



CITY OF CAMBRIDGE

831 MASSACHUSETTS AVENUE
CAMBRIDGE, MASSACHUSETTS 02139

TEL 499-6161

RENT CONTROL BOARD

TERRENCE P. MORRIS, EXECUTIVE DIRECTOR

MEMORANDUM

To: Robert Healy, City Manager
From: Terrence Morris, Executive Director
Re: Council Order # 21
73-77 River Street
Date: April 6, 1990

In response to the above-referenced order regarding the subject property's rent-controlled status, our records indicate that there are six controlled rental units at 73-77 River Street. The original registration file lists two units on each of the three floors.

If the building had been totally destroyed by fire through no fault of the owner, any structure rebuilt on the site would be eligible for a new construction exemption from control. Since the top two floors alone were destroyed and ultimately demolished, it would appear that Regulation 13-01 (dd) which defines new construction is also applicable here.

The regulation defines new construction in part as follows:

"...the creation of additional housing units by building housing where none exists; except that where a unit had existed on the site and was destroyed due to the fault of the owner, someone acting on his behalf, or a prior owner, the board may find that the rebuilt unit is not exempt as new construction."

Since there is no evidence of fault in this case, any units rebuilt above the first floor would be exempt as new construction. In any case the two units on the first floor, even if rehabilitated as a result of the fire damage, continue to be subject to control.

RECEIVED
90 APR 10 AM 8:36
OFFICE OF THE CITY MANAGER

73-77 River ST.

458



CITY OF CAMBRIDGE

INSPECTIONAL SERVICES DEPARTMENT CITY HALL
CAMBRIDGE, MASSACHUSETTS 02139 (617) 498-9013

CITY OF CAMBRIDGE
RENT CONTROL BOARD
RECEIVED

MAR 5 3 17 PM '88

JOSEPH J. CELLUCCI
COMMISSIONER OF BUILDINGS
AND HOUSING

032701

DEMOLITION APPLICATION

OFFICE

FEE 132.00 SPECIAL 5.00 TOTAL FEE 137.00

Date Received: _____
Date Issued: _____
Permit No: _____

- {PRINT IN INK}
1. Date of Application: 3/5/88
 2. Building Location: 73-77 River St, CamB
 3. Description of Proposed Work: Remove Two Top Floors
per Board of Survey
 4. Owner of Property: J. P. Moran + C. P. Moran Address: 925 Mass Ave Tel. No. 547-6559
 5. Contractor: North American Sideries Inc Address: 218 Lincoln St Tel. No. 254-3140
 6. Material of Building: WOOD
 7. Size of Building: Feet Front: _____ Feet Rear: _____ Feet Deep: _____
 8. How is Building is Occupied: VACANT No. of Stories: 4
 9. Is a Street Occupancy Permit Necessary? Yes
 10. Estimated Cost of the Work: 17,000
 11. Has A Copy of the Property Plot Plan Been Filed With This Application

READ BEFORE SIGNING: A 24 hour notice prior to commencement of any work shall be given to applicable agencies. The undersigned hereby certifies that he/she has read and examined this application and that the proposed work subject to the provision of the Massachusetts State Building Code and other applicable laws and ordinances is accurately represented in the

10. After removal work the work area shall be thoroughly cleaned of remaining asbestos material and asbestos dust. If a vacuum cleaner is used, it shall only be one which is rated for asbestos dust. All surfaces in the work area shall be wet-wiped or wet-mopped sufficiently to remove remaining asbestos dust.

HOLD HARMLESS CLAUSE: The Permittee(s) by acceptance of this permit agree(s) to indemnify and hold harmless the City of Cambridge, and its employees, from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City of Cambridge, and its employees, and to assume the defense of the City of Cambridge, and its employees, against all such claims, demands and actions.

.....
[Signature of Licensed Builder or Wrecker]

JOE BERARDI.....
Print Name of Licensed Builder

218 LINCOLN ST.....
Address

Lic. No. B003788 class E.....

My license expires 6-29-90 City or Town Boston & MA Tel. No.

.....
[Signature of Owner or Authorized Representative]

JAMES M. Curran.....
Print Name of Above

925 Mass Ave.....
Address

SIGNATURES & CHECKPOINTS

It is the responsibility of the Applicant to secure signatures of the checkpoints. In addition an exterminators statement of completion of work shall be submitted with this application.

Agency	Address	Signature	Date
Rent Control	639 Mass. Avenue	<u>Timothy Brown</u>	<u>3-5-90</u>
Historical Comm.	57 Inman Street	<u>MS</u>	<u>3-21-90</u>
Traffic Department	57 Inman Street	<u>George A. Ziemer</u>	
Police Department	5 Western Avenue	<u>Det. Joseph F. Cronin</u>	
Water Department	250 Freshpond Pkway	<u>John Malin</u>	
Public Works Dept.	147 Hampshire Street	<u>John Malin</u>	<u>3/21/90</u>
Fire Department	491 Broadway	<u>Chad Ziemer</u>	
Cambridge Electric	46 Blackstone St.	<u>CAMBRIDGE ELECTRIC LIGHT CO.</u>	<u>3/23/90</u>
Comm. Gas Co.	303 Third Street	<u>William McGuire</u>	<u>3/24/90</u>
INSPECTIONAL SERVICES DEPARTMENT	795 MASS. AVENUE ROOM 308		
PERMIT GRANTED BY:	<u>Joseph J. Bellucci</u>	DATE:	<u>3/26/90</u>
Environmental Health Insp.		Plumbing Insp.	
Building Inspector		Wiring Insp.	
Elevator Inspector		Building Comm.	

OFFICE USE:
NAME OF REMOVER OF ASBESTOS.....Address..... Tel.No.....
Location of Land Fill..... INSPECTIONS MADE
DEQE Approval.....
Plot Plan on File.....

FINAL INSPECTION

statements made in this application and that the work shall be carried out in accordance with the foregoing statements and in compliance with the provisions of law and ordinance in force on the date of this application to the best of his/her ability. In addition whenever any type of structure is to be demolished extermination of said structure must be performed by a licensed exterminator prior to the issuance of the demolition permit.

The following sections are quoted directly from the Massachusetts State Building Code 4th edition.

- 114.3 EXPIRATION OF PERMIT: Any permit is issued shall be deemed abandoned and invalid unless the work authorized by it shall have been commenced within {6} months after issuance;.....
- 114.7 REVOCATION OF PERMITS: The Building Commissioner may revoke a permit or approval issued under the provisions of this Code in the case of any false statement or misrepresentation of fact in the application or the plans on which the permit or approval was based.
- 115.2 COMPLIANCE WITH PERMIT: All work shall conform to the stamped or endorsed application and plans for which the permit has been issued and any approved amendments thereto.
- 116.1 SERVICE CONNECTIONS: Before a building or structure can be demolished or removed, the owner or agent shall notify all utilities having service connections within the building or structure, such as: water, electric, gas, sewer and other connections. A permit to demolish or remove a building or structure shall not be issued until a release is obtained from the utilities, stating that their respective service connections and appurtenant equipment, such as: meters and regulators have been removed or sealed and plugged in a safe manner.
- 116.2 LOT REGULATION: When a building or structure has been demolished or removed and a building operation has not been projected or approved, the vacant lot shall be filled with non-organic fill, graded and maintained in conformity with adjacent grades. The lot shall be maintained free from the accumulation of rubbish and all other unsafe hazardous conditions which endanger the life or health of the public; provisions shall be made to prevent the accumulation of water or damage to any foundations on the premises or the adjoining property; and the necessary retaining walls and fences shall be erected in accordance with the provisions of Article 13.
- 122.3 VIOLATION PENALTIES: A person who shall violate a provision of the Basic Code shall be punishable by a fine of not more than one thousand dollars {\$1000} or by imprisonment for not more than one year, or both, for each violation. Each day during which any portion of a violation continues shall constitute a separate offense.

The following sections are quoted directly from Article 2 Section 410.353D of Massachusetts State Sanitary Code.

If, in order to correct a violation of 105 CMR 410.353 {A}, the owner chooses to remove asbestos material, the owner shall submit an asbestos removal plan to the board of health. The plan shall include a description of the location, nature, scope and method of removal, the measures that will be taken to prevent the escape of asbestos material and to protect persons engaged in the removal work, the place and method of disposal of asbestos material, and the name of the remover {if other than the owner}. No removal work shall commence before the removal plan has been approved by the board of health. During any removal work.

1. Asbestos material shall be thoroughly wetted so as to prevent the release of any dust emissions.
2. Asbestos material which has been removed shall be kept thoroughly wetted until it has been disposed of in a disposal facility approved by the Department of Environmental Quality Engineering or until it has been sealed in leak-proof containers which will be disposed of unopened in a disposal facility approved by the Department of Environmental Quality Engineering.
3. Access to areas in which asbestos removal work is taking place shall be limited to persons actually engaged in or supervising such work and to representatives of the board of health or other governmental agencies authorized by law to enter the premises.
4. Areas in which asbestos removal work is taking place shall be sealed to prevent the release of asbestos dust or powdered, crumbled, or pulverized asbestos material into other parts of the building or to the outdoors. Such sealing may be accomplished by taping cracks around doors and windows, and using an impervious material such as polyethylene sheeting to seal areas which cannot be sealed by closing and taping doors and windows.
5. Person{s} working, supervising or inspecting within an area in which asbestos material is being removed shall wear respirators approved by the National Institute for Occupational Safety and Health as safe for the concentration of asbestos dust present.
6. Person{s} working or supervising within an area in which asbestos is being removed shall wear either disposable overalls or outer garments which will be stored until laundered, and laundered separately from other clothing.
7. All pieces of furniture, equipment and other items in the work area which can be readily moved shall be removed from the work area prior to commencing asbestos removal work. Items which cannot be readily moved, and from which it will be difficult to clean asbestos dust after removal work, shall be covered and sealed with impervious material such as polyethylene sheeting and tape.
8. A sign or signs shall be placed outside each entrance to the work area. Such signs shall state: "Warning, Asbestos Work in Progress- Authorized Persons Only."
9. No asbestos material shall be dropped or thrown from one story to a lower story.



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

TEL. 498-9011

FAX. 868-8159

EXECUTIVE DEPARTMENT

ROBERT W. HEALY

City Manager

RICHARD C. ROSSI

Deputy City Manager

April 23, 1990

To The Honorable, The City Council:

In response to Awaiting Report Item No. 22, regarding the demolition of the top two floors of 73-77 River Street, and the units' rent control status, attached please find a response from Terrence Morris, Executive Director of the Rent Control Board, as well as a copy of the building demolition permit from Inspectional Services.

Very truly yours,

Robert W. Healy
City Manager

RWH/mev
enclosure

Agenda # 8

S-414

Awaiting Report Item Number 22 regarding
the demolition of the top two floors of
73-77 River Street and the units' rent
control status.

In City Council,

April 23, 1990

Placed on file