside the City) has a detrimental effect on Cambridge residents and therefore measures should be taken to ensure that through trucks use State and Interstate highway systems around Cambridge and neighboring communities instead of using local streets.
- The policy of the City of Boston which prohibits trucks carrying hazardous cargo from traveling on the Massachusetts Turnpike under the Prudential Center causes many of these trucks with distant destinations to cross into Cambridge. Many more through trucks with hazardous materials can be expected to use Cambridge streets when the Central Artery Project is completed because the City of Boston has announced that it will prohibit such trucks from the new tunnel, apparently for safety reasons, even though the tunnel is equipped with state-of-the-art fire fighting equipment.

WHEREAS; in order to address the truck traffic problem, three primary objectives need to be satisfied by truck restrictions in the City of Cambridge:

(1) Accept through truck traffic during certain hours of the day to the extent that Cambridge is the most suitable route for the region as a whole;

(2) Protect residential neighborhoods, commercial areas, and institutions from the destructive effects of truck traffic; and

(3) Facilitate access of trucks from origins and to destinations within Cambridge.

WHEREAS; during the deliberations of the Committee two fundamentally different philosophies as to how to respond to the Committee's mission became apparent, resulting in two reports of the Committee being submitted to the City Manager. The authors of Report B (a majority of the citizen appointees to the Committee who support this Petition) believe that the purpose of truck restrictions is to reduce the negative impacts of through truck traffic which will improve the quality of life for all residents without making any neighborhood suffer a disproportionate share of the burden of truck traffic. This philosophy is based on recent Federal court cases which support the authority of municipalities to enact reasonable measures under their zoning authority and police powers to achieve the goal of mitigating the adverse impacts of truck traffic. We believe that such an initiative will provide leadership which other communities in the region can follow;

WHEREAS; an alternative philosophy is reflected in Report A (submitted by a minority of the citizen members) which is based on the belief that the total volume of truck traffic cannot be reduced except by means of a regional strategy, and that any restrictions in one part of the City will simply move vehicles to another part of the City or to other cities. This philosophy regards truck traffic as an inevitable part of urban living, sees little possibility of implementing effective regulations, and anticipates negative responses from neighboring communities to any Cambridge initiatives;

WHEREAS; the City Manager submitted Reports A and B to the City Council, which, in turn, submitted them to the Subcommittee on Traffic and Transportation which has held three hearings on the Reports, with no consensus of the Committee as to what recommendations to make to the Council and no establishment of a time frame in which to report to the Council;

NOW THEREFORE; we the undersigned being more than ten (10) registered voters of the City of Cambridge respectfully petition the Honorable, the City Council of the City of Cambridge to amend the Zoning Ordinance of the City of Cambridge as follows:

To Amend Article 6.000 of the Cambridge Zoning Ordinance as follows:

1. Amend the heading of this Article to read as follows:

"Off-Street Parking and Loading Requirements and Night-time Curfew on Large Commercial Through Trucks."

2. Amend the first sentence of Section 6.11 of Article 6.000 to read as follows:

"It is the intent of this Article 6.000 to reduce traffic congestion, noises, vibrations, fumes and safety hazards caused by large commercial trucks, thereby promoting the safety, health and welfare of the public, by establishing requirements for off street parking and loading and restrictions on the use of City streets during the night-time by large commercial trucks with points of origin and destinations outside the City of Cambridge in order to implement the purposes of The Zoning Act, Section 2A of Chapter 808, and Article 1.000, §1.30 of the Cambridge Zoning Ordinance, including:

- to lessen congestion in the streets
- to conserve health
- to conserve the value of land and buildings
- to prevent pollution of the environment

- to protect residential neighborhoods from incompatible activities, and
- to preserve and increase the amenities of the City."

3. Add a new Section 6.96 as follows:

"6.96. Nighttime Curfew on use of City Streets by Through Trucks.
All trucks 2.5 tons or more in gross weight traveling through Cambridge from origins and to destinations outside the City are prohibited from using any City streets from the hours of 11:00 P.M. to 7:00 A.M. This curfew shall not apply to trucks with points of origin or delivery in the City of Cambridge. Nothing herein shall affect in any way restrictions on trucks currently in effect."

T O W N O F W A T E R T O W N

Office of the Town Manager
Michael J. Driscoll

March 16, 1999

Councilor Henrietta Davis, Chair
Committee on Ordinances
Cambridge City Council
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

RE: Truck Curfew Proposal

Dear Councilor Davis,

I am writing to express the Town of Watertown's strong concern regarding the proposed Truck Curfew ordinance.

As an abutting community, Watertown could be negatively impacted by the ordinance. If adopted, the curfew could relocate late evening and early morning truck traffic onto Watertown roadways, particularly Mt. Auburn and Belmont Streets. This would be an unfair and irresponsible move. As urban and metropolitan communities, we all must accept our share of the commerce and transportation burdens associated with the region and its encomony.

Although the proposed truck curfew ordinance was apparently submitted as an amendment to the Cambridge Zoning Ordinance, and the Cambridge Planning Board and City Council appear to be proceeding with the usual process for the adoption of such the amendment under the Zoning Act, G.L.c. 40A, it is our belief that any ordinance which affects traffic in the manner proposed is also subject to the procedures set out in G.L. c. 85, section 2. This provision of the General Laws authorizes the Massachusetts Department of Highways to regulate traffic on "state highways and ways leading thereto and therefrom, and on all main highways between cities and Towns." However, it also provides as follows:

> Except as hereinafter provided, any rule, regulation, order, ordinance or by-law of a city or town hereafter made or promulgated relative to or in connection with the erection or maintenance of signs,. . .on any way within its control . . . shall not take effect until approved in writing by the department [Massachusetts Highway

Department], or be effective after such approval is revoked, if made or promulgated relative to or in connection with the following:
. . .(4) any sign excluding heavy commercial vehicles; . . . (7) any rule, regulation, order, ordinance or by-law of a city or town which when made or promulgated would exclude motor vehicle travel on any existing way which connects one city or town with another, unless such rule, regulation, order, ordinance, or by-law was promulgated in compliance with the following: (a) the rule-making body of the city or town initiating such rule, regulation, order, ordinance or by-law gives written notice of such action to the chief executive officer of the abutting city, town or county into which said way extends, and (b) a public hearing is held by the city, town or county initiating such alteration, relocation or discontinuance, public notice of which must be published for each of the two weeks preceding such hearing in a newspaper of general circulation in the abutting city, town or county into which the said way extends, and (c) after concurrence in writing by the chief executive officer of the abutting city or town into which the said way extends or his designee. (Emphasis added.)

Under basic concepts of due process, the administration and enforcement of the proposed curfew will require the posting of signs indicating the conditions of the curfew in order to provide the traveling public with notice of the ordinance. It is, therefore, our belief that the City's consideration and action on this ordinance is also subject to the procedures, and approvals cited above.

The proposed ordinance is illogical and too drastic a measure for the purported problem. I hope and assume that your Honorable Committee will have the proposed ordinance studied for its potential impacts prior to adoption.

Thank you and please do not hesitate to contact me if you have any questions regarding this matter.

Sincerely,

Michael J. Driscoll
Town Manager

cc: Watertown Planning Board

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260
FAX (617) 349-4307
tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

March 23, 1999

BY FAX

The Honorable Michael J. Driscoll
Town Manager
Office of the Town Manager
Administration Building
Watertown, MA 02172-4410

Dear Mr. Driscoll:

The Ordinance Committee of the Cambridge City Council has scheduled a hearing on **March 24, 1999, beginning at 5:30 p.m. in the Sullivan Chamber, 2nd Floor, Cambridge City Hall, 795 Massachusetts Avenue.**

The purpose of the hearing is to receive public testimony on a petition filed by Karen Falb et al. to amend the Zoning Ordinance of Cambridge to regulate through trucks in Cambridge. A copy of the proposal is enclosed.

You are cordially invited to be present at the hearing and to present any desired testimony on behalf of the Town of Watertown. Your attention to this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury
City Clerk

DMD/dm
Enclosure

F:TruckTrafficFALBOrdCommLtr032499

***** SUCCESSFUL TX REPORT *****

03-23-99 12:27 ID:6173494269
CAMBRIDGE CITY CLERKS OFFICE

JOB No.	----------	
START TIME	----------	12:24
ID No.	----------	89726404
RESOLUTION	----------	STANDARD
TOTAL PAGE	----------	07
MACHINE ENGAGED	----------	02'17
INFORMATION	----------	OK
ERROR PAGE	----------	

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260
FAX (617) 349-4269
tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

FAX TRANSMITTAL SHEET

DATE: 3-23-99

TO: The Honorable Michael J. Driscoll
Town Manager

FAX #: 617 972 6404

PHONE #:

 # OF PAGES: 7

FROM: D. Margaret Drury
City Clerk

ADDITIONAL COMMENT:

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260
FAX (617) 349-4307
tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

March 19, 1999

The Honorable William R. Skelley, III, Chair
Belmont Board of Selectmen
455 Concord Avenue
Belmont, MA 02478

Dear Chairman Skelley:

The Ordinance Committee of the Cambridge City Council has scheduled a hearing on **March 24, 1999, beginning at 5:30 p.m. in the Sullivan Chamber, 2nd Floor, Cambridge City Hall, 795 Massachusetts Avenue.**

The purpose of the hearing is to receive public testimony on a petition filed by Karen Falb et al. to amend the Zoning Ordinance of Cambridge to regulate through trucks in Cambridge. A copy of the proposal is enclosed.

You are cordially invited to be present at the hearing and to present any desired testimony on behalf of the Town of Belmont. Your attention to this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD/dm
Enclosure

F:LivngWgOrdCommLettr032499
Truck Traffic FALB

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260
FAX (617) 349-4307
tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

March 19, 1999

The Honorable William N. Brownsberger
Belmont Board of Selectmen
455 Concord Avenue
Belmont, MA 02478

Dear Selectman Brownsberger:

The Ordinance Committee of the Cambridge City Council has scheduled a hearing on **March 24, 1999, beginning at 5:30 p.m. in the Sullivan Chamber, 2nd Floor, Cambridge City Hall, 795 Massachusetts Avenue.**

The purpose of the hearing is to receive public testimony on a petition filed by Karen Falb et al. to amend the Zoning Ordinance of Cambridge to regulate through trucks in Cambridge. A copy of the proposal is enclosed.

You are cordially invited to be present at the hearing and to present any desired testimony on behalf of the Town of Belmont. Your attention to this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD/dm
Enclosure

F:~~Livng~~WgOrdCommLettr032499
TruckTraffic.FALB

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

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tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

March 19, 1999

The Honorable William P. Monahan
Belmont Board of Selectmen
455 Concord Avenue
Belmont, MA 02478

Dear Selectman Monahan:

The Ordinance Committee of the Cambridge City Council has scheduled a hearing on **March 24, 1999, beginning at 5:30 p.m. in the Sullivan Chamber, 2nd Floor, Cambridge City Hall, 795 Massachusetts Avenue.**

The purpose of the hearing is to receive public testimony on a petition filed by Karen Falb et al. to amend the Zoning Ordinance of Cambridge to regulate through trucks in Cambridge. A copy of the proposal is enclosed.

You are cordially invited to be present at the hearing and to present any desired testimony on behalf of the Town of Belmont. Your attention to this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD/dm
Enclosure

F:~~Living~~WgOrdCommLettr032499
Truck Traffic FALB

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CITY OF CAMBRIDGE

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

March 19, 1999

The Honorable Stephen J. Gilligan, Chair
Arlington Board of Selectmen
730 Massachusetts Avenue
Arlington, MA 02474

Dear Chairman Gilligan:

The Ordinance Committee of the Cambridge City Council has scheduled a hearing on **March 24, 1999, beginning at 5:30 p.m. in the Sullivan Chamber, 2nd Floor, Cambridge City Hall, 795 Massachusetts Avenue**.

The purpose of the hearing is to receive public testimony on a petition filed by Karen Falb et al. to amend the Zoning Ordinance of Cambridge to regulate through trucks in Cambridge. A copy of the proposal is enclosed.

You are cordially invited to be present at the hearing and to present any desired testimony on behalf of the Town of Arlington. Your attention to this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD/dm
Enclosure

F:~~LivngWg~~OrdCommLettr032499
TruckTrafficHLB

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260
FAX (617) 349-4307
tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

March 19, 1999

The Honorable Kevin F. Greeley, Selectman
Arlington Board of Selectmen
730 Massachusetts Avenue
Arlington, MA 02474

Dear Selectman Greeley:

The Ordinance Committee of the Cambridge City Council has scheduled a hearing on **March 24, 1999, beginning at 5:30 p.m. in the Sullivan Chamber, 2nd Floor, Cambridge City Hall, 795 Massachusetts Avenue.**

The purpose of the hearing is to receive public testimony on a petition filed by Karen Falb et al. to amend the Zoning Ordinance of Cambridge to regulate through trucks in Cambridge. A copy of the proposal is enclosed.

You are cordially invited to be present at the hearing and to present any desired testimony on behalf of the Town of Arlington. Your attention to this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD/dm
Enclosure

F:~~Living~~Wg\OrdCommLettr032499

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

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tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

March 19, 1999

The Honorable John W. Hurd
Arlington Board of Selectmen
730 Massachusetts Avenue
Arlington, MA 02474

Dear Selectman Hurd:

The Ordinance Committee of the Cambridge City Council has scheduled a hearing on **March 24, 1999, beginning at 5:30 p.m. in the Sullivan Chamber, 2nd Floor, Cambridge City Hall, 795 Massachusetts Avenue**.

The purpose of the hearing is to receive public testimony on a petition filed by Karen Falb et al. to amend the Zoning Ordinance of Cambridge to regulate through trucks in Cambridge. A copy of the proposal is enclosed.

You are cordially invited to be present at the hearing and to present any desired testimony on behalf of the Town of Arlington. Your attention to this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD/dm
Enclosure

F:~~Livng~~WgOrdCommLettr032499
TruckTraffic.FALB

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

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FAX (617) 349-4307
tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

March 19, 1999

The Honorable Kathleen Kiely Dias
Arlington Board of Selectmen
730 Massachusetts Avenue
Arlington, MA 02474

Dear Selectwoman Dias:

The Ordinance Committee of the Cambridge City Council has scheduled a hearing on **March 24, 1999, beginning at 5:30 p.m. in the Sullivan Chamber, 2nd Floor, Cambridge City Hall, 795 Massachusetts Avenue**.

The purpose of the hearing is to receive public testimony on a petition filed by Karen Falb et al. to amend the Zoning Ordinance of Cambridge to regulate through trucks in Cambridge. A copy of the proposal is enclosed.

You are cordially invited to be present at the hearing and to present any desired testimony on behalf of the Town of Arlington. Your attention to this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD/dm
Enclosure

F:LivngWgOrdCommLettr032499
TruckTraffic.Falb

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260
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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

March 19, 1999

The Honorable Charles Lyons
Arlington Board of Selectmen
730 Massachusetts Avenue
Arlington, MA 02474

Dear Selectman Lyons:

The Ordinance Committee of the Cambridge City Council has scheduled a hearing on **March 24, 1999, beginning at 5:30 p.m. in the Sullivan Chamber, 2nd Floor, Cambridge City Hall, 795 Massachusetts Avenue**.

The purpose of the hearing is to receive public testimony on a petition filed by Karen Falb et al. to amend the Zoning Ordinance of Cambridge to regulate through trucks in Cambridge. A copy of the proposal is enclosed.

You are cordially invited to be present at the hearing and to present any desired testimony on behalf of the Town of Arlington. Your attention to this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD/dm
Enclosure

F:LivngWgOrdCommLettr032499
TruckTrafficFRLB

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

March 19, 1999

The Honorable Thomas M. Menino
One City Hall Square
Boston, MA 02201

Dear Mayor Menino:

The Ordinance Committee of the Cambridge City Council has scheduled a hearing on **March 24, 1999, beginning at 5:30 p.m. in the Sullivan Chamber, 2nd Floor, Cambridge City Hall, 795 Massachusetts Avenue.**

The purpose of the hearing is to receive public testimony on a petition filed by Karen Falb et al. to amend the Zoning Ordinance of Cambridge to regulate through trucks in Cambridge. A copy of the proposal is enclosed.

You are cordially invited to be present at the hearing and to present any desired testimony on behalf of the City of Boston. Your attention to this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD/dm
Enclosure

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OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

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tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

March 19, 1999

The Honorable William Roche
Acting Mayor
Somerville City Hall
Somerville, MA 02143

Dear Acting Mayor Roche:

The Ordinance Committee of the Cambridge City Council has scheduled a hearing on **March 24, 1999, beginning at 5:30 p.m. in the Sullivan Chamber, 2nd Floor, Cambridge City Hall, 795 Massachusetts Avenue.**

The purpose of the hearing is to receive public testimony on a petition filed by Karen Falb et al. to amend the Zoning Ordinance of Cambridge to regulate through trucks in Cambridge. A copy of the proposal is enclosed.

You are cordially invited to be present at the hearing and to present any desired testimony on behalf of the City of Somerville. Your attention to this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD/dm
Enclosure

F:LivngWgOrdCommLettr032499
Truck.Traff.cFALB

Richard H. Fallon, Jr.
Harvard Law School
Cambridge, Massachusetts 02138

LEGAL ISSUES PRESENTED BY RESTRICTIONS ON NIGHTTIME TRUCK TRAFFIC

At the request of City officials, I have prepared a report on legal issues that would arise if Cambridge should attempt to restrict nighttime truck traffic within the City. This separate, shorter document summarizes my conclusions.

I. Introduction and Summary of Conclusions

A Truck Traffic Advisory Committee has advocated that the City of Cambridge adopt a partial ban on nighttime truck traffic. Specifically, the so-called "Report B Proposal" would ban truck traffic between 10:00 p.m. and 7:00 a.m., with exceptions for trucks with points of origin or delivery in the City.

If this proposal were adopted, representatives of the trucking industry might well challenge it in court. They would argue that the resulting restrictions on trucks violate at least two federal statutes, the Commerce Clause of the federal Constitution, and one or more statutes and regulations enforced by the Massachusetts Highway Department.

In my judgment, the legal arguments that could be used to challenge the Report B Proposal are very serious ones. At best, the outcome of a lawsuit would be difficult to predict. If the City wants to restrict nighttime truck traffic, it would be on firmer legal ground if it attempted to do so only on specifically designated, exclusively residential streets.

II. Legal Authority that Might Support Truck Restrictions

To supporters of the Report B Proposal, my conclusion may seem disappointing. In a recent case, a federal Court of Appeals, whose decisions are controlling authority in this region of the country, upheld a curfew on nighttime truck traffic at a truck terminal in Plaistow/Newton, New Hampshire. In New Hampshire Motor Transport Association v. Town of Plaistow, the court of appeals found that the Plaistow ordinance was permissible under all of the provisions of federal law under which a Cambridge ban is most likely to be challenged.

Specifically, the court found that Plaistow's nighttime restriction:

* did not violate the federal Surface Transportation Assistance Act, which requires "reasonable access" to delivery and other sites from the interstate highway system, because unrestricted access existed during all but the nighttime hours;

* did not violate the federal Hazardous Materials Transportation Act, because excessive delays on the movement of hazardous materials were not imposed; and

* did not violate the Constitution's Commerce Clause, which prohibits state and local governments from imposing discriminatory or excessive burdens on interstate commerce, because any "incidental" burden that the nighttime restriction imposed on the flow of commerce was not "excessive" in relation to the local benefits of increased residential tranquility.

The Plaistow decision provides strong support for the idea that Cambridge could restrict nighttime truck traffic in some areas of the City in order to protect residential peace and quiet. But the facts of Plaistow were quite different from those that would be presented in a challenge to the Report B Proposal.

III. Legal Issues Concerning Nighttime Truck Restrictions

Opponents of a Cambridge ordinance restricting nighttime truck traffic could correctly argue that the Plaistow decision left many important issues unresolved.

First, the Plaistow case involved a ban on nighttime truck traffic that applied only to a carefully defined, residential part of town. In addition, there had been a judicial hearing, in which it was found that the residents of that part of town were acutely and regularly disturbed by nighttime traffic to and from the Plaistow/Newton truck terminal. By contrast, a ban on all nighttime truck traffic in Cambridge would restrict truck traffic across a wider and more diverse range of streets. It is not clear that the local benefits would be large in all areas of the City; there may be heavily trafficked or non-residential areas in

which the restriction on truck movements would not provide enough benefits to count as "reasonable" under the Surface Transportation Assistance Act or to satisfy similar tests under the Commerce Clause.

Second, if other cities were to follow Cambridge in enacting ordinances modeled on the Report B Proposal, it could make it very difficult to move hazardous materials swiftly to and from interstate highways during the nighttime. In the Plaistow case, the court of appeals specifically cautioned that prohibitions that affected all streets within a City, especially if coupled with similar restrictions by other cities, might offend the Hazardous Materials Transportation Act.

Third, the Report B Proposal would not ban all truck traffic in Cambridge during the nighttime; it would permit trucks to make deliveries in Cambridge and to travel Cambridge streets on trips that begin in Cambridge. As a result, the proposed ban would not protect City residents against all noise caused by trucks. It would only restrict noise caused by trucks that are engaged in commerce, between other cities and states, that neither ends nor originates in Cambridge. Because the impact of the ordinance would be felt only by interstate and intercity commerce, a court might conclude that an ordinance based on the Report B Proposal "discriminates" against such commerce and in favor of commerce from which Cambridge and its residents benefit. If so, the Report B Proposal would violate the Commerce Clause of the federal Constitution.

Finally, the *Plaistow* case involved zoning by a New Hampshire town. The town's authority was apparently not limited by any relevant provision of New Hampshire law. By contrast, Cambridge's authority to regulate truck movements is subject to restrictions by the Commonwealth of Massachusetts. Based on positions that it has taken in other cases, the Massachusetts Highway Department, which enforces the relevant Massachusetts statutes, would likely conclude that the restrictions recommended by the Report B Proposal sweep too broadly to be allowed. It is unclear whether the Department or the City would prevail in litigation. But because the Department's prior approval of a truck restriction is probably required, its opposition would erect a considerable obstacle to implementing the Report B Proposal.

IV. Conclusion

On no relevant point is the law crystal clear. It is conceivable that Cambridge could fight and win all the legal battles that would be necessary to implement the Report B Proposal. But the fight, at best, would be long and difficult. There is certainly no guarantee of success.

Neither, unfortunately, can success by guaranteed if Cambridge were to attempt to regulate nighttime truck traffic on a narrower basis. But prospects for legal success would at least be better, on all fronts, if the City were to limit any nighttime truck restrictions to overwhelmingly or even exclusively residential streets. A more narrowly targeted approach, applicable only to specifically identified residential streets, could more easily be defended as allowing reasonable access to commercial facilities and reasonable alternative routes for trucks in interstate commerce.

Richard Fallon
April 13, 1998

BRACKEN AND BARAM
33 Mt. Vernon Street
Boston, Massachusetts 02108

(617) 742-4950
FAX 742-4953

FACSIMILE TRANSMISSION
COVER SHEET

****

TO: Sandra Albano
Assistant/Secretary
Cambridge City Council

FAX: 349-4287

FROM: Thomas B. Bracken

DATE: 6/17/99

NUMBER OF PAGES (INCLUDING THIS SHEET): 5

****

Attached is a Memorandum *re* the Truck Petition which is on the City Manager's agenda for the City Council meeting Monday, June 21. Please include the Memorandum in the materials for each Councillor.

I appreciate your helpfulness.

Memorandum

To: Cambridge City Council

From: Thomas B. Bracken

Re: Truck Petition, filed by Karen Falb and over 600 other registered voters

Date: June 21, 1999

The supporters of the Petition believe that use of the City's zoning powers is the appropriate way to provide relief to the many people living in all parts of Cambridge suffering from truck noises and vibrations. The federal courts for Massachusetts have held that municipalities have authority under their zoning powers to impose time-of-day restrictions on trucks. The municipalities involved in these cases were Plaistow, NH and the City of Cambridge.

The case of New Hampshire Motor Transport Association, et. al. v. Town of Plaistow, 67 F. 3d 326 (1995), involved a town's use of its zoning powers to prohibit trucks from using its streets at night to access a regional truck terminal in a neighboring town. The town did not have any specific ordinance regulating trucks. Instead, the town relied on an ordinance which provided generally that:

> "Any uses that may be obnoxious or injurious by reason of the production or emission of odors, dust, smoke, refuse matter, fumes, noise, vibration or other similar conditions, or that are dangerous to the comfort, peace, enjoyment, health or safety of the community, whether it contributes to its disturbance or annoyances are prohibited in all districts."

In reliance on this ordinance, the town issued a cease and desist order to the terminal, stating that: "heavy commercial trucking arriving at and leaving the site is emitting odors, smoke, fumes, noise and vibrations around the clock." When the terminal and the trucks using it ignored the town's ban, the town went to court. The terminal and the truckers then brought suit in the federal court. They claimed that since the terminal served as a regional hub for many trucking companies serving the New England region the nighttime ban was a significant interference with interstate commerce and violated several federal statutes protecting trucking operations.

The U.S. Court of Appeals for the First Circuit held that the town had properly exercised its zoning powers and that the ban, which it called a "curfew", was not pre-empted by any federal laws, including the Surface Transportation Assistance Act (STAA), the Hazardous Materials Act, the Noise Control Act, and the Commerce Clause of the U.S. Constitution. The Court held that while STAA prohibits regulations denying trucks "reasonable access" between the national interstate highway network and "terminals" and other specified facilities, Plaistow's 9 hour "curfew" on trucks

accessing the terminal did not deny "reasonable access", since trucks still could access the terminal for 15 hours each day. Although the Court recognized that the town's restriction imposed an absolute ban on the terminal operation for 9 hours each day, it said:

> "On the other side of the scale, the impact on local residents is not some remote or conjectural specter. The curfew order was obtained only because of local experience with the terminal; and residents testified at trial about the effect on their lives of unrestricted deliveries. The curfew is akin to zoning and traffic restrictions traditionally applied on a local level....and there is no regulation by federal authorities that provides substitute protection."

While fewer trucks likely are affected by the Plaistow curfew than the number of trucks which would be affected by the curfew under the Cambridge Petition, many more people would be benefited by the Cambridge nighttime curfew than are benefited by the Plaistow curfew. Moreover, the same principle of law enunciated by the federal court in the Plaistow case applies without regard to the number of trucks affected or the number of people benefited by the restriction.

The Federal District Court for Massachusetts relied on the Plaistow decision in holding that Cambridge lawfully can ban trucks from entering the Portland Stoneware facility during certain times of day. (See Portland Stone Ware Co. v. City of Cambridge.) In that case the Court upheld restrictions on trucks using city streets to access the facility during 4 hours per day, 7 days a week. In so holding the Judge said:

> "Following the First Circuit's lead in Plaistow, I find that the 'Do Not Enter' regulation imposed by the City of Cambridge was based on expressed concerns about health and safety in the surrounding residential neighborhood."

The nighttime curfew in the Cambridge Petition is not as restrictive as the bans which the federal courts upheld in Plaistow and Portland Stoneware. The Petition curfew does not prevent operation of any terminal or any other facility at any time of the night or day. The Petition allows pick-ups from and deliveries to facilities in the City of Cambridge at any time of the day or night. As to through trucks, the Petition simply prevents them from using Cambridge streets as a short cut through the City for a 9 hour period at night. During the nighttime hours through trucks can go around the City on Routes 128, 95, 93 and the Mass. Pike - highways which were designed for large commercial trucks. Although some truckers have argued that the curfew would add 10 to 15 minutes to their travel time, which could increase the cost of delivering goods, this seems to be a reasonable trade-off for obtaining nighttime relief to many Cambridge residents now suffering from truck noises and vibrations. The Petition does not prevent trucks from accessing municipalities bordering Cambridge, all of

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which can be directly accessed from the interstate highway system or other major highways.

The proposed Cambridge curfew on through trucks fits comfortably into the zoning powers of the City. The Zoning Act, M.G.L. c. 40A, states that the purposes of zoning include promoting the health, safety and convenience of the inhabitants. The Cambridge Zoning Ordinance expands upon this general authority and provides that the purposes of the Ordinance include:

- lessening congestion in the streets,
- conserving health,
- conserving the value of land and buildings,
- preventing pollution of the environment,
- protecting residential neighborhoods from incompatible activities, and
- furthering the amenities of the City. (Article 1.000, §1.30)

The Cambridge Zoning Ordinance currently regulates trucks through the "Off Street Parking and Loading Requirements" as set forth in Article 6.000, which states:

> "It is the intent of this Article 6.000 to reduce traffic congestion and thereby promote the safety and welfare of the public, by establishing requirements for off street parking and loading in conjunction with the use of land."

In order to encompass time-of-day restrictions on through trucks using City streets, this intent section could be broadened to read as follows:

> "It is the intent of this Article 6.000 to reduce traffic congestion, noises, vibrations and fumes caused by trucks, thereby promoting the safety and welfare of the public, by establishing requirements for off street parking and loading and for the use of City streets in conjunction with the use and enjoyment of land."

The proposed new Section 6.96 would be added at the end of this Article.

A letter dated March 16, 1999 from Watertown's Town Manager Michael Driscoll to Councillor Henrietta Davis, as Chair of the Ordinance Committee, was submitted at the hearing. In his letter, Mr. Driscoll expresses concern regarding the proposed Cambridge curfew based on his speculation that it could have negative impacts on Watertown and his belief that "due process" requires that it be enforced by the posting of signs, which necessitates approval by the Massachusetts Highway Department. Mr. Driscoll's concerns are not well founded.

First, there is absolutely no showing that a nighttime curfew on through trucks in Cambridge would have any negative impacts on any neighboring communities, including Watertown. The purpose of the curfew is to require large trucks to use the

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interstate highway system designed for long-haul transport instead of using residential streets as short cuts to their destinations. However, if Watertown perceives that any negative impacts will result from a Cambridge curfew, it has the same powers as Cambridge to impose its own curfew.

Second, with respect to the issue of MHD approval, as Mr. Driscoll recognizes, G.L. c. 85, §2 requires such approval only if truck restrictions are enforced by signage. However, zoning regulations typically are not enforced through signage. People conducting activities in a municipality are deemed to be aware of the applicable zoning requirements. If the Petition is adopted, truckers will have actual notice of the nighttime curfew through trucking associations, which are aware of the proposed curfew and have been represented at the Council's hearing on the Petition. As was done by the Town of Plaistow, the curfew would be enforced against non-complying truckers by the Inspectional Services Department, through the issuance of cease and desist orders to offenders, with follow-up court action as necessary for failure to comply.

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Petition from Karen F. Falb et al, to amend the Zoning Ordinance to add a new Sec. 6.96 - truck traffic