

CITY OF CAMBRIDGE
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EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

April 11, 1994

To The Honorable, The City Council:

In response to Awaiting Report Item Nos. 9, 13, 19 and 36, I am writing to update you on the City's ongoing enforcement efforts related to possible violations of City ordinances, traffic and zoning regulations by Portland Stoneware Company. The City has allocated considerable staff time and resources to a variety of enforcement efforts. I continue to regard the issues generated by the location of the Portland Stoneware Company in a residential neighborhood as serious ones.

(1) The Police Department has assigned a uniformed unit on a daily basis to enforce the following regulations: the Noise Ordinance, including measured and non-measured noise, such as loading and unloading between 9:00 p.m. and 7:00 a.m., violations of the "Do Not Enter" restriction at Rindge Avenue and Middlesex Street as well as other violations of traffic and general laws. The "Do Not Enter" restriction is posted and applies to the time period of 7:00 a.m. to 9:00 a.m. and 1:00 p.m. to 3:00 p.m. In addition, the Police Department requested that the State Police truck enforcement unit check for any violations of truck weight, improperly secured loads and adequately filled out weigh bills. The State Police have complied with the City's request, however, no violations have been identified to date. They will continue to do spot checking of truck activities in the City generally, as well as Portland Stoneware to ensure ongoing compliance.

The Police Commissioner and other police staff are planning to attend the April 13 meeting of the North Cambridge Stabilization Committee to answer questions about the ongoing enforcement efforts.

(2) The Inspectional Services Department required the demolition of a lean-to structure located on the Portland Stoneware site which was constructed without a building permit. The structure was removed on March 24 within the time frame permitted by statute.

In addition, Inspectional Services Director Bersani has investigated the spray painting operation at Portland Stoneware. The venting is in accordance with the Building Code. The Department of Health and Hospitals has reviewed a copy of the Material Safety Data Sheet (MSDS) for the primer used in the spray painting operation and determined that DEP regulations do not require a filtration system. In addition, no violations of Resource and Conservation

Recovery Act were observed by Inspectional Services during site visits to Portland Stoneware. The City has requested DEP research its files to determine if any RCRA reports related to Portland Stoneware exist and whether the Company is a generator of hazardous materials.

(3) The License Commission has monitored the site for possible violations of the Noise Ordinance related to Section 8.16.060, "Measured Noise Disturbance". An employee of the Commission measured noise levels on three separate days from 4:00 a.m. to 7:00 a.m. and on a fourth day from 4:00 a.m. to 6:00 a.m. No violations of the Ordinance were found during those hours. As previously mentioned, the Police Department is continuing to monitor for possible violations of the Noise Ordinance related to Section 8.16.080, "Non Measured Noise Ordinance" such as loading and unloading at restricted times. Police personnel also have the ongoing ability to measure noise levels which may violate the Ordinance. We are continuing to explore alternate techniques for measuring noise.

(4) The Traffic & Parking Department has completed the traffic counts which are necessary to provide documentation for the City request to Massachusetts Highway Department (MHD) to reinstate a truck exclusion on Middlesex Street from 11:00 p.m. to 7:00 a.m. The City will submit this request and related documentation to the MHD by Monday April 11 and vigorously advocate for its approval by the MHD.

The City is currently responding to Portland Stoneware's contention that the City cannot adopt the traffic regulation restricting entry to Middlesex Street from 7:00 a.m. to 9:00 a.m. and 1:00 p.m. to 3:00 p.m. without an approval from the Massachusetts Highway Department. Since the "Do Not Enter" regulation is a local traffic safety regulation and applies to all traffic, the City believes that no State approval is necessary. We have not yet received a response from MHD on this issue.

In addition, the City Engineer is exploring different methodologies related to a pavement study and bearing capacity of the roadway.

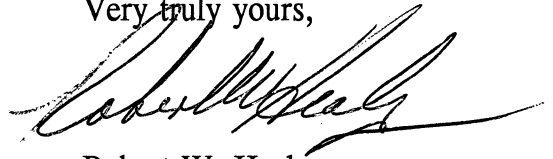
(5) The Community Development Department (CDD) has had in the last six months a series of discussions with the owners and representatives of Portland Stoneware about the potential of relocating their business. CDD has offered the Company technical assistance in terms of identifying a suitable site outside of Cambridge. The major barrier to relocation is the current asking price for the property which is \$1.4 million. This price is significantly in excess of the City's assessed value of \$509,300. Until the owners became realistic about the value of the property, it is unlikely that any sale and, therefore, relocation is possible.

(6) The Department of Public Works will install bollards, one at the eastern corner of Middlesex and Pemberton Streets (the other corner already has a bollard) and one on the City sidewalk adjacent to the entry of Portland Stoneware. These bollards will be installed within

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a week. The effect of these bollards will be to prevent the destruction of the City sidewalks by trucks driving over the sidewalk. Within a month, the City will reconstruct the existing sidewalk on the south side of Pemberton Street, reset the curbing and possibly plant street trees. The existing sidewalk is in very poor condition and may present a hazardous condition to pedestrians.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert W. Healy", written in a cursive style.

Robert W. Healy
City Manager

RWH/mev

Consent Agenda #4

S-158

Transmitting comm. from R.W. Healy relative
to Awaiting Report No. 9, 13, 19, 36 re:
issues with Portland Stoneware.

#9 - for original see 1994
Sundries #85.

#13 for original see 1994
Sundries #98

#19 for original see 1994 City
managers Request #71

#36 for original see
Order #30 of 4/4/94

In City Council April 11, 1994

Placed on file.